

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
RICHARD LAUFENBERG

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
JANUARY 22, 2008

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MR. PAVLOVICH:

Richard, I think you've probably had an opportunity to meet the team here. And just to give you a little background, I guess, about how Ernie and I are involved in this. We're both former MSHA employees, retired. And this particular event, since Mr. Stickler and Kevin Strickland were both onsite during the rescue operation, the Secretary of Labor decided that it probably should be an independent review instead of an internal review as normally had been done. So instead of having someone head it up who was working for Stickler and Kevin, they decided to ask us if we'd come out of retirement and work for the Secretary's Office and head this thing up. And then we've asked these people who are experts in coal and plans and other things to assist us. So that's kind of how --- why we're here and how we got here. And I got a statement here to read to you just to start out. Also, we're taping the interviews. Is that okay with you? What we're doing is using that for our benefit to confirm anything we hear. If there's some miscommunication in our note taking later on we can always go back and listen to tape to make sure we get it straight. Is that okay?

MR. LAUFENBERG:

Yes. That's fine.

MR. PAVLOVICH:

Okay. The Secretary of Labor has assigned this group the task of evaluating MSHA's performance during the period preceding August 6th, 2007 coal bounce at the Crandall Canyon Mine and the subsequent rescue effort. We will also be evaluating issues that were raised during this time period regarding Bob Murray and his interaction with MSHA. This evaluation will be presented to the Secretary in the near future and it is intended that the results of the evaluation will be

1 made public. This interview is being conducted to gather information for this
2 assignment. We also intend to interview a number of other MSHA employees. So
3 that we may obtain unbiased information from all persons to be interviewed, we ask
4 that you not discuss this interview with anyone until all the interviews have been
5 completed. And we assume these probably will be completed sometime around mid
6 February. We still have some more to do in Price yet, but --- and also, you're a
7 management employee with MSHA, so you're not entitled to union representation.
8 And you understand that?

9 MR. LAUFENBERG:

10 I understand.

11 MR. PAVLOVICH:

12 Okay.

13 BY MR. PAVLOVICH:

14 Q. Can you tell me your full name, Richard?

15 A. It's Richard R. Laufenberg.

16 Q. Okay. And what is your present job title?

17 A. District Manager for the Rocky Mountain District.

18 Q. Okay. How long have you worked for MSHA, Rich?

19 A. Twenty-three (23) years.

20 Q. Okay. And how long have you been district manager there?

21 A. Since September of 2007.

22 Q. Okay. Prior to that, what was your job with MSHA?

23 A. Just prior to that, I was the assistant district manager for the Rocky Mountain
24 District.

25 Q. Okay. So you were here in Rocky Mountain?

1 A. Yes.

2 Q. Okay. And have you spent your entire 23 years with metal/nonmetal?

3 A. Yes.

4 Q. Okay. And worked in the variety of jobs throughout?

5 A. Yes. I started in Topeka, Kansas as an inspector in 1984.

6 Q. Okay.

7 A. And came to Denver in 1993 as supervisor for the field office here. From
8 there I was the safety specialist for the district for a period of time and then I went to
9 the district staff assistant position before becoming the ADM and then eventually the
10 DM.

11 Q. Okay. All right. And the reason we're interviewing you is you were a
12 participant in the Crandall Canyon.

13 MR. PAVLOVICH:

14 Yes?

15 UNIDENTIFIED SPEAKER:

16 Can I interrupt for a minute? A couple of us are having
17 trouble hearing, so could you --- can I ask you to try to keep your voice up if possible?

18 A. Sure.

19 UNIDENTIFIED SPEAKER:

20 Thank you.

21 BY MR. PAVLOVICH:

22 Q. Okay. The reason we're interviewing you, Richard, is you are part of the
23 MSHA's family liaison program?

24 A. Yes.

25 Q. And so you were present at the Crandall Canyon event as --- had a role as a

1 family liaison; is that true?

2 A. That's true.

3 Q. Were you ever up at the mine site during the event?

4 A. Yes.

5 Q. Okay. Did you ever go underground?

6 A. No.

7 Q. Okay. And primarily what did you do while you were at the mine site?

8 A. I was at the mine site just one time.

9 Q. Okay.

10 A. The first day that Tommy Hooker and I arrived, we drove directly to the mine,

11 Q. Okay.

12 A. --- and spent a short period of time at the mine that first evening and that was
13 the only time I believe that I was actually at the site.

14 Q. Okay. How many days did you spend there as a family liaison?

15 A. I don't remember the exact length. We left, I think, the day before the three
16 rescuers were killed and I can't remember I think that was like on Tuesday possibly.

17 Q. And that was the 16th, I think. So you think maybe the 15th, you would have
18 been there through the 15th?

19 A. I think it was, yes.

20 Q. Okay. Can you tell me who assigned you to respond to Crandall Canyon?

21 A. Mr. Hooker ---

22 Q. Okay. Tommy Hooker.

23 A. --- told me that morning of the event when I was at work. He informed me
24 what was going on and he told me to go home and get some clothes, that we'd
25 probably be, you know, on an extended stay over in Price.

1 Q. Okay. And did he tell you what your responsibilities would be ---

2 A. Yes.

3 Q. --- when you got there? He was aware that you had gone through the family
4 liaison training; right?

5 A. That's correct.

6 Q. Okay. And so you arrived at the mine on the 6th or the 7th? Do you
7 remember?

8 A. It was the day of the event.

9 Q. The day of, which would have been the 6th?

10 A. Yes.

11 Q. So you responded and drove to Price with Tommy?

12 A. Yes.

13 Q. Okay. And when you arrived at the mine, were you given any specific
14 instructions as to what your duties would have been?

15 A. Yes. We, you know, talked to Alan Davis and to Bill Denning. And Bill
16 Denning was the lead as far as the family liaison responsibilities were and then Bill
17 discussed with me exactly the shifts that I would be covering.

18 Q. Okay. And so what was your assigned shift?

19 A. Tommy and I were going --- Tommy was going to work at the mine from 11
20 o'clock until 7:00 in the morning and I was going to take the same shift so that we'd be
21 working together. I'd be in town with the families and Tommy would be at the mine in
22 the command center.

23 Q. Okay. So you were basically on the midnight shift ---

24 A. Right.

25 Q. --- I guess? Okay. What kind of training did you receive related to being a

1 family liaison?

2 A. I attended training out in the Washington D.C. --- the area out there where the
3 National Transportation Safety Board went out there for --- I believe it was a one-week
4 session. I attended it with Cheryl McGill.

5 Q. Okay.

6 A. And I think we attended the first training with MSHA for the family liaisons and
7 that's where I got my training.

8 Q. Okay. And I guess, was that training --- can you kind of give us briefly what it
9 encompassed? I mean, was it --- was it training to teach you to be sympathetic and
10 counseling or was it training on how to inform families of the truth of what was
11 happening, I guess? What was the focus of the training?

12 A. I think the focus was just to prepare us mainly on some of the issues that you
13 may encounter in a situation where you're dealing with families. Some of the
14 emotional aspects of it. Some of the --- just the logistical aspects of dealing with a
15 number of families sometimes and how to coordinate different responsibilities that you
16 may encounter. So it was pretty encompassing. I mean, it was a number of different
17 items we had to cover and I thought it was excellent training. I really did. I mean, I
18 thought that the people that did the training were very well qualified. They're experts
19 in the field, really. So ---.

20 Q. Okay. Did you also receive training on MSHA's policy concerning family
21 liaisons and primary communicators?

22 A. Received the information, I don't know if I remember actually like having any
23 specific training on the --- on the policy or whatever.

