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OF

(b)(7)(C) & (b)(7)(D)

taken pursuant to Notice by Danielle Ohm, a
Court Reporter and Notary Public in and for the
State of West Virginia, at the National Mine
Health and Safety Academy, 1301 Airport Road,
Room C-137, Beaver, West Virginia, on Thursday,
(b)(7)(C) & (b)(7)(D) beginning at (b)(7)(C) & (b)(7)(D)

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DESCRIPTION

IDENTIFIED

One

Map

19*

* Exhibit not attached

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ATTORNEY WILSON:

Good morning. My name is Bob Wilson.

I'm with the Office of the Solicitor, United States Department of Labor. With me is Erik Sherer, an investigator with the Mine Safety and Health Administration. Today is June 24, 2010, and we're here to conduct an interview of (b)(7)(C) & (b)(7)(D) Members of the State of West Virginia Office of Miners' Health, Safety and Training are also present. I'll ask that they state their appearance for the record.

MR. FARLEY:

Terry Farley with the West Virginia Office of Miners' Health, Safety and Training.

MR. O'BRIEN:

John O'Brien with the West Virginia Office of Miners' Health, Safety and Training.

ATTORNEY WILSON:

We're here to conduct an interview as part of the investigation into the Upper Big Branch Mine explosion. The investigation is being conducted by the Mine Safety and Health Administration and by the State of West Virginia Office of Miners' Health,

1 Safety and Training. Also, the Governor of West
2 Virginia has appointed an independent group to conduct
3 the investigation, headed by Davitt McAteer. They are
4 not present at this time. I expect that they will
5 come in during the interview, and we'll have them
6 state their appearance for the record at that time.

7 Government investigators and specialists

8 have been assigned to investigate the conditions,
9 events and circumstances surrounding the fatalities
10 that occurred at the Upper Big Branch Mine on April
11 5th, 2010. That investigation is being conducted by
12 MSHA pursuant to Section 103(a) of the Federal Mine
13 Safety and Health Act and by the West Virginia Office
14 of Miners' Health, Safety and Training. (b)(7)(C) & (b)(7)(D)

15 (b)(7)(C) & (b)(7)(D) we appreciate your assistance in this
16 investigation and your coming in here this morning.

17 There are several other members of the

18 investigation teams present in the room. All members
19 of the Mine Safety and Health Administration Accident
20 Investigation Team and all members of the State of
21 West Virginia Accident Investigation Teams
22 participating in the investigation of the Upper Big
23 Branch Mine explosion shall keep confidential all
24 information that is gathered from each witness. MSHA
25 and the State of West Virginia shall keep this

1 information confidential so that other ongoing
2 enforcement activities are not prejudiced or
3 jeopardized by a premature release of information.
4 This confidentiality requirement shall not preclude
5 investigation team members from sharing information
6 with each other or with other law enforcement
7 officials. Everyone's participation in this interview
8 constitutes their agreement to keep the information
9 confidential.

10 Pat McGinley has come in. State your
11 name for the record.

12 MR. MCGINLEY:

13 Patrick McGinley with the Governor's
14 Independent investigation team.

15 ATTORNEY WILSON:

16 We're here with (b)(7)(C) & (b)(7)(D). I hope
17 you don't mind that we started.

18 MR. MCGINLEY:

19 Not at all. Not at all. Good morning,
20 Mr. (b)(7)(C) & (b)(7)(D)

21 ATTORNEY WILSON:

22 (b)(7)(C) & (b)(7)(D), you may have a personal
23 attorney or a personal representative present with you
24 today. Do you have a representative present?

25 (b)(7)(C) & (b)(7)(D)

1 No.

2 ATTORNEY WILSON:

3 Your statement is completely voluntary.

4 You may refuse to answer any question. You may
5 terminate your interview at any time or request a
6 break at any time. This is not an adversarial
7 proceeding, and formal Cross Examination will not be
8 permitted, but each of the parties will be allowed to
9 ask follow-up questions and clarifying questions, if
10 appropriate.

11 Your identity and the content of this
12 interview will be made public at the conclusion of the
13 interview process and may be included in a public
14 report of the accident unless you specifically request
15 that your identity remain confidential or if your
16 information would otherwise jeopardize a potential
17 criminal investigation. If you request us to keep
18 your identity confidential, we will do so to the
19 extent permitted by law. In other words, if a judge
20 orders us to turn over your name or some other law
21 requires us to reveal your identity, we may do so.
22 Also, there may be a need to use the information that
23 you provide us in other investigations or hearings
24 into the explosion. Do you have any questions
25 concerning your right to have --- to give a

1 confidential statement?

2 (b)(7)(C) & (b)(7)(D)

3 No.

4 ATTORNEY WILSON:

5 Is there anything that you want to say

6 concerning that?

7 (b)(7)(C) & (b)(7)(D)

8 I would like to keep my name

9 confidential. I would like you all to use it whenever

10 you need it for the investigation. I will testify if

11 I need to.

12 ATTORNEY WILSON:

13 All right. That is ---.

(b)(7)(C) & (b)(7)(D)

15 But as far as having it put out as public

16 knowledge, I'd rather keep that out.

17 ATTORNEY WILSON:

18 Okay. After the investigation is

19 complete, MSHA will issue a public report detailing

20 the nature and the causes of the accident in hope that

21 greater awareness about the causes of accidents can

22 reduce their occurrence in the future. Information

23 obtained through witness interviews is frequently

24 included in those reports, but we will keep in mind

25 your request that your identity remain confidential.

1 Because we will be interviewing other
2 individuals, we request that you not discuss your
3 testimony with anyone outside of this room. A court
4 reporter will be recording the interview. We request
5 that you please speak loudly and clearly. If you do
6 not understand the question, please ask that the
7 question be rephrased. If you would like to take a
8 break at any time, please let me know and we will do
9 so.

10 Again, I want to thank you in advance for
11 your appearance here today, and we appreciate your
12 assistance, and your cooperation is critical in making
13 the nation's mines safety.

14 After we have finished asking questions,
15 you will have an opportunity to make a statement or
16 provide any other additional information that you
17 think might be relevant to the investigation. At any
18 time after the interview you recall any additional
19 information that you believe might be useful to the
20 investigation, please contact Norman Page, who is
21 MSHA's lead accident investigation investigator, and
22 here is his card with his contact information.

23 Terry, do you have something you want to
24 add to the record?

25 MR. FARLEY:

1 Yes, a couple things. , I'd
2 like to begin by providing you with some contact
3 information, my business card and the business card of
4 Bill Tucker, our other lead investigator. And I want
5 to advise you that the West Virginia Code protects
6 miners against potential discrimination for
7 participating in interviews of this nature. Should
8 you experience any such treatment, please contact us.
9 Now, also, I have a statement I'd like to
10 make for the record before we start. According to the
11 last schedule I received, this interview was scheduled
12 to start at 9:00 a.m. this morning. That's based on
13 the print schedule I received and conversations with
14 MSHA's scheduling personnel as late as 8:30 a.m. this
15 morning. Apparently, the independent team and the
16 court reporter were notified of the schedule change.
17 Office of Miners' Health, Safety and
18 Training obviously was not notified in advance.
19 Failure to notify Office of Miners' Health, Safety and
20 Training of schedule changes has happened more than
21 two times so far during this investigation. If
22 necessary, the Office of Miners' Health, Safety and
23 Training can subpoena all witnesses, interviewees and
24 hold future interviews at a time and location of our
25 choosing. We will no longer tolerate the highhanded

1 approach of scheduling of the matters. Proceed.

