

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
CHERYL MCGILL

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
OCTOBER 30, 2007

1 BY MR. PAVLOVICH:

2 Q. You ready, Cheryl?

3 A. I'm ready.

4 Q. Okay. Let me just read this statement to you first. And as you know, we always have to
5 start out with a formal statement.

6 A. Of course.

7 Q. The Secretary has assigned this group the task of evaluating MSHA's performance during
8 the period preceding the August 6th, 2007 coal bounce at Crandall Canyon Mine, and the
9 subsequent rescue effort. We will also be evaluating issues that were raised during this time period
10 regarding Bob Murray and his interaction with MSHA. This is not an investigation or review of any
11 individual person. It's an administrative review of MSHA's actions as an agency. The evaluation
12 will be presented to the Secretary in the near future, and it's intended that the results of the
13 evaluation will be made public.

14 This interview is being conducted to gather information for this assignment. We also intend
15 to interview a number of other MSHA employees so that we may obtain unbiased information from
16 all persons to be interviewed. We ask that you not discuss this interview with anyone until all the
17 interviews are completed.

18 Okay. So if you would, Cheryl, I know you talk very softly, ---

19 A. I do.

20 Q. --- but so that the panel back here can hear your responses also, I'll ask you to speak up.
21 And also since I don't hear very well, I'll still have to ask.

22 Okay. Would you state your full name for the record, please?

23 A. Cheryl Smith McGill.

24 Q. Okay. And what is your current position, Cheryl?

25 A. My current position is leadership development program manager.

1 Q. Okay. How long have you been doing that position?

2 A. February 2006.

3 Q. Okay. What were you doing previous to that?

4 A. I was district manager in Coal District Two.

5 Q. Okay. And how long were you in that position?

6 A. From October 2000 to February 2006.

7 Q. Okay. So about six years, then, or so, five and a half.

8 A. Five-ish, yeah.

9 Q. These next questions are related to any interaction with Mr. Murray, with Murray Energy.
10 While in the position of district manager, did you ever have any communications or meetings with
11 Bob Murray?

12 A. I did.

13 Q. You did?

14 A. I did, yes.

15 Q. Okay. And can you tell us about any of those?

16 A. I had many meetings with his staff, but one in particular with him where I was having a lot of
17 enforcement difficulty and safety-performance difficulty at the Maple Creek Mine.

18 Q. So it was in relation to the Maple Creek Mine?

19 A. That's correct.

20 Q. Okay. And was it just you and Mr. Murray ---?

21 A. It was not.

22 Q. Okay.

23 A. It was his staff, him, the mine workers, the State of Pennsylvania and my staff. It was a
24 conference room full of people.

25 Q. Okay. So there were several agencies, other agencies or individuals involved from other

1 organizations, like UMWA. Were they present?

2 A. That's correct.

3 Q. And the State of Pennsylvania was present, some of your staff, some of Murray's staff.

4 A. That's correct.

5 Q. Okay.

6 MR. TEASTER:

7 Who requested that meeting?

8 A. I did.

9 BY MR. PAVLOVICH:

10 Q. Okay. And could you tell us why you requested it?

11 A. I wanted to get all the issues out on the table and get everybody's vying on where we were
12 going to go to try to improve the safety performance at Maple Creek Mine.

13 Q. Okay. So it was in relation to their violation history or their accident history or ---?

14 A. All of the above.

15 Q. Both?

16 A. Violations, accidents, G complaints, ---

17 Q. Attitude?

18 A. --- attitude, the whole ball of wax. That's why everybody needed to be involved and have
19 their issues out on the table.

20 Q. So was it because the mine had a very large number of violations also?

21 A. Absolutely. So many you couldn't get to the bottom of them. I mean, can I just be really
22 frank? We were spinning our tails out there. And our folks were just going in circles because they
23 couldn't get ahead for having to back up and go back to where they'd been before. It was just that --
24 - we were just at the end of our ropes. And it was beyond me. I mean, I had elevated the issue to
25 headquarters as well.

1 Q. Okay. So was anybody from headquarters at the meeting?

2 A. They were not.

3 Q. No? Just your district. You were the highest ranking MSHA person there.

4 A. That's correct.

5 Q. Okay.

6 MR. TEASTER:

7 When was this meeting?

8 A. God, Ernie, I don't know. I'd have to --- I don't even know if I could find out. I'd have to go
9 back and look and see if I kept my calendar. I hadn't been there very long.

10 BY MR. PAVLOVICH:

11 Q. Okay. Who would have been your --- I guess your assistant district managers were in the
12 meeting with you?

13 A. Yes.

14 Q. Or at least one of them?

15 A. Yes, at least one of them. Kevin was still my assistant at that time, and I think he was on
16 the detail. But this is all from memory. I don't have any documents to ---.

17 Q. Okay. So Kevin Strickland you're referring to. And you think he would've been at the
18 meeting or not?

19 A. If he was in town, he would've been there.

20 Q. Okay.

21 A. But he was doing a lot of other activities during that time frame, so it's possible that he was
22 not there.

23 Q. Okay. Would Kevin have been your ADM over enforcement or over the plans group?

24 A. He was over enforcement at that time.

25 Q. He was over enforcement, okay. So he would've been certainly involved in the

1 enforcement aspect of it and the violations of it?

2 A. That's correct.

3 Q. Okay. So can you tell us how the meeting went?

4 A. Well, it got real heated real fast.

5 Q. From whose side?

6 A. Well, I think it was between the Mine Workers and Murray and his staff. That was really
7 where it got heated initially. And I started to end the meeting, and everybody said no, no, we need
8 to stay. And I said, well, let's take a five-minute break. Everybody cool off, go get some coffee, do
9 whatever, and we'll come back in five minutes.

10 And as I walked out into the hall --- this is a long story. As I walked out into the hall, Mr.
11 Murray followed me. And he asked me if he could have a word with me privately. And I said, why
12 certainly. And we went all the way to the other end of the building where my office was, walked in.
13 And he proceeded to tell me how well connected he was politically and to the penny, how much
14 money he had given to Senator McConnell's campaign, and got rather graphic at that point about
15 my boss and Senator McConnell.

16 And he was kind of threatening me that if I took action, he could go to my big boss without
17 any difficulty. And that's ---.

18 Q. In referring to who?

19 A. Elaine Chao.

20 Q. Okay.

21 A. I mean, that's all been documented. I think it even got in the papers at some point, because
22 he may have said it to another district manager.

23 Q. Okay.

24 A. But I know he said it to me.

25 Q. So he said that to you personally? And basically you took it as a threat?

1 A. That he could go over my head, that he didn't have any problem doing that. Yeah, I took it
2 that way. I mean, I wasn't --- it didn't stop me from doing what I needed to do. But I thought it was a
3 rather a disgusting way to approach somebody in a business setting.

4 MR. TEASTER:

5 What was your response to his ---?

6 A. Well, the actual words he said was that Mitch McConnell, the last time he checked, still
7 sleeps with my boss. And I didn't know what to say at first. And then I thought, well, they're married
8 and I hope so. And I ended the conversation. And that was the end of our personal discussions.

9 BY MR. PAVLOVICH:

10 Q. So then you reconvened the meeting.

11 A. Yep.

12 Q. Now, what --- I guess what was the contents? Did Murray ask for any concessions or ---?

13 A. No, he just sort of planted that seed. He just sort of laid it out there that he was connected
14 and that he could go over my head. It wasn't anything that I took seriously or really cared about.

15 Q. Did he make any commitments to try and improve after or during the meeting?

16 A. Not much during the meeting, but later on after we made some effort to draw a graphic
17 picture of their safety performance, so that they could just look at it and see the overall ---. I guess
18 at some point when you have so many little things going on, you can't see the forest for the trees.
19 So we did a lot of analytical work and laid out a graphic picture of just how poor the performance of
20 Maple Creek was. He and his staff --- I don't think we met with him directly at that point. We met
21 with people at the mine.

22 Q. Later on?

23 A. Yes.

24 Q. Okay.

25 A. It was a continuing process, obviously.

1 Q. Okay.

2 A. And I'm sure they shared that with him. And I think he was embarrassed by it. It really
3 painted a picture that he didn't like.