24 Q. Okay. So you primarily just got the policy?

25 A. Yeah.

1 Q. And pretty much what's your understanding of that policy pertaining to family
2 liaison?

3 A. Well, pretty much you're responsible for the the dealings and as far as
4 providing the accurate information and timely information to the families that are
5 involved in an event such as this here.

6 Q. Okay.

7 A. But you're MSHA's lead person as far as the contact between what's going on
8 at the mine and what's going on with the families, providing them the timely and
9 accurate information.

10 Q. Okay. So your impression that primarily what the policy says is you're the
11 lead person in providing accurate and factual information to the family members about
12 what's happening at the mine and passing it on into the family briefing?

13 A. Yes. That's my understanding.

14 Q. Did you --- did you get to do that during the Crandall Canyon event? Were
15 you actually the lead person on the --- on your shift that was conveying those briefings
16 and information?

17 A. I would say on my shift when I was there, I was the person --- usually the only
18 MSHA person with the families from 11: 00 until 7:00 in the morning ---

19 Q. Okay.

20 A. --- and then Mr. Hooker would debrief me. About hourly we would be in
21 contact with each other and he would give me information and I would pass that
22 information on to the families.

23 Q. Okay. So he was providing you information from the command center and
24 then you would pass that on verbally and in writing to the families. I mean, would you
25 write it on a board or something about footages and different things?

1 A. We would do both.

2 Q. Okay.

3 A. It kind of evolved into --- initially a lot of it was probably verbal, but then as it
4 went on, the families, you know, they --- a lot of them went their to their homes and
5 they weren't there all the time. There were some people there all the time and a lot of
6 them did not want to be, you know, for us to wake them up in the evenings, they were
7 sleeping so we would put the information --- as we got it, we would give it to them
8 verbally and then plus try to put it on a dry eraser board so that ---

9 Q. Okay.

10 A. --- if someone was sleeping and they would wake up, they would be able to go
11 and kind of get an update. A quick, you know , glimpse of what was going on.

12 Q. Okay. Were you able to respond to questions from the families in regard to
13 what was happening? I mean, do you feel that you had enough knowledge and
14 information from the mine to respond to their questions?

15 A. I feel I did, yeah.

16 Q. Okay. You didn't have any problem with that? I mean, you --- and you could
17 always call the operator or the people in the command center if you needed
18 information; right?

19 A. That's correct. And I did that from time to time. I would call Tommy to verify
20 information if I was getting something that the company could not --- the company rep
21 at the center could not verify, then I would call Tommy and try to verify it before we
22 would give the information to the family.

23 Q. Okay. When you first responded to the family area, okay, how was it made
24 known that --- to the families, that you were from MSHA? I mean, who did they think
25 you were?

1 A. I don't know who they thought I was. I guess you could ask them. But I
2 remember it was pretty chaotic that first night when I went down there. I don't
3 remember exactly if Bill Denning was there or who was --- who was a the mine site.
4 But I was going to take --- we got in late to the mine and then we drove back to the
5 place where we thought the families were and they had actually moved them from one
6 location into the school. And then when we went to the location where we thought the
7 families were going to be, the sheriff there indicated that they had moved the families
8 to the school. And then we went over to the school. And then went in and when I took
9 over at 11 o'clock that evening, it was --- see, I can't remember exactly if it was Bill
10 Denning was there and Bill Denning introduced me to the families as the MSHA
11 person that would be taking over for him. I think that's how it worked, ---

12 Q. Okay.

13 A. --- if I remember right.

14 Q. Do you feel that the families really know and most people off the street would
15 know what MSHA is?

16 A. Most people off the street, probably not.

17 Q. Okay. And so you know, you got 50 or 60 family members there representing
18 six people --- well, I can just say this, okay. A lot of the people we talked to said yeah,
19 we know who Bill and Carla and Richard were, but we didn't know they worked for
20 MSHA. Would that surprise you hearing that today?

21 A. Yes, it would.

22 Q. Okay. So I mean, you would have thought it was real clear these people know
23 that I'm from MSHA. I'm serving as a family liaison, I'm doing this and these are my
24 duties?

25 A. If that's what they said, I'd be surprised ---

1 Q. Okay.

2 A. --- if they said they did not realize we were with MSHA.

3 Q. Okay. All right. Well, they did.

4 A. I'm surprised.

5 Q. And I'm not saying all. I'm just --- you know, some of the family members
6 we've talked to. And I guess, you know, we're looking at it as, of course, you know, we
7 know what MSHA is very, very clearly. But I guess if you see the guys on TV with
8 NTSB or you see Federal Marshalls or you see FBI, they're wearing a coat that says
9 FBI, Federal Marshall, NTS --- you don't have any identifying clothing that says MSHA
10 or anything like that that you were able to wear there; right, or did you?

11 A. It would have had to been my coveralls and ---.

12 Q. Yeah. And you wouldn't be wearing your coveralls in the briefing, so you
13 know, as far as people that are in a state of grief, obviously, and panic and concern
14 and worry, you can understand where that would be conceivable. They may
15 remember the name Richard Laufenberg. But who he worked for and how, you know,
16 did he work for the Red Cross, did he work for MSHA, did he work for Murray, did he --
17 - I mean, does that seem plausible to you that it could be that way?

18 A. I don't know, you'd have to ask them.

19 Q. Okay.

20 A. Like I said, we were introduced and maybe we just felt that once you were
21 introduced to the family and you were there every day with them then ---.

22 Q. Do you think it would be beneficial if you had some kind of identifying I am
23 with MSHA? Here's my responsibility. Here's what I'm here to tell you, inform you of,
24 here's ---

25 A. Something like ---.

1 Q. --- you can ask me questions anytime if you have any concerns, if you have
2 anything here's what I am or am I just someone here writing something on the board?
3 And I'm asking your opinion. I mean, you know ---.

4 A. To some degree maybe. I don't know if you want to walk around with
5 something like a big thing MSHA on your back or something like that, but maybe
6 something that would ---.

7 Q. Like on a shirt or something like that?

8 A. Shirt or something or whatever, you know, if it would say family liaison or
9 something. But I don't know if you want to be, you know, in that setting walking
10 around with a bunch of family members with something like FBI or National
11 Transportation Safety Board where it's this big across your back. I don't think that's ---
12 I wouldn't want to be --- as a family liaison, I don't think that's your function. I think
13 your function is to to be there and be available for the families, but I don't think you
14 want to be standing out either.

15 Q. Well, how would they know what your function is? If you didn't --- I mean, you
16 could have 50 or 60, 70 people in there at any one time; right?

17 A. Right.

18 Q. And how do they know here's the guy we need to go ask a question? Cause
19 there's other folks in there. I mean, there was company people.

20 A. Sure.

21 Q. There was counselors. There was Red Cross. There was food service. I
22 mean, what identified you as being the go-to person from MSHA as someone else?

23 A. Well, I think with the families I thought we had identified ourselves clearly to
24 the families that we were --- the direct families that we were dealing with. And there
25 was also a huge language barrier there, too, with the family, with the aspect as far as,

1 I think there was three of the families where it was very difficult at all to communicate
2 with them because you had to do whatever you were going to do through an
3 interpreter.

4 Q. Okay.

5 A. So ---.

6 Q. Okay. So would you feel then that the family members understood what a
7 family liaison was and what the role was in your opinion?

8 A. Some more than others probably.

9 Q. Okay. Maybe some more than others?

10 A. And some probably not thinking anything like that. There's some --- in even
11 the training we got, you know, it's very difficult as far as how do you present yourself
12 and how far do you go? You know, a lot of it --- every family grieves different and
13 takes this --- something like this --- they process it differently. And to come across like
14 you're there, you're with the government, you're there to help them, that may be the
15 last thing they want.