2 MR. MCGINLEY:

3 I didn't receive any notification. I
4 just saw the schedule here on the table.

5 ATTORNEY WILSON:

6 Did you have anything that you wanted to
7 add before we can get started?

8 MR. SHERER:

9 I did want to say that I think on behalf
10 of all of us, that what we're trying to do here is to
11 get to the bottom of what happened at UBB, and you
12 know, keeping in mind that the widows and children and
13 the men ---.

14 (b)(7)(C) & (b)(7)(D)

15 Well, I'll say this, everybody on the
16 longwall I worked with at one time or another, mainly
17 on setups and tear downs, I knew all those men but one
18 on the longwall. If there's something criminally
19 wrong, I want it taken care of. If it's not, I think
20 we need to let it go and keep going.

21 MR. MCGINLEY:

22 Well, that's our goal, to find out what
23 happened, if someone's responsible, ultimately
24 responsible. If not, go forward. So we appreciate
25 your willingness to come here and to answer truthfully

1 the questions we ask. It'll be a big help to us.

2 Thank you.

3 ATTORNEY WILSON:

4 We'll have Erik Sherer begin questioning.

5 I believe the court reporter will first swear you in.

6 (b)(7)(C) & (b)(7)(D) -----

7 , HAVING FIRST BEEN DULY SWORN,

8 TESTIFIED AS FOLLOWS:

9 -----

10 ATTORNEY WILSON:

11 And for the record, can you state your

12 name, please?

13 A. (b)(7)(C) & (b)(7)(D)

14 ATTORNEY WILSON:

15 And your address?

16 A. It's (b)(7)(C) & (b)(7)(D)

17 (b)(7)(C) & (b)(7)(D)

18 ATTORNEY WILSON:

19 And your phone number?

20 A. Home phone is area code (b)(7)(C) & (b)(7)(D) Do you

21 need a cell phone?

22 ATTORNEY WILSON:

23 If you'd like to provide that?

24 A. Cell phone number is area code (b)(7)(C) & (b)(7)(D)

25 ATTORNEY WILSON:

1 Okay. Thank you. Erik?

2 EXAMINATION

3 BY MR. SHERER:

4 Q. Again, I want to thank you for coming in, Mr.
5 (b)(7)(C) & (b)(7)(D). It looks like you just got off of shift.

6 A. I did.

7 Q. We really appreciate you taking your time to come
8 in here. I understand that you don't presently work
9 at --- or you didn't work at UBB at the time of the
10 explosion. Where are you presently employed?

(b)(7)(C) & (b)(7)(D)

12 Q. Okay. Roughly, what time period did you work for
13 UBB?

14 A. (b)(7)(C) & (b)(7)(D)

15 (b)(7)(C) & (b)(7)(D)

17

18

19

20

21

22 Q. Okay. So (b)(7)(C) & (b)(7)(D) n the
23 current panel ---

(b)(7)(C) & (b)(7)(D)

25 Q. --- that was being mined at the time of the

1 explosion. Did you do anything else at UBB other than
2 setup?

3 A. Oh, yeah, I (b)(7)(C) & (b)(7)(D)
4 that we was running.

5 Q. Ok

6 A. I (b)(7)(C) & (b)(7)(D) on the
7 shifts.

8 Q. Okay.

9 A. That was primary job. During the setup, they use
10 there where you're needed, such as when we had to do
11 timbering, we done timbering.

12 Q. Okay.

13 A. Okay.

14 Q. So you did whatever was needed and in addition to
15 (b)(7)(C) & (b)(7)(D) ---

16 A. Correct.

17 Q. --- (b)(7)(C) & (b)(7)(D)

18 A. Uh-huh (yes).

19 Q. Roughly, after the start up of the longwall, how
20 far did the wall progress before you left UBB?

21 A. It had really just started running because I left
22 (b)(7)(C) & (b)(7)(D) If I'm not mistaken, it started in full
23 production just after I left. We had run a couple of
24 passes, test passes ---

25 Q. Okay.

1 A. --- is what they do.

2 Q. So it was just starting up. They probably didn't
3 even have a good cave yet?

4 A. No, no. It hadn't dropped anything in behind the
5 wall yet.

6 Q. Okay.

7 A. In fact, we still had parts back there.

8 Q. Oh, okay.

9 A. Because that's where the setup was for the part,
10 try to keep us from running all the way back to the
11 headgate to the tail with parts. We would set up and
12 have parts in back here in these crosscuts behind the
13 longwall ---

14 Q. Sure.

15 A. --- right there.

16 Q. Okay. Can you tell us about the conditions back
17 in this area where the longwall was set up?

18 A. On the tail side back here, I couldn't tell you
19 much at all. Back here in this diagonal behind the
20 wall ---.

21 Q. Can I interrupt you just one minute?

22 MR. SHERER:

23 The witness is pointing at 1/200 scale
24 map, and we'll enter that as an exhibit in the
25 transcript.

1 ATTORNEY WILS
(b)(7)(C) & (b)(7)(D)

2 Mark this as One Exhibit.

3 (b)(7)(C) & (b)(7)(D) Exhibit One marked for
4 identification.)

5 BY MR. SHERER:

6 Q. You get those markers down there, please.

7 A. Now, in the exact crosscuts, I couldn't tell you.

8 I do know it was on the diagonal because I thought it
9 was funny we was coming in at an angle right in here.

10 So I know we helped in here. And different ones of us
11 helped. None of us worked solid on this. Larry Brown
12 was the one in charge mainly timbering this out on
13 midnights on this.

14 Q. Can you get to draw just a circle around this
15 diagonal?

16 A. Yes, they were through here.

17 Q. Okay.

18 A. Okay.

19 Q. Just write timbering.

20 WITNESS COMPLIES

21 BY MR. SHERER:

22 Q. Thank you, (b)(7)(C) & (b)(7)(D)

23 A. Uh-huh (yes).

24 Q. So you're putting timber in this diagonal just, I
25 suppose to help support the roof?

1 A. It was to help support it. That was also to help
2 out with the air ---

3 Q. Okay.

4 A. --- at that time.

5 Q. Were they having much caving or floor heave back
6 in there when you were in there?

7 A. The roof was kind of solid, and it was coming.

8 Q. Oh, okay.

9 A. But it wasn't that bad. Otherwise, we'd been
10 using cribs.

11 Q. Oh, okay.

12 A. We used timbers.

13 Q. So just kind of strengthens?

14 A. Yes.

15 Q. When you were working back in there, do you know
16 if they had completed the Bandytown fan? Was that fan
17 on line?

18 A. No, sir, it wasn't, not to my knowledge, because
19 there was one time that we went back to the hole, and
20 it was a big deal because none of us had seen that
21 hole before.

22 Q. Okay.

23 A. And that's the first time we had seen it, and it
24 was being drilled up ---

25 Q. Okay.

1 A. --- on there.

2 Q. So you worked on the setup. You did some
3 timbering work here. What was the general conditions
4 in this area as far as good air? Was the air okay?