4 Q. With the performance of his operation?

5 A. With the performance of the whole operation. And at that point, I think --- and this is all
6 memory, I'd have to look at which happened first, if I could even find documents. But he engaged
7 the Assistant Secretary, Lauriski, in conversation. And I'm sure they had some meeting, but not
8 with my presence. But he called and asked for a meeting, and he wanted it in headquarters and he
9 wanted everybody to see what they had put in place to deal with this issue.

10 I mean, this issue didn't come up overnight. It was a long-standing problem. It was a
11 problem when I got there, and it was a problem until the day the mine quit operating.

12 Q. Okay.

13 A. Truthfully, it never was cured.

14 Q. It never really improved, even though he had a meeting with Mr. Lauriski and tried to tell
15 him what all he had done, the mine really didn't show that?

16 A. It was more of a display rather than anything serious, in my opinion.

17 Q. Okay.

18 MR. TEASTER:

19 Was Bob Murray the owner of Maple Creek Mine when you took
20 over district manager?

21 A. Yes, he was.

22 BY MR. PAVLOVICH:

23 Q. Did he say that, you know, you were picking on him, or in any way --- that the violations
24 were something that wasn't right, and that the district was overstepping its bounds or anything like
25 that?

1 A. In the beginning. But I think when he began to see that overall picture, he decided to take
2 an offensive approach and say he was taking charge of things and he was going to fix it.

3 Q. Oh, okay. So that's kind of how the meeting ended then? Is he --- he said, ---

4 A. Well, that meeting ---.

5 Q. --- you know, he'll work on it.

6 A. Right.

7 MR. PAVLOVICH:

8 Okay.

9 MR. TEASTER:

10 Did you see a change in the attitude of mine management with
11 our people?

12 A. Not really. I never saw anything substantive change.

13 BY MR. PAVLOVICH:

14 Q. Did you talk to the headquarters' people after the meeting, and update them on what
15 happened since you had talked to them before?

16 A. I did. I spoke with the administrator of coal.

17 Q. Who was ---?

18 A. Ray.

19 Q. Okay. And did you also relay the comments Mr. Murray made in private to you?

20 A. I did.

21 Q. And what was Ray's response to that?

22 A. That it's pretty unprofessional. And we didn't dwell on it. Ex. (b)(6) and Ex. (b)(7)(C)

23 Ex. (b)(6) and Ex. (b)(7)(C) That was kind of how his behavior came across. I mean, that's just my opinion.

24 And I didn't take anything away from what he said other than it was disgusting. And if we were

25 going to do anything to improve the lot of the miners at Maple Creek, we'd probably have to start ---

1 stay at the ground level where it impacted them on a daily basis.

2 Q. Okay. So there was no further involvement with headquarters pertaining to that issue, do
3 you remember?

4 A. No. Pertaining to that issue, no.

5 Q. No? How about any other issues? Do you know, was there other times that he asked you
6 about moving people or moving inspectors or felt that he was not being treated fairly?

7 A. He never said those to me. I heard rumors that he talked to other managers that way about
8 getting people moved or getting them moved. But that was all third-hand. I never ---.

9 Q. Okay. How about did he ever talk to any of your supervisors or ADMs concerned, any of
10 those things that you know of?

11 A. Not that I'm aware of.

12 Q. Nothing ever came back to you that Mr. Murray's complaining about such and such
13 inspector, anything like that?

14 A. Nothing specific that I recall. That wouldn't surprise me, but it also wouldn't have impacted
15 how I behave, other than I would be supportive of my people. Because I was pretty well aware of
16 the situation that we were in and that the mine was in. And we were doing our best to deal with it.
17 And it was easy for him to complain.

18 MR. TEASTER:

19 Cheryl, did you get any request or have any discussion with
20 anyone from Murray's company to reassign an inspector because of his enforcement actions,
21 inspector, supervisor, ADM, anybody moved as a result of enforcement action?

22 A. Nothing specific that I recall. I mean, it wouldn't surprise me that they complained about
23 individual inspectors, but I don't think I may --- I mean, I don't recall anything that was a specific
24 enough request that I would've had to evaluate it and say yes or no. I don't recall that.

25 BY MR. PAVLOVICH:

- 1 Q. Okay. How many mines did Murray own in District Two, or operate in there while you were
2 there?
- 3 A. Several, and I don't know the exact number.
- 4 Q. Okay.
- 5 A. It could be as many as five, because he bought some mines that were closed, and he had a
6 surface mine up east. And I think it was five, but I have to go back and look at that.
- 7 Q. Okay. So he owned more than just the Maple Creek Mine, he owned several other mines,
8 too?
- 9 A. Yes. But his presence at any of those others was never --- he never was there. Maple
10 Creek was his big ---.
- 11 Q. Oh, that's where he spent a lot of time at?
- 12 A. Yeah. He had a history of coming down and lecturing to the miners before they went
13 underground, and standing on the bench in the bathhouse. I mean, there were a number of things
14 and they're all very public and very graphic. He had issues with the environmental folks over
15 mining, longwalling under a creek that was very, very much in the news and very ugly. He had
16 issues with the mineworkers that ended up on billboards that ranged from the Ohio --- from St.
17 Clairsville, Ohio to New Stanton on the turnpike. It was in the newspapers, it was just, you know, he
18 attacked a lot of people in a very ---.
- 19 MR. PAVLOVICH:
- 20 Okay.
- 21 MR. TEASTER:
- 22 Are all of his mines affiliated with UMWA?
- 23 A. No.
- 24 MR. TEASTER:
- 25 Maple Creek's the only one?

1 A. Maple Creek's the only one.

2 BY MR. PAVLOVICH:

3 Q. Were the other mines --- did they have the same problems that Maple Creek had,
4 enforcement and accident-wise?

5 A. No.

6 Q. No.

7 A. Not ever to that level, ever.

8 Q. Okay. So I think maybe Ernie asked you this already, but were you aware of anyone in
9 District Two that encountered problems with Murray regarding enforcement issues? I mean, did
10 inspectors ever say, you know, Murray blasted me at the mine today. Or supervisors have ever
11 relayed any problems?

12 A. I don't recall any inspectors saying that he was ever blasted or attacked or approached
13 directly by Murray.

14 Q. Okay. Do you know if they were intimidated by Murray?

15 A. I don't feel like any of us were. I mean, I feel like we knew what our mission was, and it was
16 just an obstacle that we had to overcome.

17 Q. Okay. Are you aware of any enforcement personnel ever being reassigned because of any
18 kind of adverse actions or violations or anything that was raised by Murray?

19 A. No, I'm not aware of any of that.

20 Q. Okay. So after this meeting, I guess, you talked in depth about, how was your working
21 relationship with Murray?

22 A. I really didn't have any face to face ongoing interactions with him. I dealt mostly with the
23 folks at the mine, and from the superintendent and general mine foreman on down. I didn't have
24 many meetings. The one that he called in headquarters --- I mean, he was cordial. He was just,
25 you know ---.

1 Q. Okay. So the one that he met with Mr. Lauriski in headquarters, were you there at that
2 meeting?

3 A. I was.

4 Q. Okay. So headquarters asked you to come up to participate in the meeting?

5 A. Yes.

6 Q. And how did that go, okay?

7 A. I mean, yeah. I mean, it was a civil meeting and it was their meeting. They were there to
8 present their remedial actions.

9 Q. Okay. Did they have anything negative to say about you or your district or any of your
10 people?

11 A. Not at that meeting, no.

12 Q. Not at that meeting.

13 A. I'm sure they had lots of negative things to say. I mean, that was just to be expected. I
14 mean, it wasn't ---.

15 Q. Okay.

16 A. Nothing outrageous.

17 MR. TEASTER:

18 Was there anyone else from the district present at that meeting
19 besides yourself?

20 A. I know I took two people with me, Ernie, but I don't know who they were.

21 BY MR. PAVLOVICH:

22 Q. Do you know, was there ever anything directly related to Kevin Stricklin by Bob Murray as
23 far as enforcement, too much enforcement or any issues concerning enforcement?

24 A. Well, I mean I'm sure that was his stand with whoever was in charge of enforcement. I don't
25 know any specific issue with Kevin.

1 Q. So he never --- Murray never related to you, I've got a problem with ---

2 A. No.

3 Q. --- Kevin or anything like that?

4 A. No.

5 Q. Or Kevin's picking on me, or I want him moved or any of that?

6 A. No.

7 Q. Okay.

8 A. If he did, I didn't pay any attention to it. I mean, there is absolutely nothing to anybody in
9 District Two being moved or changed or pulled back or even reassigned to a different mine because
10 of anything Bob Murray said.