16 Q. Okay.

17 A. Okay?

18 Q. Okay.

19 A. So I mean, it's a fine line you're walking as far as I'm here with the federal
20 government and I'm here to be the spokesman. I mean, yes, there probably are some
21 people that really would want that and need that and there's some other folks, and
22 you'll see that if you're in one of these family centers, that that's the last thing they
23 want to do is to be dealing with maybe someone from the federal government.

24 Q. Okay. Okay. That's very good information. Do you think most of the people
25 felt like you were someone they could approach and ask questions of and ---?

1 A. I think as the time went on, that's what it came to be.

2 Q. Okay.

3 A. I think the people that were maybe needing more information. Every family ---
4 to some families it seemed like they didn't want very much information at all. You
5 know, they weren't going to use us as their source. And there was other families that
6 were there pretty much every day, never left the facility pretty much. Somebody from
7 their family was there. And they did rely on us pretty heavily for information.

8 Q. Okay.

9 A. So again, I think it's every family you can't just group them all as this is what
10 they want.

11 Q. Okay.

12 A. Every family had different needs and wanted the information. Some, like I
13 say, there were some families there that wanted very little information from us or from
14 the company.

15 Q. Okay. How often did you personally update them, Richard?

16 A. Anytime that Tommy would call in the evenings. If the families --- like I say,
17 as it went on, when we asked the families --- a lot of them would be sleeping right
18 there and we'd ask them do you want us to wake you up. And some did, some of
19 them didn't.

20 Q. Okay.

21 A. So I mean, it varied. You know, we didn't have any ---.

22 Q. So it might be like every three or four hours, or once during your shift, or a
23 couple times? I mean, on an average, I guess.

24 A. I think they were updating us almost every hour ---

25 Q. About every hour?

1 A. --- or two hours from the mine with footages and depending on what was going
2 on, the information that we were getting. Sometimes it would be maybe two or three
3 hours before we'd really get anything new to report to the families. And then there
4 were other times when we would get a call almost every hour as far as how far --- the
5 families would want to know how far the drilling was progressing and we would get that
6 information as far as, you know, each hole and where they were at and we would
7 update them.

8 Q. Okay. So Tommy would kind of ---?

9 A. Like I say, being at night it was a little difficult because a lot of the families
10 were either not there or the ones that were there were sleeping.

11 Q. Okay. Do you remember anybody ever showing them a map, briefing them
12 on a map about the extent of the bump and how far back it came from where the
13 miners were working and that sort of thing?

14 A. We did have maps in the family center and we were tracking distances and
15 locations as far as how the people that were working the rescue were advancing.

16 Q. Okay. Did ---?

17 A. Location of the holes as they were ---

18 Q. The borehole?

19 A. --- putting down the holes, the boreholes. We had a map and we were
20 indicating, you know, where those were.

21 Q. Did you remember if anybody ever told them, on your shift, of course, that
22 these entries basically were packed full of coal? I mean, to the roof.

23 A. I'd have to have the log to see if that information was given to me. Then I
24 would have probably been the one that would have told it to them.

25 Q. Okay. But you don't remember that right off, that comment ---?

1 A. No. I can't tell you. I'd have to look at the log.

2 Q. Okay. How did the families treat you as far as a liaison? Was there anything
3 ever a confrontation on? Was --- I mean ---?

4 A. No. I didn't have anything confrontation, no.

5 Q. Never had any ---?

6 A. No.

7 Q. So you feel it was respectful? I mean, they --- they were searching for
8 information or ---?

9 A. Yeah. And I guess that's how I kind of took my role as I didn't --- you know, I
10 provided them information and that was my main purpose there was to try to give
11 them the information they needed. And other than that, I pretty much stayed at a
12 distance as far as, you know, I wasn't --- you know, for the updates and that we were
13 given the information and then, like I said, most of the time it was in the evenings and
14 those folks were tired and they were sleeping and I tried to give them that distance.
15 But I was always available there in the gymnasium. They had the command center
16 link up phone there and we were always pretty much in that same area. So if anyone
17 wanted any information they could come and ask.

18 Q. Okay. Did they come and ask you a lot of questions?

19 A. Probably not a lot. But they did ---

20 Q. A few?

21 A. --- ask questions, you know, as far as, you know, if someone was out for a
22 while they'd come back in and --- you know, I think as we progressed, the way we were
23 providing the information and the whole --- you know, we started to come into a
24 routine, I guess, to what they would expect from us and then the people would be
25 there and they would know about when the information was coming in. And like I say,

1 a lot of them would leave. They would come back in and they'd either look on the
2 board or they would come over and ask, you know, when did you get your last update,
3 when do you expect the next update, things like that.

4 Q. Did you ever hear or know that there was one lady there that was not told,
5 maybe never told, that her husband was actually one of the missing miners? They
6 basically deduced it from the fact that he never came home. Had you ever heard
7 that?

8 A. Never heard that.

9 Q. Okay. Do you know how they were informed?

10 A. No.

11 Q. Okay. Were you there when the air quality from the Number One borehole
12 was given to the families and that it was 20.4 percent oxygen? Do you remember
13 that?

14 A. I don't remember that.

15 Q. Okay. It would have been when the Number One borehole first went through,
16 which would have been 11 o'clock, 11:30 at night. The sample was taken and it was
17 reported, I guess, to the families that there was 20 percent oxygen in that borehole.

18 A. I don't remember that.

19 Q. You don't remember that? Did you ever hear about it? That the first borehole
20 showed initially, or someone reported that it showed 20 percent oxygen?

21 A. I think I had heard that, but I don't remember exactly who I heard it from.

22 Q. Okay. So nobody really told you as a ---?

23 A. No. I don't know if that was second or third hand information that I had
24 received.

25 Q. Okay. Did you ever hear that that was later corrected with the families? That

1 it was really only seven percent oxygen in that hole?

2 A. Again, I think that I had heard that that was --- the reading was possibly not
3 from where they thought they were getting the reading and that information, I guess,
4 you know, was eventually clarified. Now, who told the families, I don't remember.

5 Q. Okay. You don't remember being there when that was --- when that was
6 discussed? Did any of the family members ever ask you what that meant, I mean,
7 having seven percent oxygen in a borehole?

8 A. No.

9 Q. No. Normally through the night like when you were there, I realize it's late at
10 night, about how many family members would have been present, Richard, on an
11 average, at least from the 6th through the 16th? I realize after the 16th maybe less.

12 A. Early on there could have been 50 or 60 there. Towards the end there, before
13 we left, sometimes there was probably less than 10 people there.

14 Q. Okay. So it started to dwindle as the days went on?

15 A. Yes.

16 Q. Were they given --- I mean, was there areas they could sleep and rest and
17 that sort of thing or I mean, would they have sleeping bags on the floor or did they ---?

18 A. They had couches they had set up for the families. They had --- some areas, I
19 think, they had like some mats there for them to actually --- I mean, that's where they
20 slept if they were going to stay.

21 Q. Okay.

22 A. Most of them didn't sleep. I mean, most of them, throughout the ordeal, ---

23 Q. Stayed up.

24 A. --- if they were there, they were up. I don't think they really slept, they were
25 just --- had a place where they could go sit down or, you know, sleep as best they

1 could.

2 Q. Okay.

3 A. It was pretty limited.

4 Q. Okay. How were the needs of the non-English speaking family members
5 met?

6 A. There were some interpreters there that --- I believe there was one clergyman
7 there that knew some of the families and was able to communicate with them.

8 Q. Okay. So were these like just someone from the community or someone that
9 Murray provided or someone that MSHA provided, I mean, how did that go about?
10 Do you know?

11 A. I'm not sure who provided them. They were there one evening when I was
12 there. Not all the time were they there at night.

13 Q. Okay.

14 A. And again, there was mostly, if I did show up early, they would be there. And
15 again, ---.

16 Q. Okay. But usually at --- would you say, usually night there was no Spanish
17 speaking person there as a translator?