5 A. At first, air seemed like it was pretty good.
6 Okay. But then there was one day --- or one night
7 when we came in, all of a sudden we weren't allowed to
8 go in. It was about midface we weren't allowed to go
9 in past that.

10 Q. And do you know why you weren't allowed to go ---?

11 A. Well, I said midface. I'm sorry. About halfway
12 on your panels right here. We was back here about in
13 here.

14 MR. SHERER:

15 And the witness is pointing to ---?

16 A. Say Break 40.

17 BY MR. SHERER:

18 Q. Forty (40) or so ---

19 A. Uh-huh (yes).

20 Q. --- on the headgate side?

21 A. Right, on the headgate side. I didn't understand
22 the full reasoning why of it. Later on I do know that
23 we started strengthening stoppings all the way back
24 and even back into here.

25 Q. And when you say back into here, you're pointing

1 at, roughly, Break 85 or ---?

2 A. Yeah, right in through here. I don't know how far
3 back behind the longwall setup, but we were
4 strengthening back in here somewhere.

5 Q. Okay. Sure. Did you ever run into much methane
6 when you were working on the setup?

7 A. Not on this setup here there wasn't as much
8 methane as what (b)(7)(C) & (b)(7)(D)
9 (b)(7)(C) & (b)(7)(D)

10 Q. Uh-huh (yes).

11 A. Methane makes a funny sound when you're doing a
12 setup, coming out of the wall when you're starting
13 mining. It sounds like bacon sizzling ---

14 Q. Sure.

15 A. --- is what it does. Okay. And you could very
16 seldom hear that in certain spots. Now, up at
17 (b)(7)(C) & (b)(7)(D) on two of the panels, you could hear it
18 just about all the way down on it.

19 Q. What about, did you ever notice methane bubbling
20 up through ---?

21 A. That was my next thing I was getting ready to say.
22 There wasn't much bubbling through here at all, hardly
23 any. And --- well, actually that was a pretty dry
24 panel to set up. It wasn't but a couple shallow water
25 holes there.

1 Q. Okay.

2 A. Okay. So there really wasn't that much bubbling
3 as what I've seen in the past.

4 Q. Did you happen to carry a methane detector with
5 you?

6 A. The only time I carry a methane detector ---
7 'cause I was always surrounded or within sight of the
8 maintenance people doing work along the longwall.

9 Q. Sure.

10 A. So the only time I carried one is when we had a
11 guy cutting or welding on there, and we'd always do
12 our gas checks ---

13 Q. Sure.

14 A. --- on that.

15 Q. Okay. And there's quite a bit of --- is there
16 quite a bit of welding or cutting that goes on during
17 the setup?

18 A. I don't know what you mean by quite a bit.

19 Q. Do you see somebody welding or cutting daily
20 or ---?

21 A. No, not daily. Not daily, no.

22 Q. Weekly?

23 A. Oh, yeah, weekly. I would say out of a seven-day
24 workweek, Monday through Sunday, on midnight it would
25 be maybe three, four days.

1 Q. Okay.

2 A. Okay. And it wouldn't be solid. It wouldn't be a
3 whole shift.

4 Q. Sure. Now, when the wall is running, how about
5 the frequency of welding or cutting, just in general?

6 A. The only time that you'd have welding or cutting
7 on the wall when it's running on the day or evening
8 shift is if the shearer was down, okay, and it had to
9 have something fixed. They never brought tanks on
10 line because it was running.

11 Q. Sure.

12 A. Okay.

13 Q. Okay. When (b)(7)(C) & (b)(7)(D) wall, do you
14 remember if it was set up with welding leads going up
15 the face?

16 A. Yeah, you had a welding cable in that trough ---
17 or actually, not the trough, but the --- let me think
18 of the name of it. That's where you got your return
19 waterline, two or three other cables in there as well
20 in it. Right there where the trough is and you got
21 the Bratlby.

22 Q. Yeah.

23 A. And you got your miner cable and your waterline in
24 there. Okay. That piece right there beside had
25 several trays and you had that in there. On the top

1 tray is where you had your welding lead at.

2 Q. Okay.

3 A. I call it the welding lead. It's a cable that
4 goes all the way from the headgate to the tail. Okay.

5 Q. Did they have plugs attached to that welding lead
6 at certain intervals? Miller plugs they're sometimes
7 called where you plug your welding lead into it.

8 A. No, sir. What they done is they would strip the
9 insulation off that lead, tie on the welding tape,
10 tape it up, and then when they got down, they'd take
11 it off and insulate it.

12 Q. Okay. Was that a single lead or a double lead?

13 A. Single.

14 Q. Okay.

15 A. As far as I know.

16 Q. Okay.

17 A. I'm not a welder.

18 Q. Sure. Let me ask you a question. You were
19 talking about the waterlines. Do you know of any
20 valves or devices on the waterlines around the midface
21 that they may have to be maintained?

22 A. Okay. You had the waterline in the trough next
23 bratbly. Okay. That went to the shearer operator.

24 Q. Sure.

25 A. Okay. Then you had a waterline in the trough

1 beside that. All right. And then you had your
2 emergency waterline where you could connect your hoses
3 up ---

4 Q. Sure.

5 A. --- on there. At 88 was one fire hose.

6 Q. Sure.

7 A. If I'm not mistaken, at 172 was another fire hose
8 and we had one at the head as well. Okay. The one at
9 the head I believe was more towards the headgate. It
10 wasn't on the shift.

11 Q. Do you know if there was any reason the wall would
12 have to be taken down or production stopped to work on
13 that --- say that fire valve near the middle of the
14 face?

15 A. As far as the fire valve, no, but in that one
16 section at midface, I think it's about 88 Shield, you
17 got the water hose going in the bratbly. Okay. And
18 then you got the water hose that's going in the
19 trough. Now, the one in the bratbly --- sometimes the
20 bratbly would walk. In other words, it wouldn't stay
21 right where it was supposed to where the shearer ---.
22 At 88 Shield, the shearer comes back. It flops ---
23 the bratbly flops over, okay, because the bratbly is
24 only 88 shields long.

25 Q. Sure.

1 A. And it goes down and it comes back. Okay.

2 Q. So that's kind of where it's tied off?

3 A. That's right. And right there at 88 when it
4 walked, generally there's a joint right in there or if
5 they're ain't a joint, close to it. But in other
6 words, what I'm getting at it will stretch it. Okay.
7 It will stretch it simply because sometimes it don't
8 --- when it doubles back over, it's not a nice even
9 flow. Sometimes they have to bring the shearer back
10 and make another cut to line it out. So therefore, it
11 can S up. But what it does, it stretches that hose
12 and then, therefore, it makes it weak. Sometimes it
13 will pop.

14 Q. Oh, okay.

15 A. And when it pops, you have to fix it.

16 Q. Okay. Is that something that happens on a fairly
17 regular basis, say every six months, or is it a common
18 problem with that?

19 A. It's not a real common problem with that. I do
20 know that we changed bratbly one time. The bratbly
21 stalled because it was --- not only the waterline, but
22 the mining cable --- the mining cable itself was
23 walking and putting pressure on it. So they changed
24 the bratbly on this new one on there.

