

1 **WEST VIRGINIA MINE SAFETY AND HEALTH**
2 **ADMINISTRATION**

3
4
5 **IN THE MATTER OF:**

6 **THE INVESTIGATION OF THE**
7 **APRIL 5, 2010 MINE EXPLOSION**
8 **AT UPPER BIG BRANCH MINE.**

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15 The interview of LUKE A. FORD, taken upon oral
16 examination, before Jenny Marmol, Court Reporter
17 and Notary Public in and for the State of West
18 Virginia, Friday, February 11th, 2011, at the Mine
19 Academy, 1301 Airport Road, Beaver, West Virginia.

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1 MR. KOERBER: My name is Barry Koerber.
2 I'm the Assistant Attorney General. I'm assigned
3 to the West Virginia Office of Miners' Health,
4 Safety and Training, and I am a member of the
5 State's UBB Accident Investigation Team.

6 Today is Friday, February the 11th, 2011.

7 Beginning at my left, I'm going to ask the
8 people at the table to identify themselves and who
9 they're with, starting with John.

10 MR. O'BRIEN: John O'Brien with the West
11 Virginia Office of Miners' Health, Safety and
12 Training.

13 MR. CRIPPS: Dean Cripps with MSHA.

14 MS. HAMPTON: Pollyanna Hampton,
15 Solicitor's Office, U.S. Department of Labor.

16 MR. BECK: Jim Beck with the Governor's
17 Independent Team.

18 MR. KOERBER: We'll get to this side of
19 the table in a minute.

20 Luke, for purposes of the -- the court
21 reporter here will be transcribing what is said
22 today. For her benefit, please say "yes" and "no"
23 and not "uh-huh," "uh-uh."

24 Also, I would please ask you to allow the

1 question to be asked before you begin to answer,
2 and I'm going to ask the interviewers to please
3 allow you to finish your answer before they begin
4 the next question so that we don't have people
5 talking over each other.

6 THE WITNESS: Okay.

7 MR. KOERBER: If you're utilizing the map
8 for any reason, much like I figure you was told
9 before, for purposes of the transcript you can't
10 just point, I was here and then I went there. Even
11 though it's obvious to people looking at you point,
12 it won't be so obvious when people read the
13 transcript.

14 Also, the court reporter is with a firm
15 called Johnny Jackson & Associates.

16 Johnny Jackson & Associates is a court
17 reporter firm in Charleston, West Virginia, and I'm
18 sure Mr. McCuskey knows where they're located and
19 can point you in the right direction, but I am
20 going to give you a business card of theirs here in
21 a moment.

22 The court reporters are working with a
23 three-day turnaround as far as taking what's said
24 today and typing it up and putting it on paper.

1 Being that today is Friday, three business
2 days would be through Wednesday, so it will not be
3 until Thursday that the transcript will be ready.

4 Anytime Thursday or after, if you, or you
5 and your attorney, would like to review your
6 transcript, and with an errata sheet, which is a
7 separate document, make any corrections that you
8 find may be necessary, you certainly are welcome to
9 do so.

10 You would call the court reporter's firm
11 Wednesday or after, it won't be ready until
12 Wednesday, and set up a time where you would go
13 into their office, they'll put you in a conference
14 room and you will have privacy to review your
15 transcript.

16 You will not be allowed to take the
17 transcript with you, you'll have to leave it there,
18 but you will have that opportunity, if you desire.

19 Now, that is not mandatory. That is your
20 choice. Okay?

21 I would also like to mention that, if for
22 any reason whatsoever, you would like to take a
23 break, talk to your attorney or just take a break
24 for whatever reason, just say so and we'll take a

1 break.

2 We would request that you not talk to
3 other people about what is said in here today,
4 other than with your attorney, of course. And the
5 purpose of that is, we're trying to protect the
6 integrity of the investigation.

7 Polly may have something that she would
8 like to add at this time, and I'm going to allow
9 her to say what she may want to say.

10 MS. HAMPTON: Yes. Before we went on the
11 record this morning, I handed you a letter on
12 behalf of MSHA's accident investigation team.

13 Did you get a chance to review that
14 letter?

15 THE WITNESS: Briefly.

16 MS. HAMPTON: Do you have any questions
17 for me about the content of that letter?

18 THE WITNESS: No.

19 MS. HAMPTON: Okay. And again, I would
20 just like to point out that that letter does
21 contain contact information for our lead
22 investigator, Norman Page.