18 A. Towards the end there was probably not.

19 Q. There was not?

20 A. They were available. They had given us their card and if we needed them
21 they would be available if needed to use them.

22 Q. Okay. So they would normally be there, say, in the morning with the formal
23 briefing that was done and again late in the afternoon with the formal briefing and then
24 basically weren't there through the night?

25 A. On and off they were there. I mean, I couldn't say. There was a lot of people

1 there. If they were there 24/7, you know, but towards the end most of the Hispanic
2 folks just --- they weren't there. There was like two or three families that were maybe
3 at the --- at the facility. So ---.

4 Q. Do you speak Spanish at all?

5 A. No.

6 Q. No. Okay. So if someone had concerns and addressed you in Spanish, it
7 would have been difficult to communicate with?

8 A. Correct.

9 Q. Okay. Was the press pretty much kept away from the location where the
10 families were being housed?

11 A. Yes.

12 Q. Yes. You never had any problems with press trying to come in or ---?

13 A. I didn't.

14 Q. Okay. Were you aware of family members going underground to look at the
15 situation?

16 A. Yes.

17 Q. Okay. And what did you think about that?

18 A. As far as?

19 Q. Was it a good thing to do? Was it ---?

20 A. I think the ones that went --- the one individual I know had a lot of mining
21 experience. I think he had worked at a coal mine. And that situation, I think, as it
22 went on, that whoever made the decision, made the decision and I guess I could see
23 some of the benefit of it, but whether or not it was the best decision, I don't know.

24 Q. Okay. Did you think it would have complied with an MSHA (k) order, to allow
25 family members to go underground?

1 A. Well, the (k) order is to correct the condition and if it's just information and if
2 they're not providing something to correct the (k) order, probably not.

3 Q. Okay. Were you ever there when the family members --- or these ones that
4 went underground came back and briefed the families on what they saw?

5 A. I don't think I was because most of those visits were usually done during the
6 day, in the morning, if I remember right. And so whatever information they were
7 bringing back was probably during the day.

8 Q. Okay. So you never really heard where they were coming back and telling
9 them what they saw underground in the times they'd been underground?

10 A. Not from the family. Any kind of official where they would get up and say
11 here's what's going on.

12 Q. Okay. Do you know were they doing that? Is that kind of how it was going or
13 was it just one-on-one stuff, somebody come back and said here's what I saw?

14 A. I couldn't tell you.

15 Q. So it never was done on your shift? I mean, they ---?

16 A. No.

17 Q. Okay. Did you ever talk to either of those gentlemen that went underground
18 there at night when they were there?

19 A. I talked to them.

20 Q. Okay. Did they ever talk to you about their excursion underground, what they
21 saw, what their concerns were, what your opinion was of it, any of that?

22 A. Not any detail, they really didn't.

23 Q. No?

24 A. No.

25 Q. Were you there when there was a decision made for the press to go

1 underground?

2 A. Not at the mine.

3 Q. Okay.

4 A. But I was ---.

5 Q. Were you in the --- at the family center?

6 A. I could have been. I don't remember exactly when that actually was actually
7 allowed.

8 Q. Okay.

9 A. I mean, if it was during the day, I probably was not the one that was actually -
10 --was giving permission.

11 Q. Okay.

12 A. Because like I said, from the first night on, I was pretty much there just --- I
13 would show up usual time and I would be there anywhere from 9:30 to 10 o'clock at
14 night. And then we would stay there until 7:30, 9 o'clock in the morning. So ---.

15 Q. Okay. And then Tommy would pretty much come back from the mine and
16 pick you up there and drop you off on his way to the mine, or ---?

17 A. We drove separate.

18 Q. Oh, you drove separate vehicles?

19 A. Yes, because he had to --- he wasn't sure if he would be delayed from time to
20 time, so we ---.

21 Q. Okay. So you had your ---?

22 A. Usually we'd leave the motel together and then follow each other ---

23 Q. Okay.

24 A. --- because it was late at night and then Tommy would go on that last 10 or 15
25 miles up to the mine.

1 Q. I see.

2 A. And I would pull off at the school there.

3 Q. Okay. There in Huntingdon, ---

4 A. Yes.

5 Q. --- somewhere in Huntingdon? Did you feel that the accommodations that
6 they had the families in were adequate?

7 A. At the facility?

8 Q. Yeah.

9 A. It could have been better. I think for the folks that wanted to stay there ---

10 Q. In what way?

11 A. --- the ones that wanted to stay there, the 24/7, I think some of the sleeping
12 arrangements could have possibly been better.

13 Q. Okay.

14 A. I guess I heard there was some issues with some of the food there. I think
15 that I had heard that the county or somebody came in and had an issue with how they
16 were --- I don't know. The food, if it was being set out and not being refrigerated or
17 something like that.

18 Q. Okay. So ---.

19 A. I heard a story about that, but I wasn't there when they were there. But yeah, I
20 think the accommodations probably could have been better.

21 Q. Okay. Do you know, does MSHA have any plan in place to provide those kind
22 of accommodations?

23 A. I'm not aware of anything.

24 Q. So if instead of this being Utah American and being a fairly large operation
25 that had money to rent a place or whatever and pay for food and all this stuff, if it was

1 some small 20-person privately owned mine that was relatively poor, how would
2 MSHA accommodate family members? Is there a plan in place for that that you know
3 of ---

4 A. I'm not aware of any.

5 Q. --- as far as food service and lodging and --- you're not aware of any?

6 A. No, sir. No.

7 Q. So we don't really have a contingency plan if we need translators? If we need
8 a food service? If --- I mean, you're not aware of anything like that?

9 A. I'm not aware of any written formal plan that in an emergency like this here
10 that, as a family liaison, that I would be allowed to ---.

11 Q. Kind of says that we should make sure the families are comfortable and all,
12 but we don't have anything to do with that. Well, and you're serving in two functions. I
13 mean, now as a district manager should an event of this occur in your district, that
14 would probably be of concern to you; right, is how do I accommodate these family
15 members and ---?

16 A. Well, I think a lot of it is done through the local organizations. I think the Red
17 Cross and different, you know, emergency responders and things like that. And that's
18 pretty much the way it was done out there.

19 Q. So we would have all that information to contact them?

20 A. Yes.

21 Q. You have that Red Cross numbers and emergency information?

22 A. I'm not certain.

23 Q. Okay. So you think they might have been contacted by Murray's people at
24 Crandall Canyon, the Red Cross and ---?

25 A. I honestly don't know.

1 Q. Okay. Counselors and ---.

2 A. They were there when I arrived. They were already there at the school.

3 Q. Okay. Were you ever there when Murray came in to talk to the families?

4 A. Once.

5 Q. Just once? Would it had been at night or in the morning, or when was it?

6 A. In the morning.

7 Q. In the morning before you left?

8 A. Once, yes.

9 Q. Okay. And what was that briefing like?

10 A. I think it was actually the --- probably the first morning after I was there.

11 Q. Okay.

12 A. I think I was there until eight or nine o'clock, I don't remember exactly. And
13 Mr. Murray had showed up and was starting to debrief the family and then shortly
14 thereafter I left.

15 Q. Was anyone from MSHA with him? Al Davis or Richard Stickler or Kevin
16 Strickland or ---

17 A. Oh, gosh.

18 Q. --- or was it just kind of Murray on his own?

19 A. I'm trying to remember.

20 Q. Okay.

21 A. Oh, let's see. I don't remember if Richard was there at the time and it may
22 have been Al was there, but I can't say for certain.