25 Q. Okay. So this was a newer model, I guess?

1 A. Uh-huh (yes).

2 Q. Okay. Thank you. Let's talk about the headgate a
3 bit. I assume --- (b)(7)(C) & (b)(7)(D)

4 (b)(7)(C) & (b)(7)(D) Excuse me. What did you notice
5 about the conditions on the headgate area of the
6 longwall, roof, ribs, floor, ventilation?

7 A. The roof and ribs I didn't see no problem on it.

8 As far as the whole setup going down the whole face,
9 it surprised me because normally you're going to have
10 rib rolls. It's sitting there that long, the setup,
11 it will rib roll into the face change. And there
12 wasn't that much of a rib roll anywhere all the way
13 through there down there. So it set up pretty good.
14 There wasn't that much from what I can remember. As
15 far as coming down this way here, I didn't go up this
16 way except to set up the glut. And that's where all
17 your cables and your waterline go into ---

18 Q. Sure.

19 A. --- for everything. But that's as far as I'd go
20 on that as far as coming up through here (indicating).

21 Q. Okay. What about floor hoove? Do you notice any
22 floor hoove around the initial ---?

23 A. No. There was no hooving at all.

24 Q. Okay.

25 A. Now, as far as the air goes, like I said, there

1 was one time back up here about --- I'm going to say
2 about Break 40, because way you all got that marked
3 right there, it looks like it angles down; ---

4 Q. Uh-huh (yes).

5 A. --- correct? Angles down and goes back up under
6 and then levels back out; right?

7 Q. Yes.

8 A. I'm thinking right in through there is as far as
9 we was allowed to go there for a couple of days. And
10 I know we wasn't allowed to work on the wall for
11 almost a week because we was redoing stoppings and
12 everything, trying to get the air back right.

13 Q. Do you recall if it was just a problem with low
14 airflow, or was there any methane involved with it?

15 A. They never said anything about that to me on that,
16 but I do know that if there was a methane problem, we
17 wouldn't have been there, because Shannon Dickens,
18 which was (b)(7)(C) & (b)(7)(D) at the time, he was a
19 stickler for that.

20 Q. Sure.

21 A. He wouldn't --- if it got so high, we was out of
22 there on that. And it never got up --- as far as I
23 know, it never got up that high as far as the methane
24 goes, because we was never taken out because of it.

25 Q. Do you recall what level he would pull people?

1 Did he ever mention that?

2 A. Well, we never got pulled, to tell you the truth,
3 as far as that goes.

4 Q. Okay. Appreciate your information. I got some
5 questions there that are a little more general in
6 nature. When you were working in UBB, did you ever
7 receive any notice if inspectors were on the property,
8 either State or Federal?

9 A. No, because like I said, I was mainly up in here
10 (b)(7)(C) & (b)(7)(D) ---

11 Q. Oh, okay.

12 (b)(7)(C) & (b)(7)(D).

13 Q. Sure. Okay.

14 A. And there would be (b)(7)(C) & (b)(7)(D) --- in

15 fact, I had one of you guys show up on me. You all
16 walked the tail and came down and surprised me. I was
17 in Shield 152 at that time ---

18 Q. Okay.

19 A. --- right there. That kind of surprised me when
20 you all showed up right then, because I wasn't
21 expecting you all. If anything, once --- I think once
22 a week you had a guy that walked the and dated up and
23 stopped and checked that for us.

24 Q. Have you heard --- when you were working here,
25 have you heard of anybody else getting advance notice,

1 like on the miner sections?

2 A. I can't really say on the miner section. I do
3 know that on the longwall that if there was any notice
4 at all, it was so short, there was nothing that could
5 be done about it anyway, ---

6 Q. Okay.

7 A. --- because you all was right up on us right then.

8 Q. Okay. Did you ever wear a dust pump while you
9 were at th

10 A. No. I (b)(7)(C) & (b)(7)(D) . I (b)(7)(C) & (b)(7)(D)

11 pump. There was no equipment running.

12 Q. Okay. Sure. You mentioned that you had
13 ventilation problems on the wall when you were working
14 on it initially. How about just the general
15 ventilation in the mine? Do you think it was adequate
16 at all times?

17 A. Well, as far as the miner section goes, I can only
18 judge what I'm working at now as versus when I worked
19 in there. Okay? My miner sections that I'm working
20 on now, all three of them has more air than what that
21 longwall did, the airflow.

22 Q. Is that normal?

23 A. Well, now, this mine here is a lot deeper in. The
24 air has a lot farther to go.

25 Q. Uh-huh (yes).

1 A. The mine I'm in now is not but two years old.
2 We're not in half as many breaks, not even a third as
3 many breaks as what we are here, what we're talking
4 about.

5 Q. And would you expect the longwall to have more,
6 more airflow than a continuous miner section in
7 general?

8 A. Yes, because like I said, on (b)(7)(C) & (b)(7)(D)
9 (b)(7)(C) & (b)(7)(D) I could always feel the air, especially during
10 the winter. It was chilly.

11 Q. Uh-huh (yes). Sure.

12 Q. And I went onto a miner section one time and the
13 boss asked me --- now, (b)(7)(C) & (b)(7)(D)
14 says --- I asked him how we could get out of there,
15 because I'd never been on a miner section. He said,
16 (b)(7)(C) & (b)(7)(D) just follow the airflow.

17 A. I looked around. I said, what air, because I was
18 used to so much air coming down the face on the
19 longwall.

20 Q. What about line curtain? I know you said you
21 didn't work on any of the miner sections. Did you
22 ever hear of any of the sections might run without
23 line curtain or not keep it up the miner?

24 A. No. I heard Jason got cleared one time. He was a
25 boss on the miner section, I believe, at one time. He

1 did Elk Run and set up. He was boss on the midnight
2 on the setup and longwall.

3 Q. Uh-huh (yes).

4 A. Now, Jason, he let's himself known --- be known
5 when something goes wrong. And he tells them what ---
6 he says what he does to them if it ain't right.

7 Q. Sure.

8 A. So if the curtain wasn't right, he'd tell us on
9 that, because he loved to talk about what happened in
10 the past. The only thing I can go on is what Jason
11 did, and I know Jason kept it up.

12 Q. Okay.

13 A. Okay?

14 Q. Thank you. What about methane sniffers? Again, I
15 know you didn't work on it. Did you ever hear of
16 methane sniffers or methane monitors being tampered
17 with or bridged out?

18 A. That would be totally hearsay. It'd be something
19 I couldn't see, and I didn't know for sure; okay?

20 Q. Okay.

21 A. I do know that you had a methane sniffer at the
22 tail.

23 Q. Uh-huh (yes).

24 A. Massey kept one on the shearer, and if I'm not
25 mistaken, there wasn't no law stating that we had to

1 have one, but we kept one at the midface, as well, I
2 think. And then you had one at the headgate.