23 If you leave here today and you think of
24 anything else that you feel is relevant or

1 something that would help out the team, or
2 something you think is important that we should
3 know, please feel free to contact Norm, or have
4 your attorney contact us with that information.

5 MR. MCCUSKEY: Ms. Hampton, if I may.

6 MS. HAMPTON: Sure.

7 MR. MCCUSKEY: There is one sentence at
8 end of the first page. And it says, A copy of your
9 statement may be requested in writing and will be
10 provided at a time in which provision of the
11 statement would not prejudice ongoing enforcement
12 activities.

13 I don't recall that being in previous
14 letters. Has that been in all of them?

15 MS. HAMPTON: I believe it has been.

16 MR. MCCUSKEY: Okay.

17 MS. HAMPTON: And just a note regarding
18 that statement, I'm sure you're all well aware, the
19 media has made it known that, you know, DOJ is
20 conducting a criminal investigation and they
21 actually have asked us not to release those
22 transcripts until a later date. We don't know what
23 that date is going to be at this point, but --

24 MR. MCCUSKEY: I have never --

1 MS. HAMPTON: -- that's what's going on
2 with that.

3 MR. MCCUSKEY: I've talked to the U.S.
4 attorney's office, and I have never seen anything
5 in writing that said they did make such a request.

6 Do you have any such request?

7 MS. HAMPTON: There was a --

8 MR. MCCUSKEY: Other than the media?

9 MS. HAMPTON: There was a press release
10 that went out at some point. I don't know exactly
11 when it was, within the last couple of months.

12 MR. MCCUSKEY: I haven't seen that.

13 Well, Mr. Ford would like to take
14 advantage of that, and before we leave I'll have
15 him give you, and we can make it an exhibit to the
16 deposition where he is requesting a copy of the
17 transcribed statement.

18 And that's different than what Barry, I
19 think, is talking about. He's talking about the
20 opportunity to come in and not have it, but look at
21 it and review it.

22 MS. HAMPTON: Yes.

23 MR. MCCUSKEY: But I think this sentence
24 in the letter suggests that you're actually talking

1 about making it available.

2 MS. HAMPTON: Yes.

3 MR. MCCUSKEY: Okay. And so he will make
4 his demand in writing for that statement, as well
5 as the one from prior hearing.

6 MS. HAMPTON: That's fine.

7 MR. KOERBER: You done?

8 MS. HAMPTON: Yes.

9 MR. KOERBER: Please administer the oath,
10 please.

11 LUKE A. FORD, DEPONENT, SWORN

12 MR. KOERBER: Sir, would you please state
13 your full name for the record, and spell your
14 last.

15 THE WITNESS: Luke Aaron Ford, F-o-r-d.

16 MR. KOERBER: And what is your address and
17 telephone number?

18 THE WITNESS: (b) (7)(C)

20 MR. KOERBER: And as of April 5th, 2010,
21 at UBB mine, what was your job title?

22 THE WITNESS: Was a maintenance foreman on
23 production crew.

24 MR. KOERBER: Sir, do you have an attorney

1 with you here today?

2 THE WITNESS: Yes, sir.

3 MR. KOERBER: And would the attorney
4 please state his name and the firm he's with for
5 the record.

6 MR. MCCUSKEY: Yes. My name is John
7 McCuskey, and the law firm is Shuman, McCuskey &
8 Slicer in Charleston, West Virginia, and I am
9 counsel for Mr. Ford.

10 MR. KOERBER: Mr. Ford is your client?

11 MR. MCCUSKEY: Correct, as he was in the
12 first interview.

13 MR. KOERBER: I also note that we have
14 another person sitting at the table. I would ask
15 that he state his name for the record and the firm
16 that he is with and the client that he represents.

17 MR. AKERS: My name is Robert Akers. I'm
18 with Allen, Guthrie & Thomas in Charleston, West
19 Virginia, and I'm here on behalf of Massey Energy
20 and Performance Coal Company.

21 MR. KOERBER: Mr. Ford, are you appearing
22 here today as a result of receiving a subpoena?

23 THE WITNESS: Yes, sir.

24 MR. KOERBER: You're going to have to just

1 kind of talk just a tad louder for the court
2 reporter.

3 This is a copy of that subpoena, and we'll
4 make that as Luke Ford's Exhibit No. 1, or Ford
5 Exhibit No. 1, whatever is the proper method.

6 (Exhibit No. 1 marked for
7 identification.)