23 Q. Okay. Do you remember much ---?

24 A. Because, like I said, they came in and I saw him, and you know, I left shortly
25 thereafter.

1 Q. Okay. So you didn't stay for the whole briefing ---

2 A. No.

3 Q. --- and listen to what was happening?

4 A. No. I just ---.

5 Q. You left thereafter?

6 A. Yeah, I pretty much ---.

7 Q. Were you ever there when Richard Stickler was there dealing with the
8 families?

9 A. One time, I believe. Richard --- I was there when Richard was there.

10 Q. Okay.

11 A. Again, I don't remember what day it was. If I had the log, I mean, it'd be
12 written down there. It was --- I believe it was in the evening. It was probably about
13 somewhere mid through how many days I was there. It was probably along the middle
14 of that ---

15 Q. Okay.

16 A. --- that he was there one evening. Carla was there I know, Carla Nye And
17 Carla was on like the shift before I was. And I think Richard was there and just said hi
18 to him and that was very, very short conversation. And that's ---.

19 Q. Okay. So you didn't --- you wouldn't have stayed throughout his briefing to
20 hear what the briefing was and how that went?

21 A. No.

22 Q. You never did sit in on either one of Murray's or one of Stickler's briefings?

23 A. No.

24 Q. So you're remembering?

25 A. Well, Murray just a short period, though.

1 Q. Yeah.

2 A. The first one morning and then, like I said, I just kind of wanted to see who he
3 was incase I ever saw him again or ran into him again.

4 Q. Okay.

5 A. Then pretty much, I left there shortly thereafter.

6 Q. Okay. How about Al Davis or Kevin Strickland? Anybody like that ever come
7 in and give a briefing while you were there?

8 A. Al may have been there that first time with ---

9 Q. Okay.

10 A. --- with ---

11 Q. With Murray?

12 A. --- with Murray. And other than that, I don't think I saw Kevin while I was there
13 at all.

14 Q. Okay.

15 A. I don't remember seeing Kevin.

16 Q. Okay. Did the families ever talk to you or mention to you the briefings?
17 Anything about the briefings they were receiving every morning and every evening?

18 A. Not really. They never did really come up to me and express any issues,
19 concerns, or problems directly ---.

20 Q. They never did? Did they ever say anything about maybe that Murray was
21 rude to them or didn't answer their questions or they were angry about any of those
22 things that you know of?

23 A. Not to me.

24 Q. No? Okay. Did you happen to be there when the families were informed of
25 the second bump that occurred on the 16th that killed the three rescuers and injured

1 the other people?

2 A. I wasn't there.

3 Q. Okay. So that happened ---?

4 A. The day after I left, I believe.

5 Q. Oh, the day after you left?

6 A. I was at home when I received a phone call from ---.

7 Q. That's right. You left on, you thought, the 15th, so you were not there. Do you
8 feel that the person, I guess, that the senior MSHA person onsite is supposed to be
9 the one that actually does the family briefings? Or do you feel that the family liaison is
10 supposed to do the family briefings?

11 A. Do I feel or ---?

12 Q. Well, I mean, I think you mentioned earlier that in your reading of the MSHA
13 policy that you kind of felt like the family liaison is the lead person in providing
14 information accurate and timely and everything to the families and answering their
15 questions and response. Do you feel that that was really what role the family liaison's
16 were playing in this event or was Bob Murray and Mr. Stickler taking the lead role in
17 providing information to the families?

18 A. I think they were taking the lead role in the general debriefings of the family.
19 And I think the daily debriefing and then after that the hourly or every two hour
20 updates, the family liaison was pretty much doing those.

21 Q. Well, I guess, what's the difference? Should there be a lead briefing, a
22 primary briefing, that these top officials make and then the primary --- or the family
23 liaison make the secondary briefings or ---?

24 A. I think there's some merit to that, to having the top MSHA person onsite, that's
25 overseeing the rescue to meet with the families and be visible to the families, too.

1 Q. Okay. You say there's merit to it. In what regard, Richard?

2 A. I think they see them as the person at the mine in charge of what is actually
3 going on as far as the rescue or recovery and possibly more knowledgeable as far as
4 the entire picture than maybe the family liaison. That's probably the perception they
5 got. It seemed like they were very anxious to hear from Richard and from Murray as
6 far as when they would have those briefings. I mean, the families would definitely
7 come. I mean, the ones that I heard about is that they were well attended when those
8 were scheduled. So ---.

9 Q. So there was merit to it from the family standpoint?

10 A. Correct.

11 Q. Is there merit to it from managing the rescue operation?

12 A. Well, there could be, I guess, depending on what's going on at the mine. If
13 you have a scheduled briefing of the family, it could create a conflict possibly. If
14 you're trying to manage and direct a rescue and recovery and you have these
15 scheduled debriefings with family, I could see from time to time you could have a
16 conflict going.

17 Q. So if you were managing the rescue operation and you were also performing
18 the family briefings twice a day and you were also performing the press briefings twice
19 a day, do you think that's rather overwhelming, or it would be?

20 A. It could be.

21 Q. Do you think if you were managing a rescue operation and trying to look at it
22 objectively that your interaction with the families would somewhat sway that feeling?

23 A. It could. It would be hard not --- it would definitely not ---

24 Q. It would be hard not to?

25 A. --- definitely be hard not to hear the concern of the family and the ----.

1 Q. So as far as making a decision to continue or not continue and having that
2 personal interaction with the families twice a day, would that be difficult to do, to make
3 that call?

4 A. It could.

5 Q. Do you really think that the intent of MSHA's policies and procedures is that
6 the person who's managing the operation also is the primary communicator with the
7 press and also is the lead family liaison with the families that has to do it all? I mean,
8 is that kind of the way you read those policies and procedures?

9 A. I think the MSHA person that's in charge of the actual rescue and recovery ---
10 I think the family liaison is intended to deal with the families and their roles are
11 separate.

12 Q. So do you think there's separate roles for all three of those issues? I mean,
13 press, families, managing the operation, would you say it kind of should be a
14 separate ---?

15 A. I think the public information folks, the ones that we deal with here, that deal
16 with the press all the time in a situation like this here should be the people that deal
17 with the press.

18 Q. Okay.

19 A. The family liaison should be the person that is dealing with the families.

20 Q. Family briefing.

21 A. And the district manager and the top MSHA person on the site should be
22 dealing with the rescue and recovery.

23 Q. So you would agree that there's a possibility of external pressure by having to
24 spend hours with the families, hours with the media and also managing operations?

25 A. Could you say that again, Joe? I just ---.

1 Q. I said, would you agree that there may be external pressures placed on the
2 person who's managing the operation by also having to spend time with the families
3 and spend time with the media?

4 A. I think it's a factor. I don't know how --- I mean, I think it's something that's
5 there and it would, you know, play in the decision making if you --- the emotional part
6 of the families and then their loved ones being, you know, a part of the rescue. I
7 mean, it would be hard not to say that that's not playing an influence in the decision
8 making.

9 Q. Okay. Were you there when Murray said to the families this was caused by
10 an earthquake and we were not doing pillar mining and those kind of things?

11 A. I think I saw that on CNN.

12 Q. Okay. You saw that on TV. You never heard him tell it to the families that
13 you know of?

14 A. He may have said that that first morning before I left, but like I said, I was just
15 there a short period of time. My main objective there was just to put a face, you know,
16 with him incase I ever did --- I saw him on TV, but I just wanted to see him in person
17 incase, you know ---.

18 Q. Okay.

19 A. And I was there a short period of time and ---.

20 Q. So you don't know if he ever made those allegations to the families, that this
21 was caused by an earthquake and we weren't doing pillar mining?

22 A. Like I said, I think I heard that on TV.

23 Q. Okay. Did you ever hear where anybody in MSHA tried to correct those
24 issues that may not necessarily have been the truth?