11 Q. Okay.

12 A. It doesn't mean he didn't say stuff.

13 Q. Okay.

14 A. But it wasn't anything that rose to a level that either I paid attention to or we did anything
15 with ---.

16 Q. And nobody from headquarters ever told you to pull anybody or move anybody because of

17 a ---

18 A. No.

19 Q. --- complaint from Murray?

20 A. No.

21 Q. Okay. How about his high-quality mine. Do you remember much about it?

22 A. Well, high quality and Maple Creek are kind of one in the same.

23 Q. They are?

24 A. Well, they're connect --- he had two different I.D. numbers. And he had that they were
25 connected underground, so we kind of looked at them as one.

1 Q. Okay. So the issues were primarily the same for both ---?

2 A. Absolutely. Yeah, they were treated just --- and behaved the same.

3 Q. Okay. So are you aware of any adverse actions taken against any MSHA employees as a
4 result of enforcement actions or complaints by Murray?

5 A. Nothing that I had anything to do with during my time there.

6 MR. PAVLOVICH:

7 Okay.

8 MR. TEASTER:

9 When we say Murray, we also --- anything at his mines, any of
10 the management team, anybody within his company.

11 A. Right. I mean --- right. No.

12 BY MR. PAVLOVICH:

13 Q. No? Did you ever receive request or pressure from anyone within MSHA to give
14 preferential treatment either in enforcement or in plan approvals to any of the mines owned by
15 Murray?

16 A. No.

17 Q. No? How were they with their plan-approval process? Were they hard to deal with
18 concerning plans?

19 A. For the most part, yes.

20 Q. Yes?

21 A. They were difficult. They didn't plan ahead. They needed stuff in ten minutes or less. I
22 don't know that we had that many plan issues. I'm trying to think back of specifics. But they came
23 in at the 11th hour needing this because they had to operate right away. I mean, that was just their
24 M.O.

25 Q. Okay.

1 A. They were not organized, they didn't have a plan.

2 Q. So were they intimidating to your people, or had anybody had any problems with them in the
3 plans groups concerning things they were demanding right now, or ---?

4 A. I know one that we had a lot of meetings with, but we didn't leave --- we grouped up as a
5 management team and never let them just beat about on anybody in the plans group.

6 Q. So they did attempt to at times?

7 A. They tried to pressure a little bit, ---

8 Q. Okay.

9 A. --- but nothing that rose to the level of anybody feeling intimidated or that they ran over us.
10 It was just --- you knew you were going to have difficulty when you were dealing them.

11 Q. So there was never any calls from headquarters or anywhere that said, you know, these
12 people need a plan and you need to approve it, ---

13 A. No.

14 Q. --- or any of that kind of ---?

15 A. No. Nothing that I ---.

16 Q. They didn't get involved in your plan process at all?

17 A. No.

18 Q. Okay. Did anybody ever give you any guidance on how to deal with any of these issues
19 from headquarters?

20 A. Well, I think, you know, my boss talked to me a little bit. And Lauriski did come up and
21 meet with them one time.

22 Q. Meet with ---?

23 A. With Bob Murray and the management team.

24 Q. At the district office or ---?

25 A. No, he met with them at the mine.

1 Q. At the mine?

2 A. At the mine, or not on MSHA property.

3 Q. Okay. And were you present at that meeting or ---?

4 A. I was.

5 Q. And can you tell us about that meeting, what did it refer to?

6 A. Pretty much an overview of the performance at Maple Creek and indicating that MSHA was
7 aware of it. I think he was trying to support me.

8 Q. That Lauriski was?

9 A. Yes.

10 Q. Okay.

11 A. I mean, it was --- that was the gist of the ---. He did all the talking, I was just there. And I
12 think he was just trying to show that MSHA was in support of the actions that I was trying to take.

13 Q. Okay.

14 A. It was not ---.

15 Q. And how did Mr. Murray respond to that?

16 A. Well, I don't think he had anything substantive to say, but they were very gentlemanly-like in
17 the meeting. It was ---.

18 Q. Okay. So he didn't get loud or angry or ---?

19 A. No, not at that one.

20 Q. Okay.

21 A. No.

22 Q. At other ones, did he?

23 A. Yeah, I've heard lots and lots. And he got a little loud and angry when we started the first
24 meeting that I called.

25 Q. Okay.

1 A. And that's when I said, you know, this is my house, and if we're not going to be productive,
2 we're going to end this meeting right now.

3 Q. Okay.

4 A. And then several people said no, no, we need to move forward. And everybody kind of
5 calmed down, we took the break and moved forward.

6 Q. Was he loud and angry when he came into your office and talked to you about the Mitch
7 McConnell issue or ---?

8 A. Absolutely not. He was ---

9 Q. That was in a normal tone of voice?

10 A. --- almost completely sickeningly sweet, you know, being very --- the magnanimous, you
11 know, gentle, gentile man. But I guess he thought he could deal with the blonde girl that way
12 somehow. I don't know. All right, guys. Come on, you know I've been around the block a time or
13 two. But that's kind of, you know, when nobody else was looking, I guess he could change his coat,
14 if you will.

15 Q. Okay.

16 A. He didn't do that in public in front of anybody. He kept his, you know, sternness.

17 Q. Oh, he did?

18 A. But in private, he was being the real gentleman. He said some pretty crass things, but ---
19 sorry.

20 Q. Okay. Is there anything else that you can provide to us in regard to those type issues?

21 A. Yeah, several years when I'm older, so I'm telling you that I can have specifics of when this
22 happened and getting them in order is not absolutely correct. But it was never pleasant to have to
23 deal with him or his company. And I know that his managers were pressured by him, even when he
24 wasn't there. I mean, they worked for him, they had to do whatever it was he asked them to do.

25 So ---.

1 Q. So you feel his own employees were intimidated by his presence ---?

2 A. He fired them and rehired them on a regular basis. I mean, he really did really, you know,
3 broad brush, loud things. And occasionally, you know, I don't even remember their names, but he
4 had a couple guys that he brought in as superintendent. And when they were actually trying to
5 make a difference in developing a rapport with the miners and starting to --- they wouldn't be there
6 long.

7 Q. Oh, really?

8 A. Yeah. There's a gentleman who --- that last one's name was Frank Natriss (phonetic), and I
9 think he's from northern West Virginia. He's pretty well-known in the industry. And people kind of
10 looked at him and said, why did you take this job? And I guess he didn't know, and once he found
11 out, he just left. He quit. And I think he's working at --- I'm not sure which company, around here in
12 the Beckley area now. But he's --- you know, upstanding people just didn't stay with him very long.

13 Q. So the people that came in, if they tried to do a good job, it seemed like they didn't stay very
14 long?

15 A. They didn't stay very long. If they stayed very long, he let them go or they found out and
16 left and moved on to other places.

17 Q. What eventually happened to that mine?

18 A. Well, they were about --- you know, the mine was pretty much --- it had been running for,
19 what, 40 or 50 years. It had been around for a really long time, so there wasn't a lot there. And it
20 was sort of a cleanup operation, just getting little panels here and there where they could. And they
21 eventually got to a point where they were draining the creek, or the imaginary creek or whatever it
22 was. They had very little cover and the conditions got bad. They moved out.

23 Q. So that was a longwall mine?

24 A. Yes.

25 Q. And so as they were cleaning up, were they pulling the barriers out of it?

1 A. They put in a panel between two existing panels that caused us a whole lot of problems, and
2 I'd have to go back and look at the records of the specifics. But, you know, I mean in terms of
3 managing a district, you have to keep your people there around the clock and you've got an order
4 and they have to drill a shaft. They lost the bleeders is really what this ---.

5 Q. Okay. So they lost the bleeders, and then you had to deal with that issue as far as ---.

6 A. And then, yeah, with the methane and the examinations and getting them to drill a small
7 shaft at the back so that they could get out of the panel. And, yeah, it was a ---.

8 Q. Okay.

9 A. So they didn't always have the best --- the optimum conditions. They weren't in a brand
10 new, beautiful block of coal that had --- you know, they were mining old sections.

