

IN RE: CRANDALL CANYON  
MINE INVESTIGATION INTERVIEWS

INTERVIEW  
OF  
BILL DENNING

INTERVIEWERS:  
JOSEPH PAVLOVICH, ERNIE TEASTER

DATE:  
JANUARY 24, 2008

1 BY MR. PAVLOVICH:

2 Q. Bill, I guess just a little background. I think you kind of know how Ernie and I  
3 were selected for this. You heard that ---

4 A. Right.

5 Q. --- over at the family ---

6 A. Right.

7 Q. --- briefing day we did in Price, so I don't need to go through all that again.

8 A. No.

9 Q. I would ask your permission for us to tape the interviews so that if we have  
10 any questions about what you said later on or any disagreements than what we think  
11 we heard, we can go back and reference that. Is that okay with you?

12 A. That's good. That's good.

13 Q. Okay. Now, just a brief statement to read to you before we get started. The  
14 Secretary has assigned this group the task of evaluating MSHA's performance during  
15 the period preceding the August 6th, 2007 coal bounce at the Crandall Canyon Mine  
16 and the subsequent rescue effort. We will also be evaluating issues that were raised  
17 during this time period regarding Bob Murray and his interaction with MSHA. This  
18 evaluation will be presented to the Secretary in the near future, and it's intended that  
19 the results of the evaluation will be made public. The interview is being conducted to  
20 gather information for this assignment. We also intend to interview a number of other  
21 MSHA employees. So that we may obtain unbiased information from all persons to be  
22 interviewed, we ask that you not discuss this interview with anyone until all the  
23 interviews have been completed. And we assume, what, about the second week of  
24 February, we'll probably be finished with interviews.

25 A. Okay. Sure.

- 1 Q. I guess. Bill, you're not a bargaining unit employee, ---
- 2 A. No.
- 3 Q. --- you're a management employee, ---
- 4 A. Correct.
- 5 Q. --- so you're not entitled to a union representative.
- 6 A. Okay.
- 7 Q. Okay. Would you tell us your full name, Bill?
- 8 A. It's William G. Denning, spelled D-E-N-N-I-N-G.
- 9 Q. Okay. And what is your present job title?
- 10 A. I'm the staff assistant to the district manager.
- 11 Q. Okay. And how long have you been the staff assistant?
- 12 A. I've been the staff assistant on two occasions. For the last time, probably
- 13 about the last ten years. Prior to that, about five or six years. So a total of about 15
- 14 years. In between, I was a ventilation supervisor for a while and then the senior
- 15 special investigator for about ten years.
- 16 Q. Okay. How long have you had with MSHA?
- 17 A. Thirty-two (32) and a half years, enough to retire here pretty soon, I think.
- 18 Q. Okay. Bill, have you ever --- you're familiar with Bob Murray?
- 19 A. Oh, yes.
- 20 Q. Were you familiar with Murray prior to the accident on August 6th?
- 21 A. I had never met Bob Murray prior to the accident, but I had heard of some of
- 22 the things that had happened back east. And I really didn't have anything to do with
- 23 the plan approvals or anything that happened with the mines when he purchased the
- 24 mines in Utah. That was the engineering group.
- 25 Q. Okay. Did you ever hear of any requests from Murray to move inspectors, or

1 that he was ---?

2 A. Just secondhand. I never heard anything firsthand on that at all.

3 Q. Do you know if any were ever moved?

4 A. I think --- you know, I really don't --- I didn't get involved in that. You know,  
5 just like secondhand. I don't think anybody was ever moved, but we did have --- you  
6 know, I really don't know too many other details on that, Joe. I really shouldn't say ---.

7 Q. Was there ever a change of work groups that you know or mines changed  
8 among the work groups?

9 A. I think they did do that. But you know, you'd almost have to talk to Bob  
10 Cornett and Al Davis more on that.

11 Q. Okay. Did you have any dealings at all with any plan approvals ---

12 A. Yeah. The only --- oh, okay. Go ahead.

13 Q. --- during Murray's --- I think you said during the takeover you didn't have any,  
14 when he took over the mines.

15 A. No.

16 Q. But as far as since that time, up until ---.

17 A. I signed --- I reviewed the amendment for the roof control plan on June 15th  
18 for the --- you know, pillar mining on the south barrier.

19 Q. Have you ever seen, Bill --- I guess you do have some involvement with the  
20 approval process then if you're acting for Al or whatever. Have you ever seen any  
21 favoritism or anything to any of Murray's mines as far as plan approvals go?

22 A. No, I haven't.

23 Q. Do they get more attention than anybody else or ---?

24 A. I don't know about more attention. I don't --- I haven't seen anything like that.

25

1 Q. Okay.

2 A. I just know --- knew early on that we had some conflicts with Murray and his  
3 people. We had quite a few meetings, I think Bob Cornett did and Al Davis did, just to  
4 try and smooth out any type of working relationship we had with them.

5 Q. Okay. So these meetings were held here in Denver?

6 A. Well, there were some here. And I think --- you know, Bob Cornett and I went  
7 over to Utah to meet with him.

8 Q. Can you tell us about that meeting that you had, about when it was and ---?

9 A. Well, I wasn't involved in any of those meetings. I just ---.

10 Q. I thought you said you and Bob went over.

11 A. No, no. Bob and Al Davis had been over.

12 Q. Oh, Bob and Al went, okay.

13 A. Yeah, different meetings.

14 Q. You never were at any of them?

15 A. No, I never was at any of the meetings with Murray or ---.

16 Ex. (b)(6) and Ex. (b)(7)(C)  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Ex. (b)(6) and Ex. (b)(7)(C)  
2 [REDACTED]

3 Q. Okay. You said you signed a roof control plan, ---

4 A. Amendment, yes.

5 Q. --- amendment for mining. Was that of the mining of the north barrier or the  
6 south barrier?

7 A. The south barrier.

8 Q. Okay. And can you kind of tell me about how that plan approval process  
9 went? Why were you in the signing chair, I guess?

10 A. I was acting for Al Davis that week. And it came to me Friday, and I just went  
11 down through all the stuff that was in the box there to sign, you know, to review for Al,  
12 and this plan --- roof control plan amendment was in there. I took a look at it, and then  
13 it kind of caught my attention because of the barrier, you know, how narrow it was. So  
14 I went in and talked to Billy Owens about it in detail. He told me about the Agapito  
15 reports, and so I went and read the Agapito reports, and I read the proposed  
16 amendment. I still left it on my desk until like almost quitting time. And Billy said, you  
17 know, they need to get this going, you know. He kind of wanted me to sign it, you  
18 know. I really hesitated signing it. But then I said, okay, go ahead and sign it because  
19 we'll just get started, and we can talk to Al Davis when you get back. Billy was going  
20 on vacation the week after, so he wanted to get this all tied up so there weren't any  
21 loose ends while he was gone. So basically after I read the Agapito reports and  
22 looked at the change in the design of the pillars, you know, I felt comfortable signing it  
23 for Al and I signed the approval letter.

24 Q. Okay. So you actually took it upon yourself to read the Agapito report?

25 A. Yes. Uh-huh (yes).

1 Q. The one that was recommending that mining could be accomplished in the  
2 south barrier. Retreat mining could be accomplished safely if the pillars were longer --

3 -

4 A. Right.

5 Q. --- and if there were no pillars left; is that true?

6 A. Well, I can't remember exactly about the leaving of the pillars. Pretty much I  
7 noticed the change in pillar dimensions, pillar sizes, more than ---.

8 Q. Yeah, one dimension of the pillar, the pillar length?

9 A. Right.

10 Q. In your opinion, Bill, would that make a significant difference in strength of  
11 pillars?

12 A. You know, I don't have a really strong background in roof control. Basically I  
13 was just going on what Billy was recommending what Agapito said.

14 Q. Did Billy tell you that the first Agapito report that was sent in to mine the north  
15 barrier specified that lengthening one size of a pillar or another would be  
16 inconsequential providing support?

17 A. No. No.

18 Q. So you don't remember that?

19 A. I wasn't aware of that.

20 Q. So you kind of just got the parts of it that Billy wanted you to ---?

21 A. Well, I just got that last Agapito report saying that they did make changes  
22 from the north barrier to the south barrier.

23 Q. Did you read the statement in there that said we had a major bump when we  
24 mined the north barrier that caused extensive damage ---

25 A. I must have, but I ---

1 Q. --- to the entries and ---?

2 A. --- don't think I really --- yeah. I don't really remember, but I did read the  
3 report. I don't remember what it said there about the ---.

4 Q. Right. It's a rather lengthy report ---

5 A. Yeah.

6 Q. --- with a lot of numbers and calculations. And when you say I read it, I mean,  
7 did you read it and really comprehend the whole report or ---?

8 A. Probably not, you know.

9 Q. You just glanced through it?

10 A. I was just going with what Billy said, he had been working with Agapito and  
11 working with the company. They had changed the pillar design and they probably  
12 looked at that pillar design in the conclusion.

13 Q. So primarily on Billy's recommendation and his feeling that we should go  
14 ahead and approve this plan, it's okay, you pretty much did it basically?

15 A. Yes. Uh-huh (yes).

16 Q. Okay.

17 MR. TEASTER:

18 But you were aware that the bounce had occurred in the north  
19 barrier?

20 A. You know, I don't think --- well, I'm not real sure about that, about the north  
21 barrier. I don't think I really was --- just vaguely aware. I didn't, you know, remember  
22 hearing about it until after the accident happened in August and there was more  
23 information about the north barrier. I don't think I was really fully aware of it.

24 MR. TEASTER:

25 What did you think the increased barriers were referencing ---

1 increased size of the pillars, I mean? I'm sorry.

2 A. Well, just the change from the north barrier to the south barrier, yeah.

3 BY MR. PAVLOVICH:

4 Q. Well, so you knew there must have been some kind of failure in the north.

5 A. I wasn't --- you know, I don't remember the exact details of it.

6 Q. I mean, if the north was successful, they wouldn't have changed the pillars;  
7 right?

8 A. Right.

9 Q. So when Billy said, well, they changed the pillars to make them longer to  
10 make it better, well, what happened in the north that made you change it?

11 A. I can't remember.

12 Q. I mean, if I said, Bill, I did this and it was really successful, but when I do my  
13 next panel I'm going to make those pillars longer to make it better, would you not say,  
14 well, why would you do that?

15 A. I guess I was aware that there was a problem in the north barrier ---

16 Q. Okay.

17 A. --- and that they did make the change and that Billy had been working with  
18 them and the Agapito report. So after a while I felt comfortable signing it after talking  
19 to Billy.

20 Q. When you said when you first looked at it you were real uncomfortable with it  
21 or you had questions about it, what was it you questioned?

22 A. Well, I didn't like how narrow that south barrier was between the two ---  
23 between the longwall district and, you know, I guess the other --- I don't know what  
24 those mains are called coming out. They didn't pillar mine those.

25 Q. West main, main west or something.

1 A. Those weren't pillar mined, but it was just a narrow barrier through there.

2 Q. So you were somewhat hesitant and concerned because you saw two big  
3 longwall districts and they're mining these barriers up through the middle of them?

4 A. Well, maybe not --- well, the south --- yeah, in the south barrier, right.

5 Q. And well, the north barrier had already been partially mined?

6 A. Right.

7 Q. So there's not much left there, either. And when you looked at that and said,  
8 well, you were kind of questioning it, is that unusual out here, to your knowledge, to  
9 mine barriers like that with deep cover?

10 A. I don't think we usually have a whole lot of pillar mining. You know, it was  
11 mostly longwall mining, not a whole lot of retreat pillar mining. I'm not exactly sure  
12 how many mines we have that do that. I'm not familiar, no.

13 Q. Okay. Are you more concerned about that in deep cover areas?

14 A. Well, I've not really been involved with the roof control reviews.

15 Q. Okay. Did you realize this mine had deep cover in it?

16 A. No. Well, I think probably reading through the report I felt --- I knew it had  
17 deep cover, but you know, right then I didn't know exactly how deep it was.

18 Q. So either way, that afternoon --- Friday, sometime in the afternoon you signed  
19 the plan ---

20 A. Right.

21 Q. --- pretty much at Billy's encouragement that this is okay?

22 A. Right.

23 Q. Okay. Have you had an opportunity to look at this plan and maybe look at the  
24 ventilation plan that was approved for that same area, Bill?

25 A. I didn't look at the ventilation plan.

1 Q. You haven't looked at it?

2 A. No.

3 Q. Well, this is the drawing for the vent plan. And this is a drawing for the  
4 actual ---. So those are the approval pages. This is the vent plan. This is the roof  
5 control plan. And you could see the area around the offset there in the south mains,  
6 the vent plan shows that you can go ahead and pull that barrier through there and also  
7 that first row of pillars and kind of leave five pillars around to protect the bleeder  
8 entry, ---

9 A. Uh-huh (yes).

10 Q. --- while the roof control plan shows no mining of the barrier through that area  
11 and eight pillars to be left ---

12 A. Right.

13 Q. --- in that area. Now, these plans were approved about two weeks apart, but  
14 the reviews were done pretty much within a few days. How do you think something  
15 like that would happen?

16 A. I didn't have any involvement. I don't know how it would happen.

17 Q. Okay. And when you ---?

18 A. I guess they weren't talking --- the roof control, vent plan and the groups that  
19 do the reviews together.

20 Q. Well, this ---.

21 A. I think Billy Owens signed off on that.

22 Q. So Billy Owens signed off on the vent, but he does say this --- he signs off on  
23 the vent on 5/30/07, ---

24 A. Right.

25 Q. --- and on 6/14/07, he approves this plan. And it looks to me like he

1 approves --- he reviews it himself, then he approves it for Knepp, ---

2 A. Right.

3 Q. --- then he brings it to you and tells you, this is okay to approve this, Bill?

4 A. Right.

5 Q. So really the only person who had any involvement in that is Billy Owens?

6 A. I think the --- I don't know. It looks like it does.

7 Q. Okay. All right. With these two plans, what would you expect the operator  
8 would be allowed to do or how would your inspectors even enforce that?

9 A. I think this ventilation plan, they would just make sure they could get back to  
10 the evaluation point at the very inby point of the pillar.

11 Q. Well, what if they were mining these pillars here, which the roof control plan  
12 says you got to leave those pillars?

13 A. Well, I think we would enforce the roof control plan.

14 Q. So you can pick or choose whichever one you want?

15 A. It looks like that.

16 Q. Okay.

17 A. You take the most stringent one there.

18 Q. Can you see where that might cause a problem?

19 A. No. Because I think the roof control plan would take precedence over the  
20 ventilation plan.

21 Q. Okay. So you don't think that would be a problem at all?

22 A. It should be the same, but I don't think it should be confusing. The vent plan  
23 shouldn't take precedence over that. The ventilation plan really isn't addressing roof  
24 control, what pillars to leave --- where you're mining the second pillaring.

25 Q. Okay.

1 A. But I can see how that could cause confusion, yeah.

2 Q. All right. How did you find out about the accident at Crandall Canyon on the  
3 6th?

4 A. We got a call from the MSHA call center.

5 Q. Okay. And about what time was that, Bill? Do you remember?

6 A. I can put a timeline down, if you don't mind.

7 Q. No. That would be great.

8 A. I said we received a call at 3:52 a.m. at home from the call center.

9 Q. Okay. Do you remember kind of what the conversation was there or what  
10 they reported to you?

11 A. Yeah. I have some notes on that, but basically they said they had an outburst.  
12 And I asked if anybody missing, anybody hurt, and they said there was nobody  
13 missing, nobody hurt, nobody trapped, entrapped.

14 Q. And they said nobody was hurt or entrapped at that time?

15 A. Let me get my notes on that. Things happened real fast right then, and I was  
16 just woke up, too, you know.

17 Q. I can imagine.

18 A. You got to keep that in mind. The report that the call center put in, has  
19 anyone died? Says no. Is anyone injured? No. Is anyone trapped? No. Is there a  
20 fire? No. So that's what was first reported to the call center.

21 Q. Okay. And no one was trapped or injured?

22 A. Right. And they gave me two phone numbers for Bodee Allred, and I --- 4:02,  
23 I called one of the numbers and I spoke with Bodee's wife. She said he was on his  
24 way to the mine. That was 4:02 a.m. 4:03 a.m., I called Bodee's cellphone, which  
25 was the second number, and he said he's on his way to the mine. And he said there

1 were six miners missing. That was 4:03.

2 Q. Okay. So I imagine you went about your business of notifying people then;  
3 right?

4 A. Well, 4:05, Bodee called me back and he confirmed the bounce and that  
5 miners were missing.

6 Q. Okay.

7 A. At 4:08 a.m., I called Ted Farmer. I didn't realize whose mine it was. But Ted  
8 said it was Bill Taylor's mine, so at 4:09 I called Bill Taylor. And he said he'd send  
9 Barry Grosely to the mine.

10 Q. Okay. And then did you, at some point, notify Al and Bob or any of these  
11 people, Billy ---?

12 A. Yeah. I called Al Davis at --- you know, I kept thinking, you know, we've had  
13 bounces before. People, you know, --- I thought that I'd get a call and they'd be  
14 walking out, you know. So I waited a few more minutes, and then ---.

15 Q. You were probably wondering why they didn't walk out.

16 A. Right. Right. So at 4:49 I called Al Davis. 4:52, I called Bob Cornett. 5:41, I  
17 called Al Davis again. And 5:52, I called Larry Ramey to activate the mine rescue  
18 team, you know, our western mine rescue team. And then I don't know who all Al  
19 called, but I think he started getting things going with Crocco and headquarters and ---.

20 Q. Okay. So then you came into the office, I guess, that morning?

21 A. Yes. Uh-huh (yes).

22 Q. And was there any meetings held here or any discussion --- I'm sure there  
23 was.

24 A. Very limited. What we were all told to do is just get mobilized. So Don  
25 Gibson and I left just almost as soon as we got here, once we could get our equipment

1 together and stuff, and headed over to Price.