8 MR. KOERBER: Sir, you may or may not have
9 seen this. This is an Acceptance of Service that I
10 sent to Mr. McCuskey when I sent the subpoena,
11 asking him to acknowledge if he had received it,
12 and this is Exhibit No. 2.

13 (Exhibit No. 2 marked for
14 identification.)

15 MR. KOERBER: And I would also like to
16 note for the record there is nobody in the back.

17 I told you earlier that I'm going to give
18 you the Johnny Jackson & Associates business card.
19 I'm going to do that.

20 I'm also going to give you a business card
21 for Mr. Bill Tucker. Mr. Bill Tucker is the lead
22 investigator for the Office of Miners' Health,
23 Safety and Training.

24 Unfortunately he's not here today, but if

1 anything would arise after you have left that you
2 think is important for the Office of Miners'
3 Health, Safety and Training to know regarding the
4 investigation, please feel free to contact
5 Mr. Tucker.

6 I'm also going to give you a memorandum.
7 This memorandum has the address for the West
8 Virginia Board of Appeals.

9 The Board of Appeals is the administrative
10 body in charge with hearing, among other things,
11 coal miner discrimination cases.

12 West Virginia code 22A-1-22 protects coal
13 miners from being discriminated against for
14 participating in interviews such as this.

15 If you believe that you have been
16 discriminated against, this is the body that you
17 want to lodge your complaint with. Mr. McCuskey
18 would be able to help you with that.

19 I would caution you that, under the
20 statute, you only have 30 days from the date the
21 discriminatory action occurs, if any, to file your
22 complaint.

23 So I'm going to give you these three
24 things now.

1 A. Longwall.

2 Q. Longwall?

3 A. Yes.

4 Q. Okay. What was the day and last shift you
5 worked?

6 A. It would have been Saturday day shift
7 before the explosion.

8 Q. So that would have been --

9 A. The 3rd.

10 Q. 3rd. Okay.

11 Basically, as a maintenance foreman, what
12 were your -- just briefly, what were your job
13 duties?

14 A. Grease, change hoses, just whatever needs
15 done, wash, you know, just whatever.

16 Q. Did you perform any examinations,
17 electrical examinations?

18 A. As far as?

19 Q. Permissibility?

20 A. No, sir, not on a daily basis.

21 Q. What about any fire bossing?

22 A. Not regularly, no. From time to time they
23 would ask me to, but not on a regular basis, no,
24 sir.

1 Q. I understand.

2 On the last shift you worked -- I'm
3 sorry. What shift did you say you worked on the
4 last day on the 3rd?

5 A. Saturday day shift.

6 Q. Day shift. Okay. Thank you.

7 On that last shift you worked, did you
8 notice any noticeable changes to include, but not
9 limited to, say, any changes in ventilation
10 controls or methane content or amount of air flow
11 or direction changes?

12 A. No, sir.

13 MR. MCCUSKEY: John, if I may, I don't
14 know if this rises to be an objection because we're
15 not in a deposition. But I would hope that we
16 would -- and I had understood our interview today
17 was to try to ask questions that hadn't been asked
18 in the prior interview, and, of course, we just
19 read over the transcript a few moments ago, and
20 ventilation and -- there were many questions on the
21 two topics you've just described that were already
22 asked and answered by him.

23 I'm not going to tell him not to answer,
24 but I'm just saying I would hope that we wouldn't

1 go over the same thing, because he hasn't had time
2 to review carefully his transcript until this
3 moment.

4 MR. O'BRIEN: And one reason I'm asking
5 these, and it's for my benefit, one, I don't
6 remember if I was in the previous interview --

7 MR. MCCUSKEY: You were.

8 MR. O'BRIEN: -- and I don't remember -- I
9 haven't been privy to the transcript.

10 MR. MCCUSKEY: No, you were here.

11 MR. O'BRIEN: So if I'm asking some
12 repeated questions, it's more or less for my
13 benefit, and my apologies on that end of it.

14 MR. MCCUSKEY: Okay. And my concern was
15 that the other fellows that are here today are new
16 and they weren't here then, and I don't know if
17 they read the transcript or not, but I will hope
18 that all of you will try to confine your questions
19 to things that weren't already in the first
20 interview, if you can.

21 BY MR. O'BRIEN:

22 Q. Again, I'm going to ask these. I hope
23 these weren't in the first, and I don't know if
24 they were in the first interview or not.

1 Did your duties include changing bits on
2 shearer?

3 A. We would help from time to time. But
4 while the operators were setting bits, we would
5 grease and put oils and whatever in the shearer.