11 Q. So did they do a lot of retreating in the main entries also and pull pillars or not?

12 A. No.

13 Q. No?

14 A. No, there was no pillar pulling at Maple Creek.

15 Q. Oh, none?

16 A. No, there was no pillar recovery ---.

17 Q. So they just developed some barriers, but they didn't pull any pillars there?

18 A. Right. They were just developing for small longwall panels. They weren't huge longwall
19 panels. There was no pillar recovery.

20 Q. None. Okay.

21 MR. TEASTER:

22 Cheryl, was Kevin always over the enforcement?

23 A. No. He was --- Kevin had always been in the engineering side. And sometime before I got
24 there, and I don't know who swapped him and Jerry Davis, but after I had been there a while, I put
25 Jerry back in enforcement and Kevin on the plan side. But it didn't have anything to do with

1 performance. It was just, from my perspective, Kevin was gone a lot. He was doing other projects
2 for the agency and they were important, but you couldn't have somebody in charge of enforcement
3 if --- I couldn't, if they weren't there a lot. It didn't really --- it had nothing to do with Kevin's
4 performance at all.

5 MR. TEASTER:

6 Do you remember where that was in relation to the meeting
7 that you had with Murray, the time?

8 A. No, I'm sure ---.

9 MR. TEASTER:

10 But at that time, he was still over enforcement?

11 A. I'd have to look, Ernie. I really can't say, but I think, yes. But it had nothing to do with ---. It
12 was my management decision to make the change in order to better operate the district. It had
13 nothing to do with Bob Murray.

14 BY MR. PAVLOVICH:

15 Q. Okay. So how did Kevin feel about that change?

16 A. I don't know. I don't think he was particularly happy with it, but he wasn't very vocal about it.

17 Q. Okay. So you don't think he was happy, but he wasn't --- he didn't express that to you?

18 A. No. That could just kind of ---.

19 Q. Why would it make you think he was not very happy?

20 A. Just aura, just the ---.

21 Q. Okay. Do you think he may have felt it had some relation to some of the complaints by
22 Murray?

23 A. I think it might be possible, but it had nothing to do with that.

24 Q. Okay. From your part, your perspective?

25 A. From my perspective, it had absolutely nothing to do with that.

1 MR. TEASTER:

2 Did headquarters have any involvement at all in your decision
3 to move him?

4 A. No.

5 MR. PAVLOVICH:

6 That's all I have.

7 UNIDENTIFIED SPEAKER:

8 Just about the timeline of the meetings, you talked about the
9 meeting at the district and then the one in headquarters and then the one at the mine; right?
10 There's three meetings involving Murray?

11 A. Well, I wouldn't write it down as absolutely three. Those are three that I recall.

12 UNIDENTIFIED SPEAKER:

13 Three that you recall. I'm just curious. Obviously the one that
14 you called was first.

15 A. Yes.

16 UNIDENTIFIED SPEAKER:

17 About how much time passed between the other two? Do you
18 have any even vague recollection, and which one came first, the one at the mine
19 or the Arlington one?

20 A. The one at the mine came first, or the one off MSHA property came first. The one in
21 Arlington came last.

22 UNIDENTIFIED SPEAKER:

23 Okay.

24 A. Over the time period, just guessing, six months. It wasn't a long ---.

25 BY MR. PAVLOVICH:

1 Q. Okay. So your meeting that you called was first?

2 A. Yes.

3 Q. Then the meeting that Lauriski had with Murray off mine property in your presence was the
4 second one?

5 A. That was second. Uh-huh (yes).

6 Q. And then the third one was the one Murray called in headquarters to meet with Lauriski, and
7 also you were there and I guess other MSHA staff from headquarters?

8 A. I'd have to look, but yeah, I'm sure there's ---. I don't know who all was there. The
9 conference room was full.

10 Q. Okay.

11 A. But of course, Murray brought a lot of people with him, too.

12 Q. Okay.

13 A. I remember he brought some of his corporate people along with a few people from the
14 mine.

15 Q. Okay.

16 A. And one person in particular stands out, Bruce Hill was at this ---.

17 Q. Bruce Hill?

18 A. Uh-huh (yes).

19 Q. And you knew Bruce Hill from ---

20 A. The only reason, Bruce used to be my boss, so that's kind of what ---.

21 Q. --- from West Kentucky?

22 MR. TEASTER:

23 That's all --- I remember when I saw some stuff of you. He's
24 CEO now, he's ---.

25 A. I have no clue. You know, Bruce kind of lays under the carpet there. Who knows? I know I

1 almost didn't recognize him the last time I saw him. He had lost a lot more hair and was very, very,
2 very thin.

3 BY MR. PAVLOVICH:

4 Q. Oh, really?

5 A. So he didn't look the same. But Bruce and I have history, so ---.

6 Q. Okay.

7 A. He used to be my boss many years ago in another life.

8 MR. PAVLOVICH:

9 Okay. ^{Ex. (b)(6) and Ex. (b)(7)(C)} do you have any questions?

10 UNIDENTIFIED SPEAKER ^{(7)(C)}

11 Well, Cheryl, you just said something about your decision to

12 move Kevin from the enforcement and put somebody else in. And you said the headquarters didn't

13 --- did you even --- did you discuss with headquarters before it was done?

14 A. No.

15 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

16 Was there any discussion with headquarters on the ---? ^(C)

17 A. Not that I recall, no. It was my decision. I had two ADMs, and I just put them in opposite
18 places, which is where they had been all along before I got there long term. Kevin had been in the
19 plan side, and Jerry had been in the enforcement side.

20 BY MR. PAVLOVICH:

21 Q. So you don't remember talking to Ray or John Langdon or anybody about that you were
22 going to make that swap on ADMs?

23 A. No. I didn't get approval from them before I did it, if that's kind of what you're ---.

24 Q. You ---?

25 A. I didn't get approval from them before I did it.

1 Q. You didn't?

2 A. I did not.

3 Q. Okay. Did they subsequently ask you about it?

4 A. Nothing ---.

5 Q. No?

6 A. No.

7 Q. Okay.

8 A. I mean, they were aware of it, but nothing to ---. They didn't question me about it. I
9 explained why I did it and we moved on.

10 Q. Okay.

11 UNIDENTIFIED SPEAKER:

12 I just have one question, Cheryl. You talked about this
13 meeting you had in the district office. Was it a --- I guess my first part is, was the mine on the D
14 sequence? Was there any specific enforcement actions that caused the meeting, or was it just
15 general poor performance?

16 A. There was not a specific enforcement action that caused that meeting. I mean, there was a
17 number of enforcement actions on the table, so many I couldn't even begin to tell you. And I'm sure
18 there were orders and things involved ---.

19 BY MR. PAVLOVICH:

20 Q. And unwarrantable?

21 A. Yeah.

22 Q. Okay.

23 A. But that wasn't the emphasis for the meeting. It was just --- Maple Creek was taking up ---.
24 It's like the rule, the 95/5 rule. You have 5 percent of your population taking up 95 percent of your
25 time. And we weren't getting any improvement, we weren't making things --- we weren't making a

1 difference.

2 UNIDENTIFIED SPEAKER:

3 Do you know if there were any special investigations going on
4 at the time, or did it elevate to that level, do you know?

5 A. There had been some, but I don't know that it was the issue on the table. It was just the
6 overall everything, bringing it and trying to get your arms around ---. There was so much there, you
7 didn't know what to do first, I guess is the feeling.

8 MR. PAVLOVICH:

9 Uh-huh (yes).

10 UNIDENTIFIED SPEAKER:

11 Were there personality conflicts, Cheryl, or was it just basically
12 enforcement issues, do you think?

13 A. I think it was enforcement issues and safety performance. There were lots of accidents,
14 there were lots of --- just complete unrest. And there was a feeling that if we didn't get our arms
15 around it, that something really bad ---. I mean, that's the --- I felt bad for my inspectors, because
16 they just hated to get that assignment. They hated to go there because they knew what it was going
17 to be.

18 MR. PAVLOVICH:

19 Uh-huh (yes).

20 A. And they needed to know that we were supporting them and trying to help them get in front
21 of this issue. That was that kind of feeling when you had to go to Maple Creek. It was not a good
22 feeling at all.

23 MR. PAVLOVICH:

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

25 UNIDENTIFIED SPEAKER

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

1 Cheryl, I know you weren't directly involved with Crandall
2 Canyon, but if you could ---. I'm sure you watched the whole thing play out on TV just like all of us
3 here.