2 Q. Okay. So you rode with Don?

3 A. Yeah. Don and I went together.

4 Q. And was Al and Bob Cornett and all them still here, or were they ---?

5 A. Yeah. I don't know when Al left. But he got over there --- I remember him  
6 being in a meeting at the Senior Citizens Center with Bob Murray, ---

7 Q. Okay.

8 A. --- with the families that evening.

9 Q. Okay. So he did come over sometime that day? You got there before Al did,  
10 though?

11 A. Probably a little bit. I'm not exactly sure when he got there.

12 Q. Okay. Well, when you first got there, did you go to the mine, Bill? What ---?

13 A. No. I went straight to the Senior Citizens Center.

14 Q. Okay. How did you know that's where the families were?

15 A. Somebody --- I don't know who told me. We stopped at the Price office, made  
16 a few calls. I think we called the --- probably called the mine to get some information.  
17 But we --- Don and I went straight to the Senior Citizens Center.

18 Q. Okay. And what was happening there when you got there?

19 A. Well, there were a lot of family members there. And then there were a lot of  
20 people bringing food and supplies in just to, you know, start getting the place stocked  
21 up.

22 Q. Okay.

23 A. I think Jim Poulson was there, the safety director, but there were company  
24 people there and they were starting to get things organized.

25 Q. Okay. What time about would that have been?

1 A. I think we got to Price about 3:30 or so and probably got down to the Senior  
2 Citizens Center about 4:30 or so in the evening. And after Don and I stopped there for  
3 a little bit just to see what was going on and talk to the company people, we decided it  
4 would be good to go up to the mine just so we could get in our mind what was going  
5 on. So he and I went back up --- went up to the mine to see what was going on.

6 Q. Okay. So when you got to the Senior Citizens Center at about 4:30, the  
7 families were --- some family members were there?

8 A. Right.

9 Q. Was there a large contingent there, I mean, 40, 50 people?

10 A. Oh, I bet there were, yeah.

11 Q. There were?

12 A. There was at least 40 people.

13 Q. Okay.

14 A. There were a lot of people bringing food and different things in, you know,  
15 trying to get the Senior Citizen Center set up as a family center.

16 Q. Was this people that were like Red Cross people or just ---?

17 A. You know, I think the Red Cross had gotten there, but I think there was just  
18 like a lot of local people.

19 Q. Maybe like churches or charity things?

20 A. And then that --- the mayor, Hilary, I forget what her last name is, she was  
21 organizing things with a lot of these --- I think the --- I don't think the Blue --- Red  
22 Cross was there yet.

23 Q. Okay. And it seemed to be going fairly well? I mean, ---.

24 A. Well, yeah. There seemed to be a lot of support there, a lot of --- and the  
25 company had their people there, and we were trying to get things organized. The

1 thing that was the main problem was that the Senior Citizens Center was right on a  
2 street where the media could access just right off the sidewalk there, so ---.

3 Q. So they're right there close?

4 A. The sheriff was there and then there was a discussion that the Senior Citizens  
5 Center wasn't going to be good for a family center because it allowed media access.  
6 And some of --- when the family members would walk out front, then the media would,  
7 you know, try and get interviews and different things.

8 Q. Okay. Somewhere along the way did you call anybody at the mine or hear  
9 from anybody at MSHA that kind of informed you more of what the extent of this  
10 bounce was and why the men were entrapped? I mean, were you still thinking ---?

11 A. No, I didn't know. It was probably the next day, when we had the family  
12 briefing, that we knew the extent, like you know, coming out 2,000, 3,000 foot.

13 Q. Okay. So you didn't know any of that yet?

14 A. No, no, I didn't.

15 Q. How about did you then go to the mine with Don Gibson after you were at the  
16 family center?

17 A. I must have --- I must have gotten a little bit more information then. Yeah, I  
18 think --- let me take that back. Because when Don and I were at the mine, we talked  
19 to Gary Christensen and Ray Guyman (phonetic) and they had been in, with their mine  
20 rescue team into the west --- what is that, the west --- they broke one of the seals  
21 there.

22 MR. PAVLOVICH:

23 How about getting one of those maps that Bill can look at so  
24 he ---.

25 A. Yeah, I think --- it must have been I knew the extent of it once I went to the

1 mine.

2 BY MR. PAVLOVICH:

3 Q. They went like into ---?

4 MR. PAVLOVICH:

5 Not the big one, but the strip map. I mean, we've got --- we  
6 might use that big one, but the strip one would probably ---.

7 A. I was in the O when Gary and Ray came out and they were ---.

8 BY MR. PAVLOVICH:

9 Q. You were when they came out?

10 A. Yeah. And there was some discussion going on about what had happened  
11 there. So yeah, I'm sure I was familiar with the extent by then, thinking back on that,  
12 yeah.

13 Q. So they went into these seals here, Bill? Is that ---

14 A. Yes.

15 Q. --- the main west seals?

16 A. I think it's just that number --- I don't know if they called that Number One or  
17 Number Six.

18 Q. Right, Number One.

19 A. Number One seal?

20 Q. Yeah.

21 A. And I remember them saying that just after they had come out of there, they  
22 had a roof fall that, you know, was really --- could have been a problem if they had  
23 been --- they could have been trapped in there.

24 Q. Okay.

25 A. And based on what --- Gary and Ray and his team, they had come and

1 explored down here, so I had an idea of how far they could only get to. I think, what  
2 was it, ---

3 MR. TEASTER:

4 120 maybe, ---

5 A. --- 120 something.

6 MR. TEASTER:

7 --- something like that?

8 A. Right.

9 BY MR. PAVLOVICH:

10 Q. Okay. When you first arrived at the Senior Citizens Center, where the family  
11 was, you and Don come in about 4:30 you said, ---

12 A. Probably about that.

13 Q. --- did you at any time stand up and introduce yourself as an MSHA family  
14 liaison?

15 A. Not right then.

16 Q. Okay. You didn't then.

17 A. When we came back from the mine, there was a --- Bob Murray and Al Davis  
18 came, and they had a meeting with the family. And then that's when ---.

19 Q. About what time was that, Bill? Do you know?

20 A. I'll bet that was more like eight o'clock or --- seven, eight o'clock.

21 Q. In the evening. So you stayed up at the mine a couple hours?

22 A. Well, probably --- it takes, you know, about a half hour to get up there, a half  
23 hour back. So I probably stayed up there about an hour.

24 Q. Okay. So then when you came back down, did Don come back with you or  
25 did you come yourself?

1 A. No, Don stayed.

2 Q. Okay. He stayed.

3 A. I might have even come back down with Al.

4 Q. Okay.

5 A. Because he had been up with the mine and he and ---.

6 Q. So you've now met Al at the mine?

7 A. I might have. I'd have to check my notes, but that's probably what happened.

8 Because I think Don stayed up there.

9 ATTORNEY TEASTER:

10 We got all your notes, Bill.

11 BY MR. PAVLOVICH:

12 Q. I have a timeline here about when you called Larry Ramey. And then the next  
13 note I have says like 8:20 a.m., meeting with Murray and family and Al Davis.

14 A. But that was the next day.

15 Q. That would have been the 7th.

16 A. That's when they moved to the school.

17 Q. Okay. So you didn't have any more notes for the 6th of --- coming back?

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

19 Q. So can you kind of just what you remember about coming back down? Well,  
20 it doesn't matter if you rode with Al, but you got back down there.

21 A. Yeah, I think I got down --- I think I came back with Al because I didn't have a  
22 vehicle.

23 Q. Okay.

24 A. Don kept the vehicle.

25 Q. All right.

1 A. And I think he started working graveyards. But eventually Bob Murray and Al  
2 Davis and I were --- you know, there was a briefing for the families. And I think --- I  
3 can't remember exactly what they told him, but I think they told him what was going on  
4 and how severe it was. And I was introduced as the family liaison, if anybody had  
5 questions, to come to me. And also they introduced their --- Jim Poulson, I think he  
6 was the safety director, and you know, he was involved in the meeting, too.

7 Q. So you think all those families then understood what MSHA was and who  
8 MSHA was and what their role was and here's Bill Denning, he's going to be here for  
9 you to answer your questions?

10 A. Al Davis introduced himself as who he was with MSHA and that we were there  
11 to work on the rescue.

12 Q. Okay.

13 A. And then he introduced me.

14 Q. Okay. And your prime purpose for going over there was as a family liaison?

15 A. Right, that's the only thing that ---.

16 Q. You weren't actually going to help with the rescue op, ---

17 A. No.

18 Q. --- you were going to be the lead family liaison?

19 A. I just went up to the mine just to get a feel for what was going on, ---

20 Q. Okay.

21 A. --- so I could relate that to the families.

22 Q. Okay. Did you get any kind of instruction or guidance from Al or anybody else  
23 at MSHA of how to organize that, what to ---?

24 A. No. I --- basically Al was up at the MEO. He expected me to --- based on the  
25 training I got at the academy on the family liaison, just to take over and do that.

1 Q. Okay.

2 A. But I started working with the company personnel to get, you know, names of  
3 people and to try and start making contact with the people.

4 Q. Okay. So ---.

5 A. It was pretty chaotic there.

6 Q. I can imagine.

7 A. All these people are there, and ---

8 Q. You didn't know who was ---.

9 A. --- they just want to know what's going on. They --- you know.

10 Q. Right. And you didn't know any of these people, did you, when you came on?

11 A. No, I really didn't know them.

12 Q. You didn't know who was a relative of who?

13 A. No.

14 Q. Did you even know who was ---?

15 A. It took me a little while to get the list. On the first page, I finally got the list of  
16 the six miners that were missing.

17 Q. How were those names given to the families?

18 A. That's a good question. I think the company had a --- developed a list.

19 Q. I mean, how did they even know ---?

20 A. Well, I imagine the companies had --- the company had to contact the families  
21 to let them know these six miners were missing. I didn't contact the families. They  
22 were just there.

23 Q. They were there already when you got there?

24 A. They were there when I got there.

25 Q. Was there anybody that was asking, you know, is my husband involved?

1 A. No. By the time I got there, they knew these guys were missing.

2 Q. Well, we have one of the Hispanic ladies that told us nobody told her. Really,  
3 nobody ever told her that her husband was one of the missing. But after three days,  
4 she found out from --- what was it ---?

5 MR. TEASTER:

6 Posting pictures on the Internet or something.

7 MR. PAVLOVICH:

8 Yeah.

9 A. That's strange.

10 BY MR. PAVLOVICH:

11 Q. I mean, that ---.

12 A. I don't know.

13 Q. Apparently, she heard through a friend that there had been an accident at the  
14 mine, and she drove to this mine with the friend and they were told, well, we can't tell  
15 you anything. If you're interested, they'll be a briefing for families down at the --- so  
16 she went down there. She said, you know, they kept asking, is my husband one of  
17 them, and they said, we can't --- we're not giving that information out. And she said,  
18 you know, she didn't know if he was helping the rescue effort or if he was one of the  
19 trapped men. But after three days, she assumed he's not coming home, he's not  
20 called me, he's got to be one of the trapped ones.

21 A. Well, on my first page I got all the names of the six. You know, it wasn't a  
22 secret about who was missing. This was like one of the six.

23 Q. Okay. Well, could it maybe have been the language barrier there? I mean, I  
24 don't think ---.

25 A. I found that the --- there were two families that spoke only Spanish and there

1 was a third family that preferred to speak in Spanish, but they knew a little bit of  
2 English. But I found it was really difficult.

3 Q. Okay.

4 A. And I guess that whole thing about having somebody there to interpret and  
5 everything like that is a problem. We'll probably go into that, too, but I don't know if  
6 that's come up as an issue or what. I think it has.

7 Q. Okay. The training that you had on family liaison was the NTSB training?

8 A. Right.

9 Q. Okay. After you had that training, did you feel like I'm pretty well prepared to  
10 handle the situation?

11 A. No. It was a week's training, you know, like initial training. I thought, wow, I  
12 hope I never have to go through this, you know. That's basically what I said.

13 Q. I can imagine. I can just imagine. That would be extremely hard, extremely  
14 hard. And so ---.

15 A. I mean, it was good training. It told you what the --- basically they deal with  
16 these big airplane crashes, and they have to bring people in all over the place.

17 Q. Probably thousands of people.

18 A. They kind of went into that. And they actually related it down to how it could  
19 be put into a mine situation. I thought they did a real good job, you know, of the  
20 training.

21 Q. Okay. So anyway, here you are. And I guess the company has someone  
22 there, ---

23 A. Right.

24 Q. --- pretty much Poulson or whoever.

25 A. Well, here I got the form. Jim Poulson, Mike Mills and Cindy Overson

1 (phonetic) were at the Senior Citizens Center.

2 Q. Okay. And do you remember much about the briefing that Murray and Al  
3 gave that night? Was Murray kind of talking about, you know, ---?

4 A. No. He wasn't saying anything then, I don't remember.

5 Q. Murray didn't say anything that night?

6 A. I don't think he said anything about an earthquake or --- you know, things are  
7 going fast there.

8 Q. I know.

9 A. And I didn't write down notes exactly what Murray did until the next day, when  
10 I got --- I started taking detailed notes the next day. I was just trying to get my feet on  
11 the ground that first Monday.

12 Q. Okay. Did you stay there through the night that night?

13 A. No. I think Al Davis, when he left the mine, he picked me up and Richard  
14 Lauffenberg (phonetic) spent the night.

15 Q. Okay. So Richard got there that first day, too?

16 A. Yeah.

17 Q. He showed up and then he stayed there through the night?

18 A. I'm not exactly sure when he showed up, but we --- because of the media and  
19 then their access to the families at the Senior Center, the sheriff and the company,  
20 they thought the junior high school would be a lot better place.

21 Q. Okay.

22 A. Because it has a big, fenced-in area that, you know, they could put guards at  
23 the entrances and keep the media away.

24 Q. So did they move that night?

25 A. Yeah, that evening.

1 Q. That evening, okay.

2 A. Right.

3 Q. Sometime after this briefing? I mean, ---.

4 A. Right. I don't know if Richard was --- if he came from Price and ---. So we  
5 decided I was going to spend the night, but then Richard said that Tommy Hooker was  
6 working graveyards up at the MEO and that they would travel together. So he offered  
7 to work graveyard shift.

8 Q. Oh, okay. So this was your first time as a family liaison in a real situation?

9 A. Right.

10 Q. Do you think that maybe we should have, or MSHA should have provided  
11 additional training?

12 A. I don't know what would have prepared everybody. The thing that was a little  
13 different, in the training that the NTSB did, they have people that come in and they set  
14 up everything.

15 Q. Okay.

16 A. In this situation, the company kind of took the lead of setting up things. You  
17 know, I think they called the Salvation Army and they called the Red Cross and --- or  
18 maybe the sheriff even might have gotten those or Hilary, the mayor, might have  
19 gotten those guys moving. But they did start showing up. I didn't have to contact  
20 anybody like that.

21 Q. Okay.

22 A. And then I noticed in my notes, the next day they had grief counselors. So the  
23 company did all those, but ---.

24 Q. Okay. So the company had counselors come in the next day, too?

25 A. Yeah. But the NTSB pretty much --- the way they gave the training, they

1 pretty much provided all that. We don't have that type of arrangements made for  
2 resources, but the company was bringing them in. They were bringing an interpreter  
3 in, too.

4 Q. Okay. And of course, they're a fairly good-sized company. I don't know how  
5 this would work if it was a small company.

6 A. Yeah. If it was something small, then I think we'd have to be scrambling and  
7 do whatever --- yeah.

8 Q. Okay. How did you receive the information that you were sharing with the  
9 families?

10 A. We were talking directly to the command --- the MEO command center. And  
11 then we installed a white board, where we would update the drilling and the  
12 advancement in the Number One entry. And the families would come over and ask  
13 questions, and we'd explain what was going on.

14 Q. Okay. So you would call the command center on a regular basis?

15 A. I think we tried to update that every half hour early on, you know.

16 Q. Every half hour?

17 A. That kind of sticks in my mind, about a half hour.

18 Q. Okay.

19 A. We didn't like it to go too long.

20 Q. Okay. And they would tell you kind of what was going on, if they were drilling  
21 a hole, what depth the hole was at at that time?

22 A. Right. Right.

23 Q. And if they were --- I mean, they didn't actually start advancing in the Number  
24 One entry for a day or two until they got that equipment set up and the feeder ---?

25 A. Yeah, they started advancing in the Number Four entry, but they had a

1 bounce there that Monday night.

2 Q. Right.

3 A. And I think it covered up the miner and they had to dig it out and had to ---  
4 and then they decided the Number One entry might be the better entry because they  
5 knew they had been mining down in that area ---

6 Q. Okay.

7 A. --- in the Number one. So they thought Number One would be the best.

8 Q. Were you involved at all in any of that decision-making process?

9 A. No.

10 Q. Okay. So you were just passing that information on?

11 A. Right.

12 Q. And so when you said when I --- I would get this information every half hour  
13 and you would go up to a white board, I guess, like back there in the ---

14 A. Yeah.

15 Q. --- back and write, you know, the footages and the advance rate and all?

16 A. And then we had a map on the table where we would ---

17 Q. Okay.

18 A. --- kind of like this, and we would show where they advanced to underground.

19 Q. So you would try and explain it on a map, too?

20 A. Yeah, we had a map. And then we also did the footages and things on the  
21 white board so people could come over --- and that was the gym. We set that up in  
22 the gymnasium there at the school.

23 Q. So it wasn't so much that every half hour then you would stand up and say,  
24 I'm going to give you an update. You'd just write it on the board.

25 A. Right. I mean, there wasn't any need to.

1 Q. Okay.

2 A. I didn't see --- I mean, that's the only information we had.

3 Q. Sometimes they moved a foot, you know.

4 A. I mean, there wasn't anything else to tell them --- tell people. They knew --- I  
5 mean, we would explain what they had to do to get in here and that kind of thing, but  
6 the main briefings were scheduled for nine o'clock in the morning and 5:00 or 5:30 in  
7 the evening every day. And those were held by --- the first one was Tuesday morning,  
8 and Bob Murray and Al Davis were there Tuesday morning. The accident happened  
9 on Monday. That was at 8:30. They were going to have them at seven o'clock, I  
10 think, but they found out that they needed to have a little bit more time to get things  
11 ready.

12 Q. Okay. So they would get their information, then come down for the briefing?

13 A. Right.

14 Q. Okay. Would the family members ask you a lot of questions, Bill?

15 A. Yeah. We talked to a lot of different family members, Ex. (b)(6) and Ex. (b)(7)(C)

16 Q. More or less on an individual basis?

17 A. --- Ex. (b)(6) and Ex. (b)(7)(C) But early on there were a lot more --- there  
18 were extended family. It wasn't just immediate family, there were brothers and sisters  
19 and friends were there, you know.