6 Q. How often would bits change?

7 A. Depending on your conditions. If memory
8 serves me right, we might have set bits every two
9 passes at the time that this happened. It might of
10 been every four passes, somewhere in that area.

11 Q. What about water sprays, particularly
12 around the shearer, were you involved with checking
13 the sprays or changing of the sprays?

14 A. The operators checked the sprays. They
15 was responsible for checking the sprays.

16 Q. And by chance, I mean, if you don't, I
17 understand, but do you know how often they checked
18 the sprays, or what was the criteria for checking
19 the sprays?

20 A. Generally when they set bits, they would
21 check the sprays.

22 Q. Do you know if they -- have you ever seen
23 any bits missing from the shearer?

24 A. Bits missing? I mean, it's possible that

1 it throws them from time to time. I mean, you
2 know, it's part of it.

3 You may have a bad bit and it would throw
4 it or whatever, but from what I can remember, the
5 shearer wasn't throwing bits at the time. I don't
6 know.

7 Q. What about sprays? Was it a practice to
8 leave sprays out of the shearer?

9 A. To leave them out?

10 Q. Yes.

11 A. No, sir.

12 MR. O'BRIEN: That's all the questions I
13 have for right now.

14 EXAMINATION

15 BY MR. CRIPPS:

16 Q. Luke, I've got some questions I would like
17 to ask you. And I did review your previous
18 transcript, and I'm going to try not to repeat any
19 questions.

20 However, there are a couple of questions
21 that, in reading your transcript, there is a little
22 more information I wasn't clear on, so I may try to
23 clarify some of that.

24 First of all, I would like to clarify,

1 when did you actually start work for UBB?

2 A. It was November of 2004.

3 Q. Okay. And you was working at UBB prior to
4 the explosion. Was that employment at UBB
5 uninterrupted?

6 A. Yes. I still work for performance, but
7 when the longwall went to the Elk Run coal mines, I
8 was there.

9 Q. Okay. Can you give me some dates on that?

10 A. No, sir. I don't remember. I mean, we
11 had only been back at UBB for 2010. April, May
12 2009.

13 Q. 2009.

14 A. Yeah.

15 Q. Okay. So you come back in April or May of
16 2009 from Elk Run. Is that Logan's Fork?

17 A. Yes.

18 Q. Okay. I've heard it called both things.

19 A. Yes.

20 Q. So do you remember when you left UBB --

21 A. No, sir, dates --

22 Q. -- to go to Logan's Fork?

23 A. -- dates I don't.

24 MR. MCCUSKEY: Let him finish before

1 you --

2 THE WITNESS: Oh, okay.

3 MR. MCCUSKEY: Take you time. I know
4 you would like to answer quick and get out of
5 here.

6 THE WITNESS: Sorry.

7 Q. Okay. Do you know when you left UBB and
8 went to Logan's Fork?

9 A. No, sir.

10 Q. Is it fair to say that when the longwall
11 was moved and the rest of the crews moved, you went
12 with them?

13 A. Yes.

14 Q. Okay. When you came back to UBB in April
15 or May of 2009, what did you do when you came back?

16 A. I rebuilt shields outside until the
17 longwall started running.

18 Q. So you worked on the surface at UBB?

19 A. Yes, yes.

20 Q. And so, as I understand, the longwall
21 actually started running somewhere around the 1st
22 of September?

23 A. Probably, yeah. Probably so. Somewhere
24 in that area.

1 Q. So from April or May until September, you
2 was on the surface?

3 A. Yes.

4 Q. Okay. Did you go underground prior to the
5 longwall starting and help set the longwall up?

6 A. Maybe two or three times. Not a whole
7 bunch.

8 Q. Okay.

9 A. I was generally outside rebuilding
10 shields.

11 Q. Okay. So when you actually went back
12 underground at UBB, your first day, did you go to
13 the production face?

14 A. Yes.

15 Q. Thank you for clearing that up for me a
16 little bit.

17 In preparing for this interview, and
18 through the course of the exam -- or the
19 investigation, I've reviewed the electrical records
20 for the longwall, and I see that you have signed
21 the electrical records as doing some electrical
22 examinations?

23 A. Yes.

24 Q. Now, when John asked you earlier if you

1 did any electrical exams, you indicated that you
2 did not.

3 A. Not on a daily basis.

4 Q. Okay. That's what I wanted to clarify.

5 A. Yes.

6 Q. As I'm sure you know, on the longwall, the
7 longwall electrical equipment is required to be
8 examined every seven days.