4 A. Just like everybody else.

5 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

6 What was your immediate thought when you heard that this
7 was a Murray mine? And two, was the Bob Murray that you saw on TV the Bob Murray that you
8 knew and interacted with, or did he seem out of character? Did he seem out of character, or what
9 did you think?

10 A. He did not seem out of character at all. I mean, he didn't surprise me at all. That's pretty
11 much Bob Murray.

12 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

13 Okay. What you see is what you get?

14 A. Well, I mean, he could be anything. But to be outrageous is probably his most famous ---
15 whatever outrageous could mean in any given situation.

16 BY MR. PAVLOVICH:

17 Q. Cheryl, I just want to read, it's an excerpt from The Charleston Gazette article. It looks like
18 it was written August the 8th, 2007. And it deals with Murray, but they made a statement in here. It
19 says, in May 2002, two U.S. Mine Safety and Health Administration officials were transferred after
20 they clashed with Murray over inspections at the company's Maple Creek mine in Western
21 Pennsylvania. Are you aware of anything, ---

22 A. No.

23 Q. --- why that statement would be made?

24 A. No. Nobody was transferred away from or to keep any of that ---. This is coincidental in
25 terms of the swap that I'm talking about. If it happens to be timely, well, that's just ---.

1 Q. Okay. So you think that's what they may be referring to, is the swap with ---.

2 A. That's the only thing that was ---.

3 Q. Jerry Davis and Kevin?

4 A. Nobody came or left District Two.

5 Q. Okay. So no one was transferred out of the district?

6 A. Absolutely not.

7 Q. That was the only swap or the only transfers --- I guess that's what they say. Were
8 transferred after they clashed with Murray.

9 A. Uh-huh (yes).

10 UNIDENTIFIED SPEAKER:

11 Was you aware of this allegation publicly?

12 A. I had heard it before.

13 BY MR. PAVLOVICH:

14 Q. Well, it's the first sentence ---.

15 A. But no, I hadn't read it out of the newspaper.

16 Q. Okay.

17 UNIDENTIFIED SPEAKER:

18 No, no, I meant the allegation itself.

19 A. Yes.

20 UNIDENTIFIED SPEAKER:

21 Do you know how that allegation surfaced?

22 A. No.

23 UNIDENTIFIED SPEAKER:

24 Were you still district manager when it surfaced?

25 A. Yes.

1 UNIDENTIFIED SPEAKER:

2 Was there anything taken to address it? I mean, usually
3 there's concerns come up, and somehow you try to respond to them in some way from
4 headquarters or whatever. Was there ever any attempt to correct that or address that issue?

5 A. I know that I had stated my position and explained why I had done it. But no, I don't know
6 that headquarters did anything to correct the situation.

7 UNIDENTIFIED SPEAKER:

8 But you did address it to somebody in MSHA before, how that
9 was ---? But you didn't, like you told us, that her was not moved as a result of that. So you did
10 address it to somebody in MSHA?

11 A. Yes.

12 UNIDENTIFIED SPEAKER:

13 And who was that?

14 A. The only person that really brought it to my attention --- and I knew the rumor was out there,
15 the rumor of why I did it. The only person that actually said anything to me and that I spoke with
16 directly was Ex. (b)(6) and Ex. (b)(7)(C)

17 BY MR. PAVLOVICH:

18 Q. So Ex. (b)(6) and Ex. (b)(7)(C) told you there's a rumor going around that you made this swap because
19 of this?

20 A. Uh-huh (yes).

21 Q. The allegations by Murray or whatever.

22 A. Uh-huh (yes).

23 Q. How did --- did you ask Ex how he got his information?

24 A. Well, those two districts (b)(6) are pretty close in proximity, so there's easy ---. I don't know. No, I
25 didn't ask him how he got his information. And I asked him why he would even believe that. And he

1 went on to use it at a later time when it was to his advantage, when he was not very happy with the
2 agency.

3 Q. So he used this allegation at a later time?

4 A. I think he did, as I recall.

5 Q. What are you referring to there?

6 A. When he and Ray were not getting along, and he eventually was taken out of the Ex. (b)(6) and
Ex. (b)(7)(C)

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

8 Q. Okay.

9 A. --- he raised a lot of allegations that the administration didn't do things correctly and ---.

10 Q. Oh, and then blaming the administration? And so this was one of the allegations ---?

11 A. This was one of many. There was an unsigned letter that went out. I don't know if you've
12 ever seen or heard of that, with lots of allegations. And a lot of people were named in it, including
13 me. And I really, really was offended by that.

14 Q. Okay.

15 A. And he tried to ---.

16 Q. So when he first told you this allegation was floating around, what did you do about that,
17 anything?

18 A. Well, I told him why I made the change and what it was about.

19 Q. Oh, you told him why you made the change?

20 A. Uh-huh (yes).

21 Q. Did you talk to anybody in headquarters about it at that time?

22 A. I may have, but I don't recall that it was a concern of theirs at that time. They didn't seem
23 concerned about it.

24 Q. Nothing for them to be concerned about.

25 A. Right.

1 UNIDENTIFIED SPEAKER:

2 Cheryl, in that unsigned letter, did any of those allegations
3 deal with Bob Murray, or was they just stuff that somebody was getting off their chest?

4 A. Stuff that somebody was getting off their chest. I don't think Bob Murray was in the
5 unsigned letter. But there were some real personal issues brought up in that. And that letter got all
6 the way to the Secretary, so ---. I mean, it's not that I'm telling anything anybody else doesn't know,
7 but a lot of us got a copy of it.

8 MR. PAVLOVICH:

9 I remember that letter.

10 A. There you go. You know which letter I'm talking about?

11 MR. PAVLOVICH:

12 Sure.

13 A. All right. Well, it was during that time frame, that little piece of information was just one
14 more thing that I think Ex was using to try to bolster his case.

15 BY MR. PAVLOVICH:

16 Q. For leverage an his part?

17 A. Yeah. It was all about him.

18 Q. So it wasn't that he was trying to encourage you to do anything, it was just some leverage
19 for his ---?

20 A. It was just leverage for his position. It didn't have anything to do with --- no, no, no, it didn't.
21 But I do think that maybe I recall him saying that Murray had told him he was going to get him
22 transferred. This was all ---.

23 Q. That he was going to get Ex transferred?

24 A. Get rid of him or get somebody in his district taken care of. Bob never said those --- Bob
25 Murray never said those words to an e.

1 Q. So he never told you that, ---

2 A. No.

3 Q. --- that he was going to get you transferred or anybody else in your district?

4 A. No, no.

5 Q. Okay.

6 A. But I think he might have said it to Ex at a time when Ex and I were still speaking. But
7 we don't talk anymore. (b) (6) (b) (6)

8 MR. PAVLOVICH: an

9 Okay.

10 A. All right.

11 MR. PAVLOVICH:

12 Any other questions? Okay, well ---.

13 UNIDENTIFIED SPEAKER:

14 Joe, I'd ---.

15 MR. PAVLOVICH:

16 Oh, you have ---.

17 UNIDENTIFIED SPEAKER:

18 I'd like to get Cheryl's opinion on something.

19 MR. PAVLOVICH:

20 Okay. Go ahead.

21 UNIDENTIFIED SPEAKER:

22 You know, we all watched the news ---

23 A. Yeah.

24 UNIDENTIFIED SPEAKER:

25 --- and the things going on at Crandall Canyon. I guess since you were

1 district manager to District Two and had a lot of experience with similar things dealing with Murray,
2 what did you think, first of all, about the press going underground when you saw that on TV?

3 A. I thought it was --- I didn't like it. I thought it was grandstanding.

4 BY MR. PAVLOVICH:

5 Q. Did you think it would be legal under a K Order?

6 A. Initially, I didn't think that there --- I mean, unless we modified it to allow it to happen. I
7 wouldn't have thought no, but I wasn't involved. That's my opinion.

8 MR. PAVLOVICH:

9 Okay.

10 UNIDENTIFIED SPEAKER:

11 I just wanted your opinion on that, 'cause you kind of saw the
12 same things we did.

13 A. Yeah, that would've been my opinion, unless MSHA modified the K to allow it to happen.
14 Because you do that all the time when you have a K Order, you let them make examinations or, you
15 know, depending on the circumstances, what you can allow. You make decisions about what you
16 can modify the K to let people do. And I just assumed that happened, so I don't know ---.