25 A. In person or ---?

1 Q. Yeah.

2 A. I don't think I recall at the family center ---

3 Q. Okay.

4 A. --- when I was there anyway.

5 Q. You don't remember anybody saying well Mr. Murray's wrong they were doing
6 retreat mining or pillar mining or ---?

7 A. I don't remember that at the family center.

8 Q. Okay. Was Governor Huntsman ever there when you were there with the
9 families or did he have a representative that was there?

10 A. I don't think I ever saw him personally ---

11 Q. Okay.

12 A. --- when I was there.

13 Q. You never saw the governor, or was there ever any of his staff that would be
14 there at night with the families while you were there, that you know of?

15 A. I don't remember.

16 Q. Okay. I guess what would you recommend to something that could be done to
17 improve the role of the family liaison? This is really the first time that they've ever
18 been used in this situation where we've actually trained people and then used them, I
19 guess, in an event. Is there additional things that you would recommend that we do?

20 A. I'd like to see MSHA send additional folks maybe when something like this
21 unfortunately does happen that can observe. Maybe not have a direct role in dealing
22 with families, but to be able to observe and get some practical experience to see what
23 you can be faced with out there before you kind of throw them into this situation that,
24 you know, you're going to go deal with the families, and you know, just to have a little
25 bit of a idea of some of the things that you may run into. I mean, the training was

1 great training. It was probably some of the best training I've ever had in my career
2 with MSHA. But the training I got in D.C., those people were very good. But I don't
3 think it still prepares you actually when you actually go out there and deal with
4 families. I think the more they can actually see that and observe it from a distance,
5 you know, what can happen.

6 Q. Okay. So it would be good maybe to do some scenarios or something at the
7 academy that would kind of simulate what you might come up against in a real
8 instance where you're actually dealing with family members who are grieving and
9 worried and concerned and --- I mean, would something like that help, Richard? I
10 mean, that's more of a hands-on type training.

11 A. Yeah. Sure. Sure I think that would help, but I think even moreso in an actual
12 event ---

13 Q. Okay.

14 A. --- where you could send some additional people, maybe not in a full capacity,
15 but to be there to assist and observe from a distance maybe and to actually have
16 some firsthand observations of what actually you're dealing with, ---

17 Q. Okay.

18 A. --- I think would be very beneficial.

19 Q. Were you ever instructed to take any notes or anything during --- as a family
20 liaison during the course of your shift?

21 A. I think Bill Denning set up a log book and we, you know ---

22 Q. Okay.

23 A. --- were keeping a log of ---.

24 Q. So you were keeping a log of measurements and other things that were
25 coming in?

1 A. Yes.

2 Q. But as far as personal notes of questions that were asked or anything like that
3 you never ---

4 A. No.

5 Q. --- never did any --- nobody ever said here's what we should do with that?

6 A. No.

7 Q. Okay.

8 MR. PAVLOVICH:

9 Ernie, you got any questions?

10 MR. TEASTER:

11 Yeah. I got a few.

12 BY MR. TEASTER:

13 Q. Richard, this training that you had, was it ever discussed on how you deal with
14 the families as far as giving them hope, but being straight forward with them with what
15 you've got, the conditions you got? I mean, I know you don't want to go in there and
16 say there's no hope, but when you go in there and you say, you know, we got the entry
17 full, we got this bad oxygen up here and we're going to continue with this thing, but
18 you know, it don't look real good right now. Did you have any training on how to do
19 deal with that information? What'd you say you'd just go up and you'd be honest with
20 the folks or you try to give them more hope then really what you have?

21 A. I think the training I got was mainly that you --- it's definitely critical that you be
22 honest and timely with your information. I think the worse thing you can do is give the
23 impression that you're not giving accurate information and once you loose that trust, I
24 mean, you might as well go home. Those people aren't ---.

25 Q. Do you think that the families were given the right information as far as the

1 possibility of survival for their loved ones?

2 A. I wasn't privy to all the actual information at the mine as far as probably some
3 of the stuff that was going on that was not shared with the family. I'm sure they didn't
4 share everything with us. To give them false hope, maybe, I don't know, but you
5 know, the information that we got, that was given to us as far as like the footages and
6 the readings and different things that the people at the mine felt was important for the
7 families to hear, that's the information we gave them.

8 Q. So you basically gathered numbers, if you will, this is where we're at, these
9 are the numbers. We've drilled down 20 feet. We've moved up two feet with our
10 supports. We've advanced five feet with a miner. How much interest in the family
11 getting this every hour? I mean, it wasn't difference, I mean, sometime you might get
12 five foot advance, sometime you might get ten, sometime none. How much interest
13 was the company --- was the family members sitting there waiting for the clock to
14 strike 12:00 so they could get that information?

15 A. I think when they were about ready to do the boreholes and they were about
16 ready to bust through and actually maybe have some information there if their loved
17 ones were alive. If they were to break through an area that they were sealed up or
18 there would be some kind of communication, I think they felt that they wanted to
19 definitely be there when that was getting close and I think the footages were getting
20 pretty close to where they could predict the advance. You know, within an hour or two
21 they could probably pretty close tell the family that it looks like we'll progress at this
22 rate, you know, we're going to bust through at this particular time and there was
23 definitely an interest in that type of information.

24 Q. When they got down close to the --- actually the point?

25 A. Yeah. Yes.

1 Q. But when they started a borehole and they told them it was going to take a
2 couple of days probably not much interest until at least maybe a day and a half in to
3 the drilling or something?

4 A. That's correct.

5 Q. But this hourly update --- was that information put on a board up there for
6 them to see?

7 A. We had a eraser board and we would try to --- and what I would do at night,
8 like I said, a lot of the folks would be sleeping, and we'd enter into the log when we put
9 it on the board and if they would wake up then and they'd be able to see what was
10 going on. The footages or whatever. Then they would just probably lay back down
11 and go to sleep or rest or whatever. So we were trying to post it so they would have it
12 there, plus in our log book.

13 Q. Was there --- going back to MSHA recognition, was there a lot of change in
14 family members? In other words, there was a lot more family members coming on the
15 scene and maybe some leaving and one day --- and how often did you stay up and
16 say I'm Richard Laufenberg. I'm from MSHA. I'm the family liaison. Any information
17 you
18 --- questions you have come to me. Was that something that was done at the very
19 beginning and never continued or how did that come about?

20 A. It was probably done pretty much at the beginning. And then that was --- from
21 my standpoint, the people that I was dealing with, there was usually the three or four
22 families of the six that were there pretty much all the time. I mean, I --- yeah, they
23 would bring in additional folks, maybe some distant relative or whatever, but you know
24 to go back and introduce myself, I don't know if I ever redid that with those individuals.

25 Q. Well, when you put this information up, did there --- was there like everybody

1 --- how did they know you were putting the information up? Did you make the
2 announcement or you just go up and write it on the board?

3 A. Usually at night, I would ask them if, you know, the ones that wanted to be ---
4 you know, to wake up, you know, they would --- we'd ask them or they would tell us,
5 you know, when it gets close, would you wake us up cause we want to know when they
6 bust through. Or some information that they knew they were going to get that they
7 thought was important, they would ask us to wake them up and we would. Or if, like I
8 said, otherwise it was just pretty much posted and they would know about when that
9 information was going to be there, the updates. And they would come and ask us, you
10 know, did you get your two o'clock update? No, I haven't. I'm going to call here pretty
11 quick and see what's going on.

12 Q. They would ask you --- someone would ask you like two o'clock in the
13 morning ---

14 A. Sure.

15 Q. --- if you had your ---?

16 A. Yeah, they would ask.

17 Q. So there would be some people there that would basically be awake most of
18 that shift or they would just wake up and want to get it?