20 Q. How were you identified as MSHA?

21 A. I just went around and talked to people and ---.

22 Q. Okay. I mean, did you have any kind of ---?

23 A. No, I didn't have any shirt on or anything. No.

24 Q. Okay. So like NTSB people, they have an NTSB coat on or something; right?

25 A. Right.

1 Q. So everybody knows that's the guys that ---.

2 A. Yeah. Yeah, that might have been a little problem. But you know, I made it a  
3 point to go around and talk to the folks and let them know who I was.

4 Q. Well, I think if I asked people was there an MSHA representative there, most  
5 people would look at me like what are you talking about. But if I asked them, do you  
6 remember Bill Denning, they all remember you.

7 A. Oh, did they?

8 Q. Yes. But they don't necessarily know you work for MSHA.

9 A. Well, I don't know what the disconnect is there. Early on we tried to ---.

10 Q. The disconnect is --- if you think, we use the term MSHA as very common.

11 We all know what MSHA means and what it is.

12 A. Right.

13 Q. But if you get outside the mining community and even though these are wives  
14 and brothers and cousins of miners, it doesn't mean every miner goes home and talks  
15 about MSHA. So they probably never --- maybe a lot of them never heard that term.

16 And so you walk in and say, I'm with MSHA ---

17 A. Right.

18 Q. --- and I'm something, they're like ---.

19 A. I don't know if we ever actually explained who we were. I mean, in the first  
20 meeting Al Davis said, you know, he's with the Mine Safety & Health and the district  
21 manager. And maybe they didn't even know who the Mine Safety & Health

22 Administration is. I don't know.

23 Q. That's a possibility, I guess.

24 A. I don't think we went into detail.

25 Q. And maybe that's probably what happens, is, you know --- is it a big deal and

1           how important is it, I don't know. But I think that maybe, you know, one of the things is  
2           where families got up and were telling Congress, you know, we didn't get much out of  
3           MSHA. I'm not sure they knew who MSHA was. I mean, some people even told us  
4           we thought Al Davis and Stickler worked for Murray.

5           A.       Did they?

6           Q.       Because they came with them and they stood there while Murray did his  
7           briefing, and then they'd say a few words, and then they'd leave. We knew them by  
8           name, but we didn't --- to us it was all Murray Energy.

9           A.       One thing --- I don't know if you're going to get into the Murray issue and the  
10          problems that he caused or not or ---.

11          Q.       Okay. Yeah, we probably will.

12          A.       Okay.

13          Q.       Okay. I was just wondering, did you --- would it help ---

14          A.       It would help.

15          Q.       --- if you had a shirt that said Mine Safety & Health, MSHA.

16          A.       Carla ---

17          Q.       And Carla had one.

18          A.       --- had one. Carla had one. And I thought that was good. I thought, boy,  
19          maybe they should give all the family liaisons stuff like that.

20          Q.       Well, I think so.

21          A.       Bob Gray didn't have one, a shirt. Carla, did she --- I asked her about her  
22          shirt. I thought, that's nice. She had it made herself.

23          Q.       Right. She made it herself.

24          A.       Yeah.

25          Q.       Okay. How did the families and their representatives treat you? Was there

1 any confrontation? Was there any issues between the liaisons and the families?

2 A. I didn't --- I don't remember any conflicts. And I remember talking to various  
3 different family members, and they thought that Carla and Bob were really helpful, you  
4 know.

5 Q. Okay. So they felt like you guys, as liaisons, were very helpful in explaining  
6 things to them and telling ---?

7 A. One thing that comes to mind is that in the Sago --- this was pretty much on  
8 the heels a year or so after Sago happened.

9 Q. Right.

10 A. And we were told --- oh, and even down in the training, we were told about a  
11 lot of horror stories about the families and what the problems were and their conflict.  
12 These families, they never once seemed to cause a real problem. You know, they  
13 were ---.

14 Q. So they weren't angry, ---

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

16 Q. --- I mean, like you're lying to us and you're not telling us the truth or  
17 anything?

18 A. No, I didn't see that. Well, the only --- the one time where this whole thing got  
19 into almost a revolt was Wednesday. Tuesday there were two briefings, one about  
20 8:20 and the other was 5:00 something, and Murray pretty much dominated those.

21 Q. Okay.

22 A. Al Davis was at the morning one. Stickler and Kevin Strickland and Al Davis  
23 were at the evening one, you know, the five o'clock one on Tuesday. Well,  
24 Wednesday, we were heading to the other meeting at nine o'clock, and Murray started  
25 going into the whole thing again about not talking to media, about this was natural

1 causes and was an earthquake and nothing they could do about it. And then what was  
2 the other main thing? There were about three or four things that he was harping on,  
3 you know. And then here's what happened.

4 Q. Was it not pillar mining either or something?

5 A. Well, yeah, not pillar mining. But there was a fourth thing. It will come to me,  
6 but he --- I'll tell you, the first meeting on Tuesday Murray got up and says, I'm the  
7 CEO of this company. I don't feel I should delegate this responsibility to anybody. I  
8 think it's my responsibility to come and let you know what's going on. He started out  
9 real good, you know. And I thought, wow, this is going to be good. He has a way of  
10 just his voice gets louder and louder and it's like he's talking down to everybody, you  
11 know. And it just aggravated them. So that happened Tuesday morning. And then  
12 Tuesday afternoon the same thing happened. Wednesday, it happened the same  
13 way. And then at the end of the meeting, I have in my notes here, we talked to  
14 Richard Stickler and Kevin Strickland. I had a note that, you know, we got to get this  
15 resolved or we're going to just have meetings ourselves. That was Wednesday, we  
16 started doing --- started to think about doing that.

17 Well, anyhow, at the end of the meeting on Wednesday there were two  
18 ministers there. They're not Mexican nationalities. They had a ministry in Mexico for  
19 a number of years and they spoke fluent Spanish. The one name is Ex. (b)(6) and Ex. (b)(7)(C)  
20 Ex. (b)(6) and Ex. (b)(7)(C) They were doing the interpreting for the families the  
21 first couple days. And it worked. Like Murray would just keep talking and talking, and  
22 Ex. (b)(6) and Ex. (b)(7)(C) would take notes, and then he'd take the Spanish-speaking families back in the  
23 bleachers and tell him what --- tell them what went on. And I think while it was going  
24 on they --- Ex. (b)(6) and Ex. (b)(7)(C) sat with the Spanish-speaking families, and they would  
25 tell what was going on at that time. Well, at the end of this meeting Wednesday

1 morning [redacted] got up and said that --- she pretty much confronted Murray.  
2 And Murray pretty much put her down and left in a huff. He went out, he says I'm not  
3 going to --- I forget exactly, but he left the gym and went outside. And then Rob  
4 Moore, the vice --- is he vice-president for Murray? Well, then there was a discussion  
5 because the governor came in right about that time, and there was a discussion  
6 between [redacted] and some of the other families. And they were saying  
7 they weren't going to put up with this anymore from Murray, you know.

8 Q. The families weren't?

9 A. The families weren't. And Stickler had a big long discussion with the  
10 governor. And then Murray finally came back in and there was a big long discussion  
11 between the governor, Stickler and Murray. And then Murray seized on this idea  
12 about taking [redacted] and another, [redacted] underground. They both  
13 had experience. [redacted]

14 [redacted]

15 [redacted] but you know --- so he seized on the idea of having those fellows come down  
16 and give the briefings, you know, let them know what was going on. So that was ---.

17 Q. That was on the 8th when that happened?

18 A. That was on the 8th, Wednesday morning, after the Wednesday meeting.

19 Q. So that's kind of what prompted the initiation of taking family members  
20 underground?

21 A. Just those two, yeah.

22 Q. Just those two family members.

23 A. Because they had mining experience. And then [redacted]

24 Q. Was this Murray's suggestion, the governor or Stickler ---?

25 A. Yeah, that was Murray's idea. He had talked --- I think [redacted] came up and

1 Ex. (b)(6) and Ex. (b)(7)(C) mentioned to him that he would like to do that.

2 Q. (7)(c) Okay.

3 A. And Ex. (b)(6) and Ex. (b)(7)(C) too. So they went underground that ---.

4 Q. I guess when Murray suggested that, Bill, what was the comment from  
5 Stickler?

6 A. I don't know. I didn't hear it. I think he just let that go. Because what --- how  
7 it turned out is that I think that evening Murray took Ex. (b)(6) and Ex. (b)(7)(C) underground,  
8 and then he took them up to the drill site. And I wasn't there for the five o'clock  
9 briefing, but the next morning, Thursday morning, Ex. (b)(6) and Ex. (b)(7)(C) got up and they  
10 gave --- I put in my notes they gave an excellent briefing. Ex. (b)(6) and Ex. (b)(7)(C) would speak in  
11 Spanish and then he would speak in English and did a real (7)(c) good job. So I thought that  
12 was okay. And then Murray came in and introduced him and says, I'm going to stay  
13 out of this, and he just went over and sat down.

14 Q. So when he --- when you say they gave an excellent briefing, what made their  
15 briefing so much better than the one Al or Stickler or Kevin or anybody else ---?

16 A. Well, because they had been underground to see what was going on.

17 Q. And you're saying our people hadn't?

18 A. Well, I don't know if Al or Stickler did. I don't know when they went  
19 underground. Early on, I think they were deferring Stickler --- I know Al deferred to  
20 Murray early on in those meetings there were problems. Then Stickler and Kevin  
21 Strickland came that Tuesday evening meeting and they still let Murray --- they  
22 deferred to Murray to give the initial briefing.

23 Q. So Murray is kind of running the briefings or he's the first one to talk, which  
24 would give you the impression this guy is running everything; right?

25 A. Right.

1 Q. I mean, if I'm sitting there as the family, I don't have the slightest idea of what  
2 the hell is happening. This guy gets up and, you know, I'm thinking, he's ---?

3 A. One of the other big issues was the seismic equipment, because Murray  
4 thought --- we kept --- Al Davis mentioned the seismic equipment was coming. Okay.

5 That was part of that Wednesday briefing that Murray was so adamant about the  
6 seismic equipment, not using it, because it was going to delay the rescue and it wasn't  
7 accurate and blah, blah, blah. And at the end of that, Ex. (b)(6) and Ex. (b)(7)(C)

8 Ex. (b)(6) and she says, well, you're taking away hope, you know, blah, blah. And he said no,  
& (b)  
9 (7)(C) And then Stickler was saying, well, we're not going to interrupt rescue efforts to do  
10 the seismic. But if there's an opportunity, we'll try and use the seismic equipment to  
11 see if we can get a response from underground.

12 Q. So Stickler said that?

13 A. So Murray was dead against --- yeah. Stickler said --- you know, we were  
14 trying to work the seismic equipment in to be used, even though they said over 1,500  
15 foot of depth it's not very reliable.

16 Q. Were you kind of surprised, Bill, when you heard Murray suggest these family  
17 members going into an accident area like this and then the fact that Stickler didn't say  
18 no, we can't allow that?

19 A. Right. I don't know. I was just thinking, well, this was at that Wednesday  
20 meeting when it was kind of just ---- we were almost --- I put in my notes and said we  
21 were --- Stickler and Al Davis had said, well, we ought to prepare to have separate  
22 briefings here, you know.

23 Q. Okay.

24 A. You know, I don't think I was surprised. I think the families accepted that. I  
25 thought they might have some personal --- you know, have people write underground

1 so then they wouldn't have to believe what Murray is saying. The people from the  
2 families could give them the information. Things were happening fast, Joe, and you  
3 know, if I don't know if I was surprised ---

4 Q. I understand.

5 A. --- about it or if I thought that was a good idea or what.

6 Q. I understand. Well, from your perspective maybe it was good in that you  
7 thought maybe these family members will give them some information that maybe  
8 they trust more or believe more or whatever. I guess the thing that surprises me is,  
9 and you made the comment, was the family --- the briefing that the family members  
10 made was so good and so accurate and explained it better than what we could have  
11 done.

12 A. Well, not what we could have done. What Murray was doing.

13 Q. What we did do.

14 A. What Murray was doing.

15 Q. Okay. And we weren't doing it.

16 A. And then at the end, I mean --- see, Murray would get up there, and I know  
17 this was a mistake, but you know how his personality is, he's very controlling. And I  
18 think we just kind of --- I think Stickler and Al Davis and Kevin just deferred to him  
19 early on. And then what happened, Rob Moore took over for Bob Murray, and he did  
20 a lot better. He was a lot more understanding and relating here's what the people  
21 wanted to know.

22 Q. Right.

23 A. They didn't want to hear what they weren't supposed to do, that they weren't  
24 supposed to talk to the media, they weren't supposed to do this, that or the other.

25 They just wanted to hear what are you doing and how are you going to get our loved

1 ones out of the mine. They didn't want to hear all this other stuff that Murray would  
2 rant and ---. Another thing was about the union. I don't know why, he got on the  
3 soapbox about the union, you know, don't talk to the union, don't do --- don't talk to the  
4 media, don't talk to the union. They're not going to help you. I'm here to help you.

5 Q. Did anybody from MSHA ever try and correct this --- these Murray rantings  
6 and ravings about earthquakes and no pillar mining and, you know, ---.

7 A. I called ---.

8 Q. Did anybody ever stand up and say ---

9 A. I don't ---.

10 Q. --- to the families, look, here's the truth? Do you remember that?

11 A. It took a few days before we finally got the information that, yeah, well ---  
12 there was even controversy between the Utah --- University of Utah seismic people  
13 and the USG --- is it USGS here in Boulder?

14 Q. Yeah, I think they have a thing. Someone has told us that, yeah.

15 A. Well, initially they said it was what, a 4.1 earthquake or something like that.

16 Q. Yeah, 3.9, 4.0, something like that.

17 A. And then after --- then the University of Utah seismic people, after they  
18 reviewed whatever they do, the waves or whatever, they decided it wasn't an  
19 earthquake event but that it was the ground movement from the outburst that caused  
20 the seismic activity. Well, Murray, you know, he --- early on he had that press  
21 briefing --- written press briefings about, you know, seismic and that it wasn't ---.

22 Q. Right.

23 A. You probably have a copy of those.

24 Q. Well, yeah, we got copies of them and then I saw it live on TV, ---

25 A. Right. Right.

1 Q. --- which you know, ---.

2 A. I don't even know how that progressed.

3 Q. I guess ---

4 A. For days he kept saying it was an earthquake.

5 Q. --- I was wondering why it wasn't corrected.

6 A. Well, I think early on we didn't know that it wasn't an earthquake, that it wasn't  
7 natural. It took a few days before the USGS people and the Utah --- University of  
8 Utah people actually came out. And I think they had some kind of a press release or  
9 some type of --- something that said it wasn't an earthquake, but they felt it was the  
10 outburst that caused the seismic activity.

11 Q. Bill, when did it --- I guess we're talking about the Spanish-speaking families.  
12 And what you said is Murray would get up and just talk and these poor people were  
13 trying to whisper or take notes ---

14 A. Right.

15 Q. --- so they could talk to them later. When did that finally change to where you  
16 went into a full system where a person made a statement and then allowed the  
17 translator to translate it, and then they made, you know, another statement and they  
18 allowed the --- did that ever come about?

19 A. Well, yeah. That was part of that Wednesday meeting on the 8th. But I think  
20 I put in my notes here --- I forget where I put that. It was decided then, on that  
21 Wednesday morning, after that was over, that <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup> and pretty much <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup>  
22 would do the interpretation as it was being --- <sup>(7)(c)</sup> as the meeting progressed. And I think  
23 that the first meeting I attended was the Thursday meeting when that happened. Well,  
24 here, it's on my page ten of these notes. It says --- this is at the end of that meeting  
25 that <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup> He put <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup> down and he went --- it says, tense meeting

1 between Murray, Stickler, Huntsman and others. Finally, Murray agreed to delegate  
2 meetings and will let [REDACTED] do Spanish interpretation for Hispanics. So that  
3 was on Wednesday.

4 Q. And that's when Murray announced --- when he came back in and he  
5 announced that he'd take [REDACTED] and [REDACTED] ---

6 A. Right. Right.

7 Q. --- to the drill site and underground in the mine?

8 A. Right. And then on my page 11, on the Thursday meeting, at 8:30, I says,  
9 Murray opened and they now have an interpreter repeating in Spanish after each  
10 sentence.

11 Q. Okay. So that finally came about on --- I can't read the date on your notes  
12 here, Bill, but ---.

13 A. 8/9? Which one are you looking at, these? Oh, it's dark for some reason.

14 Q. These are even highlighted for your benefit.

15 A. That's kind of dark there. I don't know why that happened.

16 Q. Every one of these statements you're reading happen to be highlighted. I  
17 don't understand here.

18 A. We want to get them in the record accurately here.

19 Q. [REDACTED] knew Spanish and --- all this stuff. This is a ---.

20 A. I didn't attend the Wednesday, five o'clock meeting, or 5:30 meeting, but they  
21 might have started at that time.

22 Q. So you made notes about Murray, everything I told you is the truth, you have  
23 to trust me ---

24 A. Oh, yeah.

25 Q. --- and I never said you couldn't talk to the media, I said you shouldn't talk to

1 the media.

2 A. Right.

3 Q. Okay. The media went out and found enemies that can hurt the company and  
4 unionized the mine, lies, not earthquake.

5 A. See, he went into all that stuff, and all the families wanted to hear is what they  
6 were doing.

7 Q. I think this is maybe your note, Bill, lies, not earthquake and is retreat mining.

8 A. Well, yeah.

9 Q. So you made a note that he lied; right?

10 A. Well, no, no, no. He was saying that ---.

11 Q. Oh, he said that?

12 A. He said that it's --- the media is telling you lies is what --- the media is telling  
13 you lies.

14 Q. Oh, okay.

15 A. It was an earthquake, natural causes, wasn't retreat mining.

16 Q. Did those people ever ask you about that stuff, Bill? I mean, when Murray  
17 was no longer there and it's just you there one on one, did anybody come up and say,  
18 you know, Bill, was this really an earthquake?