3 Q. So there was four sniffers on the longwall?

4 A. Uh-huh (yes).

5 Q. Again, did you ever hear about them ---

6 A. Being bridged?

7 Q. --- being bridged or ---?

8 A. That would be hearsay, and I'd be afraid to say.

9 Q. Okay.

10 A. Okay? On that. A lot of men talk stuff.

11 Q. Sure.

12 A. And you got to kind of see who's doing the talking
13 and find out whether they was credible or not.

14 Q. Sure. Okay. One more question. Were you ever
15 --- were you injured while you were working here?

16 A. No.

17 Q. Do you know anybody that was injured or ---?

18 A. Seriously?

19 Q. Yeah.

20 A. I don't think we had a serious injury.

21 Q. Okay. Do you remember ---?

22 A. I'm trying to think.

23 Q. Sure. Uh-huh (yes).

24 A. I got my EMT card up at Logan's Fork. And I know
25 I had to escort one person out, but I believe that was

1 at Logan's Fork. That wasn't here at Performance.

2 Q. Okay.

3 A. Okay?

4 Q. Okay. What about safety concerns? If a miner was
5 worried about something, do you know of anybody that
6 ever made a complaint?

7 A. Not a complaint. I did hear several of them say
8 that they was concerned about different things. One
9 of them, like, was real worried about was the air.

10 Q. Uh-huh (yes).

11 A. And the comment was made from that guy that he
12 didn't understand why we had doors --- let's see here
13 --- at --- I believe it's at 82 Break?

14 Q. Uh-huh (yes).

15 A. You had a set of doors at 82 and another set just
16 down from that.

17 Q. Okay.

18 A. No, I'm sorry. It's at 78 and 82, I believe,
19 right there and there.

20 Q. And what was the concern about the doors?

21 A. Well, we couldn't understand why you had doors
22 there in the main intake. We always thought that the
23 intake was supposed to be separate.

24 Q. Sure.

25 A. I mean, I'm not up on that, but that was just one

1 of our concerns about that.

2 Q. Well, what worried you about the doors? What
3 would happen if they were left open?

4 A. The air could be reversed, because that was your
5 main intake air. If it was let open, it'd go back
6 down this way, here instead of being forced down this
7 way.

8 Q. Sure. Did you ever go up to the --- come up to
9 those doors and then find them open?

10 A. No.

11 Q. Okay.

12 A. No.

13 Q. Were those doors maintained in good repair?

14 A. I'm going to say, yeah, in good repair. They got
15 dented, and I remember one time one got bent up real
16 bad and the replaced the whole set ---

17 Q. Okay.

18 A. --- right then. So I think they acted real quick
19 and reasonable on that.

20 Q. Okay.

21 A. I'm sure there was air leakage in them, but I
22 don't think there was enough that would really cause
23 the air problem right there.

24 Q. Okay. Getting back to the question about safety
25 concerns, have you ever heard of anybody having

1 problems if they didn't make a complaint or say that
2 they were worried about something, any retaliation
3 like them giving a bad shift or a bad job or even
4 fired?

5 A. As far as coming from the bosses, I'm going to say
6 no. I'm talking about the bosses that stay outside,
7 mostly; okay?

8 Q. Sure.

9 A. Because I know that there was a couple of
10 complaints made and MSHA came in and checked them out,
11 but at least the bosses --- what I heard, the bosses
12 didn't know who made the complaints. So even if they
13 wanted to retaliate, they didn't know who to go
14 against.

15 Q. Sure. Okay.

16 A. I do know that since this has happened, I've
17 talked with a couple of guys that did work there.
18 They said they had called MSHA a couple of times, but
19 it wasn't concerning the air, it was concerning some
20 other stuff.

21 Q. Sure.

22 A. And I'm sure you all have already talked to a
23 couple of them.

24 Q. We've talked to an awful lot of people, and we
25 really appreciate people trying to help us out.

1 A. Okay.

2 Q. Is there anything else that you know of that we
3 should be looking at, anybody we should be talking to?

4 A. There's a guy I work with now. His name is Mike
5 Williams.

6 Q. Uh-huh (yes).

7 A. Okay? I don't know his full name, but that
8 gentleman there said he worked in behind the longwall.
9 Back in here; okay? He did say that he was doing the
10 stoppings. Now, whether he was sealing them or
11 changing the air, I don't know. He mentioned the
12 boss's name, a boss that was over him. It's a big,
13 long name there. I can't remember his name. But Mike
14 told him unusually high methane readings back in here.

15 Q. Okay.

16 A. And the boss told him not to worry about it.

17 MR. SHERER:

18 Okay. We appreciate that. That's all
19 the questions I've got for now. I'll turn it over to
20 Terry Farley.

21 EXAMINATION

22 BY MR. FARLEY:

23 Q. The reference to high methane readings in the
24 areas you're pointing to, which is to the inby and the
25 tailgate entries around crosscut, inby Crosscut 100

1 and the tailgate?

2 A. That I couldn't tell you, because Mike wasn't
3 clear on it. And I do know he worked --- I think he
4 worked for Massey right up before it blew.

5 Q. Now, was this some --- were these high methane
6 content readings sometime shortly before the day of
7 the explosion, or was this sometime last year?

8 A. I couldn't tell you about that for sure. Mike led
9 me to believe that it was shortly before.

10 Q. Okay.

11 A. But I don't know how long Mike worked with Massey
12 or the dates.

13 Q. Sure.

14 A. Okay? I do know Mike showed up just a few weeks
15 ago, and I said, gee.

16 Q. Okay. Now, earlier on, if I heard you correctly,
17 you stated that no oxygen or acetylene tanks were
18 allowed on the longwall face. Did you say that?

19 A. Not while the shearer was running. Now, on
20 maintenance, or if the shearer was down and we needed
21 to cut something, we would roll the tanks up the line.

22 Q. All right.

23 A. Okay?

24 Q. All right.

25 A. And we would use them there, but then as soon as

1 we was done with them, off they went. And we'd always
2 make sure we had fire extinguishers and made sure our
3 fire hose was ready, and we also made sure that we had
4 dust.

5 Q. Okay.

6 A. Okay?

7 Q. Now, according to what you said earlier about your
8 dates of employment at UBB, (b)(7)(C) & (b)(7)(D)
9 (b)(7)(C) & (b)(7)(D)

10 (b)(7)(C) & (b)(7)(D)

11 Q. Had the longwall actually started producing coal
12 when you --- before (b)(7)(C) & (b)(7)(D)

13 A. No. It had made, I want to say a couple of
14 passes. The first day that it attempts to run to
15 start up, it don't even make a half a pass; okay?
16 Now, I don't think that --- I think that's the way it
17 went this time. The second day it'll make a pass or
18 two, and that's about the time I left. It was not in
19 full production when (b)(7)(C) & (b)(7)(D). I do know that.

20 Q. Obviously they got off to a slow start. Do you
21 know of any particular reason why they got off to a
22 slow start? Was it mechanical failure, ventilation?

23 A. No, it was not because of either one of them.

24 What it is --- I don't know how to explain it. When
25 you're testing something out, that's what they're

1 doing. They're testing the machine out to make sure
2 that it's going to run smoothly and not tear nothing
3 up, is what they're doing.

4 Q. Okay.

5 A. They got to test the shield to make sure they're
6 all right, because sometimes the shield, what I call
7 it, commits suicide. When it does that, it can pull
8 itself in and shut itself down or shut itself up, and
9 we got to fix it before we get into production.
10 Otherwise, we get jacks that are hurt.