17 BY MR. PAVLOVICH:

18 Q. So you say initially you didn't think it was right. Does that mean later on you thought it was
19 okay, or ---?

20 A. No, I didn't change it, but ---.

21 Q. Oh, okay.

22 A. No, I mean, it really ---.

23 Q. So initially and from then on you thought it was ---?

24 A. I thought it was a poor idea.

25 Q. Okay.

- 1 A. I mean, there's --- I just didn't think it was a ---. To satiate their thirst for good copy, I didn't
2 think it was a good idea.
- 3 Q. Okay.
- 4 A. And being a family liaison, it didn't seem an appropriate thing to do.
- 5 Q. So were you involved in the family-liaison program?
- 6 A. Involved? I guess I was the first one for ---.
- 7 Q. Okay. You were the first one at Sago.
- 8 A. And then I went out and got training and met with the NTSB and brought that back to the
9 agency, ---
- 10 Q. Okay.
- 11 A. --- and then got us more training. So I kind of keep the list and ---.
- 12 Q. Okay. So you were involved with the --- you were like the initial family liaison MSHA had
13 named at the Sago, because I don't remember there being one.
- 14 A. That was before ---.
- 15 Q. Do you remember one ---?
- 16 A. That was before the MINER Act.
- 17 Q. Before the MINER Act, yes.
- 18 A. And then I guess it became a part of the MINER Act after that.
- 19 Q. Right.
- 20 A. But I was just asked to do it because --- I don't know why because. I know why I think
21 because --- but it was just --- things had gotten out of hand and they needed some help.
- 22 Q. Okay.
- 23 A. So they asked me if I would do that, and I said yes.
- 24 Q. Okay. So then did you help to coordinate the training, or contact the training that the NSTB
25 (sic) provided?

1 A. I did.

2 Q. Okay. And how did that go about?

3 A. How did it go? After the MINER Act, okay, and they said okay, now we've got to have this,
4 what are we going to do. And they said Cheryl, you're it. So I sort of got it by default because I had
5 done it for Sago. And so they gave me three names, so it was myself and three other people. And
6 right now I'm only thinking Richard Laughlinburg (phonetic) from metal was the only one I can
7 remember. He and I went to the NTSB, to their training facility, took a week long or four-day
8 course.

9 Q. Where was that at, Cheryl?

10 A. It was out by Dulles.

11 Q. Oh, in the D.C. area?

12 A. Yeah, it's in Northern Virginia.

13 Q. Okay.

14 A. And in the midst of all of this, during one of the breaks, the director of the family-assistance
15 program came down, 'cause we had our little nametags on our thing, and says, you folks are from
16 MSHA. Our director asked me to be sure that I said hello to you or whatever. So I just took it to
17 mean that somebody at the department had told Richard --- or Rosenker, the director or chairman of
18 the NTSB, that we were going to be there, because I didn't do any front work like that.

19 And then we went through the training with everybody else, a lot of airline people. And we
20 were marking out things that were really pertinent to what we thought we were being asked to do.
21 And I spoke with them after the last day of training, and we had a little meeting to talk about, would
22 they come to the academy if we ever decided we needed to train a group of people. Would they
23 come and put on this training program for us. And they seemed to be delighted and excited to do
24 that, and I made that proposal. And then there was the decision made by somebody that we needed
25 more than four. I mean, you know, when you're around the clock and whatever, depending on travel

1 times, they decided that we needed people all across the country. So it ended up being 15 or 16
2 people --- I would have to go back and look at my list --- that went through the training that they
3 provided.

4 Q. Okay. So then they came to the academy, ---

5 A. They did.

6 Q. --- and provided that training?

7 A. They were here for a week, or for --- you know, they traveled on Monday and Friday.

8 Q. Is it your understanding in that training --- what is the role of the family liaison?

9 A. For MSHA?

10 Q. In I guess --- yeah. As the representative of MSHA in the family situation like this where
11 you have an event occur at the mine, people are missing or trapped or whatever, and you're with
12 the family, ---

13 A. You're with the family.

14 Q. --- what is your role to perform with the families?

15 A. It is to provide them with timely and accurate information. There's a handbook, ---

16 Q. There's a document, isn't there?

17 A. --- a page, yeah. There's a document drafted, and I had some comment to that document.

18 So I'm aware of the document.

19 Q. Okay.

20 A. But that pretty much lays out what the role is.

21 Q. So your feeling is then the family liaison is the one to provide information to the families in
22 a timely ---

23 A. Yeah, but you have to ---

24 Q. --- and accurate manner?

25 A. --- do it in conjunction with the chief investigator and the other people because you have ---

1 everybody has to be saying the same thing, or the families are going to get the
2 wrong ---. If they hear something different than what you said, whether it's on the news or down the
3 road, they're going to think that you didn't tell them the truth. Or they could think that you didn't tell
4 them the truth.

5 Q. So if the information is to be provided by the liaison to the families concerning updating
6 them accurately about what is going on with the rescue effort or whatever, ---

7 A. Uh-huh (yes).

8 Q. --- how do you feel then about other people coming in and briefing the families?

9 A. Not unless you plan it ahead of time and do it altogether as one team, I think it's the wrong
10 thing to do.

11 Q. So if you look at Crandall Canyon and they say that Mr. Murray and Mr. Stickler come to
12 brief the families, what's the role of the family liaison? What would you feel it would be, or what
13 would that family liaison --- what role would they take on then?

14 A. If you're --- if just the Secretary came in?

15 Q. Yeah.

16 A. Well, I would think how it should be is that that should be coordinated by the family liaison
17 so that they --- everybody knows what you're going to say, and there aren't any surprises.

18 Q. So you think the family liaison should know in advance what the content of the briefing is
19 going to be?

20 A. I would hope. They're part of us.

21 Q. You feel that they should ---?

22 A. They're part of --- yeah.

23 Q. I mean, from the training you got and the documents you have, you're in essence --- and
24 you tell me if I'm sharing this right.

25 A. If it's an important thing, if having a family liaison and doing it is important, then that

1 function has to be right up there with the top of the people that are in charge on the scene. They
2 have to be in concert with one another.

3 Q. So you think the family liaison should be receiving regular information from the command
4 center or MSHA and then updating the families?

5 A. Absolutely. I mean, you can't ---.

6 Q. That is supposedly their role, according to your understanding?

7 A. That's my understanding.

8 Q. Okay. And they're more than just a note taker?

9 A. Oh, my God, I think they have a very, very hard job.

10 Q. Okay.

11 A. A very serious job.

12 MR. PAVLOVICH:

13 I think so, too.

14 UNIDENTIFIED SPEAKER:

15 Cheryl, in this training and stuff that you have, is there --- I mean, like you
16 always have a structure at an emergency site. You've got the senior MSHA official, and let's take it
17 down below the assistant secretary, ---

18 A. Let's take it down to the normal ---.

19 UNIDENTIFIED SPEAKER:

20 --- like the district manager, somebody that you'd normally
21 have down there. Is it set up so that you are the ones who communicate with the family all the
22 information as it comes from the command center and everything is given to the family prior to it?
23 But is it also part of the process for other people to come down, the senior MSHA official, and brief
24 the families?

25 A. Well, I think you can have that. I think it just needs to be organized and ---.

1 UNIDENTIFIED SPEAKER:

2 But was that touched on in any of your training how that was ---?

3 A. We talked about how to set up and tell the families that you're going to have regular
4 briefings. I don't think it's set up that the family liaison just runs back and forth. You set up a
5 schedule, unless something happens really big that you need to get it out there before it gets to the
6 press. That's the primary focus, is to get them accurate and timely information before they hear it in
7 the press, before we release things. Anymore you don't have to release things, somehow the press
8 has a way of getting things out there. So I think in deference to the families, if you set up a
9 schedule, it doesn't mean you're not going to go outside of that every-two-hour briefing.

10 UNIDENTIFIED SPEAKER:

11 Are you talking about the liaison doing the two-hour briefing every two
12 hours, or ---?

13 A. It could be. But if it's at a time during the crisis when the senior MSHA official in charge and
14 the state person ---. It's my vision, and I haven't run one outside of Sago. I haven't run one of those
15 briefings. But it would be my vision to be part of that group that's set up between whether it's Labor,
16 State, MSHA. You know, the group that you come to consensus for what's going to happen next.