9 A. Seven days. It was done on Thursdays.

10 Q. Okay.

11 A. Yes, sir.

12 Q. Did you do some of those examinations?

13 A. From time to time. Nothing was assigned
14 to me every -- because a lot of Thursdays, I was
15 off.

16 Q. Okay.

17 A. So if you was off on Thursday, somebody
18 else does it.

19 Q. Okay. But is it fair to say that on the
20 dates that your name is entered into the record
21 book, you performed the examinations?

22 A. I would hope so. I would hope that nobody
23 forged my name, yes, sir.

24 Q. I would hope so, too.

1 Do you recall ever doing examination of
2 the headgate controller?

3 A. Not that I can remember, no, sir.

4 Q. Let me -- do you understand what I'm
5 talking about when I say the "headgate
6 controller"?

7 A. The headgate box?

8 Q. Yes.

9 A. Okay.

10 Q. I'm from the midwest and my terminology, I
11 found, is a little different that what you guys
12 here. So if you don't understand something I'm
13 asking or what I'm talking about, be sure --

14 A. Right. I may have.

15 Q. Okay.

16 A. But generally, I think most of the face
17 stuff was done by the hoot owl crews.

18 Q. Okay.

19 A. Generally the production crews --

20 Q. If I can just --

21 A. -- would do all that stuff.

22 Q. I'm sorry. I didn't mean to interrupt
23 you.

24 A. That's all right.

1 Q. If I can refresh your -- the record that
2 I'm looking at where you had signed, you signed
3 that you did perform the exam on the headgate box.

4 A. Okay.

5 Q. If you did that exam -- or let me rephrase
6 that. When you did that exam --

7 A. Okay.

8 Q. -- what did that exam consist of?

9 A. It would consist of running the filler
10 gauge around panels, looking at entrance glands and
11 stuff like that, make sure there was --

12 COURT REPORTER: Can you say that last
13 part again?

14 A. Running a filler gauge around the panels,
15 looking at entrance glands to make sure no glasses
16 was cracked and stuff like that, making sure
17 everything was good to go.

18 Q. Did you check any of the E-stop switches?

19 A. As opposed to pushing them in?

20 Q. Yes.

21 A. No, sir.

22 Q. Okay. Do you recall the E-stop switches
23 ever being tested?

24 A. Not that I physically seen, no, sir.

1 Q. Okay. So to your knowledge, when would
2 they be tested?

3 A. I'm assuming on the hoot owl.

4 Q. On hoot owl?

5 A. Yes, production looking at it.

6 Q. If there is an electrical problem on the
7 face, who is the guy they call to fix it?

8 A. Me or the electrician that was with me.

9 Q. Okay. Do you have an electrical card?

10 A. Yes, sir.

11 Q. So you are a qualified --

12 A. Yes, sir.

13 Q. -- electrician?

14 Do you recall being inside that headgate
15 box?

16 A. No, sir.

17 Q. Okay. Are you aware of where that
18 headgate box gets its power from?

19 A. The mule train.

20 Q. How much voltage is going into that box?

21 A. To be honest with you, I can't answer that
22 question.

23 Q. Okay.

24 A. I'm just -- I was still -- I'm still

1 learning -- we're still in the process of learning
2 on the longwall. I'm no master.

3 Q. I understand.

4 A. If that makes any sense to you.

5 Q. You're learning every day, aren't you?

6 A. Absolutely.

7 Q. John asked about the operators, or the
8 water sprayers on the shearer, about the operators
9 changing them.

10 What about checking the water pressure on
11 the sprays, who --

12 A. Yes, we would check the water pressure,
13 but it wasn't on the drum sprays that we checked
14 the water pressure.

15 Q. Okay. You say "we checked the water
16 pressure," who is "we"?

17 A. Me or the guy that was with me, the
18 electrician.

19 Q. Okay. When did you check the pressure?

20 A. Whenever we was told to.

21 Q. When you was told to by?

22 A. The foreman.

23 Q. By the foreman?

24 A. Yes, sir, or an inspector.

1 Q. Pardon me?

2 A. Or an inspector.

3 Q. Okay. Do you remember how often that
4 happened?

5 A. No, sir.

6 Q. Would you say was it every shift?

7 A. No, sir.

8 Q. When you did that water pressure check,
9 describe to me the process that you went through to
10 do that?

11 A. There was a block on the backside of the
12 shearer behind the head drum and the ranging arm.
13 We would take a spray out, put the hose in there,
14 turn the water on, check the water pressure.