19 A. I think we talked --- see, it took a few days before we actually knew that it  
20 wasn't an earthquake, that it was the outburst that caused the seismic activity. We  
21 didn't know for sure until the University of Utah came out with some type of --- and the  
22 USGS came out with a position statement, I guess they did, something like that. It  
23 might have even been a press release.

24 Q. Did you feel the accommodations were adequate there, Bill?

25 A. Oh, very nice.

1 Q. Okay. Did the ---?

2 A. What they did, they --- I forget which --- they went out and got couches, some  
3 cots. You know, people were sleeping there overnight. They opened up a separate  
4 room where they had cots. You know, so everybody wasn't right in the gymnasium.  
5 But some people elected to sleep on cots in the gymnasium. But that junior high was  
6 set up --- they had a nice gymnasium. And then right off the gymnasium there was  
7 sort of an auditorium. And at the bottom of the auditorium, there was a fairly big open  
8 space where they set up a TV and kind of a little memorial. That's where they put  
9 pictures up and had candles lit there. So it worked --- then they had a real nice  
10 kitchen. I'll tell you what, the Red Cross and the Salvation Army were wonderful about  
11 bringing food and providing food. They were just amazing. I mean, the food wasn't all  
12 that great, but they were good at bringing it ---

13 Q. At least you had some.

14 A. --- and providing it, right.

15 Q. That was the important thing. How was the press kept away? Did they do a  
16 good job keeping ---?

17 A. Well, the sheriff had --- Sheriff Guyman, he did a really good job. He only has  
18 a small --- you know, it's a small county, so it doesn't have a whole lot of officers, but  
19 he devoted officers up at the mine site and they had two officers there --- well, we had  
20 officers at both entrances. And they would know who they could let in and who not.

21 Q. Okay. Were you there when the Number One bore hole went through, Bill,  
22 and they told them that there was basically fresh air in the Number One bore hole?

23 A. No, I wasn't there on that meeting.

24 Q. Okay. That may have been at night.

25 A. That happened on the evening shift, and I remember actually watching the

1 news and seeing Murray say, well, you know, the first bore hole went in and then  
2 we've taken oxygen readings, and it's like 20 percent or something like that.

3 Q. Right.

4 A. And he would always say this, if your loved ones are still alive, then they have  
5 enough oxygen. In a lot of these meetings, he would say it's already determined if  
6 they're alive or dead. You know, we don't know that, but he always told them it was  
7 already determined because he felt ---. So he said, if your loved ones are alive, then  
8 there's enough oxygen. So I went --- and then they took more --- I guess they were  
9 just getting the oxygen out of the drill steel that the compressor was pumping down  
10 there. And so the first few --- but I think they took those over --- I think Urosek was up  
11 there. His people were up there.

12 Q. They actually had to flesh out the steel.

13 A. Yeah. And then ---.

14 Q. They were sucking the vacuum on the seal because the bit was down in the  
15 bottom.

16 A. Yeah.

17 Q. And when they raised it up a little bit and flushed it out, then they collected a  
18 good sample.

19 A. Then they started to get six percent, seven ---.

20 Q. But it took about two or three hours ---

21 A. Right.

22 Q. --- before they actually got that.

23 A. And that was early in the morning on --- I forget what day it was, but like  
24 maybe the 10th or something like that they put a pole in.

25 Q. This is where the Number One hole went through.

1 A. Or the 7th. Or no, it went in --- it started on the 9th ---

2 Q. It started on the 7th and went in on the 9th, so ---.

3 A. --- at ten o'clock. And so they were taking samples. And I don't think until  
4 early in the morning hours they got the other samples that were bad.

5 Q. About two o'clock they got the bad samples.

6 A. Something like that, yeah.

7 Q. So were you there then when they were told that?

8 A. No. I would get there about 7:00 in the morning. And then Al Davis and  
9 Stickler and Murray and Rob Moore and his people, we would all kind of meet out in  
10 the parking lot. And it was at that time we found --- well, Al Davis told me about the  
11 low oxygen, and he was really upset about it, that we had --- you know, I think Murray,  
12 he must have given --- I don't know if Stickler was with him for the press briefing for  
13 that like ten o'clock news or whatever. It went through at ten o'clock, ---

14 Q. Right.

15 A. --- so they did have a press briefing that night somehow. And I think they --- I  
16 think they called all the family members together and told them first. That's one thing  
17 that we would always do --- I say we. We would always have a briefing for the family  
18 members, and then they would go and brief the media.

19 Q. Okay. All right.

20 A. So that was done religiously.

21 Q. So anyway, you heard somehow that there was basically fresh air.

22 A. Right.

23 Q. You saw it on the news or something that there was fresh air.

24 A. And I thought to myself, boy, that's amazing. Yeah.

25 Q. And then when you got to the family center in the school, Al told you in the

1 parking lot that the real readings they got out of the hole were low oxygen?

2 A. Right.

3 Q. How was that conveyed to the families?

4 A. Well, that's in the notes here.

5 Q. Maybe I should have just read your notes and we could have foregone the  
6 interview, which would have been okay with you; right?

7 A. Well, it says Rob Moore opened. Richard --- and then Richard came and  
8 explained about the samples changing and the need to survey the hole through the  
9 drill steel. There was still a question as to whether or not that Number One hole might  
10 have went into the sealed north --- into the sealed main west. So they didn't have any  
11 directional drilling on that first hole, I don't think.

12 Q. There's no way to tell where it was going?

13 A. So what they did, they wanted to survey that hole to see if maybe the low  
14 oxygen was because it went into the sealed area over here. But once they surveyed  
15 the hole, they knew it went into the south barrier. So there was still some question as  
16 to whether or not they were getting a sample from that sealed area.

17 Q. Okay.

18 MR. TEASTER:

19 When was that cleared up, Bill?

20 A. Well, once they got the direction --- I think within about a day, once they  
21 surveyed that hole. You know, they had to put the survey equipment down in the hole  
22 and then they knew where the hole had intersected. So it was probably within a day  
23 they --- I think it was within that night meeting at five o'clock that I knew that.

24 BY MR. PAVLOVICH:

25 Q. I think here your note on the 10th, though, at the 9:05 briefing specifically says

1 that at 1:45 a.m. they had 7.2 oxygen; correct?

2 A. Right. That's what Richard Stickler was conveying to the --- he took over  
3 there. Rob Moore did a little bit of opening, and then Richard started talking about the  
4 drill hole and about the air samples. And we did have air samples. It turned out to be  
5 low.

6 Q. And then you say that the sealed area was close to 7.5, and I guess that's  
7 what the guys found when they went into the Number One seal?

8 A. That's what Gary Christiansen and the team found out, that there was low  
9 oxygen in that sealed area.

10 Q. And then they say, don't lose hope. Too many things unknown. Can't survive  
11 very long in 7.5 percent oxygen. Very long I don't think is ---.

12 A. Right.

13 Q. Can't survive very long, like a second.

14 A. Yeah.

15 Q. And then you say, Richard has a thoughtful and partly sad look.

16 A. Right. I don't know. You need to survey the hole ---.

17 Q. So you think at some time later they came back, Bill, and said we surveyed  
18 the hole and it did go down into the active area? Is that something --- what maybe this  
19 briefing was saying is don't lose hope because we've not surveyed that hole? We  
20 don't really know where it went down or ---.

21 A. That was on the first one. I don't know if that evening meeting, briefing --- .

22 Q. I mean, there's a note later on that says, <sup>Ex. (b)(6) and Ex.</sup> [REDACTED] will try and speed up  
23 underground work. We'll try to explore further and see how far we can get in. Who  
24 was --- was <sup>Ex. (b)(6) and Ex.</sup> [REDACTED] a family member?  
(7)(c)

25 A. Yes!

1 Q. He's wanting to explore further and see how far he can get in?

2 A. Yeah, that's what (b)(6) and ex --- at that briefing on the 11th.

3 Q. And then Murray says (7)(c) the 7.5 percent oxygen may not mean anything. We  
4 just have to get to them quickly. There have been a couple of close calls for rescuers.  
5 Now, what did that mean?

6 A. Is that on page ---? Well, I think the one --- there had been a couple of  
7 bounces, especially that one on Monday evening that ran them out of the Number  
8 Four entry. So they were just ---.

9 Q. Were you hearing about those bounces? Were you getting information there  
10 was bounces occurring?

11 A. Yeah, especially that one on Monday night. And then we would report --- and  
12 they would in these briefings would report about the little bounces that were  
13 happening, the seismic activity that was happening. So I think probably the --- the  
14 evening meeting before this one is when they knew that the hole had holed into the  
15 south barrier.

16 Q. So you think they actually figured that out pretty quick?

17 A. Yeah. It took a few hours to survey that hole. It would probably have been  
18 the five o'clock meeting on the 10th.

19 MR. PAVLOVICH:

20 Do you want to take about a five-minute break?

21 BY MR. PAVLOVICH:

22 Q. Is that okay with you, Bill?

23 A. That's fine.

24 SHORT BREAK TAKEN

25 BY MR. PAVLOVICH:

1 Q. Bill, so was there ever a time that Stickler actually took over the briefings  
2 where he was presenting the information first and the company second?

3 A. I don't think so. I think Rob Moore usually opened up and then Stickler would  
4 be second.

5 Q. Were you there still --- how long did you stay, Bill?

6 A. I was there the whole time.

7 Q. Okay. You stayed past the 16th?

8 A. Oh, yeah.

9 Q. Do you remember Rich Kuczewski coming in with Stickler, like on ---

10 A. Yeah.

11 Q. --- on the 14th or so sometime?

12 A. I remember Rich being there. I remember --- I forget who the other person ---  
13 there were some other.

14 Q. Shimizu, Shimuzu (phonetic) or something?

15 A. Yeah. They were always with Stickler.

16 Q. Okay.

17 A. And they were always at the briefing, but ---.

18 Q. I'm just curious because, you know, we're told that Stickler took the lead on  
19 the briefings.

20 A. Yeah.

21 Q. And do you remember when that might have happened, or did it happen, in  
22 your opinion. You know, I don't want to put words in your mouth. If it didn't, it didn't.

23 A. I guess on the 11th, Murray opened and then he let [REDACTED] and [REDACTED] go.

24 Q. And then Rob Moore talked, and at what time --- did (S)tickler even talk?

25 A. Well, right on the next page, Stickler ---. Stickler, yeah at the end, he made a

1 statement. I've said work as a team. You know, we're working as a team. And then  
2 Stickler went into the other stuff.

3 Q. He usually makes a statement right before the pastor with the closing prayer,  
4 from what I see.

5 A. That's what I have.

6 Q. What I see in your notes all the time is the next day Murray, Stickler, Sheriff  
7 Guyman, they showed the video. Would you usually stay for the morning --- or you  
8 would be there for the morning briefing, but you'd usually stay for the evening briefing  
9 also?

10 A. No, that was 5:00 or 5:30.

11 Q. So you'd be gone by then?

12 A. Yeah, I usually left about 4:00 on those other ones. I don't know if they ---.

13 Q. Here's a note on 08/12, it says meeting Rob Moore, Richard Stickler, Al  
14 Davis, Kevin Strickland, Bob Cornett, Jeff Kravitz.

15 A. Right.

16 Q. Okay. And you say Rob and Richard to stay after to answer questions. Note,  
17 Stickler was upset with info being recorded at MEO. Wants hourly reports and  
18 location of advance. Where did you get that from? Is that something he told the  
19 families?

20 A. No. That wasn't in the meeting. He might --- I don't where I got that at, but he  
21 didn't think that we, our people at the MEO were recording things timely or as he  
22 wanted it.

23 Q. Did he mention that to you or someone just happened to ---?

24 A. You know, I don't know where that comment came, that note came from.

25 Ex. (b)(6) and Ex. (b)(7)(C)

1 A. No, I think here's where that came from. We would all meet out in the parking  
 2 lot and I think that's what that came from, a discussion with him and Kevin and Al  
 3 Davis out in the parking lot. He said --- I think he was telling Kevin and Al Davis that  
 4 he wants that daggone record of the MEO kept hourly, kept --- and he wants hourly  
 5 reports.

6 Q. Did he ever say anything like and you and your replacements will make sure  
 7 it's done right?

8 A. I don't remember hearing that. I mean --- I don't know.

9 Q. Did you ever hear about him threatening to fire anybody up there or replace  
 10 them or MSHA didn't need them if they couldn't fill out that report right?

11 A. I think some of our guys said that to me. I can't remember the details and I  
 12 think I noted it in the notes. So here's what happened. That's why things changed on  
 13 the 12th because that's when they said, jeez, if they want things recorded up there, I  
 14 better go get a book and start recording it here, so ---. So I went and got this book and  
 15 you notice it starts on the 12th. That's based on that note I had here.

16 Q. Did you ever get threatened to be fired?

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

18 Q. Okay. You just took it upon yourself if other people were getting fired, I'd  
 19 better ---.

20 A. Yeah. So then I started having Carla and Richard start keeping notes in here,  
 21 . too.

22 ( b Q. And I guess that's the Carla Markum family liaison notebook?  
 )

23 ( A. No, that must be Carla's because --- let me ---.  
 6 )

24 ) Q. Does that differ?  
 &

25 ( A. Yeah. I think Carla was keeping her own notebook notes. I think we all  
 )

(  
 7  
 )  
 (  
 c  
 )

1 started out with our own notebook. I have this one and this must have been Carla's.  
2 And then what I would do is take notes and then I'd write a summary in here. And  
3 then eventually I decided well, that's stupid, we just started writing them in here.  
4 That's probably something that we ought to get some training on even for the family  
5 liaisons to keep track of things better and have a kind of --- get a log book and start it  
6 out just like they do at the MEO.

7 Q. Well, that's probably true. That's a good idea.

8 A. Nobody ever even mentioned about doing that.

9 Q. Well, your own notes are pretty darn good, Bill. Probably the best notes of  
10 anybody that was at the operation.

11 A. Well, thanks.

12 Q. I mean, they detail and you know, you list things. You list comments, you list  
13 facial expressions and you can get a lot from reading your notes. And again, I know  
14 when you say this, you say it from the heart. That you know, this is how you felt, this  
15 is how they felt, your perception of how they felt or how they appeared to be, which is  
16 very good, I think. There's a statement here on the 12th, a note on the 12th that says,  
17 looks like [REDACTED] makes a question or something; does company have enough  
18 resources to get miners out and is MSHA holding them back? Then I guess the  
19 answer is, company has not said no to anything that was asked to do. MSHA has  
20 resources and specialists.

21 A. What page is that? Oh, you probably couldn't tell.

22 Q. 812. It's on page ---.

23 A. I got these old page numbers that got blacked out. I didn't realize it was so  
24 darn bad.

25 Q. We don't have the page, we just have the date.

1 UNIDENTIFIED FEMALE SPEAKER:

2 It's on 21 of the PDF, so ---.

3 MR. PAVLOVICH:

4 812.

5 A. That meeting was a really long one. As I remember, that was a Sunday, and  
6 there were a lot of family members that came in and this [REDACTED]

7 (phonetic) was one of the family members that was asking a lot of --- well, [REDACTED]

8 [REDACTED] yeah, was asking a lot of questions.

9 BY MR. PAVLOVICH:

10 Q. Okay. And anyway, there's a written statement there that says, does MSHA  
11 have enough resources and specialists, and you made it in parenthesis, rock  
12 mechanic experts and we are getting help from NIOSH and others. NIOSH expert  
13 agreed with us on rock props. Where'd you get that information?

14 A. I think that was Stickler saying something like that.

15 Q. So you think these were Stickler's answers?

16 A. Right.

17 Q. So to the best of your knowledge, though, pretty much throughout this whole  
18 operation till at least the 16th, MSHA --- I mean, the company was pretty much leading  
19 the family ---?

20 A. See Richard, I kind of started Richard here on this page.

21 Q. What day is that?

22 A. That's on the 12th.

23 Q. So on the 12th, it starts out Richard planned it, but that wasn't your first note  
24 on the 12th.

25 A. It was like the third page on the 12th and then Richard kind of took over and

1 all the stuff he's talking about would have been from Richard from there for a while.

2 Q. Okay. You got quite a bit on this. It looks like they had quite a question and  
3 answer session on the 12th.

4 A. Yeah. That's what I said there was a big, big group there.

5 Q. This is the 12th, and it starts out with --- this one we talked about where  
6 Stickler was upset about the info being recorded wrong.

7 A. That was out in the parking lot.

8 Q. Rob Moore, Stickler, Davis, Strickland, Cornett, Kravitz. And it looks like this  
9 one went very long because you got about six pages of notes or more about the  
10 questions the people were asking. You used dogs to go in and ---.

11 A. Cameras and other --- or infrared.

12 Q. And they want an estimate of how long it would take. So in your opinion when  
13 you watched this, did it feel to you like Murray was kind of running these family  
14 briefings?

15 A. Just the first few days. No, just the first few days and then he let Rob Moore  
16 take over as the leader ---.

17 Q. Okay. And then was Rob kind of the lead guy?

18 A. Yeah. Rob would be the lead guy.

19 Q. But then Murray would come in periodically; right? Or maybe in the evenings  
20 when you left?

21 A. Sometimes he didn't even come to the meetings, but they would come in and  
22 he would go sit down in a chair over in the corner and Rob Moore would start and then  
23 Richard was up there, too. And I can't remember if they were standing together or if  
24 Richard would stand up after Rob. I think they were all standing, especially on this  
25 12th. Because I had comments intermingled with Rob and Richard and Jim Poulson.

1 So I think they're all up there talking and answering questions. And then again, the  
2 12th was a big meeting. I think it was on the weekend and a lot of people came from  
3 out of town and family members were there.

4 Q. Okay.

5 A. That's what this <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup> was from out of town.

6 Q. Was there any time when any of the senior MSHA officials there interfered  
7 with your duties or responsibilities as a family liaison?

8 A. No, nobody ever told me to do anything other than what we were doing. We  
9 were, you know, talking with the families and taking notes, putting the briefings up on  
10 the white board. No, I don't remember anybody ever saying anything.

11 Q. Okay. Who had the lead role in briefing the families and addressing their  
12 concerns; the company, MSHA, the governor?

13 A. Well, the governor --- not the governor. The governor had people there. The  
14 governor didn't come to all the meetings. He had a liaison person who came to quite  
15 a few. I got his name somewhere in here. If something had to be done, it was done  
16 by the company. We didn't have the resource.