17 BY MR. PAVLOVICH:

18 Q. From your command center here?

19 A. Yeah. I would envision that the liaison would get briefed from them. And if the seniors from
20 each of the parties want to come and do the briefing, it doesn't necessarily mean that the family
21 liaison has to do the briefing, but would be the coordinator of it, to be part of making sure they're
22 part of that group.

23 Q. Okay.

24 A. Am I making any sense?

25 Q. So you maintain the list of family liaisons that MSHA has trained; right?

- 1 A. Well, I have it, yes.
- 2 Q. You have it. And do you have any involvement then with assigning, for example, at
3 Crandall Canyon ---.
- 4 A. It depends ---.
- 5 Q. Did they call you and say send us some, Cheryl?
- 6 A. They called and said, we're going to need.
- 7 Q. We're going to need some.
- 8 A. And we talked. I did not assign anybody at this one.
- 9 Q. Okay.
- 10 A. I talked to Bill Crocco ---.
- 11 Q. Did you give them some names ---?
- 12 A. And I gave them some names. He had that already, but we talked about getting people out
13 there timely who would be good, you know, blah, blah, blah, yeah.
- 14 Q. Okay. But you didn't go out?
- 15 A. I didn't.
- 16 Q. Okay.
- 17 A. I mean, I'm not --- I don't really make the assignments.
- 18 Q. Oh, okay. I understand. I just wanted to know, he didn't ask you to go to Crandall?
- 19 A. He did not.
- 20 Q. Okay. And so you know that the family liaisons were sent out and responded fairly quickly?
- 21 A. I did.
- 22 Q. Did you talk to any of them?
- 23 A. I tried to talk to them just on a personal basis, ---
- 24 Q. Yes.
- 25 A. --- to make sure they're doing okay. Because that's one of the issues of being a family-

1 support person is to take care of yourself, too, so that you don't get in ---.

2 Q. Okay. So you talked to some of the family liaisons during the event?

3 A. Uh-huh (yes).

4 Q. And what were their feelings about how that was going?

5 A. Well, I think that they all thought they were providing a pretty good service, and that ---.

6 Q. Okay. They felt like they were providing a positive service?

7 A. Yes.

8 Q. How did they feel about Mr. Murray's briefing?

9 A. I didn't get that. I didn't get that from them. I only heard about that ---.

10 Q. You never heard anything from ---?

11 A. I did not. No, I did not hear that.

12 Q. Okay.

13 A. When he was going in and telling them misinformation until after they told me that he --- or I
14 was told that he had to be removed because he was giving the families wrong information. And that
15 might not be accurate, either, because that's a third-party story that I heard.

16 Q. Okay. So no one ever expressed any of that to you, concern, that, Cheryl, I don't like the
17 way this is going, or anything?

18 A. No.

19 Q. No? They just basically said we're ---

20 A. They did not tell me ---.

21 Q. --- providing a good service, ---

22 A. Uh-huh (yes).

23 Q. --- and I'm okay?

24 A. Something like that. Something like that, yeah.

25 Q. What would they have said to you?

1 A. Well, I just asked them, you know, particularly people who were closer to the situation, if
2 they needed any assistance, they needed any help, if they were doing okay, and just let them talk.
3 Sometimes people just need to talk.

4 Q. Okay.

5 A. That's all.

6 Q. And so when they talked to you, what feeling did you get?

7 A. I got a real positive feeling that they were --- that things were going well. But when you're
8 not there, I guess I wasn't getting the whole story.

9 Q. Any that you remember specifically, any names of those liaisons that you remember talking
10 to specifically?

11 A. Yeah, I talked with Carla. I talked with Bill Denning.

12 Q. Carla Marcum?

13 A. Carla Marcum, Bill Denning. I didn't speak with Richard Laughlinburg because he was one
14 of the first ones that went out there.

15 Q. Okay.

16 A. Because he was close. I mean, arrival time is an issue, getting people out there quickly.

17 Q. Okay.

18 A. Bill Grey went later to replace someone, but I believe it was Carla. But I didn't ever speak
19 with him.

20 Q. Okay. So ---.

21 A. And it's really, I guess, not my job ---.

22 Q. No, you just cared about it.

23 A. Yeah.

24 Q. Okay. And through those conversations, though, no one ever expressed concern, I don't
25 like the way this is going, or anything like that? Or did they ever mention anything like that to you?

1 A. No.

2 Q. No?

3 A. They may have mentioned little issues from one briefing to the next, but we just kind of
4 talked about how did you smooth that over, or how did you approach that, or talked about it. But
5 there wasn't that big --- Murray going in there and giving families false information, which I heard
6 later.

7 Q. No one told you that?

8 A. They did not.

9 Q. Okay.

10 A. And I don't know that they even had to, but they didn't.

11 Q. Did they ever mention an issue about a translator, or a lack of a translator?

12 A. I thought --- I understood that there were some.

13 Q. Okay. So from your understanding talking to them, or is this just something you heard
14 later?

15 A. No, from my understanding from them.

16 Q. The liaisons said we have a translator ---?

17 A. There is a translator, and I don't think it was an MSHA person. But they also did get an
18 MSHA person who had Spanish ---

19 Q. Okay.

20 A. --- to come out there and help. And I'm trying to think of his name. He's going to get
21 training and I guess become a liaison in November. At least that's the plan.

22 Q. Okay.

23 A. But I was thinking they got like a local clergy or a local person to help translate.

24 Q. Okay.

25 A. One of the things --- one of the features of the NTSB and how they handle a situation is they

1 don't hold everything to themselves. They have relationships built ahead of time with the American
2 Red Cross and various people who have the expertise. I mean, we're not counselors, ---

3 Q. Right.

4 A. --- we never will be. We're technically astute so that we can give them the appropriate
5 technical information, and then coordinate other services as needed. So if you get the Red Cross,
6 you have chaplains, you have counselors, you have food, shelter, clothing, child care. And they're
7 happy to bring all that to the situation.

8 Q. Okay.

9 A. And that relieves us of trying to be something that we're not.

10 Q. So you would be more involved in explaining mining terminology or technical issues. Or if
11 they asked what does a shuttle car look like, you can get a picture of one ---?

12 A. I find myself doing that all the time when we go out there and talk, and we talk in our lingo
13 and our blah, blah, blah, blah.

14 Q. Uh-huh (yes).

15 A. And not every John Q. Public really understands what we're saying. And you can see that
16 look in people's eyes, like what the heck are they telling me?

17 Q. Okay.

18 A. I can describe it in a way that an average person who doesn't have that technical expertise
19 can get a mental picture of what you're talking about.

20 Q. Okay.

21 A. I mean, some people don't even know, as you know, when you talk about going down 900
22 feet what that means, whether it's this way or that way, or ---

23 Q. Right.

24 A. --- you know. And it helps to have a mental picture of what that really looks like when you're
25 trying to process information that people are giving you.

1 Q. Okay.

2 MR. PAVLOVICH:

3 Any follow-up on that, Ernie, or ---?

4 MR. TEASTER:

5 No.

6 MR. PAVLOVICH:

7 Don?

8 UNIDENTIFIED SPEAKER (DON):

9 I got a question, Cheryl.

10 A. Uh-huh (yes).

11 UNIDENTIFIED SPEAKER (DON):

12 And just getting your opinion about something. What's your
13 opinion about people from the command center being involved in the family briefings? And
14 specifically, do you think they can stay objective in making decisions in the command center after
15 they've seen the emotions of the families?

16 A. Well, I think we've always done that, even before we had family liaisons or before we
17 officially got to this place where we are now. The person in charge of the command center for
18 MSHA had always faced that. I mean, yeah, I think you can. I think we always have expected that
19 we did, we thought we did. I mean, as the district manager in charge of a command center, did you
20 not directly face the families?

21 MR. PAVLOVICH:

22 Are you questioning me?

23 A. Yeah, I am. I'm asking you that question.

24 MR. PAVLOVICH:

25 Are you asking my opinion?

1 A. Yeah, I'm asking your opinion. Opinions are like, you know ---.

2 MR. PAVLOVICH:

3 Any time I was in the command center, I don't recall ever myself personally
4 meeting with families.

5 A. No?

6 MR. PAVLOVICH:

7 No.

8 A. QueCreek may have changed the whole world in the way we do business.

9 MR. PAVLOVICH:

10 I'm thinking maybe so.

11 A. Because that was --- that did happen, and that was important. And that's probably what all
12 our perceptions are based on.

