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Transcript of the Testimony of Ernest Eugene White

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STATEMENT UNDER OATH
OF
ERNEST EUGENE WHITE

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-123, Beaver, West Virginia, on Thursday, May 20, 2010, beginning at 1:00 p.m.

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A P P E A R A N C E S (cont.)

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ATTORNEY BABINGTON:

My name is Matt Babington. I'm with the Office of the Solicitor, United States Department of Labor. With me is Dave Steffey, an accident investigator with the Mine Safety and Health Administration. Also present are officials with the State of West Virginia. I ask that they state their appearance for the record.

ATTORNEY MCATEER:

I'm Davitt McAteer, with the Governor's independent investigation team.

MR. FARLEY:

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

ATTORNEY BABINGTON:

All right. Today is May 20th, 2010. Mr. Farley, are you going to be starting the questioning?

MR. FARLEY:

Yes, sir.

ATTORNEY BABINGTON:

Okay. And I note that several other members of the Accident Investigation Team are also in the room.

1 All members of the Mine Safety and Health
2 Administration Accident Investigation Team and all
3 members of the State of West Virginia Accident
4 Investigation Team participating in the investigation
5 of the Upper Big Branch Mine explosion shall keep
6 confidential all information that is gathered from
7 each witness who voluntarily provides a statement
8 until the witness statements are officially released.
9 MSHA and the State of West Virginia shall keep this
10 information confidential so that other ongoing
11 enforcement activities are not prejudiced or
12 jeopardized by a premature release of information.
13 This confidentiality requirement shall not preclude
14 investigation team members from sharing information
15 with each other or with other law enforcement
16 officials. Your participation in this interview
17 constitutes your agreement to keep this information
18 confidential.

19 Government investigators and specialists
20 have been assigned to investigate the conditions,
21 events and circumstances surrounding the fatalities
22 that occurred at the Upper Big Branch Mine-South on
23 April 5th, 2010. The investigation is being conducted
24 by MSHA under Section 103(a) of the Federal Mine
25 Safety and Health Act and the West Virginia Office of

1 Miners' Health, Safety and Training. We appreciate
2 your assistance in this investigation.

3 After the investigation is complete, MSHA
4 will issue a public report detailing the nature and
5 causes of the fatalities in the hope that greater
6 awareness about the causes of accidents can reduce
7 their occurrence in the future. Information obtained
8 through witness interviews is frequently included in
9 these reports. You should know that if you request
10 confidentiality, confidentiality will only be granted
11 on a case-by-case basis. Your statement may also be
12 used in other enforcement proceedings.

13 You may have a personal representative
14 present during the taking of the statement and may
15 consult with the representative at any time. Do you
16 have a representative with you?

17 MR. WHITE:

18 No, sir.

19 ATTORNEY BABINGTON:

20 Okay. You may refuse to answer any
21 question and you may request a break at any time.
22 Since this is not an adversarial proceeding, formal
23 Cross Examination will not be permitted. However,
24 your personal representative may ask clarifying
25 questions as appropriate. So if you have clarifying

1 questions, you, yourself, can ask them.

2 A court reporter will record your

3 interview. Please speak loudly and clearly. If you

4 do not understand a question asked, please ask that

5 the question be rephrased. Please answer each

6 question as fully as you can, including any

7 information you've learned from someone else. I would

8 like to thank you in advance for your appearance here.

9 We appreciate your assistance in this investigation.

10 Your cooperation is critical in making the nation's

11 mines safer.

12 After we have finished asking questions,

13 you'll have an opportunity to make a statement and

14 provide us with any other information you believe to

15 be important. If at any time after the interview you

16 recall any additional information that you believe

17 might be useful, please contact Norman Page at the

18 telephone number or e-mail address provided to you.