17 Q. Okay.

18 A. There would be a morning briefing with the Red Cross, Salvation Army, the  
19 grief counselors, the interpreters, myself and the company people. And they'd go  
20 through what needed to be done that day, how many meals, you know ---. The Red  
21 Cross and Salvation Army were always wanting to know how many meals they had to  
22 prepare. They not only prepared meals for the families, but they prepared them for all  
23 the media people and the people at the mine, too. So it was kind of a planning  
24 meeting every morning, yeah.

25 Q. They made meals?

1 A. Yeah, they did.

2 Q. Okay.

3 A. Well, the Red Cross and Salvation Army did it together.

4 Q. Okay. So the people at the mine were getting hot meals shipped up there,  
5 too?

6 A. Yes. Yeah, they were. Those two organizations did a fantastic job.

7 Q. But who had the lead role in briefing the families and addressing their issues?  
8 I guess the company was addressing their issues, I guess.

9 A. Yeah, if something come up and we needed to get something, then we'd go to  
10 this Mike Knolls or Jim Poulson, whoever was there for the company.

11 Q. Okay.

12 A. They had the resources to go whatever might need to be gotten.

13 Q. Okay. Did the family members ever report any concerns to you, like, you  
14 know, we're concerned about why didn't people crawl over top of this material? Why  
15 is it --- how did you convey that information to somebody? You know, you couldn't  
16 answer all those questions.

17 A. I can't remember all the discussions I had with the different family members,  
18 but the families were briefed by putting status information on the white board and then  
19 in the two briefings every day. And that's pretty much it, other than circulating around  
20 through and talking to people. And if they had a question about different ---.

21 Q. If they had a question, you could answer the question. If you couldn't answer  
22 it ---?

23 A. There was a [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C) I don't know if his name shows up, but he was [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C)  
24 [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C) He and I talked a lot about he had been in contact with a fellow in [REDACTED] (7)(c)  
25 Montana about getting a better robot to send down one of the holes. And then he

1 came in and he said --- this was after we had suspended underground rescue  
2 operations after the accident on the 16th. And he said he had been in contact with  
3 various --- some three different groups that felt confident that they could safely go in  
4 and get to the miners underground. And we talked about that a lot. I talked to Kevin  
5 about that. I don't know if I --- we talked about that a lot.

6 Q. So when this [REDACTED] brought this stuff to your attention, you had some  
7 channel to pass that on up to the decision maker?

8 A. Yeah, I never --- I didn't interact with Richard Stickler very much. I would talk  
9 to usually Al Davis and sometimes Kevin Strickland. More Al Davis than anybody.

10 Q. Okay. So you would pass that information on to Al?

11 A. But I do remember passing that information on to Kevin because he just kept  
12 coming back and back. And then finally, through some e-mails that I sent to Kevin,  
13 and Jeff Kravitz had already been in touch with this guy in Montana. And Steve Allred  
14 thought that this fellow in Montana had something all ready to go, but it wasn't ready  
15 to go. And then Jeff talked to him, and he says he could modify this or that to get it.  
16 And Jeff talked to the lady, the doctor from the University of Florida who had the robot  
17 there. And they discussed what this --- [REDACTED] somebody, his name was. [REDACTED] --- I  
18 have to look it up. He went by [REDACTED], but they investigated his  
19 robot and didn't think it would do any good. They didn't even think it would go down  
20 the holes.

21 Q. Okay. Were you there on the 16th when the accident occurred or had you  
22 already gone?

23 A. I'd gone home. I'd gone home at the Holiday Inn. I don't know why I say that.  
24 Jeez.

25 Q. It was home for a while there.

1 A. I got a call about nine o'clock or so. I forget when that actually happened.

2 Q. About 6:00 something, 6:30.

3 A. It took a while before somebody called me at the Holiday Inn, and then I went  
4 down to the family center, down to the junior high.

5 Q. Were you there when they came and told the families about the accident?

6 A. I don't remember if they came that night to brief them on that. I just  
7 remember getting a call from Danny Frye. He called me from the MEO. He says, Bill,  
8 Gary didn't make it. That sticks in my mind about more than anything that happened  
9 that evening other than --- I can't remember what the briefing went like on the 16th. I  
10 didn't even put in notes on about the ---. That was Carla, it happened on Carla's shift.  
11 It looks like we were recording things every two hours here on some of these notes  
12 here instead of every half hour. We would be calling the MEO quite often, though, to  
13 try and update that.

14 Q. Okay. It looks like ----.

15 A. Carla didn't have ---- I don't know what ---. Yeah, I didn't put too much on the  
16 16th.

17 Q. You don't have a notation for the 17th.

18 A. No, I don't know what happened on the 17th.

19 Q. Well, would they --- do you remember how the families were ---- were you  
20 there when the families were given the information that the bump had occurred on the  
21 16th and three miners were killed?

22 A. You know, I don't have any notes about it, so I must not have. I don't know  
23 what I did that morning.

24 Q. Where's that card you were supposed to have? Where's Carla's book at?

25 A. Oh, wait. Here's 17. Uh-uh (no).

1 Q. Nobody came to talk to them that day?

2 A. It looks like it's skipped all the way over to the 18th.

3 Q. Was there anything going on the night of the 16th when you got a call at 9:00  
4 something and you went down there, was there ---?

5 A. Oh, I just remember getting a call from somebody telling me ---.

6 Q. Did the family members know already when you got down there that there had  
7 been a second accident?

8 A. Yeah, yeah.

9 Q. They knew that?

10 A. Yeah, there were people around the gym mingling around there and they --- I  
11 don't know who had announced whatever had happened there.

12 Q. So were they asking you questions about how could this have happened, what  
13 happened?

14 A. I don't remember that. I think people were just waiting to hear news about the  
15 injured people to see if they were okay or not, the injured rescuers. I think they knew  
16 right on. I kind of remember hearing one fellow was dead at the scene and then the  
17 two or three others had been transported by helicopter ambulance to various hospitals.  
18 So we were trying to get updated information on the conditions of the injured persons.  
19 I don't know what happened to me on the 17th during the day because there's not one  
20 note on that. I don't know if I was sent to do something else and I didn't put it into the  
21 notes here.

22 Q. So you don't have any notes for the 17th that you can see?

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

24 Q. Okay. You're not sure how the families were notified of the second accident?

25 A. No. It was already there. They had already been notified by the time I got

1 down there.

2 Q. Okay. So do you think maybe they didn't do any briefings on the 17th, that  
3 you wouldn't have any notes?

4 A. Well, they don't have any --- .

5 Q. That the next briefing was on the 18th?

6 A. Yeah, I don't think there were. I don't know what happened on the 17th.

7 Q. Okay. Well, the 18th you got some. You said Richard was assembling the  
8 rock mechanics and ground ---.

9 A. You know what I think happened on the 17th? We moved from the school to  
10 the church, and I don't think they had a briefing on the 17th because we were moving  
11 everybody over to the church and they had to get that set up.

12 Q. Okay.

13 A. Because the 18th is the family briefing at the church.

14 Q. Oh, okay.

15 A. So I think that's what happened on the 17th.

16 Q. Okay. So the day after the accident then they moved to the church?

17 A. Yeah, we had to get out of the junior high because they were starting school  
18 up that next week.

19 Q. Okay.

20 A. I'm pretty sure that's what happened, and then we worked down at the church.  
21 And I don't think there were briefings on the 17th. They were bringing in campers for  
22 the folks to sleep in and getting people set up in some rooms and some cots in the  
23 church.

24 UNIDENTIFIED MALE SPEAKER ONE:

25 From the family liaison log book on the 17th, I guess this is

1 Robert Craig's (phonetic) notes. It shows a family briefing meeting, 8:45 and 9:22,  
2 but there's no notes about it. Just briefing on the 17th.

3 A. Oh, I see that, yeah.

4 BY ATTORNEY PAVLOVICH:

5 Q. Okay.

6 A. That still could have been at the junior high.

7 Q. Okay. Well, you have a lot of notes here from the meeting on the 18th, Bill. It  
8 looks like Stickler talking about disassembling rock mechanics.

9 A. Right.

10 Q. People pray for a miracle. The Hispanic man said they had volunteers to go  
11 down the hole and search. I don't know who this --- somebody mentioned that we felt  
12 that what we had done was best we could do, but it wasn't good enough. Forces  
13 coming from the walls. Governor Huntsman, you have here a note from him. It says  
14 today is a hopeful day. President Bush called twice. He gives his best wishes. I  
15 mean, what is that?

16 A. I don't know.

17 Q. Can you explain that at all?

18 A. He must have came in to the meeting and he just wanted to give them a little  
19 bit of cheering up and let them know that President Bush was thinking of them and  
20 best wishes.

21 Q. And then your next note says Ex. (b)(6) and Ex. (b)(7)(C) Dale Black, was killed in  
22 the accident on Thursday?

23 A. No, that's not Ex. (b)(6) and Ex. (b)(7)(C)

24 Q. Ex. (b)(6) and Ex. (b)(7)(C)

25 A. Ex. (b)(6) and Ex. (b)(7)(C) Dale Black, was killed in the accident on

1 Thursday. That was mentioned, Ex. (b)(6) and Ex. (b)(7)(C)

2 Ex. (b)(6) and Ex. (b)(7)(C)

3 Q. Okay. It seems like a lot of questions that day; how will we get the miners  
4 out? I guess sometime at the end there, you got a note that says, tough meeting, no  
5 hope left. Was that what someone said or was that pretty much ---?

6 A. No, that's my --- sometimes I put in little observations that I thought.

7 Q. Okay. That you thought.

8 A. I put in my own little comments every now and then.

9 Q. Okay. So you thought, you know, with what you hear there in that meeting,  
10 that ---.

11 A. Yeah. Little things like that, you know, are just comments by me.

12 Q. Bill, about how many hours would you say Stickler and Al would spend down  
13 there briefing, meeting with the families a day?

14 A. I think the meetings lasted about an hour. And then after the meetings, you  
15 know, people would come up and ask them questions. And Stickler would stay there  
16 until the last person had asked a question. Sometimes it might be a half hour.  
17 Sometimes it might be 45 minutes or longer even. I didn't really keep track of that,  
18 but he stayed around there until nobody came up to talk to him.

19 Q. So with driving time from the mine down and probably briefing beforehand or  
20 some gathering of information beforehand, plus the meeting, plus the hanging around  
21 afterward and then driving back to the mine, about four hours?

22 A. Well, they would go --- instead of going to the mine, they'd go back up to the  
23 media there and then they would give a briefing ---.

24 Q. Okay. So then they'd go up and do a media brief?

25 A. Right. Then they'd do the media brief.

1 Q. And then again at five o'clock in the afternoon, they'd start that all over again;  
2 right?

3 A. Right.

4 Q. Well, who was running the rescue operation?

5 A. We'd always have somebody out there. There would be a ---.

6 Q. Who was in charge? Let me ask you that.

7 A. Who was in charge?

8 Q. Yeah.

9 A. I wasn't up there, Joe, so I don't know.

10 Q. You kept better notes than anybody that was, so ---.

11 A. I think everybody deferred to Richard Stickler, but I don't know. I wasn't --- I  
12 wasn't involved in any of the meetings at the mine.

13 Q. So basically, you think Stickler was running the operation, but yet ---.

14 A. I went up there only a few times, and I know Kevin --- I think they had  
15 meetings with Murray. And then I don't know if any, if the governor had somebody  
16 there, but it seemed like they were having meetings, planning meetings every day.  
17 And I don't know --- I think Stickler and probably Kevin and Al Davis attended those  
18 meetings.

19 Q. Okay. And then how were they managing the operation when they were ---

20 A. I don't know if they were ---.

21 Q. --- news briefings and ---?

22 A. I think there were plans that were approved. I think there were written plans  
23 that evolved from the meetings between MSHA and the company. And those would  
24 get over to the MEO and the supervisor there would implement the plans, you know,  
25 in concert with the company supervisors and people. I don't know if the K order was

1 modified all the time or not. I didn't really keep up with what they were ---.

2 Q. They eventually went to the plan process, but then that --- okay. Were you  
3 familiar with a primary communicator, protocol, a memo that was ---?

4 A. Oh, yeah, I saw that. There was something early on about --- I can't  
5 remember who, was it Amy Louvier (phonetic) said something about we can't stop  
6 Murray or something or --- I forget what ---.

7 Q. I don't know about that, but I guess you had this memo prior to this accident  
8 happening; right?

9 A. Definitely.

10 Q. Okay.

11 A. This was part of the training that we had.

12 Q. So this was part of the training so you kind of knew what your responsibilities  
13 were as a family liaison?

14 A. Right. Well, it says primary communicator is a separate MSHA official, not  
15 the family liaison.

16 Q. Well, that's true, so ---.

17 A. So I deferred to, you know, the upper MSHA managers as the primary  
18 communicator.

19 Q. So it says the liaison will make arrangements and I guess somewhere through  
20 here, Bill, they talk about the duties of the family liaison. He's specifically trained to  
21 deal with families. He's not a counselor, but may be required to coordinate support,  
22 establish a 24-hour rotation, establish a schedule to brief family members. The liaison  
23 will be responsible to coordinate with the primary communicator to ensure identical  
24 information is released or in respective briefings. I mean, when you went over there,  
25 did you feel like I'm going to be the one who's going to be doing the family briefings

1 and providing the information?

2 A. Initially I thought that until ---.

3 Q. And how did that not come about?

4 A. Well, then the primary communicator turned out to be either Richard Stickler -  
5 -- I mean for MSHA Richard Stickler, Al Davis, Jack Kuzar (phonetic) was there at one  
6 time.

7 Q. Yeah, later on.

8 A. Later on. And so basically, they had the firsthand information from the mine.  
9 I thought, you know, they were the primary communicators.

10 Q. Well, it says that a separate MSHA official who is the senior MSHA official  
11 onsite and/or media specialist will serve as the primary communicator with the mine  
12 operator, miners' reps, media and general public during such mine accidents. What  
13 does that mean?

14 A. Well, it doesn't say with the families. So maybe you could interpret what  
15 someone else was supposed to be doing because of family briefings.

16 Q. It talks about family liaison above that. That's the policy, a family liaison, and  
17 then where it talks about primary communicator, it says a separate MSHA official who  
18 is the senior MSHA person on charge. So it's kind of like they're assigning the senior  
19 person on charge to be the primary communicator with the mine operator, miners'  
20 reps, media, and general public. And then there should be family liaisons who are  
21 separate and distinct who are communicating with that person to make sure the  
22 correct information is passed on. Is that how you kind of read this?

23 A. Well, yeah. I think you could read it that way, too, so ---.

24 Q. So that was your ---?

25 A. It didn't work that way.

1 Q. Yeah. That was your intent when you went over there. You thought, this is  
2 what I will be doing; right?

3 A. Right, but then ---.

4 Q. But then Stickler kind of came in and took over that role; is that right?

5 A. For these formal briefings, yeah.

6 Q. Yeah. Okay. Well ---.

7 A. You know, we gave --- we would update information and talk to people as  
8 things were progressing to the families, but we never really did --- there was just a  
9 couple of times where Al Davis or Richard --- yeah, Richard Stickler called down and  
10 told me that there is information to call the families together and tell them this  
11 information. Two or three times that happened.

12 Q. Oh, okay. So you really think it was MSHA's intent that if you have a mine  
13 emergency like this and a rescue operation going on, that the person that's managing  
14 the operation is also responsible for briefing the families and briefing the news media?

15 A. Well, it's here. It's the intent that they brief the news media.

16 Q. Okay. So you think ---.

17 A. I think it was just an outgrowth of that, that they say well, before we brief the  
18 media we want to tell the families first what's going on.

19 Q. Yeah, I don't see a problem with that.

20 A. I think it was just an outgrowth of logistics.

21 Q. So you think that's kind of the intent, though?

22 A. You know, I think --- here's what I think.

23 Q. If I show up at a mine explosion, I'm supposed to ---

24 A. I think the families ---

25 Q. --- run the mine,

1 A. --- would rather see Richard Stickler come to them first than to see him go the  
2 media and see him on TV talking.

3 Q. Everybody wants a piece of him; okay? I can't argue that point. If they see  
4 him on TV, now I want him, now I want him, now I want him and reporter xyz wants  
5 him or reporter ---.

6 A. We just thought --- I think they thought that the protocol would work best  
7 that ---

8 Q. That he knew it all.

9 A. --- they would brief the families and then tell the families exactly what they're  
10 going to tell the media.

11 Q. Okay. So if you're current at ---.

12 A. Well, when you're working 20 hours a day, I guess you get a lot done.

13 Q. Well, can you work 20 hours a day for ten straight days?

14 A. Murray tried it, but he burned out after a week.

15 Q. Nobody can do it, Bill. I mean, you can't ---

16 A. No, I know that.

17 Q. --- you can't make good sound decisions and provide good information when  
18 you're working 20 hours a day, ten days a week, if you can work ten days a week.

19 A. Well, I don't know. Maybe this should be cleared up a little bit. Because I  
20 really thought I was going to be doing the briefings.

21 Q. Okay.

22 A. I really did. But it didn't turn out that way.

23 Q. It didn't turn out that way.

24 A. The only briefings I gave were when they called down and said, tell the people  
25 this, or when we would get the updates and we would just put it on the board and then

1 we would go talk to them.

2 Q. Not doing the formal briefings ---

3 A. No.

4 Q. --- like you thought you were going to do?

5 A. No.

6 Q. I mean, that kind of was what you were training and what the policy says;  
7 right? To a certain extent.

8 A. It's not real clear about ---.

9 Q. It's rather vague in content, I have to admit. But anyway, that was your  
10 perception of what your job would have been; right?

11 A. Right.

12 Q. Okay. Do you think if you're managing an operation like that, Bill, and you're  
13 down there meeting with the families and experiencing their grief, can you keep a  
14 subjective tone to the operation? Or are you going to be influenced by ---?

15 A. Joe, I really don't have an opinion on that.

16 Q. Yes, you do. You have an opinion. What would your opinion be if you were  
17 managing the operation and also spending hours with the families?