15 Q. Okay. When you say the block is on the
16 backside of the shearer, is that the face of the
17 shearer?

18 A. Yes, sir.

19 Q. Okay. Do you ride the mantrip in with the
20 crew?

21 A. Yes, sir.

22 Q. Every day?

23 A. Yes, sir.

24 Q. Okay. Also looking through the records, I

1 see that the shearer cable had been changed
2 recently.

3 A. Yes, sir.

4 Q. Do you recall that?

5 A. Yes, sir.

6 Q. Do you know approximately when this was
7 done?

8 A. No, sir.

9 Q. Do you know who changed it?

10 A. No, sir. It was on our off shift when all
11 that got changed.

12 Q. Say that again.

13 A. We was off. We worked a 6:00 and 3:00
14 schedule. We was off when the shearer cable got
15 changed.

16 Q. Okay. Okay. I see.

17 A. Or they may even got changed -- I was on
18 vacation prior to this, too.

19 Q. Okay. Very good.

20 Have you -- let me back up. Are you
21 familiar with the junction box on the front of the
22 shearer?

23 A. Yes, sir.

24 Q. Have you ever been into that junction box?

1 A. Not that one in particular, no, sir.

2 Q. Okay. Do you know why there would be a
3 diode installed inside that junction box?

4 A. For -- we used diodes for our monitoring
5 circuits on our longwall.

6 Q. For your ground monitoring circuit?

7 A. Yeah.

8 Q. I will tell you what we found. When we
9 opened that box, there is a diode installed that
10 one end is connected to the ground. The other end
11 is loose, not connected to anything.

12 Do you have any idea why that diode would
13 be installed like that?

14 A. No, sir.

15 Q. If that diode had been connected, the
16 other end of the diode connected to the pilot water
17 inside that box, do you know what affect that would
18 have on the shearer circuit?

19 A. I should know, but, no, I don't know. No,
20 not at this time.

21 Q. What's the function of that diode?

22 A. The diode is, I guess -- I need to go back
23 to electrical school.

24 Q. Oh, you're doing fine.

1 A. No. It's -- I just know we used it --
2 diode lets current go one way and not the other way
3 from my -- if I'm correct on that.

4 Q. If I said that it's a terminating diode
5 for the ground monitor, does that sound familiar to
6 you?

7 A. Yes, probably.

8 Q. If it don't, I don't want to put words in
9 your mouth.

10 A. Yeah.

11 Q. Also on the shearer -- are you familiar
12 with the fire suppression on the shearer?

13 A. What do you mean?

14 Q. Do you know how it works?

15 A. Turn the valves on, water comes out.

16 Q. Where are those valves located?

17 A. On the panels on the walkway side of the
18 shearer.

19 Q. Okay. Had you ever tested those valves?

20 A. No, sir.

21 Q. Do you know if they had ever been tested?

22 A. I don't know, sir.

23 Q. Do you know if they were even there?

24 A. As far as I know they was there, yes, sir.

1 Q. Which one of them wasn't there, I can tell
2 you that.

3 A. Okay. Well, I don't -- that's not
4 something I would look at every day.

5 Q. Okay. So you don't know when that valve
6 was removed?

7 A. No, sir.

8 Q. Okay. As part of your job, what else did
9 you do on the face, as far as did you operate any
10 equipment?

11 A. From time to time, if somebody would miss,
12 I would fill in, set jacks, or run the shearer or
13 something else.

14 Q. Okay. What about spelling guys out for
15 lunch every day?

16 A. Yes, I would fill in if they would go for
17 lunch.

18 Q. Okay. So was that pretty well every day?

19 A. For the most parts, yes. I try to let
20 them eat, too.

21 Q. I understand. They get hungry.

22 So every day would you normally operate
23 the shearer or pull sheets?

24 A. Just different. It would be different,

1 you know, some days I might do both, you know, who
2 knows.

3 MR. CRIPPS: I'm going to take a break
4 here and look through my notes, and I'll let Jim
5 ask a few questions here.

6 EXAMINATION

7 BY MR. BECK:

8 Q. I just have a couple. Luke, you said your
9 job title is maintenance foreman?

10 A. Yes.

11 Q. But you're actually a worker?

12 A. Yes, sir. Yes.

13 Q. You work like everybody else?

14 A. Like everybody else.

15 Q. And who did you take your instructions
16 from?

17 A. It would be the face boss and people
18 outside, the maintenance chiefs outside.

19 Q. I think you said the operator is
20 responsible for checking the sprays and generally
21 do this when changing bits; is that correct?