19 -----

20 ERNEST EUGENE WHITE, HAVING FIRST BEEN DULY SWORN,

21 TESTIFIED AS FOLLOWS:

22 -----

23 EXAMINATION

24 BY MR. FARLEY:

25 Q. Eugene, good afternoon.

1 A. How are you doing, Terry?

2 Q. Would you please begin by stating your name, home
3 address and phone number?

4 A. Ernest Eugene White, (b) (7)(C)

5 (b) (7)(C) Phone number is area code

6 (b) (7)(C)

7 Q. And you're employed by the West Virginia Office of
8 Miners' Health, Safety and Training?

9 A. Yes, sir.

10 Q. What's your position?

11 A. Presently, I am the inspector-at-large for Region
12 3 in Danville.

13 Q. Does the Upper Big Branch Mine fall within your
14 region?

15 A. No, sir.

16 Q. How long have you been with the Office of Miners'
17 Health, Safety and Training?

18 A. It will be 19 years in October of this year.

19 Q. Approximately how long --- how many years have you
20 worked in the coal mining industry in West Virginia?

21 A. Thirty-eight (38) years.

22 Q. Can you give us an idea as to what companies you
23 worked with before you joined the Miners' Health,
24 Safety and Training?

25 A. I started out right after high school with the

1 race drillers, drilling an air shaft. It lasted about
2 three months. And that was on coal mine property for
3 Bethlehem Steel. Then I was employed by Bethlehem
4 Steel, Kayford, West Virginia, for about four years.
5 I transferred --- well, I quit there and went with
6 Armco Steel. Peabody Coal purchased Armco Steel. And
7 then I was laid off, lost my job, and got a job with
8 the State of West Virginia.

9 Q. Who is your immediate supervisor?

10 A. I guess my immediate supervisors would be in the
11 Charleston office. That would be Terry Farley,
12 Administrator; C.A. Phillips, the Deputy Director; and
13 Mr. Ron Wooten, Director.

14 Q. Okay. Prior to joining the agency or since, has
15 there been any special training that you've received?

16 A. I was Chairman of the UMWA Safety Committee for 14
17 years.

18 Q. Okay.

19 A. Did a lot of training here at this Academy through
20 doing that job. I've had responsibility of about 400
21 UMWA members, safety, as far as Safety Committee work.

22 Q. Okay. Are you currently a member of the Office of
23 Miners' Health, Safety and Training Mine Rescue Team?

24 A. Yes, sir.

25 Q. Which team do you function with?

1 A. We call it the South Team, which is Region 3
2 mostly. Each of our four regions in the State has a
3 designated team for that region.

4 Q. Okay. Region 3 would be located in Danville; is
5 that correct?

6 A. Danville, West Virginia.

7 Q. Okay. Now, since you have no involvement in
8 inspecting the UBB Mine, let's start with April 5th,
9 2010. How and when did you learn that a problem
10 existed at the UBB Mine?

11 A. Okay. Our State mine emergency team just so
12 happened to be having a training session on April the
13 5th. We were training at the Southern West Virginia
14 Community College in Logan, West Virginia. We had
15 just completed a 200 NIMS class, and we had already
16 let the class out. I had stopped at Wal-Mart in Logan
17 to purchase three CBs for state vehicles in my region.
18 And Steve Cox, who is one of my assistants, called me
19 and said that my aunt had called him. She lives on
20 Route 3, just a couple miles from the mines. She had
21 called him and wanted him to get ahold of me to let me
22 know that something bad was going on, that the rumor
23 was there had been a massive roof fall and there was
24 some people missing.

25 So I then tried to call the Logan --- Chief Logan

1 State Park, where our team members were, to talk to
2 C.A. Phillips, Deputy Director, or Steve Snyder, our
3 Assistant Mine Rescue Director. And they had just
4 received some type of call and they were on the phone,
5 so I proceeded immediately to the Chief Logan State
6 Park. I was only a couple miles away from it. When I
7 got there, the team that had assembled at the parking
8 lot told us that it wasn't a drill. It was the real
9 deal. We were on call. We were moving. I knew
10 exactly where the mine was because it's not too far
11 from my home. So I proceeded immediately from Logan.
12 They were calling for State Police escort to escort
13 our teams and the trucks. And I told them, I said,
14 well, I know where the mine is. A couple guys
15 followed me, and we went on ahead of the mine rescue
16 trucks. Do you want me to go on?

17 Q. Sure.

18 A. Okay. I ended up making a couple phone calls en
19 route to a couple of the team members from my region
20 that already wasn't staying at Chief Logan. They had
21 went home. So I gave a couple of the team members a
22 call and told them to proceed to UBB. Told them where
23 the mine was, that they needed to hurry up and get
24 there as quick as possible. I called my office to let
25 my office know that something big was going on. Well

1 then, they started receiving phone calls. Didn't know
2 all the details. Really didn't know any of the
3 details other than something had happened.