18 A. I said I wouldn't ---- he had a thoughtful and sad look on his face, you know.

19 Q. How objective could you be in making decisions at the mine site knowing that  
20 now I'm going to go talk to the families? Do you think that you could do that? You're  
21 a sensitive person.

22 A. Yeah. I think when you're at the mine site, you're just doing the work that  
23 needs to be done to come up with a safe rescue plan. I don't think you're even  
24 thinking about the families out there.

25 Q. When it comes time and you say should we continue or not continue, would

1 you not give them any consideration? I mean, you had bumps going on every day;  
2 right?

3 A. Yeah, there were ---.

4 Q. And you heard rumors about miners that elected to withdraw themselves; right?

5 A. I just knew of one. There was one miner that I had heard of.

6 Q. Just one miner? Did you ever talk to him?

7 A. No, no.

8 Q. Okay.

9 A. And I just heard that through discussions with the company personnel at the  
10 junior high.

11 Q. Okay.

12 A. But you know, I kind of remember Murray saying, or somebody saying, maybe  
13 it was even Stickler telling the families if anybody had safety concerns of the rescuers,  
14 that they would then do outby worker support work and they wouldn't be doing the  
15 work at the face. I don't know if I put that in my notes ---.

16 Q. I think you did. I think it's in there somewhere.

17 A. I think it is.

18 Q. But so if that's the case, does anybody listen to why these guys had safety  
19 concerns? I mean, these miners are pretty hardcore when it comes to bumps around  
20 here, aren't they?

21 A. They just had this major accident. I could see why somebody would be  
22 concerned about it, too.

23 Q. Governor Huntsman, did you ever see his interview, the Senate subcommittee  
24 whatever, I think maybe the same day as the families ---?

25 A. I can't remember. I think I did see it.

1 Q. Okay. He kind of made a statement, he said, you know, I showed up there  
2 and everything was in the state of chaos. And I just assumed that as soon as MSHA  
3 came, they would take control of the situation and everything would be well organized  
4 and just flow right along, he said. But that never happened. It was still basically  
5 chaotic. Do you know why he would have said that?

6 A. I don't know if he was talking about activities at the mine, meetings at the  
7 mine. Did he --- in you hearing that statement, did you think it was the rescue work  
8 that was chaotic?

9 Q. I kind of got the impression that everything ---.

10 MR. TEASTER:

11 Talking about how disorganized the whole thing, he seemed.

12 BY MR. PAVLOVICH:

13 Q. And of course, you know, that's something we have to address if those kind of  
14 allegations are made. And I'm just wondering from your perspective, where you're  
15 at --- of course, you knew the players maybe and he didn't. But would someone from  
16 the outside have thought, man, this is pretty disorganized? I mean Murray's doing the  
17 briefings. He's ranting, he's raving, he's getting mad at these people. He's raising his  
18 voice, their feelings are hurt.

19 A. Oh, I know. That was ---.

20 Q. Would you think that might be something that would --- and he's saying why  
21 doesn't MSHA take charge of this. Could that have been part of what his perspective  
22 was?

23 A. That's a good point. That's a real good point. And like Wednesday I put that  
24 note in there, it says we had discussed about --- I don't know if Stickler told me to start  
25 making arrangements or Al or Kevin did about start preparing to have separate

1 briefings because we can't have this go on like it is.

2 Q. Okay.

3 A. And then that's when Huntsman came and they had that big meeting at the  
4 gym between Stickler, Huntsman and then Murray and Rob Moore and decided to go  
5 to this other little direction that might work.

6 Q. Did you ever hear about the press going underground, Bill?

7 A. Yeah.

8 Q. I think Stickler makes a comment in there, I hope I didn't set a precedent.  
9 And your notes says ---.

10 A. That was in that meeting that we had. See, we would have a meeting out in  
11 the parking lot between --- before the briefing and --- yeah.

12 Q. So what did you think about that?

13 A. Well, I thought it was unusual.

14 Q. I guess that's an unusual way of putting it. Did you feel that was appropriate  
15 knowing the requirements of the K order and ---?

16 A. We talked about that a lot after it happened. We were wondering who allowed  
17 him to do it.

18 Q. Did you ever find out who?

19 A. I think they were training these folks on using SCSRs and things and doing  
20 whatever they had to do to get them ready. And I don't know who was up there for us,  
21 a manager and supervisor at the MEO, and I think they were deferring to --- Stickler  
22 was right there. I thought Stickler would give them approval to do it, so that they ---.  
23 Our people didn't think it was the right thing to do.

24 Q. Were you at one of the family briefings, by chance, when they talked about  
25 taking cameras underground? Would that have ever come up, do you know?

1 A. I was just on after the fact then when they would bring videos in and show  
2 things.

3 Q. Okay.

4 A. And I don't think any --- I don't know if there was any discussion about taking  
5 cameras into an area that they shouldn't have taken cameras in.

6 Q. Bill, what would you recommend to do to improve the role of the family  
7 liaison?

8 And you probably got, right now, more experience than anybody in MSHA.

9 A. That's a good question. I thought about it a lot. There's a lot --- I think maybe,  
10 like you say, maybe the liaison should do the briefings. But like I said, I fully expected  
11 to do them, but then, you know, the upper management people were there doing these  
12 briefings.

13 Q. Well, I mean, that's kind of a question that what would you do to improve the  
14 whole world and you know, you might have a million things. But if, like you say, you  
15 thought about it a lot, if you think about it while you're sitting at your desk or  
16 something, would you make a couple notations of things that maybe we could do  
17 different in training, we could do different in the assignment, we could clarify this  
18 memo a little bit better to where we could improve on that? And I'm not saying it was  
19 bad, I think you did a great job, Bill, and I really mean that, with your notes and the  
20 family members we talked to certainly spoke very highly of you.

21 A. Well, that's nice.

22 Q. And they appreciated your involvement and you being there for them, as well  
23 as Carla. And they were extremely pleased with you. But if you would just, maybe if  
24 you take a couple notes like that, e-mail to one of us ---

25 A. Okay.

1 Q. --- Albert or me or somebody, and I think that would help us, you know, as we  
2 go along here. If we have an issue about the way the briefings went, then that will  
3 also give us some direction from you, who's the expert on it, as to how maybe they  
4 could be improved in the future; okay?

5 A. Okay. I appreciate that, too.

6 MR. PAVLOVICH:

7 Ernie, you got some questions for Bill? I know you do. I've  
8 seen you writing about eight pages worth of --- which means I missed a lot then if  
9 you've got all that stuff.

10 MR. TEASTER:

11 A lot of them just clarifying questions.

12 BY MR. TEASTER:

13 Q. What kind of information was prepared --- when they went in for a briefing,  
14 what kind of information was prepared to share with the families?

15 A. Well, early on, Murray had press releases. They were, you know, written.  
16 There was about maybe five day's worth of that, or maybe even a little bit more.  
17 Some of them kind of like the propaganda thing, you know, that it was an earthquake  
18 and it wasn't retreat mining, but then they would go in ---. And so Murray would  
19 prepare that. So they would hand that out. I don't know if it was actually read or just  
20 used to make statements about what was going on. Our people, Richard Stickler and  
21 Al Davis, they would just come down with notepads with notes as to what was going on  
22 and just to brief, you know, where the holes were, what they found in the holes. Other  
23 things that were done in the briefings were the underground videos of, you know, the  
24 media going underground, that was shown, and then the video of the holes when they  
25 sent the camera down the holes, that was a presentation that was made.

1 Q. When MSHA would go in, they would have information like how far the bore  
2 holes were down, how far they advanced, how far the supports, rock props ---?

3 A. Like that time they had Jeff Kravitz there, they wanted him to talk about the  
4 seismic thing. It was pretty much done off the cuff. It wasn't anything formal. I don't  
5 know people had time to prepare a lot of things other than they would speak off their  
6 notes that they had.

7 Q. Do you think, when you talked about Jeff Kravitz, was that about the  
8 seismic ---?

9 A. Yeah, that was about the seismic. And at one time, they had a chance to do  
10 the seismic and they thought they found five minutes of pounding from underground  
11 or from somewhere. And that's why they decided to do that bore hole at Crosscut 143.

12 Q. Right.

13 A. The finding was 142. And then they went and explained and they said, look,  
14 they couldn't tell how deep or where it was, it could have been some activity on the  
15 surface. So I mean, threw out a little bit of hope and they find, well, you know ---. And  
16 then they came --- I don't know if it was in that meeting or another meeting, they said  
17 well, we can't tell if that noise was from the surface or if it was way down underground.

18 Q. What were they told initially about that noise that --- the activity that they got  
19 in that bore hole?

20 A. It's in the notes. I forget what date that was. When did they start this hole?  
21 Which one is it?

22 Q. It was in bore hole number three.

23 A. Yeah, they started it ---.

24 Q. Right here (indicating). They started it ---.

25 A. I think it was this one, wasn't it?

1 Q. Well, this is the one they got the noise ---.

2 A. No, I thought the noise was on this one because they put this one in because  
3 they thought if the miners had been able to go anywhere, they could have gotten back  
4 in here.

5 Q. They put this one down, they got a little better oxygen reading. They got that  
6 noise --- they was going to drill number four hole and number five was ---.

7 A. Yeah, they got the noise in some of them, then that's why they decided to drill,  
8 right.

9 Q. Right. So number three is where they got the noise.

10 A. So it was after that. So it was probably after the 15th. I put some pretty good  
11 notes in there about that.

12 Q. Did Jeff speak at that?

13 A. Yeah, Jeff was there.

14 Q. He's the one that shared that information?

15 A. Let me see what I have on here. I just had him coming to that one meeting, I  
16 don't know whether I put that in about that, but they had him there. Richard Stickler  
17 wanted him there to address the seismic and explain about the result. Yeah, I can't  
18 find it right away.

19 UNIDENTIFIED MALE SPEAKER ONE:

20 The morning of the 16th, I think.

21 A. The morning of the 16th? I don't see Jeff's name there.

22 BY MR. TEASTER:

23 Q. What do you recall from the meeting, what Jeff shared?

24 A. They did the seismic test, and they had some type --- if record is the right  
25 word. There was some type of noise for about five minutes, and they were able to

1 triangulate and, because of the stations, the triangulation ---. He might not have used  
2 the word triangulation, but based on the stations, they were able to determine that it  
3 came from about this area. So they thought the area where it --- so that's why they  
4 decided to put the number four drill hole in. Well then, later, as kind of a follow-up,  
5 they said, well, the noise could have been from the surface. It could even have been  
6 an animal moving on the surface.

7 Q. Later, meaning later that meeting or later ---?

8 A. I don't know if it was later that meeting, but ---. And I don't know if Jeff  
9 clarified that or what, but I think I do have my notes in here somewhere. But I can't  
10 find it right now.

11 UNIDENTIFIED MALE SPEAKER ONE:

12 The only time that I can find that Jeff was there was on the  
13 12th. But the notes of the 16th are where the Geofoam stuff was discussed.

14 A. Okay. So I don't have Jeff coming back to say that, so it must have been  
15 Stickler and whoever else was here when the briefing, about that.

16 BY MR. TEASTER:

17 Q. Do you think this was given in a fashion that would raise the hopes of the  
18 miners --- I mean the families?

19 A. Well initially, it was. And I thought, boy, maybe --- because I was here with  
20 the families and I thought, well, jeez, that would be good. And it seemed like maybe  
21 not that same meeting. It might have been another meeting the next day where they  
22 came back and put --- tried to clarify and say that it could ---. I remember them saying  
23 it could have been an animal on the surface. And I thought to myself, jeez, you know.

24 That doesn't help us at all. But they said it still could have been something  
25 underground, so we're going to go ahead and drill that number four hole.

1 Q. Okay. What kind of hope did the people do on these briefings? Did they  
2 indicate that there was a lot of hope in rescuing these miners?

3 A. Early on. The first few days, there was lots of hope. As it drug out, even  
4 after, like, one week, people still had hope. But as it drug out to, like, about --- longer  
5 and longer and longer ---. And the thing that I thought was so --- I don't know if it's  
6 ironic or kind of sad --- is every one of these meetings, they would --- the families  
7 would be expecting good news, and we never got good news. It was always bad  
8 news, you know? Here the oxygen level in that number one hole was six to seven  
9 percent, you know? And they thought maybe they heard some seismic --- you know,  
10 seismic might have picked up some noise. And then no.

11 And then they would --- everybody would wait to see what they could see  
12 down the bore holes when they came to show the videos, and they were hoping to see  
13 something. But they never did see it. We never did see anything. Especially when  
14 they drilled down in the number one entry here in the ---. I don't know if they sent the  
15 video down there or not --- I think they did --- but I can't remember how much  
16 clearance they had in some of those holes now, you know? But they were hoping they  
17 could send the camera down maybe even see where the miners were located.

18 Q. Do you feel, Bill, that the families were given the truth about the possibility of  
19 survival or non-survival of those rescue people?

20 A. I think they were. I think Murray was the one that was real blunt about it,  
21 saying that, you know, it's already been predetermined if they're alive or dead, you  
22 know? But Murray and Stickler, they all would end the meetings saying, you know ---  
23 with trying to be --- hope, trying to give them a little hope. And I don't think, until the  
24 meeting at the church on August 31st when we actually gave up --- we're not going to  
25 drill any more holes --- people still had hope. That was the toughest.

1 Q. People, being the family members?

2 A. The family members, yeah.

3 Q. When you have ---? Was the extent of that bounce ever shared with the  
4 families ---

5 A. Oh, yes.

6 Q. --- that this thing, that they were ---?

7 A. They knew. The families were here. And we had the map out, and they'd  
8 come in and look, and they even helped us ---. They knew it was 3,000 feet into it.

9 MR. PAVLOVICH:

10 Were they told, Bill, that the entries were packed full to the  
11 top?

12 A. Well, yeah. And even some of the --- the picture that Murray took showed  
13 that.

14 MR. PAVLOVICH:

15 Yes, but it was after a couple days; is that right?

16 A. Well, yeah. Here's what they do ---.

17 MR. PAVLOVICH:

18 I mean, did the family members ---?

19 A. The families knew that we --- the rescue teams only got in so far and then they  
20 couldn't go because it was filled, the entries were filled. I don't know if they quite  
21 understood, because ---.

22 MR. PAVLOVICH:

23 But what that meant --- okay.

24 BY MR. TEASTER:

25 Q. Were they told about the stopping being blown out to 95?

1 A. Yes.

2 Q. And the changes of that happening --- going safe?

3 MR. PAVLOVICH:

4 Was it almost hard for ---?

5 A. Here's what --- the one thing that kept coming up is, is that once we get  
6 through this 2,000 foot of cover, maybe it will go ---.

7 MR. PAVLOVICH:

8 Maximum cover?

9 A. Yes, maximum cover. We're hoping, maybe, it didn't bounce as hard in here,  
10 and maybe we'll get to go quicker. Murray had told him --- well, he expected 300 foot  
11 of advance each day. And it got to be so hardly --- you know.

12 BY MR. PAVLOVICH:

13 Q. Ten feet. Did you ever know these lines were mislocated on the original map?

14 A. No.

15 Q. That they actually were positioned further in? I mean, originally they showed  
16 this maximum cover at 127, and it actually was in 129 inbound.

17 A. No, I didn't know there was a discrepancy.

18 Q. Okay. And if --- I guess if this is the zones, the 2,000 foot covering it, the  
19 material was out to 118, 119 ---?

20 A. Yeah.

21 Q. If you go from there to there, that's six crosscuts. And if you go from here to  
22 here, six crosscuts. It's kind of right where they were at. Anybody explain that?

23 A. You mean how far a distance it was?

24 Q. Yeah. I mean, as far as, the forces couldn't extend that way from ---. Instead  
25 of saying, well, once we get past here it's going to be clear?

1 A. No, that was speculation, and they were told that. There was ---. They knew  
2 that --- nobody knew what the conditions were in here other than what we saw down  
3 the bore holes when we went down.

4 Q. Did anybody ever explain to them the forces of what a bounce like this would  
5 be?

6 A. I don't know. I don't know if that was ever discussed. I think it was just  
7 thought that people knew that it was a catastrophic failure.

8 Q. How would they know?

9 A. Well, when the --- tell them that the entries are full of rubble, you know?

10 Q. When I heard that, that the entries were full of rubble, even with mining  
11 experience, it was just almost hard for me to imagine.

12 A. It was explained to them on several occasions that --- some folks thought it  
13 was a roof failure.

14 Q. Right.

15 A. But it was made clear to them, it wasn't a roof failure. It was the floor heaving  
16 up and then the ribs coming in and this outburst.

17 Q. Okay. So there was this tremendous force that ---.

18 A. Right.

19 Q. So did they explain to them the forces that these guys might have been  
20 exposed to ?

21 A. I think that was discussed from time to time, that there were tremendous  
22 forces there.

23 Q. Was it ever really clarified that ---

24 A. I don't think.

25 Q. --- that seven percent oxygen up there is not good?

1 A. Well, it was in my notes. It says you wouldn't live there --- live in it very long.

2 Q. Right.

3 A. And that was told right to them.

4 Q. But they also said, we don't know if that means anything.

5 A. Yeah. Right.

6 Q. I mean, you know, if you say, well, if you're at seven percent oxygen you can't  
7 live very long, but that doesn't mean anything. That's just one little location in there. I  
8 mean ---.

9 A. I think --- well ---.

10 MR. TEASTER:

11 Was the families ever told about the bath house shaking out  
12 there as a result of that?

13 A. I didn't hear that at all.

14 MR. TEASTER:

15 You never heard that?

16 A. I never heard that at all.

17 BY MR. PAVLOVICH:

18 Q. You know, I guess after the 16th, and there's several notes in this book, it  
19 leaves a whole lot of discussion that's brought up in the family briefing. It's kind of,  
20 like, risk versus value. We can't really risk rescuers because --- until we find out  
21 there's some reason that these guys are alive.

22 A. I don't think there was --- I don't think the word value was used. There was ---  
23 they was trying to do a risk assessment to see if it could be safely --- if the  
24 underground rescue work could be done safely.

25 Q. Okay. And there's quite a few notations pertaining to risk, some kind of risk

1 evaluation.

2 A. There could have been.

3 Q. And these are not your notes, but ---.

4 A. Those are Carla's.

5 Q. Okay.

6 A. That's one thing we could do, is make sure we get a logbook started and keep  
7 really good --- instead of every family liaison keeping their own notes early on.