22 A. Yes.

23 Q. So is it a fair assumption to say that if
24 the bits were all in good working shape or good

1 order, that the sprays would be in good working
2 order?

3 A. Yes.

4 Q. Are you familiar with the term "B-Lock" on
5 the shearer, a B-Lock?

6 A. B-Lock?

7 Q. Yeah, B-Lock, L-o-c-k?

8 A. Yes.

9 Q. What is that?

10 A. It's a set of locks that locks the ranging
11 arm pin for the shearer.

12 Q. Have you ever been involved with any
13 repairs for that?

14 A. Yes, sir.

15 Q. Generally, as a ballpark number, how long
16 would a repair to that take?

17 A. It just depends. I mean, what's wrong?

18 Q. In your experience, how long?

19 A. Is the ranging arm pin out.

20 Q. Pin is out.

21 A. Is the cover off? Is the B-Lock out?

22 What's your scenario?

23 Q. The different scenarios you've been
24 involved with?

1 A. If you change the ranging arm, yeah, it's
2 a fairly long job, yes, sir.

3 Q. Which is the most severe? Which would be
4 the most severe case and take the longest in your
5 experience?

6 A. Take the longest to do?

7 Q. Yeah, take the longest repair.

8 A. What are we repairing on a B-Lock? A
9 B-Lock is something that's set to hold the ranging
10 arm pin in. There is one on the outside, one or
11 two on the inside. Which side?

12 Q. But what I'm getting at, in the cases
13 where you've been involved with those repairs
14 having to do with the B-Lock, whether the pin is
15 out, the pin is filed, do you recall a time, in any
16 one of those situations, where it took, you know,
17 longer than any other time?

18 Two hours, four hours?

19 A. I don't know. I mean, it just depends on
20 what you run into. I don't ...

21 Q. But it could be a major repair?

22 A. It could be, it couldn't be. I mean,
23 yeah.

24 MR. BECK: That's all I have.

EXAMINATION

1
2 BY MR. CRIPPS:

3 Q. Some other records I was looking at, I
4 guess, do you fill out a sheet every day as far as
5 what work you perform --

6 A. P.m. sheet?

7 Q. Yes.

8 A. Yes, sir. We write down -- when we get --
9 when we work every day, we got a sheet of paper
10 that's p.m., what they want you to check, and then
11 we usually write on it what we did or whatever,
12 yeah.

13 Q. As part of your p.m., did you check the
14 backboards?

15 A. Yeah, we walked the backboards, yeah.

16 Q. Okay. Did you have some type of a gauge
17 that you checked them with?

18 A. We did, but, generally, if it wasn't
19 rubbing the (inaudible) then we was fine.

20 Q. Okay. I seen on a few reports where you
21 had to straighten the backboards?

22 A. Yes.

23 Q. What's the process for straightening a
24 backboards?

1 A. Take a crib block, stand up on it, put the
2 shield down on it, bend it back out.

3 Q. Okay. Did it involve using torches?

4 A. No, sir.

5 Q. Okay. So you didn't have to heat it to
6 straighten it?

7 A. No. No, sir.

8 Q. Okay. Did you ever have a situation where
9 you lose water pressure on the face?

10 A. Yes, sir.

11 Q. What would cause that normally?

12 A. Well, we got our water out of the river,
13 and we'd have socks on our filters down at the mule
14 train, and we would have to go down there and
15 change the socks.

16 I can remember a couple days I've had to
17 spend just about all shift down there changing
18 socks.

19 Q. The filters, are you talking about the
20 filters that's on the Sunflo pump car?

21 A. Yes, sir.

22 Q. Is there four of them there?

23 A. Yes, sir.

24 Q. Okay.

1 A. Yeah, four.

2 Q. Did you run socks on those filters all the
3 time?

4 A. We did while we was mixing our emulsion
5 with it. When we quit mixing our emulsion with it,
6 we took the socks off.

7 Q. I see. Okay.

8 A. We got city water to mix our emulsion
9 with.

10 Q. Okay. Is that the additional line that's
11 coming into the longwall, the additional water line
12 that's coming in?

13 A. The small one?

14 Q. Yes.

15 A. Yes.

16 Q. And that is for?

17 A. City water for mixing emulsion.

18 Q. Okay. What's the function or the reason
19 for the separate water line for emulsion?

20 A. Your shields and stuff are real -- they
21 don't tolerate no kind of particles in your water.
22 So you could get just a fine little fragment of
23 dust, cause a solenoid to stick and the shield will
24 collapse or do something crazy. So you want the

1 purest water you can get when you mix your emulsion
2 to operate your hydraulics on the face.