11 Q. All right.

12 A. Or a shearer operator.

13 Q. So they're just sort of making a trial run?

14 A. Right, they're trial runs is what they are.

15 MR. FARLEY:

16 Okay. All right. Okay. That's it.

17 EXAMINATION

18 BY MR. MCGINLEY:

19 Q. Overall, how long did you work for Massey?

20 A. Okay. I worked at three different mines.

21 Q. I'm just looking for a ballpark.

22 A. I'm going to say a little over three years, three
23 and a half years, something like that. I can give you
24 exacts dates here in just a second. Massey --- I

25 **(b)(7)(C) & (b)(7)(D)** and I went to

1 (b)(7)(C) & (b)(7)(D)

2 Q. Did you sign an enhancement contract?

3 A. Yeah. That contract? Sure did.

4 Q. For a three-year period?

5 A. Yes.

6 Q. And did you work there three years?

7 A. No.

8 Q. So did you have to pay back any ---?

9 A. No.

10 Q. Why?

11 A. No. The reason I didn't --- I left on good terms;
12 okay? I gave them my two week notice. I turned my
13 uniforms back in. I done everything that they
14 required, and therefore as that, they didn't hold my
15 last paycheck or make me pay back any of the bonus
16 money.

17 Q. Were you surprised at that?

18 A. Well, frankly, yes, because not the bosses, but
19 some of the men, you know --- you got 176 shields and
20 you got 1,000 things could go wrong on them. Well, I
21 could do 100 things on it and you'll never tell it,
22 and some of the men didn't care for that. Well,
23 that's kind of hard for one shield to have to work on
24 that much.

25 Q. Sure.

1 A. You see?

2 Q. Sure.

3 A. But as far as the bosses go, I'd turn in a report
4 on what I did and how much I did, and they were
5 satisfied with my work. In fact, Connie, the lady
6 that's in charge of personnel up there, when I quit
7 she said any time I wanted to come back, I could come
8 back, no problem.

9 Q. So Massey didn't strictly enforce the contract, at
10 least as far as your case?

11 A. No. As far as I'm concerned, no. Now, I have
12 heard that some men had some of their paycheck done,
13 but then when we got to talking, the reason they held
14 back on the paycheck was they didn't turn in the
15 uniforms. Well, that's 13 uniforms. That's a lot of
16 money right there.

17 Q. Okay. Are you familiar with the term S1 and P2?

18 A. Yeah, safety first, production second.

19 Q. Other than S1 means safety first, is there
20 anything else it meant?

21 A. No. As far as I know, S1 is safety.

22 Q. And that's sort of a slogan?

23 A. Yeah, that's a slogan they had. They had a P3.

24 Q. M3?

25 A. Yeah, M3, I'm sorry, on that. That one there I

1 didn't pay much attention to. The first two I did,
2 and safety first. And if somebody got hurt down
3 there, it's because --- it wasn't really because they
4 was being rushed, because they were just not being
5 observant enough or they just didn't want to wear the
6 gloves that was provided on that.

7 Q. What did P2 mean?

8 A. Production.

9 Q. Production ---?

10 A. Production second. Safety first, production's the
11 next thing you worry about.

12 Q. It's just a slogan?

13 A. Just a slogan.

14 Q. Were there sometimes you felt like it was ---
15 maybe production was more important than safety on
16 occasion?

17 A. Well, with me working on midnights ---.

18 Q. You didn't see production?

19 A. No.

20 MR. MCGINLEY:

21 All right. I don't have any further
22 questions.

23 RE-EXAMINATION

24 BY MR. SHERER:

25 Q. I got one, one follow-up. When you were working

(b)(7)(C) & (b)(7)(D)

you mentioned

1
2 excessive timbers. Were there any cribs set up in the
3 tailgate or headgate that one time?

4 A. No. And let me rephrase that. Right through
5 here. Back there in setup, you got stoppings in here.

6 Q. Uh-huh (yes).

7 A. Okay? And they're right back at the tail of it.
8 And that's for the airflow.

9 Q. Sure.

10 A. Okay? So it can return like it's supposed to go.

11 Q. Uh-huh (yes).

12 A. All right? Now, when you get ready to start up,
13 they knock the stoppings.

14 Q. Uh-huh (yes).

15 A. Okay? And the reason I know there was stoppings
16 back there, I helped set up the tailgate ---

17 Q. Sure.

18 A. --- part of it. And I can tell you who else was
19 there. The main one was Delbert Bailey.

20 Q. Okay.

21 A. Okay? On that.

22 Q. Okay.

23 A. And on the setup, now, we --- sometimes I'd work
24 extra shifts, and I'd work my days off. Well, I could
25 go to dayshift and do it that way. That would give me

1 a chance to do something else. But I do know there
2 was stoppings there.

3 Q. Uh-huh (yes).

4 A. Okay.

5 Q. But there weren't any, any cribs that were built
6 at that time?

7 A. Not back in here, no.

8 Q. Okay.

9 A. Okay?

10 Q. What about further out the tailgate, had they
11 built any cribs or --- I mean ---?

12 A. Now, going out the tailgate and going back up
13 towards the mouth you timber it.

14 Q. Okay.

15 A. Okay? And you put two rows of timbers. They're
16 four foot apart, four foot wide, if I remember right.

17 Q. That's to support the tailgate entry as the wall
18 pulls out?

19 A. Well, that's also our escapeway for us if we need
20 it, and that's a safety ---

21 Q. Okay.

22 A. --- thing, as well. So that's a twofold exit
23 there, because if something happened right here on the
24 shield, let's say 36 or 40, I'm working down here on
25 shield 116. I'm not going to brave that smoke to go

1 through there and that fire. I'm going to go out the
2 tail and meet them up here at the head.

3 Q. Okay.

4 A. Okay?

5 MR. SHERER:

6 Sure. Thank you.

7 ATTORNEY WILSON:

8 Okay. Follow-up?

9 MR. MCGINLEY:

10 Nope.

11 ATTORNEY WILSON (b)(7)(C) & (b)(7)(D)

12 All right. , that's all the

13 questions that we have. On behalf of MSHA and the
14 Office of Miners' Health, Safety and Training, again I
15 want to thank you for appearing and answering our
16 questions today. Your cooperation is very important
17 to the investigation as we work to determine the cause
18 of the accident.

19 I do want to remind you of your rights
20 under the Mine Act. Any statements given by miner
21 witnesses to MSHA are considered to be an exercise of
22 statutory rights and protected activity under Section
23 105(c) of the Mine Act. If you believe that any
24 discharge, discrimination or any other type of adverse
25 action is taken against you as a result of your

1 cooperation with this investigation, you are strongly
2 encouraged to immediately contact MSHA and file a
3 complaint under Section 105(c) of the Act.

4 Remedies under the Mine Act include back
5 wages and immediate temporary reinstatement to your
6 most recent position with the company pending a
7 complete investigation of your complaint. In order to
8 file such a complaint, you should contact the MSHA
9 district office in Mount Hope, West Virginia, or you
10 can go to MSHA's website at www.msha.gov to find
11 additional information concerning your rights.

12 Again, we request that you not discuss
13 your testimony with anyone because we will be
14 interviewing additional witnesses. After questioning
15 other witnesses, we may call you if we have any
16 follow-up questions. If at any time you have
17 additional information that you believe to be relevant
18 to the investigation, please have contact either
19 Norman Page or the State at the information, contact
20 information that was provided to you.