8 Q. There's a notation here about 6:39, Stickler left for meal, and then some  
9 phone numbers, then, the president is in his office now, whatever that means. But  
10 here's some notes, standby is not acceptable. We need to take them out dead or  
11 alive. We can't take unnecessary risks. We have to do it where risk is limited. It's  
12 critical to risk life if miners are alive. To justify the risk, we have to have live miners.

13 A. I don't know who would say that.

14 Q. And repeated notes about --- someone was saying this. I don't think Carla was  
15 just writing ---.

16 A. No, no. I don't know who ---. What date is that?

17 Q. This is on the 16th, 17th, I guess. I don't see a note --- a date. Six o'clock,  
18 5:58.

19 A. Well, another thing ---.

20 Q. These are 3:30, 3:45, five o'clock, five o'clock.

21 A. One of the other things that was ---.

22 Q. I guess so ---. You know, I'm just saying, did you ever hear that kind of  
23 discussion prior to the second accident, about we're evaluating the risk, you know? It  
24 may not ---.

25 A. No. Prior to the second accident, what was discussed was trying to ---. They

1 had developed a safe support system for --- you know, with the rock props and wire  
2 mesh.

3 Q. What they thought was ---?

4 A. Yeah. And the cables.

5 Q. But you never heard anybody talk about ---you know, the risks we're putting  
6 our people through for the possibility that these people may not have survived? You  
7 never heard a discussion? Well, you didn't make any notes of it.

8 A. Yeah, I don't know if I put notes in there, but that was discussed. But I do kind  
9 of, now that you mentioned it, about we wouldn't send ---. The other thing that we  
10 haven't touched on was the --- drilling the big bore hole so they could send the capsule  
11 down.

12 Q. Right.

13 A. And that was part of the risk thing. It says, we're not going to send anybody  
14 down in a capsule unless we know that there's some live miners down there because  
15 they went in and explained to us a number of times that those --- the bore holes are  
16 going to be, like, 2,000 foot deep. It's going to take 45 minutes to get one or two guys  
17 down there. They have four hours of oxygen. You know, it's just that it really  
18 wouldn't --- wasn't feasible.

19 Q. And the holes were closing off.

20 A. And then the other thing is you're getting seismic movement and there's a  
21 risk --- there's a possibility that we could trap two rescuers down there and we couldn't  
22 pull the capsule back out.

23 Q. Right. Okay.

24 A. So that was talked about a number of times. I think the word risk was used  
25 there, we can't take that risk unless we know there's live persons down there.

1 Q. Okay.

2 MR. TEASTER:

3 Finished?

4 BY MR. TEASTER:

5 Q. There was several of the family members up at the Congressional oversight  
6 hearings. And the way they characterize it is, the companies gave the briefings, and  
7 MSHA just either confirmed or just added a little bit at the end of the briefing.

8 A. You know, that happened a lot of times. We didn't have a lot to add, but there  
9 were a lot of times when Stickler or Al Davis would have quite a bit to say. I mean,  
10 there's a lot of ---. That seismic thing was always coming up, the seismic testing. And  
11 then the big bore hole, and then we'd discuss that. Safe means of ---. After the  
12 August 16th accident, you know, safe means to try and go in. You know, we're not  
13 going to send --- risk any more lives unless we can do it safely. That's kind of like  
14 what you might --- the word risk would come in, unless we can do it safely and  
15 guarantee the safety.

16 Q. So you think sometimes that would have been true and sometimes it would  
17 not have been true?

18 A. Yeah. Well, early on, it was very true. But as things developed ---. And I  
19 think there was even several times when Stickler opened the meetings.

20 MR. PAVLOVICH:

21 So now you think there was? Because earlier you said you  
22 couldn't find any instances and you think pretty much Rob Moore and Murray always  
23 opened the meetings.

24 A. I think there were a couple. What might have happened is, Murray or ---. It  
25 got to be that Rob Moore was the main spokesman. He just had very little to say and

1 then turned it over to Stickler.

2 MR. PAVLOVICH:

3 Okay. So maybe he just said, we're briefing now. I'm going  
4 to leave it to Richard.

5 A. Yeah, it's hard to say. There could have been one or two times when Stickler  
6 started it. You know, if I don't have it in my notes, you can't quote me on that.

7 BY MR. TEASTER:

8 Q. Do you think it was trust --- that the family members didn't trust what MSHA  
9 was telling them? I mean, I can see some, maybe, mistrust because they got some  
10 misinformation. But do you think that was also a trust factor with MSHA and the fact  
11 that they wanted the family members to go under and come back and provide that  
12 information?

13 A. Oh, no. The thing about Ex. (b)(6) and Ex. (b)(7)(C) going underground was the  
14 whole outgrowth of Murray being --- you know, what had happened the first two days  
15 on those meetings. That's the --- it didn't have anything to do with MSHA, I don't  
16 think. It was just all that they didn't trust Murray or they didn't like how he was talking  
17 to them.

18 MR. PAVLOVICH:

19 So you think they initiated that, the families?

20 A. I think Ex. (b)(6) and Ex. (b)(7)(C) went ---.

21 MR. PAVLOVICH:

22 Ex. (b)(6) and Ex. (b)(7)(C) said I want to go in.

23 A. Yeah. I think Ex. (b)(6) and Ex. (b)(7)(C) did. I remember talking to him a little bit, and I think I  
24 kind of remember that Ex. (b)(6) and Ex. (b)(7)(C) was the guy that had suggested it.

25 BY MR. TEASTER:

1 Q. Okay. When you mentioned to Joe earlier that you were having this meeting  
2 in the parking lot in the morning and Mr. Stickler brought up a concern about --- he  
3 didn't think they were recording the information timely and adequately?

4 A. Right.

5 Q. You say that, and what was his demeanor when he made that statement?

6 A. Well, it was kind of like, if you guys can't do it, I'll find somebody that could do  
7 it the way I want it to be done. That was, kind of, related to Kevin and Al Davis.  
8 That's why I put that note in there. I thought, I'm going to get this book going here,  
9 you know.

10 MR. PAVLOVICH:

11 So he's telling Kevin and Al Davis that?

12 A I'm pretty sure, because actually people that's out in the parking --- it was me  
13 and Stickler and Kevin and Al. And it might have been Rich Kuczewski or one of the  
14 other media guys. See, we would meet MSHA, and then we'd go over and meet with  
15 the Murray guys. And then they would hash out what was going to be said. But we  
16 would meet out in the parking lot ourselves.

17 MR. PAVLOVICH:

18 And that's what he told Al and ---?

19 A. I kind of remember that a little bit. Something to the effect, yeah. Of course,  
20 there was a lot of stress going on in there, and he wanted it done a certain way and  
21 wanted it done right. And it was ---.

22 MR. PAVLOVICH:

23 I think it was probably a pretty memorable experience for you,  
24 Bill, if you ran out and got that notebook.

25 A. Yeah. Oh, I know, I did.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. PAVLOVICH:

It wasn't like something ---- just casual in passing, you know what I mean?

A. But I think the --- the family liaison should keep a logbook from day one, instead of like Carla having notes and me having notes.

MR. PAVLOVICH:

It's certainly helpful to us.

BY MR. TEASTER:

Q. How much discussion was there about the use of dogs?

A. That came up once or twice. I think it came up in that real big meeting at the junior high where there was a lot of people. I think it was, like, a Sunday or whatever, and a lot of outside relatives came in. And that was one of the items that was asked, about using dogs. And I think it came up once at the church in one of the meetings.

Q. Why did they decide it was not a good idea?

A. I think we said because --- you know, there were two or three things. One was, we know the oxygen content back there is real low and it's going to kill a dog, you know. They have the same exposure. And we didn't think there was clearance enough over top of the material that was in the entry, from the out --- from the bounce and the outburst.

Q. So you know who made the decision that it was not a good idea to use the dogs?

A. I don't think it was ever considered to be feasible. I think it was just kind of --- it was mentioned and somebody said they didn't ---. I think they probably mentioned -- - I don't know if it was Stickler or --- we didn't think it would work, that the dogs would be exposed to the same conditions as a human would be and it wouldn't survive.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. PAVLOVICH:

If the dog couldn't survive going over there, how were those miners surviving there?

A. Well, I think that was discussed a lot, because we ---. I don't want to say a lot. It was discussed that the oxygen was low back there. You couldn't live there for very long. I don't think it was ever thought that that was a very ---

MR. PAVLOVICH:

Very viable to use dogs.

A. --- viable thing to do. I don't know if it was ---.

BY MR. TEASTER:

Q. Okay. Let me back up to the approval of the retreat mining in the south barrier through the rubble. Why was Billy in such a rush to get that approved?

A. Because he was going on vacation the next week, and he didn't ---. He wanted to tie up all the loose ends.

Q. He was going on vacation starting that following Monday?

A. Monday, yeah. Now he said, Bill, if you don't feel --- he told me this a couple of times. If you don't feel comfortable signing it, we'll let --- you know, we'll just wait 'til Monday and let Al look at it. But just the way, you know, things progressed that afternoon, I kind of thought, well, if Billy's satisfied with it, you know, I'll just sign off for Al. And then I remember Billy coming back after vacation --- and he said he'd follow up on it. And I remember Billy telling me he had talked to Al about it and Al ---. I think that was the Monday after he came back after the week he was off. And he poked his head in and said that he had talked to Al about that approval, and Al felt comfortable with it, too.

Q. Did you feel pressured by Billy, or anyone else, to sign it?

1 A. You know, a little bit. It was kind of like, well, if you don't want to do it, we can  
2 just wait until Monday and then AI will do it. You know, he wanted to get it done that  
3 week, that Friday.

4 MR. PAVLOVICH:

5 The company was wanting it, I guess, to start the mining?

6 A. They might, yeah. I don't even remember exactly what the status of the  
7 retreat mining was, but I don't know when they started back there. It says July, so ---.

8 MR. PAVLOVICH:

9 It could have been. I don't really know. He never did say the  
10 company's calling, though, wanting ---?

11 A. No, I don't think it was that. I think he just wanted to ---.

12 MR. PAVLOVICH:

13 He wanted you to wrap it up because he was ---?

14 A. He wanted to get it wrapped up.

15 MR. PAVLOVICH:

16 Okay.

17 BY MR. TEASTER:

18 Q. You said you had read the Agapito report prior to signing.

19 A. Well, I had looked at it, but I didn't read it word for word. That was probably a  
20 misstatement when I said I read it. I didn't read it word for word.

21 Q. When you say you looked at it, what does that mean? You just ---?

22 A. Well, I looked at the recommendations and some of the discussion about the  
23 pillar sizes being bigger than the north barrier and ---. I don't know if there was a  
24 safety factor involved or whatever, but based on what I read, I felt that Agapito  
25 thought it was --- designed to --- and it was safe.

1 Q. Okay. Well, Agapito, in that report, recommended that you get full extraction  
2 of those pillars to the extent possible.

3 A. And they do that later. And I didn't ---. That didn't --- I'm sorry. Go ahead and  
4 ask your question.

5 Q. Well that, as well as to mine 40 feet of that barrier to the left. And that roof  
6 control plan in that area there ---.

7 MR. PAVLOVICH:

8 Where that offset is? I guess ---.

9 MR. TEASTER:

10 Yeah, right here.

11 BY MR. TEASTER:

12 Q. That roof control plan required these additional blocks to be left --- three  
13 additional blocks --- plus no mining of that barrier.

14 A. In that one spot there, yes.

15 Q. Yes. Right.

16 A. But they allowed it out here further; right?

17 Q. Right.

18 A. Right.

19 Q. But I mean, it was inconsistent with what Agapito ---.

20 A. Well, that was.

21 Q. It seemed to be, like, you were basing approval on Agapito's review of the  
22 recommendations.

23 A. I didn't even ---. That aspect of it, I don't think that entered into my review of  
24 that, you know, leaving the pillars. Because I wasn't aware of that. Mainly it was the  
25 change in the pillar size that I had seen.

1 Q. But Billy indicated to you that Agapito had basically said, do this, and it would  
2 be okay?

3 A. Yes. Right, based on Agapito's report, he thought it was okay to let them go  
4 ahead and retreat mine there.

5 MR. TEASTER:

6 Okay. That's all I have.

7 MR. PAVLOVICH:

8 Ex. (b)(6) and Ex. (b)(7) do you have any questions for Bill?

9 UNIDENTIFIED MALE SPEAKER TWO:

10 I got one question, Bill.

11 BY UNIDENTIFIED SPEAKER TWO:

12 Q. Something Joe and Ernie touched on earlier. I think, maybe, sometimes we  
13 overlook this, but it's real critical. Now you've done investigations with MSHA, and  
14 you've been involved in emergencies. I think we would all agree that anytime you did  
15 an investigation, you look at the facts. And everybody has opinions, but you have to  
16 look at the facts to develop your conclusions, ---

17 A. Right.

18 Q. --- whether contributing violations, whatever they may be. You kind of take  
19 the personalities out of it, the mine operator and everybody else, and you look at  
20 what's in front of you, what the facts are. I think on a rescue and recovery, when  
21 you've got people underground that are exposed to continuous hazards, whether it's a  
22 fire, an explosion or what we had here in Crandall Canyon, that you have --- that  
23 requires you to analyze all the information you're getting from underground and make  
24 sure your first priority, which is the safety of the team, or the rescuers is being taken  
25 care of.

1           And to do that, I think you have to remain objective and --- I don't want to say  
2 cold. But you have to analyze the facts. And I guess what Joe and Ernie were  
3 touching on is, one of the concerns we have is that when you start dealing with  
4 emotions and when you're trying to protect your rescuers and accomplish a job, as the  
5 goal of even sending people underground, when you get emotions involved, does that  
6 affect your decision making? Would it affect your decision when it comes down to,  
7 say, maybe conditions are getting too bad underground, we need to withdraw  
8 everybody. Do you see any ---? Do you have any thoughts on that? How do you  
9 keep your emotions out of it? How do you maintain objectivity?

10       A.       Well, I think the thrust of it, your questions and ideas, that you shouldn't be  
11 emotionally involved with the families because that leads to your not making the  
12 proper decision. But I don't know.

13       Q.       Well, I don't ---. I think we should be emotionally involved with the families,  
14 Bill. I'm not sure the decision maker should be. I guess that's my point.

15       A.       Well, that's what I meant, too, whether the people that are making the  
16 decisions might not make the right decision based on being emotionally involved with  
17 the families. I remember being at Wilberg, and John Barton --- it was in 1984. We  
18 didn't have family briefings or anything. We still all were emotionally involved, and I  
19 don't think there's any difference, really. We had 27 miners that we were trying to  
20 find. And we were trying to do it the safest way. We did things we weren't supposed  
21 to do. We were working in by the fire and different things like that. But we did that  
22 because, you know, we wanted to get --- rescue those miners.

23       Q.       Do you think being involved in talking to the families day in and day out,  
24 getting to know them personally, seeing them with their heartache, would not affect  
25 you in any way in your decision making?

1 A. I don't think you can say that it wouldn't, but I think you can separate the two.  
2 I really do.

3 Q. So you think one person can do both and be objective?

4 A. I think so.

5 Q. Well, let me ---. I'll read you something, because we took our training from  
6 National Transportation Safety Board. They --- I guess 11 years ago, they developed  
7 their family assistance program because some airlines were handling the families and  
8 things got all screwed up. And they finally said, okay, we need to take care of the  
9 families somehow, and I think that kind of hit us after Sago.

10 A. Well, right.

11 Q. Okay? But this guy, Joe Osterman, testified before the Senate, and he talked  
12 about how they developed their family assistance program. But what he said was,  
13 they use two groups. They use a group that investigates the accident, and that's their  
14 job. And they have a group that deals with the families, and that's their job. And  
15 here's what he said. He said when they took on additional responsibility, they said  
16 some people were concerned that this additional family role would detract from and  
17 interfere with the Board's independence and make it more difficult for them to be  
18 objective during their investigation.

19 So the Board, to address these concerns the people brought up before they  
20 took on this program, says, the Board put up a firewall between the investigative team  
21 and the family assistance program, so that those two never crossed paths, so that the  
22 investigators wouldn't have any emotions or ---. You know, maybe when they're doing  
23 their investigation, they see how much it broke these families' hearts, and they're  
24 going to penalize the airline. I think human nature takes over. So I kind of relate to  
25 that here, Bill, as ---. You know, the families are MSHA's concern, but should the guys

1 who are the decision makers, who their number one priority is looking out for the  
2 rescuers ---? That's been taught for years, that our number one concern is the safety  
3 of the rescuers.

4 A. Right.

5 Q. Should we not have something like that in place to where ---. I think it's all  
6 good and well that we deal with the families, and we need to get better every time.  
7 And I think we're using your comments to get better, you know, some suggestions and  
8 things like that. But should we keep --- if the safety of the rescuers is our number one  
9 priority, should we keep those guys that are analyzing the information and stuff  
10 coming out from underground, your key decision maker, should he not be isolated  
11 from the family and any emotion which is ---? Now that's what the NTSB said.

12 A. That's a good question. I don't know if there's any answer to that or not. I  
13 know the families, if they knew that Stickler and Kevin and Al Davis were giving  
14 briefings to the media, the family would have taken exception to it if they didn't come  
15 down and brief them.

16 Q. I'll agree with you, and maybe someone else should be briefing the meeting. I  
17 agree with what you're saying, that if they see Joe Pavlovich on TV talking to the  
18 media, they want to talk to Joe. But I think whoever's the senior decision maker  
19 onsite, I think we would all agree, he has to deal with facts only and be as objective as  
20 possible. And you analyze risks. All the risks that you're seeing, you have to analyze  
21 those based on your benefit that you would gain from taking those risks. So ---.

22 MR. PAVLOVICH:

23 I guess in this instance just what (b)(6) and Ex. (b)(7) saying is, were the  
24 primary decision makers managing the rescue operation totally focused on the safety  
25 of the rescuers, or was there more focus placed on the families and the media?



1 A. They just want their investigators to be objective and come to the right  
2 conclusion as to what caused this accident.

3 MR. PAVLOVICH:

4 Right.

5 A. We're trying to make --- well, maybe they have the same thing, trying to make  
6 decisions on how to do this rescue safely.