3 Q. Okay. So even when you was using the
4 river water to mix the emulsion, even with the sock
5 filters, you would have problems with your
6 emulsion?

7 A. From time to time, yes, sir. We had a lot
8 of sand at one time when the river got muddy and we
9 was having to change them all the time.

10 Q. Okay. When you started taking the socks
11 off the filters, now that's the water that goes to
12 the shearer, I assume?

13 A. Yes. It goes to everything else, yes,
14 sir.

15 Q. By "everything," that would be the shearer
16 and also to the conveyer drives?

17 A. Yes, sir.

18 Q. Okay. With operating without the sock
19 filters in, did that cause problems with your
20 sprays on the shearer?

21 A. It shouldn't, no, sir.

22 Q. Okay. Didn't notice that the sprays --

23 A. Yes. You are still filtered, but not as
24 fine.

1 Q. Where is it filtered?

2 A. At the Sunflo pump.

3 Q. Okay. There's a --

4 A. There's still filters there, but it's not
5 as fine as a filter.

6 Q. Okay. Is that the --

7 A. The socks.

8 Q. -- the wire mesh filters you're talking
9 about that's --

10 A. Yes.

11 Q. -- that's inside there?

12 A. Yes, sir.

13 Q. Do you have any idea of when that occurred
14 that you switched over to the city water for --

15 A. No, sir.

16 Q. -- emulsion?

17 A. No, sir, I don't remember.

18 Q. Was it set up that way when the panel
19 started?

20 A. No, sir.

21 Q. So it occurred sometime on this panel?

22 A. Yes, sir.

23 MR. CRIPPS: Okay. I think that's all
24 I've got. John, if you've got anything else.

1 MR. O'BRIEN: I just have one question.

2 EXAMINATION

3 BY MR. O'BRIEN:

4 Q. Is there anything that you may have
5 remembered since your last interview that might
6 help us with this investigation?

7 A. No, sir.

8 MR. O'BRIEN: Okay. Thank you.

9 MS. HAMPTON: Okay. Barry had to step out
10 so I'll just wrap up the interview.

11 At this point if you have any statement
12 you would like to make or if you would like to
13 clarify anything that you've said to us, the floor
14 is now yours.

15 THE WITNESS: I'm fine.

16 MS. HAMPTON: Okay.

17 MR. MCCUSKEY: If I may, let's go ahead
18 and -- I wrote that. See if that's correct about
19 asking for a transcript. And let's make that a
20 copy.

21 MS. HAMPTON: Okay. I'm going to mark
22 this as Exhibit 3.

23 (Exhibit No. 3 marked for
24 identification.)

1 MR. MCCUSKEY: Okay.

2 MS. HAMPTON: I actually did pull up the
3 media report that I referred to. Booth Goodwin,
4 U.S. Attorney, had issued a statement, and it's
5 reported on Coal Tattoo on January 14th, 2010 --
6 I'm sorry, 2011.

7 MR. MCCUSKEY: Coal Tat?

8 MS. HAMPTON: Coal Tattoo. It's a blog
9 that reports a lot of --

10 MR. MCCUSKEY: I'm in the dark ages of
11 media sophistication. I better get with it.

12 MR. BECK: That's Ken Ward.

13 MR. MCCUSKEY: I do know who that is.
14 Okay. So it was in a blog called Coal Tattoo of --

15 MS. HAMPTON: And he has the content of
16 the actual statement issued by U.S. Attorney Booth
17 Goodwin.

18 MR. MCCUSKEY: What was that date?

19 MS. HAMPTON: January 14th.

20 MR. MCCUSKEY: Okay. Thanks.

21 MS. HAMPTON: Then I think that we're done
22 here. Thank you very much for coming in.

23 (Interview Concluded.)

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Jenny Taylor, a Notary Public and Court
3 Reporter within and for the State aforesaid, duly
4 commissioned and do hereby certify that the
5 interview of LUKE A. FORD was duly taken by me and
6 before me at the time and place specified in the
7 caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes,
10 that the same were accurately transcribed out in
11 full and true record of the testimony given by
12 said witness.

13 I further certify that I am neither attorney
14 or counsel for, nor related to or employed by,
15 any of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 6th day of March
21 2019.

22 Given under my hand and seal this 13th day of
23 February 2011.

24 -----
Jenny Taylor
Notary Public