19 A. Yeah. They would either be awake or they would wake up and they would
20 maybe --- been sleeping for awhile, they would wake up and say, you know, when
21 was the last update? And then, you know, we'd show them the map. We had a map
22 and we would kind of show them the advancing, where the advance was going. And
23 then the readings and that we would let them know. And then a lot of times, they'd
24 say well, you know, did you get your two o'clock update yet? And I said no I'm going
25 to, you know, call the mine and we'll get you some information and let you know

1 what's going on. So ---.

2 Q. Were you ever made aware or ever given the names of the missing miners?

3 Did you have that information onsite down at the family center that you were ---?

4 A. I believe Bill Denning was the first one to give me that information.

5 Q. But you did have the names of the missing miners?

6 A. Not initially, I don't think. If I remember right. I can't remember if Bill gave it --

7 - when he actually gave me the information. I can't remember.

8 Q. Do you know if Bill had that information early on?

9 A. I don't know when Bill got it, Ernie. I really don't, when he actually got that
10 information. I think --- from the family liaison standpoint, I think he was the first one to
11 get that information probably.

12 Q. When you went through this training and then you get assigned to go to the
13 mine to be the family liaison, were you surprised when you found out that somebody
14 was going to do family briefings, thinking that that was part of your job as a family
15 liaison to provide those briefings and provide all the information?

16 A. Yes and no. I guess I was surprised but then with what was going on, the
17 magnitude of it and the fact that, you know, that --- you know, I guess Murray came
18 down and as the mine owner was talking to the families, and you know, I guess I was
19 kind of surprised that that was all taken place the way it was. I'd been involved in
20 Newmont Mining on about a month or two before this and it was somewhat different
21 than this.

22 Q. The briefings that are and the information that you guys as liaisons provided,
23 you didn't say that, you know, we had --- we think the bump occurred here in number
24 one entry and it extends from point or from 120 up to 130 or 40 or 50 or whatever?

25 A. I don't think I got that detailed of information. You know, Tommy would

1 maybe say they were, you know, they had a bump and they withdrew because they're,
2 you know, they're waiting until it settles down a little bit then they would go back in
3 again once it settles down. That's the kind of information Tommy was giving me. But
4 as far as like --- and I don't know what detailed of information he had as far as --- you
5 know, I was just --- pretty much he would say, hey, they stopped. Mucky. They pulled
6 out. They had a bump. They're going to wait until it settles down, then they're going
7 to go back in again.

8 Q. Richard, what discussion, if any, did you have with the family members about
9 drilling a 30-inch hole for this rescue capsule?

10 A. I don't think I had any discussions with them, Ernie.

11 Q. None at all?

12 A. None at all.

13 MR. TEASTER:

14 That's all I have.

15 MR. PAVLOVICH:

16 Ex. (b)(6) and Ex. (b)(7)(C) you got anything?

17 BY UNIDENTIFIED SPEAKER:

18 Q. Maybe just your opinion, Richard, on one thing. Do you think MSHA is an
19 agency not any one person was honest with the families on the situation at hand?
20 When I say that, I mean, you interview all the rescuers and all the people that were
21 underground, basically everybody underground had said the consensus that these
22 guys didn't survive. And when I say that, I mean, that all four entries were caved, the
23 extent of the cave went from about 120 to 139 and especially when that borehole went
24 down and showed seven percent oxygen. Do you think MSHA, as an agency, was up
25 front with the families and said look we're not giving up hope, but here's the situation

1 that we have, this bounce was so severe that it shook the mine office, it registered 3.9
2 on the Richter scale, we had all four entries that were being mined are closed off, it
3 may extend 100 feet, it may extend all the way to 139, we don't know, but it was a
4 really severe bounce and now that we have this borehole down, the oxygen readings
5 are not positive, and we don't want to tell you that we're giving up the rescue effort,
6 but things do not look positive? Do you think that message was ever given to the
7 families? I guess ---.

8 A. I think it was to some degree, but I think the families, like any family that was
9 there, they were looking for the next QueCreek. I don't think a lot of people thought
10 there was a lot of hope there and when they saw the outcome of that, I think a lot of
11 folks were ---.

12 Q. But of course, QueCreek, the oxygen was okay?

13 A. Yeah, but the mine was flooded.

14 Q. To an extent; right? You could look on the elevations and see the map and
15 you can kind of decipher where you thought the water was at QueCreek, based on the
16 mine elevations. But I guess here, talking to everybody they just thought there was no
17 hope. Now, do --- I guess, we went --- there was a comment a minute ago about being
18 truthful, how critical you guys heard in your training that being truthful is. I'm not
19 saying we should have told them there was no hope, but do you think we were honest
20 with the families in the way we portrayed how serious the situation was?

21 A. I think we were. I really do. I think they were honest and I think they didn't
22 want to like give them --- I think there was hope. You know, there was times when me
23 personally I was thinking that it doesn't look good at all. And then there was other
24 days when you get the additional information as far as what --- where there's some
25 possibility where if they did survive the initial bump or whatever that there were some

1 locations possibly to where they could be, possibly that they could survive. That this --
2 - originally we never realize that when you got a sealed area on one side and a sealed
3 area on the other side and you know the stoppings are gone, it's pretty obvious what's
4 going to happen. But there was times when me personally even after a few days
5 when everyone looks pretty blue and we get some additional information and you think
6 well, maybe there is a possibility. If someone did survive, they could have been in
7 that area.

8 Q. I know in any emergency there's a lot of if's?

9 A. Yeah.

10 Q. You know, and if you hope they survive and if you didn't think there was ever
11 any hope, you wouldn't expose rescuers to a hazard. But maybe my question is, it
12 sounds like there were a lot of assumptions that went on like people assumed they
13 didn't think there were survivors. Everybody --- it was an understood thing. But did
14 MSHA come out, as an agency, and make that clear to the families? And if they did,
15 how did they do that?

16 A. I don't know. It would have been through Richard. He was there and he had
17 all the information, so ---.

18 Q. So is that a yes? You think MSHA was direct with the families?

19 A. I do. I really do. I feel Richard was very direct, very honest with the
20 information he had.

21 Q. Do you think he gave ---?

22 A. I don't think he gave them any false hope.

23 Q. I guess, Richard, the thing is these are non mining people.

24 A. Yes.

25 Q. So when we just say the oxygen was seven percent or this area is caved, they

1 don't even know what's an entry and what's a pillar.

2 A. Right.

3 Q. Talking to non mining people, do you think Mr. Stickler was direct with them
4 on dealing with how bleak the situation was?

5 A. I think he was.

6 Q. And what did he say to make you think that?

7 A. I think the information he gave them and them and as far as, you know, when
8 they had seven percent, that's when he told them.

9 Q. Did they understand what that meant?

10 A. I think they did.

11 Q. Did he say that or do you think they understood?

12 A. I wasn't there when he gave them that debriefing, but when I saw them on TV,
13 the information that he was giving and the information that was given to me was pretty
14 honest, I thought. I thought he was doing an excellent job of giving the information
15 that I was privy to. I mean, I never did sit there and at night or the next morning when
16 I went to the motel and see something on TV that Richard said --- and said this doesn't
17 make sense what he's saying or he's giving too much hope or not enough hope or
18 whatever. I thought he was --- with what I knew, I thought what I saw from him on TV
19 was pretty accurate. I really do. And again, I had days when I was like, you know, it
20 was kind of like you'd have --- there's not a lot of hope here and then something would
21 happen, you would get some information and somebody would say well, what about
22 this and then you'd think well maybe there is some hope here. But when the
23 advancement was going as slow as it was going, of course, every day and it looked
24 like, you know, that it was going to be longer than everyone thought it was going to be,
25 sure, I mean, then, you know, it gets tougher. But even, like I say, right up until when

1 we left, I personally thought there was still hope. That possibly they could survive. I
2 really did.