13 MR. PAVLOVICH:

14 Right. But then again, many of my command center-related events did not
15 involve trapped people either ---

16 A. Well ---.

17 MR. PAVLOVICH:

18 --- or missing people.

19 A. And that's the truth. I mean, some ---.

20 MR. PAVLOVICH:

21 So you know, I can't say that there was any family members to meet with
22 because the only family members would've been the wives and children of the mine rescue team
23 members I was sending underground to put out a fire or ---.

24 A. And they weren't there, right.

25 MR. PAVLOVICH:

1 Yeah. So ---.

2 A. So it's all depending ---

3 MR. PAVLOVICH:

4 But at Aracoma when I was in the command center with the State at
5 Aracoma, no, I didn't have anything to do ---. Doug Conway was doing that, and I was working the
6 command center for Doug ---.

7 A. Well, it's an easy thing to walk away from if you don't have to do it.

8 MR. PAVLOVICH:

9 Pardon me?

10 A. It's an easy thing to let somebody else do if you don't have to do it. It's tough. I mean,
11 even ---.

12 MR. PAVLOVICH:

13 I think it would be overwhelmingly tough for me to meet with families and
14 then to also try to run an operation objectively. For me personally, I feel that way. But, you know,
15 I'm sure everybody's different, and other people may not feel that way.

16 A. I think that that's the beauty of having a family liaison that's really part of the team.

17 MR. PAVLOVICH:

18 I think that's what the program is about.

19 A. I think as a district manager, it would've a lot of pressure off of me.

20 MR. PAVLOVICH:

21 A tremendous amount.

22 A. But that's where the family liaison has to get their information and has to be part of
23 whatever group is operating the command center, whether it's just the State and MSHA and the
24 company, or whether the mineworkers are --- that's where everybody has to be in agreement. No
25 matter who's going to go to the briefing, whether it's just the liaison or whether it's people from this

1 group, they have to be saying the same story ---

2 MR. PAVLOVICH:-

3 Right.

4 A. --- in unison.

5 BY MR. PAVLOVICH:

6 Q. So accuracy of information is what you're saying is extremely critical ---?

7 A. It is absolutely critical.

8 Q. Okay.

9 A. Because even when you go and brief them, and then the heads of state go out and stand in
10 front of the press, and the press is beating you with questions. And you're saying the same thing,
11 but it comes out in a different --- with a different look, they think you haven't told them something.

12 Q. Yeah, I see.

13 A. And that can make emotions, you know, get way out of hand. So it's a critical, critical job.

14 Q. Do you think it's best then to provide like a written statement?

15 A. Sometimes. And sometimes that's done. And in terms of what we've learned from the
16 NTSB --- but they have not just themselves up there briefing also.

17 Q. Uh-huh (yes).

18 A. They bring an investigator from the crash site that is talking about the specifics. They have
19 a representative from the airline, you know. They have --- we modeled real close to what they do.

20 MR. PAVLOVICH:

21 Right. Okay. Anybody want any more opinions from Cheryl now?

22 UNIDENTIFIED SPEAKER:

23 Cheryl, do you think if the head guy from the company comes to debrief the
24 family, do you think the family will expect the head guy from MSHA to come and debrief them
25 instead of maybe the family liaison? Do you think there'd be that expectation?

1 A. I don't know. I think if the family liaison is empowered and has enough information, they
2 can be as important, if you don't set them aside as an afterthought. I don't think it matters who as
3 long as it's timely and accurate and they're empowered enough to be the one in authority. You
4 stand up there and you say --- what the NTSB does is they all dress alike, whether it's yellow or blue
5 or whatever. And you see this, we are the only people that know the truth. And they stand up there
6 and they say that. You can go out there and you can talk to anybody you want to, you can hear
7 anything you want, but if you want to know the truth, you find somebody that has this shirt on. We
8 are the only people that can tell you the truth. And I don't know if they say it quite that bluntly, but
9 they make it very clear if they want to know the truth, this is where you get it. And I think that's a
10 pretty good way to go.

11 BY MR. PAVLOVICH:

12 Q. Well, the family liaison, they're pretty much expected to stay there with that family their full
13 shift; right?

14 A. Yeah, it's probably good to put people on an eight-hour shift. Because after eight hours, you
15 really kind of need to walk away from that.

16 Q. Yeah. But I mean, it's not like you just come in and out. You stay there with them.

17 A. Oh, no, no. You stay there.

18 Q. Okay. You stay there with them the full time?

19 A. Yeah.

20 Q. Okay.

21 A. But you don't have to be in there ---.

22 Q. So you build up a good rapport with those people through questions they may ask you all
23 day long about things?

24 A. That's right.

25 Q. Okay.

- 1 A. It's not just the briefing. That's not my vision of it. You're there.
- 2 Q. Okay.
- 3 A. You're at their disposal.
- 4 Q. Okay.
- 5 A. While you take care of yourself ---.
- 6 Q. Are they instructed in that training to take notes of their time with the families ---
- 7 A. No.
- 8 Q. --- and questions that were asked or anything?
- 9 A. No.
- 10 Q. No? They don't ---.
- 11 A. No.
- 12 Q. So there would be no I guess ---?
- 13 A. Record?
- 14 Q. No, no. And I guess if you have someone working dayshift and another person working
15 evening and another person working night, and someone says, tell me what a gob is, you'd hope
16 that all three people would ---
- 17 A. Would say the same thing.
- 18 Q. --- explain a gob the same way so they don't say wait, that's not what they said. So they
19 don't really get into ---.
- 20 A. They brief each other when --- they are instructed to brief each other. You don't have an
21 hour overlap.
- 22 Q. Okay.
- 23 A. But no, not take notes ---.
- 24 Q. Not to the point where these people asked me these questions today and here's what I told
25 them, so you know?

1 A. No.

2 Q. Okay.

3 A. I never really thought about that, but no.

4 UNIDENTIFIED SPEAKER:

5 Who does have the family-liaison program for MSHA, is it local?

6 A. Vicariously, I'm doing it. But the two accident investigation program managers are the ones
7 who either go to the list or call me and say get me three, I need them. And I've done it and they've
8 done it, so ---.

9 UNIDENTIFIED SPEAKER:

10 The future training that you mentioned, do you set that up again ---?

11 A. Well, I called and got the schedule and gave it to the guys and said you can get your people
12 scheduled if you want to, here it is. And called the director of the NTSB family-assistance program
13 and told her we, MSHA, had people coming to give them a little special attention. They kind of like
14 us, they kind of ---. During this, they called two times.

15 BY MR. PAVLOVICH:

16 Q. NTSB did?

17 A. Yeah, offering their help or assistance or their support.

18 Q. Okay. Very good.

19 A. It's good to think outside yourself and see what other people do. I mean, everything they do
20 doesn't fit our model, but the gist of it does fit our model. And it's some pretty good stuff. If we're
21 going to have to do it, we might as well do it and be effective and also leave there feeling like
22 you've accomplished something.

23 Q. Agreed. Very good. Anything else?

24 A. No.

25 MR. PAVLOVICH:

1 Okay. Well, this is all the questions we have for you at this time, Cheryl.
2 We may have more questions in the future, understand, so we may ask you back.

3 A. Sure.

4 MR. PAVLOVICH:

5 But if so, we'll contact you and set up a follow-up interview. And if at a later
6 time you think of something additional you'd like to tell us, you'll see us around here, so, you know,
7 please take that opportunity and feel free to do that.

8 A. Okay. Well, in terms of specifics and timelines, there'd be agency records. You could go
9 back and look and find those when the personnel changes were made or stuff, because I don't carry
10 that around.

11 MR. PAVLOVICH:

12 I understand, I understand. And we' d also --- would you agree not to
13 discuss your interview with anyone else in order that we may obtain unbiased information?

14 A. Absolutely.

15 MR. PAVLOVICH:

16 Okay. Thank you so much.

17 MR. TEASTER:

18 Thank you, Cheryl.

19 A. Thank you.

20 MR. TEASTER:

21 We appreciate your help.

22

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