21 Before we finish and go off the record, I
22 do want to give you an opportunity to add anything
23 else to the record or to make any sort of a statement
24 that you may like to make. You may do so at this
25 time.

1 A. Really the only think I got is what I've already
2 told you. Eugene Williams had been in the mines a
3 good while, a long time. (b)(7)(C) & (b)(7)(D)
4 was discussing that about them doors on that. I don't
5 know if you all talked with him on that. Okay. Now,
6 (b)(7)(C) & (b)(7)(D) Okay? But I do
7 know that there for a while, when they wouldn't let us
8 go past here or go past the breakout that I told you
9 about. Nobody with bossing papers of any type, wanted
10 to sign off, date out back there at all.

11 ATTORNEY WILSON:

12 And you're pointing to the headgate side
13 of the longwall?

14 A. Right. The headgate about midface, part of ---
15 about midway down. Of course, now, none of these
16 panels have been mined. (b)(7)(C) & (b)(7)(D)
17 right in through here --- and then I noticed in the
18 next day, day and a half we was redoing stoppings for
19 three days, strengthening them up.

20 MR. SHERER:

21 Do you recall, roughly, when that
22 occurred, the middle of December or middle of August
23 or ---?

24 A. I was in the mines. That means all the shields
25 had been worked on and was ready to come in. I'd say

1 we was still setting up some shields. I think we
2 just about had all of the shields in. As far as a
3 date, I couldn't tell you. It was closer to the end
4 of it.

5 MR. SHERER:

6 Okay. So sometime in August or
7 September?

8 A. I would say it was last of August.

9 MR. SHERER:

10 Okay.

11 A. Okay?

12 MR. SHERER:

13 We appreciate that.

14 ATTORNEY WILSON:

15 Okay. Unless there's anything ---?

16 A. You look like you had some more questions. You
17 just --- if you're kind of puzzled over my answers,
18 I'd be glad to help out on it if you did.

19 MR. FARLEY:

20 Actually I look kind of puzzled most of
21 the time, so ---.

22 A. I'm sure all of you guys have been in the mines
23 before. I don't know how many of you got longwall
24 experience, but you probably didn't need it. As far
25 as the shield, I can tell you how the shields run. I

1 can tell you what goes wrong with them quick, and I
2 can tell you how to fix them. As far as anything else
3 on here other than what I had hands-on with, with some
4 of the bosses when I came in extra, I couldn't tell
5 you anything. I could tell you how the shearer runs,
6 the way it's supposed to work, because I was around it
7 enough ---

8 MR. SHERER:

9 Sure.

10 A. --- where I could watch on that.

11 MR. SHERER:

12 We would appreciate that. If we got any
13 questions on the shields themselves, we'll keep you in
14 mind.

15 A. Okay. But I will tell you this. You were saying
16 earlier that the shearer that punched out and was on
17 the tail, but you didn't find nobody until about 88,
18 mid shield and you said the water was off. It sounds
19 to me like that hose is what they needed to work on,
20 that it stretch so thin or else it had popped, one of
21 the two.

22 MR. SHERER:

23 Okay.

24 A. Right in there. It could've been a shearer cable,
25 but that's less likely. It would be at the horse's

1 tail, what they called horse's tail, because that's
2 where that enters in. Sometimes that affects that,
3 but not often.

4 MR. SHERER:

5 Sure.

6 A. Okay? That's the only two things I can think of
7 that there would be nobody around here, but them not
8 being up here working on the horse's tail tells me it
9 should be up there. There or else they had a short in
10 the tail itself right there right there.

11 MR. SHERER:

12 We appreciate that.

13 A. Okay? On that.

14 ATTORNEY WILSON:

15 All right. Then again, (b)(7)(C) & (b)(7)(D)

16 thank you for your appearance and cooperation in this
17 matter. And please contact us if you think of any
18 additional information. At this time we'll conclude
19 and go off the record.

20 OFF RECORD DISCUSSION

21 ATTORNEY WILSON:

22 All right. We're back on the record with

23 (b)(7)(C) & (b)(7)(D) We were off the record. He was

24 talking a little bit about the shields and how they

25 operated, and we want to put that on the record, so do

1 you have a follow-up question on that?

2 MR. SHERER:

3 Sure.

4 RE-EXAMINATION

5 BY MR. SHERER:

6 Q. First of all, I want to thank you for helping us
7 out to better understand some of the things going on
8 with the shields. You mentioned that there was some
9 method to record the pressure in the ---.

10 A. In the legs. okay. That's at the headgate. And
11 it's in a box; okay? Now, I can't remember the exact
12 box. I don't know if it was the ICU, the CCU or the
13 MCU.

14 Q. Now help me out. What was the ICU?

15 A. That, I don't know.

16 Q. Okay.

17 A. I just know that that's on the box.

18 Q. Okay.

19 A. On that right there. I'd go in and I'd check.
20 And I'd go down the list of faults. And depending on
21 what the fault was is what the shield I went to.

22 Like, if you had a shield coming down from the top
23 wasn't holding against it, it would come up with a
24 fault on that. All right?

25 Q. Sure.

1 A. And then I would go to that shield and I'd go
2 around it and find out the reason why. Okay?

3 Q. And that information was retained by those
4 boxes ---

5 A. Right.

6 Q. --- for some period of time?

7 A. Yeah. Now, the information on that box would stay
8 there until it was fixed.

9 Q. Oh, okay.

10 A. Okay?

11 Q. Okay. Could you help us on the belt with how the
12 shearer cut out and the pushup was done at the end of
13 the panel down the tailgate?

14 A. The tail?

15 Q. Yeah.

16 A. On the tail side --- well, it's done on the tail
17 the same way as the head.

18 Q. Uh-huh (yes).

19 A. Okay? Let's say it's heading to the tail. Right
20 now it's at midface at 88.

21 Q. Uh-huh (yes).

22 A. All right. When it finally gets up to 176 and
23 cuts out, all right? Depending on the boss, he'll go
24 back 25 to 35 shields back the other way just tramping
25 back. And then they'll push some line in. Okay?

1 Then the shearer will start cutting in again. All
2 right? When it cuts in, that puts the tail a little
3 ahead of the line.

4 Q. Sure.

5 A. Okay? Then when they cut out the second time,
6 they'll go back to the middle, and there you go. You
7 got it going. Now it straightens the line back out.

8 Q. Sure.

9 A. Okay?

10 Q. What would they commonly call that procedure? Are
11 you familiar with the term called the shuffle?

12 A. Yeah. That's what they call it, a shuffle.

13 Q. Okay.

14 A. It sure is.

15 MR. SHERER:

16 Thank you.

17 RE-EXAMINATION

18 BY MR. FARLEY:

19 Q. The information retained by the boxes.

20 A. Yes, sir?

21 Q. Now, you referred to it as ICU or whatever.

22 A. Uh-huh (yes).

23 Q. Do you know how long that information is retained?

24 A. No, sir, I don't. I do know that whenever I'd go
25 in and I'd use that, like I set up the tool to work on

1 the shields, it would be there; okay? It also
2 recorded --- every time that shearer passed and those
3 shields were moved, it recorded the problem again;
4 okay? And if I'm not mistaken, it gave a time on it.
5 I think it gave a time on it.