7 MR. PAVLOVICH:

8 Well, I think our operation is even more intense than theirs.

9 A. But they're not quite apples and apples. I don't know if it's apples and  
10 oranges, or what the heck they are. They are two different scenarios. They're  
11 investigating to try to make an objective decision as to what caused the plane to  
12 crash.

13 UNIDENTIFIED MALE SPEAKER TWO:

14 Well, what Joe just mentioned is critical, though. Our role as  
15 an objective senior decision maker is probably more critical because you're exposing  
16 rescuers to a high level of risk, which you're not doing in a plane crash. So it's  
17 probably even more critical for us to have our finger on every bit of information ---.

18 A. Okay, <sup>18, (b)(6) and 18,</sup> give, you're right. You're right. Okay, I give.

19 UNIDENTIFIED MALE SPEAKER TWO:

20 I'm sorry, Bill. I'm sorry. I guess that's something that's really  
21 concerning us, is all the information that's coming out from underground on bumps  
22 and bounces, doesn't seem like a lot of that was being considered. I guess that's the  
23 bottom line, is the concern.

24 A. I remember that one time, they were saying that they had to pull back almost  
25 to 105 or --- way back, because they were getting little bounces way outby. So they

1 pulled everybody out to try and shore that up. Because they hadn't put the prop ---  
2 rock props back there.

3 MR. PAVLOVICH:

4 They were afraid this was going to fail back here ---

5 A. Yeah.

6 MR. PAVLOVICH:

7 --- and have all them trapped up here.

8 A. Well, that was another thing that Richard Stickler mentioned to the families, is  
9 we're taking a risk just taking one entry in, because if something happens we can trap  
10 all our rescuers inby --- instead of normally what is required to escape with.

11 MR. PAVLOVICH:

12 It's a major risk.

13 A. Yeah.

14 MR. PAVLOVICH:

15 (b) (6) and Ex. (b) (7)(C) That was your one question.

16 UNIDENTIFIED MALE SPEAKER TWO:

17 I apologize, Bill. I didn't mean to be pushy or anything, but I  
18 was ---.

19 MR. PAVLOVICH:

20 You finally browbeat him into submission; okay? And poor  
21 Bill is trying to --- he gave his opinion, but you beat him into --- you know.

22 UNIDENTIFIED MALE SPEAKER TWO:

23 I know. I apologize.

24 MR. PAVLOVICH:

25 I mean, you pinned him to the mat and then you kicked him.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. TEASTER:

Like you wanted to debate it.

UNIDENTIFIED MALE SPEAKER TWO:

Okay.

MR. PAVLOVICH:

[REDACTED] would you have a question for Bill, or do you want to change his whole outlook on morality? I mean just ---.

BY UNIDENTIFIED MALE SPEAKER THREE:

Q. Yeah. I just want to say, I got a couple. And if you just want to agree with me and we'll go on to the next ---. No. I don't know about every hour, I guess it's supposed to be something like that, where you would call and get an update and stuff.

Was the family center, or wherever you guys was at, did you know how many bumps was going on underground? Did they tell you, like, we had three bumps this past hour or anything like that?

A. I don't think we got that. I really don't. But like in the briefings in the morning and in the evening, there's notes in there that, you know, the families were notified that there would be --- there were bounces and small bumps happening.

Q. Did Mr. Stickler ever come over and look in your log book?

A. No.

Q. He never did?

A. He never did. Not that I know of. I mean, I wasn't there all the time, so ---.

Q. Well, Joe and Ernie asked something. I just want to kind of follow up on it. You know, he was talking about severity, how they was going about sending a detachment underground or something, to see how much the extent of it was. Did anybody ever mention how dusty it would get after a bump happened, especially one

1 that was this magnitude?

2 A. I'm trying to remember ---. Do you mean what was told to the family about  
3 that?

4 Q. Yeah.

5 A. I know the family was told that these stoppings were blown out, maybe  
6 Crosscut 90 or so. And I don't know if the fellow was in the truck that was heading out  
7 to pick up the electrician, whoever's told about, you know, how much dust and  
8 whatever he experienced. But I can't recall that. I can't recall if the topic of dust in  
9 suspension was brought up, actually.

10 Q. Well, do you remember not making up the family, that you talked about how  
11 MSHA would meet first thing in the morning. So they were discussed in the meeting  
12 that you was in, and when that first bounce happened, those guys had a meeting to  
13 see if anything was wrong, anything like that?

14 A. That might have come up with the six miners that were trapped. There could  
15 have been a lot of material thrown at them, and there'd be a lot of dust, too. I think at  
16 one time it might have been mentioned that there would have been a lot of dust in the  
17 air when it first happened around those six miners, and they might have gotten  
18 disoriented. And we wouldn't know where to look for them. Something like that was  
19 mentioned.

20 Q. They mentioned that, when was it?

21 A. I don't know. I just kind of remember that kind of being brought up one time.  
22 But I don't remember exactly when. I don't think that's in my notes, either.

23 Q. I can understand that, where you're at. But you think it might have been while  
24 Mr. Stickler and Davis and everybody that was together or something?

25 A. Oh, you mean ---? No, I think that was actually mentioned to the families that,

1 you know, when this happened, there would have been a lot of forces and there would  
2 have been all this material and dust, and it could have gotten these guys disoriented.

3 Q. Okay. And do you remember who said that?

4 A. No, I don't remember who said that or when it was said. And I don't think ---  
5 like I said, MSHA put things like that ---. I try to catch a lot of stuff, but I didn't get  
6 everything captured, in other words.

7 UNIDENTIFIED MALE SPEAKER THREE:

8 That's all I have.

9 BY UNIDENTIFIED MALE SPEAKER FOUR:

10 Q. Bill, all this time you've been out here in District Nine, are you aware of any  
11 event where the entry and crosscuts got filled with coal, and it was determined that it  
12 was caused by an earthquake?

13 A. By an earthquake? The only other event that we had was at Belina. And it  
14 wasn't any kind of magnitude like this. And what they were doing, they were mining  
15 the pillars, but they had, like, 20 feet of coal. And in the second mining, they were  
16 taking another lift and coming out. Try the second mining, and you take the bottom  
17 coal. And they had a big area opened up and they had a huge cave-in that occurred.  
18 And it did a lot of damage, but it didn't --- it was the roof caving in. It wasn't that bad.  
19 But I think it showed up on the seismograph.

20 You know, our guys checked at the University of Utah website. They were  
21 watching just to see what type of bumps that happened and only what type of  
22 seismograph to make this happen and what it is on the Richter scale. I could  
23 check --- Utah, a guy in Utah, a supervisor, did that a lot. I mean, it's pretty common  
24 in Utah to get those bumps that show up on the seismograph in Salt Lake City.

25 Q. I mean, has there ever been a case where it is saying it wasn't a bump, that it

1 was an earthquake?

2 A. I don't know of anything that said --- of an earthquake.

3 Q. It seemed like the first couple days, like, we didn't inch or didn't dismiss an  
4 earthquake.

5 A. Yeah, we didn't know.

6 Q. That it was going out ---. I was just wondering if an earthquake had ever  
7 caused damage.

8 A. I don't think that ---. I don't think so. I don't know for sure, but I'm not aware  
9 of any anywhere that an earthquake caused a fire, an outburst, and that's what Murray  
10 was trying to say, that an earthquake caused it, the fire.

11 Q. Seems like we're going to dismiss that.

12 A. It took a few days. It really did. I don't know. I think a lot of people were  
13 saying, well, that's something we can figure out later because right now, we're  
14 rescuing the miners. We're trying to do the rescue operation, and let that fall as it  
15 may. If it didn't happen at that time, I don't think we were too concerned whether an  
16 earthquake caused the outburst, or the outburst caused the earthquake. We were just  
17 anxious to get to the rescue. I can remember thinking, I don't know if that's the  
18 reason, but we'll have to put that out later.

19 Q. Well, you quoted Stickler as saying that there's no new trace of gas. I see  
20 there was a connection done on the 13th. He's saying that the mine rescue team went  
21 in, filled therein and had put tracer gas in there. And now there isn't any indication to  
22 photograph this.

23 A. What they were going to do is put tracer gas down, maybe in the number one  
24 hole, or one of those holes, and see if it would migrate over to the main west area and  
25 that seal. I think they opened the ---- yeah, that seal was still open. And they wanted

1 to see if that trace of gas appeared out there. So that way, they could say that the  
2 area where the miners were trapped --- communicate with that sealed area where we  
3 knew they had the low ---. I never did quite understand that because if you put tracer  
4 gas in and in gas in it and see if it took it off the bore hole, but because it was out ---  
5 because it was in gas and they didn't think the tracer gas would tell you.

6 Q. So you would put the tracer gas the way --- in to, like because of the in gas  
7 and it was polluted, that there was no communication?

8 A. Well, yeah. I didn't quite figure that out, either. Yeah, after ---. That tracer  
9 gas thing was just brought up that one time, and then I left that note in there. I didn't  
10 follow up on it. But whoever was making the decision must have come up with that  
11 conclusion. I don't know.

12 Q. Okay. And then that page where you talk of where you signed the plan on the  
13 15th, you were acting for Al Davis?

14 A. Uh-huh (yes).

15 Q. Right at the bottom of the page, you say that Bill said that if you didn't feel  
16 comfortable, you could wait 'til Monday. And then you said based on the discussion  
17 and you wouldn't really have done at the time, sign the plan, which I guess you did on  
18 that Monday?

19 A. Yes --- on Friday.

20 Q. On Friday. Then it says on Monday, Bill stopped by and we discussed ---

21 A. Yeah. I was off a week on that.

22 Q. --- with Matt and Davis.

23 A. Yeah, I was off a week on that. I thought it was the following Monday, but it  
24 was a week after. Yeah, I was mistaken on that.

25 Q. So it would have been the week after?

1 A. Right.

2 BY UNIDENTIFIED MALE SPEAKER ONE:

3 Q. Bill, I guess when Ernie was following up on some of the questions, you know  
4 about the family members going underground and you said it was kind of their  
5 initiative based on their interactions early on with Murray. And you said it didn't have  
6 anything to do with MSHA, that it was more of their response that Murray was treating  
7 them badly and they wanted to see for themselves, basically.

8 A. Right. Right.

9 Q. I guess my question is, if MSHA was more in charge early on, would the  
10 family members have needed to pursue something on their own? Couldn't they have  
11 said --- couldn't MSHA have stepped in and said ---?

12 A. That's probably one of the recommendations, is to --- we'll let the company ---.  
13 I don't even --- just keep him out of the briefings, I guess. I don't know. Just let  
14 MSHA do their own briefing. Then that way they would develop more of a trust with  
15 the families.

16 Q. And same thing on following up on <sup>Ex. (b)(6) and Ex. (b)(7)</sup> with the earthquake stuff early on.  
17 I mean, even if MSHA would have stepped in early on and said, based on everything  
18 we know, we think it's a mining-induced event, maybe it would have prevented the  
19 downward spiral that seemed to start from the beginning when Murray ---.

20 A. We didn't know that early on until after the University of Utah came out with  
21 their theory.

22 Q. Well, I understand that you didn't know for a fact.

23 A. Right.

24 Q. But what's wrong with saying, based on everything we know in the area, you  
25 know, many of these events are mining related. I mean, we didn't even say anything

1 like that to the media.

2 A. No, I don't think we did.

3 Q. And it just seemed like it went downhill from the beginning.

4 A. Yeah.

5 Q. My only other question is, you said about how Stickler would stick around to  
6 the end of these briefings and answer all the questions. And we've asked a lot trying  
7 to figure out how much time they spent and how much time they had left to actually be  
8 decision makers for the rescue effort. And my question there is, did Al and Tim stick  
9 around as much as Stickler?

10 A. No.

11 Q. Could they have left ---?

12 A. Sometimes Stickler would stick around and the other guys would leave. After  
13 they answered a few questions, like Kevin and Al would leave and go ---. But I don't  
14 know. I kind of wondered about that, because they would go back to the mine and let  
15 Richard do the media briefing. And I don't know if they were ever in attendance at the  
16 media briefing or not.

17 Q. And I guess we'll find that out soon enough.

18 A. Yes.

19 UNIDENTIFIED MALE SPEAKER ONE:

20 Okay. That's all I have. Thank you.

21 A. Oh, oh. Here comes the lawyer. I tell you, you're really going to get it now.

22 UNIDENTIFIED FEMALE SPEAKER:

23 I actually don't because they've done such a wonderful job, I  
24 don't have very much left to ask.

25 BY UNIDENTIFIED FEMALE SPEAKER:

1 Q. I guess I'll start by saying that, you know, I agree with what they've said, and I  
2 think it's incumbent upon the government to step in when they --- even though we  
3 didn't know at the time that it was not, we've allowed that it wasn't an earthquake. I  
4 think we had an obligation to say we don't know at this time, instead of letting, you  
5 know, this perception lying out there that it's an earthquake. Because by not saying  
6 anything, it's kind of an affirmation of what Murray is saying. So I'll just start by saying  
7 that I want to ask you to comment on it because ---.

8 A. Well, the same thing applies to the retreat mining. People were saying they  
9 wanted retreat mining. And once I heard that, I started looking at the map. I said,  
10 that's not right. But then I think he was talking about technical things, that they had  
11 skipped these three rows of pillars and maybe they weren't --- . They started out new,  
12 that they wanted retreat mining, but they hadn't mined any pillars right there. I don't  
13 know what he was thinking. But I remember calling Bill after a year and I said, jeez,  
14 Bill, what's going on about this retreat mining thing. And Bill said he didn't know,  
15 either. So I think that's something we could have cleared up early on, too.

16 Q. And I realize that, especially when somebody, you know, that has a  
17 personality that he does, don't want to ---. It's a fine line. You have to --- you know, to  
18 really try to balance because you don't want it to have a big, you know ---.

19 A. Confrontation.

20 Q. Right. In front of the families, so ---. But I do have a question about  
21 something that Bill raised, the family members going underground. And you said that  
22 you got <sup>Ex. (b)(6) and Ex.</sup> [REDACTED] and some of the other family members that raised that issue.

23 A. <sup>(7)(e)</sup> Well, this was at that Wednesday meeting when the families really started  
24 questioning Murray, and Murray walked out. And then there was a whole big meeting  
25 between Stickler and the Governor and Strickland and Rob Moore and, I think, maybe

1 their attorney. And Murray came back in. And that's when that happened, too. Now  
2 what was your question?

3 Q. I haven't gotten to it yet, but here it is. Do you have any sense of whether or  
4 not Mr. Stickler made that decision there, ---

5 A. No.

6 Q. --- or whether or not anybody else was involved? Did it come from  
7 Washington? Do you know?

8 A. I talked to Ex. (b)(6) and Ex. (b)(7)(C) he had suggested it to Murray.  
9 And then when Ex. (b)(6) and Ex. (b)(7)(C) heard about it, he also went to Murray and said, I'd like to do  
10 that. And then Murray just came over and announced to everybody out of the blue  
11 that he was going to do that. He didn't discuss it. He didn't discuss it with them, I  
12 don't think. There was a lot of discussions going on about how to handle the whole  
13 situation because the families were so upset. I don't recall ---. I recall Murray coming  
14 and announcing it, that he was going to do it. And I think he made that announcement  
15 before he talked to Stickler and anybody else.

16 But Stickler didn't say no. Nobody said no then, you know.

17 Q. Right. And then you also mentioned that you had more interaction with Al and  
18 with Kevin than you did with Mr. Stickler. And I'm just kind of curious, was that  
19 because he wasn't accessible or ---?

20 A. Oh, no. No. I just felt more comfortable talking to my immediate boss, Al.

21 Q. Sure.

22 A. Kind of a little buffer there, but ---. Yes, I was involved in the meetings in the  
23 parking lot, the pre-briefing meeting. Al and I had some. But you know, it was more  
24 like, those guys trying to get their notes in order and make sure they have the right  
25 information. They didn't want to give out any misinformation. That pretty much ---

1 everybody wanted to be sure that whatever Stickler was going to say, or whatever  
2 somebody was going to say, was correct.

3 Q. Did he ever ask for your input or anything like that when you had taken the  
4 training on being a family liaison?

5 A. No, we never ---. We didn't talk that much. We rarely do.

6 UNIDENTIFIED FEMALE SPEAKER:

7 That's all.

8 MR. PAVLOVICH:

9 Okay. Bill, is there anything else that we haven't asked you  
10 that you'd like to volunteer and pass on to us?

11 A. Not really. It's a tough situation, guys. I don't know. It's a tough situation to  
12 be in. I don't wish it on anybody else. But I know we all tried to do our best, you  
13 know?

14 MR. PAVLOVICH:

15 Okay. Well, we appreciate your time today and bearing with  
16 us and rescheduling you from yesterday evening until this morning.

17 A. Well, that's good. We would have been here a long time last night.

18 MR. PAVLOVICH:

19 Yeah, we would have, so we're glad for you coming in early  
20 this morning to meet with us. And I'll tell you, Bill, I think all of us appreciate the work  
21 you did there, your efforts. I know you're a very caring person and a person that, I  
22 think, is an excellent person for family liaison choice. And I don't think they could  
23 have picked anybody any better to do ---.

24 A. Well, I think the recommendation as a family liaison should do the briefings.  
25 But make sure that all the information is up to date and whatever, too. That's a good

1 point.

2 MR. PAVLOVICH:

3 I can tell you, also, the family members we talked to were  
4 highly complimentary of you being there and your help and they appreciated  
5 everything you did.

6 A. Thanks. I appreciate that. That's good feedback, really.

7 MR. PAVLOVICH:

8 And I wanted --- you know, to thank you and thank you for the  
9 work you did on the --- the last time we worked together on the Martin County internal  
10 review. And I wanted to pass along to you that through all my research, consulting  
11 work, looking through all this stuff, still, without a doubt ---

12 A. The memo?

13 MR. PAVLOVICH:

14 --- you have written the best memo that's even been sent to  
15 headquarters, the infamous Denning memo.

16 A. Okay. Yes. Well, the answer was yes.

17 MR. PAVLOVICH:

18 All of our team knows about that memo.

19 A. Okay. Good.

20 MR. PAVLOVICH:

21 So you'll kind of go down in history.

22 A. History? Okay. Good. Thanks, guys.

23

24

25