3 Q. I guess, Richard, when we talked to a few family members, we asked did
4 anyone actually sit down and say here's the extent of the damage. Here's what it
5 looks like underground. To non mining people, you know, you have to be a little more
6 ---

7 A. Yeah.

8 Q. --- elementary, I guess, to explain it to them so they really understood the
9 bleakness of the situation, they didn't feel that they really understood what was --- how
10 bad it was underground.

11 A. And like I say, I wasn't there for all the --- when Richard and Bob Murray were
12 in the family debriefing, so I don't know as to how detailed of information they got into
13 with the families ---

14 Q. Right.

15 A. --- as far as telling them how bleak or what the outcome was really looking
16 like. All I can say is from what I saw on TV and pretty much what I was told by Carla or
17 by Bill or just others within MSHA I thought what I was seeing from Richard and what I
18 was hearing was pretty accurate and truthful. I don't think he gave any false hope and
19 I don't think he, you know, pretty much what he was saying is what I thought that he
20 was doing an excellent job communicating what was going on. I mean, I didn't feel
21 like I was being left out in the dark with something that was going on at the mine that I
22 wasn't aware of with the families.

23 Q. Okay. Yeah. I just wanted your opinion.

24 A. Yeah.

25 MR. PAVLOVICH:

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

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UNIDENTIFIED SPEAKER:

Yeah. I've got one left that's not already been asked.

BY UNIDENTIFIED SPEAKER:

Q. You mentioned that sometimes there was like 50 people in there, maybe 40, 50 people in the family area. Did you know who the wives of the six missing miners was?

A. Probably not initially I couldn't pick them out. I mean, I knew where the families were. They would say this is the so and so family, this is the so and so family. The wives ---.

Q. Did you know later on maybe?

A. Yeah. Pretty much later on. Now, the Hispanic ones, like I said, I knew who they were. They weren't there all that much at night a lot of them. Maybe the first couple days, but then, like I say, a lot of them would leave in the evenings. They lived there and they would go home. So some of them, yeah, they stayed there quite a while and the other ones did not. Probably Bill and Carla were dealing with them much more than I would have because at night it was just kind of they were just catching up on sleep the best they could in resting. I mean, there's a whole lot more activity going on during the day and early evenings than there are at 11 or 12 o'clock at night.

Q. Well, do you know if you and maybe even Carla and Bill, I know you wasn't there maybe when they were there, but if you got something special that you thought was special information about when the boreholes through or something, did you seek them out? How would you make sure that the wives or the closest kin be ---?

A. I guess we really --- I really --- like I said the people who, and I was there at

1 night, that were in the family center, what we would do was we used the information
2 we had. We would announce it to them or even later on, like I said, pretty much it was
3 a very, very small group of people and we would put it on the board.

4 Q. I was just kind of curious how with that many people there that you made sure
5 that the information got to the ones that was closest to.

6 BY UNIDENTIFIED SPEAKER:

7 Q. Who told you that this was so and so's family and this is another guys family?

8 A. Bill. Bill Denning.

9 Q. Did the people have name tags or anything like that?

10 A. No.

11 Q. And did he tell you that right at the ---you were there the very first day?

12 A. That first evening, we were at the mine. I don't know what time it was, and we
13 went down there. I think Tommy was going to take the night shift and Bill was going to
14 take --- I can't remember, but I offered to work the same shift as Tommy did because
15 we worked together and it would be easy for us to work together. So Bill said yeah,
16 that's fine. So then I went down that evening and pretty much stayed there that entire
17 evening.

18 Q. Even on that first day, they had already divided into six distinct groups of
19 people?

20 A. No, I don't think there was six distinct groups. They were all --- when I got
21 there that night, they had some couches there and the people would pretty much in
22 shock. They were sitting there with their family and we were there, and you know,
23 pretty much we were introduced. Bill introduced me to the families and like I said,
24 they were pretty much there and the training I got was, you know, that you --- it's a fine
25 line to approach a family that's in that state, as I'm sure you know --- you know, I'm

1 here and I'll give you updates and you tell them what your function is. But at that time,
2 I think, me personally from what I saw, was most of the people wanted to be with their
3 family. And then as the days went on, it all changed as far as giving the information
4 we provided to them, how we gave it to them. It wasn't the same. I mean, that all
5 changed.

6 Q. I was just kind of following up on one of the questions that Joe asked you. We
7 heard from one individual that she didn't know her husband was one of the missing
8 miners. That he might have been one of the rescuers. He just never came home for
9 several days. I was just trying to figure out how that would happen and when those
10 names were published.

11 A. I don't know.

12 BY UNIDENTIFIED SPEAKER:

13 Q. I guess a couple of my follow-ups, too, on some of the earlier ones. The
14 question of hope that Ex. (b)(6) and Ex. was discussing. Was the information from the seismic
15 system, the tapping, was that ever relayed to the families and was that part of the
16 hope? Do you know anything about that?

17 A. I don't recall that. They were given the information on the tap. That was done
18 when I was there.

19 Q. So you're not aware of any of the tapping that the seismic system picked up
20 and aware of that being relayed to the families?

21 A. I heard that there was some information, but I don't believe it came to me
22 directly. It came from passing down.

23 Q. Okay. You never had to answer any follow up questions relating to that at all
24 or anything like that?

25 A. No.

1 Q. Okay. And again, another follow up one that was on the numbers that might
2 have been there at any given time. With 50 to 60 people there, and maybe not so
3 much on your shift, but you can probably answer what Carla and Bill might have been
4 going through, is one family liaison enough with those kinds of numbers?

5 A. Early on I'd say no. And then later on, as the --- it was mainly just a very
6 small group of people and I think at sometime maybe less than that, maybe at night, it
7 would be definitely enough for one person. The first few days the families are there
8 and the extended families are there probably definitely not a one person job. And plus
9 the ---just the extent of the traveling, I mean, actually Carla did show up for some
10 period after that she showed up.

11 Q. And what was happening on that second shift in the beginning? Was Bill
12 covering that as well or was there somebody else before Carla got there?

13 A. I believe it was Bill and I and then they brought Carla in, I think.

14 Q. And I guess just one last one. As far as your training and what you might have
15 went through there, did you ever encounter any animosity from the families as far as
16 you being part of MSHA and how did MSHA let this happen, you know, from the plan
17 approval or inspections not being done. I mean, was that ever directed at you guys in
18 this effort?

19 A. Not to me personally.

20 Q. Did you ever hear of Bill or Carla or anybody going through that?

21 A. I don't remember them or anybody personally going through that either. And
22 they'd tell me if they did.

23 UNIDENTIFIED SPEAKER:

24 That's all I have.

25 MR. PAVLOVICH:

1 Well, Richard, I believe that pretty much completes our
2 questions for you. We appreciate your time and appreciate you coming in and talking
3 to us and giving us your honest opinions and evaluations of what you thought and saw
4 there and certainly appreciate your efforts to do the best you could to work with those
5 families in that time of grief and pain and suffering to do everything you could do to
6 help, you know, whatever you could. And we appreciate that. Appreciate the
7 opportunity to meet with you and talk to you and to take this opportunity to gather what
8 information we could. We would ask you again not to discuss the questions we asked
9 you with anyone. Not that it probably would influence anything at all, but other than
10 that's kind of where we need to go. So we thank you. We appreciate your time and
11 we wish you a lot of luck on your new job and a lot of success as district manager here
12 in the Rocky Mountain District.

13 MR. LAUFENBERG:

14 Thank you.

15 MR. PAVLOVICH:

16 Okay.

17 MR. LAUFENBERG:

18 Wish you guys a lot of luck, too.

19 MR. PAVLOVICH:

20 Well, thank you. We appreciate that.
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