6 Q. Did it record pressure on the shield?

7 A. It recorded --- it just said low pressure; okay?
8 Or high pressure. Because sometimes the legs wouldn't
9 go down, which would make it hard for the shield to go
10 down and pull in. In other words, the top of the
11 shield would be scraping the roof; okay? It would say
12 high or low. It'd say, front left leg low; all right?
13 Like that.

14 Q. Okay.

15 A. And the reason it would say one leg is because
16 that was the main leg. That's where the pressure went
17 into to begin with, and then it would bleed over. It
18 has a hose going from the left leg to the right leg,
19 and then that's how it bled over into that, as well
20 as on the body. Both legs had a, what you call a
21 POCV, power operated check valve; all right? And that
22 there is where the main pressure would come in.

23 And they had three --- the bigger shields had
24 three-quarter hoses on it. The smaller shields would
25 have one three-quarter hose and then a half inch hose

1 on it; okay?

2 Q. Can you be more exact on where these boxes were
3 located? You said that ---.

4 A. At the headgate.

5 Q. You said at the headgate?

6 A. At the headgate on the glut, the first part.

7 That's where the headgate man stays.

8 Q. Okay.

9 A. Right there, because that's where your intercom
10 is. That's where anything that he needs to do to
11 change it. That's where your water cutoffs are.
12 Everything's right there for the headgate man. Now,
13 as far as him noticing the fault, it ain't going to
14 show up. The only thing that would show up to him and
15 signal to him would be a CIU fault, and a CIU is the
16 box that controls what the shields done.

17 And if you put it on automatic --- because you can
18 put it on automatic to do certain things if you don't
19 have no other faults down the lines. If you had two
20 or three fault in line, it breaks it. In other words,
21 it won't run. You know, it will run with several
22 faults, but they got to be several shields apart so as
23 it won't stop it and break the communication on it.

24 RE-EXAMINATION

25 BY MR. MCGINLEY:

1 Q. I have a question. You know, there's a hinchpin
2 on the ranging arm on the shearer? Do you know what
3 I'm talking about?

4 A. Not right off the bat. If you can give me a ---
5 be a little more elaborate on it?

6 Q. Well, we'd heard there was some problem. And
7 that's the way it was described. I was just wondering
8 if you were familiar with that.

9 A. I probably ---.

10 Q. It caused the --- caused the longwall to shut down
11 for a while.

12 A. That I couldn't tell you. I wasn't there during
13 this; okay?

14 Q. Sure.

15 A. On that. In the past on some other panels, we've
16 had problems with it with the arms, but the arms
17 wouldn't be nothing. We could get them in and change
18 them in a day. It'd take two to three shifts, but
19 it'd be done on it. We can change drums on it. But
20 hinchpin. I hadn't heard them say anything about
21 changing the hinchpin.

22 RE-EXAMINATION

23 BY MR. FARLEY:

24 Q. The hinchpin is ranging arm?

25 A. Yeah, it'd be on the --- from what I'm gathering,

1 the hinchpin would be right there where it goes back
2 and forth; correct? Okay. Like I said, I couldn't
3 tell you about this shearer here, but as far as a
4 hinchpin goes, I don't think that gave us the trouble
5 in the shearers before. We have had to change the arm
6 where the eye has broke, and we've had to change the
7 whole arm because the eye that the pin goes into has
8 broke before.

9 Q. Could that involve welding?

10 A. Yes. Well, if it's just a crack, yeah. But if
11 it's beyond repair, there's no welding or cutting to
12 it. We just take it off and tram it back to the
13 shearer and put a new one on it.

14 RE-EXAMINATION

15 BY MR. MCGINLEY:

16 Q. What if there was a crack, could you weld it and
17 operate for a shift waiting for a placement part?

18 A. I don't know why you'd do welding if you're going
19 to be waiting on a replacement part. You're wasting
20 man hours there on that. Now, if you was going to try
21 welding it to run with it, yeah, you could do that.
22 There wouldn't be a replacement part for it on that,
23 but any time that eye had cracked or broke, we'd
24 change the arm. I can say that just by watching them
25 do that before on that. Okay?

1 RE-EXAMINATION

2 BY MR. SHERER:

3 Q. Do you happen to know what particular make and
4 model this shearer was when you set the wall up; would
5 you?

6 A. All I know if we used Joy.

7 Q. Okay.

8 A. And there's always a Joy representative down there
9 to make sure that everything's put together right and
10 is running smoothly.

11 Q. Okay.

12 A. Because they not only did that, but they did ICUs
13 as well on the box.

14 Q. And do you recall the model, like, of 5LS or 6LS?

15 A. No, sir, I couldn't do that.

16 Q. Okay. Can you tell us any reason that you would
17 think of for the longwall crew not to be at the
18 shearer when it's cut out of the tail? Would that be
19 common to leave it down there?

20 A. The only reason they would leave it down there, if
21 it's at the end of the shift, they would be walking
22 off. Or if they have a problem back at midface, ---

23 Q. Okay.

24 A. --- they'd be working on that down there.

25 Q. Okay.

1 A. Okay?

2 Q. Could there be a problem further up the line
3 toward the headgate that would require them traveling
4 back toward the headgate?

5 A. Yeah, it'd be on that hose or could be in the
6 electrical line, but the electricians would come off
7 there and get that. I don't know where the
8 electricians were when you all found them. Grover is
9 one of them, and I don't know who the second one was
10 right off the bat; okay? But the men right here,
11 sometimes they'll come back and they'll start working
12 on something down the line.

13 Q. Sure.

14 A. Okay.

15 Q. Okay.

16 A. On supposedly shields.

17 Q. Uh-huh (yes).

18 A. Some of them do that. The operators wouldn't do
19 it, but they'd back off the line ---

20 A. Sure.

21 Q. --- on it.

22 MR. SHERER:

23 Okay. Thank you. Do you have anything,
24 Terry?

25 MR. FARLEY:

1 I don't think so.

2 ATTORNEY WILSON:

3 All right.

4 MR. SHERER:

5 You have anything?

6 ATTORNEY WILSON:

7 Again ---.

8 A. Anybody back here have any?

9 ATTORNEY WILSON: (b)(7)(C) & (b)(7)(D)

10 All right. , again, thank

11 you for your cooperation in this matter, and we'll go
12 back off the record.

13 * * * * *

14 STATEMENT UNDER OATH CONCLUDED AT 10:45 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

5

I, Danielle Ohm, a Notary Public in and for

6

the State of West Virginia, do hereby certify:

7

That the witness whose testimony appears in

8

the foregoing deposition, was duly sworn by me on said

9

date and that the transcribed deposition of said

10

witness is a true record of the testimony given by

11

said witness;

12

That the proceeding is herein recorded fully

13

and accurately;

14

That I am neither attorney nor counsel for,

15

nor related to any of the parties to the action in

16

which these depositions were taken, and further that I

17

am not a relative of any attorney or counsel employed

18

by the parties hereto, or financially interested in

19

this action.

20



21

22

A handwritten signature in cursive script that reads "Danielle Ohm".

23

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25