4 I made a call to my wife because I was pretty sure
5 that I'd be late. I told her I didn't know what was
6 going on, but I wouldn't be home on time. And then I
7 proceeded at a fairly fast rate of speed to UBB. A
8 lot of emergency vehicles were passing me, ambulances,
9 rescue guys. Got to Seth, West Virginia, and East
10 Kentucky --- Massey's East Kentucky team got in behind
11 me. They stayed pretty close to me. They had their
12 mine rescue team following me into the site. Didn't
13 realize how big it was until I got to Whitesville.
14 When you get into Whitesville, right below the mine,
15 at the ball field, at the Whitesville Elementary
16 School there was helicopters, Life Net, Health Net,
17 people everywhere. I had to go to a slow crawl to get
18 through the traffic and all the people.

19 And then when I got to --- I was thinking all
20 along I'd be coming to Montcoal, to the main portal.
21 But when I got to the Ellis Portal, State Police,
22 traffic, people everywhere. I don't know how many
23 ambulances, but there were several there, so they
24 motioned me into the Ellis Portal. Got to the portal,
25 went, had to park a little ways from the mine site.

1 Q. Do you know what time you got there?

2 A. No, I'm not sure about the time, but I was the
3 third State person arriving at the property. When I
4 got there, Wayne Wingrove, who is out of Region 4,
5 he's the District Inspector, I think, or a part of the
6 District Inspector at that mines. And then my other
7 assistant, Johnny Kinder, who lives not too far from
8 the mines, was there. They briefed me on exactly what
9 was going on. That's when I realized then how bad it
10 was. So Wayne Wingrove was taking statements from the
11 company people, asking all the questions.

12 I was kind of walking --- I walked up to one of
13 the firemen that I knew. He was the incident
14 commander for the rescue people. There was ambulances
15 everywhere, rescue people standing around everywhere.
16 He's the one that informed me, right off to my left,
17 when I was talking to him, that there were seven
18 bodies already had been brought out of the mines, and
19 they had them covered over with mine curtain. But
20 there was a lot of people standing around, so I went
21 to the company and the fire department, and I said,
22 look, let's get security. Let's get everybody back.
23 We don't want nobody over there raising the curtain up
24 and fooling around with these bodies. So we secured
25 the bodies to make sure nobody would get around them.

1 We were getting prepared. Then the rest of the
2 team starts arriving, the State team. And at some
3 point they tell us we need to move everything up to
4 the Montcoal Portal. So we ---.

5 Q. Do you know about what time was that?

6 A. No. No, I'm not for sure about the times. You
7 know, your adrenaline is pumping pretty heavy at that
8 time.

9 Q. Sure. So we escorted --- they escorted our trucks
10 up to the Montcoal portal. We had the Northern Team
11 truck and the Southern Team truck, rescue truck. We
12 got them up there, and our primary goal then was ---
13 mine was to be prepared, to get ready to go
14 underground, get our apparatuses fixed, get them
15 ready. We were all standing around my vehicle,
16 because I was going to stay at Chief Logan, so I had
17 my razor and everything. So we're all out there
18 trimming our beards and cleaning up, making sure we
19 are --- can have a good fit on our face piece prior to
20 us going underground. So we were getting ready to go
21 underground.

22 At some point I walked down into the UBB shop and
23 there was some --- two Massey teams were getting
24 prepared to go underground. They were briefing them.
25 And I realized that we didn't have any State team

1 members ready with them, so we went and got a couple
2 of our State guys to travel with them. And that was
3 Greg Norman from the Welch office and Danny Cook from
4 our office, Region 3. So when Danny went ahead and
5 went with that team, then that kind of made --- I was
6 kind of in charge of our team. I had to pick up
7 someone else to take his place with my group, so we
8 ended up getting Dennis Browning from the Region 3 ---
9 Region 4 office. So these teams go in, they brief
10 them, they go in, and then immediately we have two
11 State teams that are ready to enter the coal mines. I
12 think we was the third and fourth team to enter the
13 coal mines. That would have been what we call the
14 North Team and the Southern Team, the Northern Team
15 being the guys from the Morgantown area, Westover
16 area. Southern Team would be the team from the Region
17 3 area, Danville, Logan, Mingo.

18 So Chris Adkins and I think Link Selfe, from MSHA,
19 briefed us. Well, Chris briefed us. Link --- I
20 remember seeing Link standing there, being present.

21 Q. Chris is an officer with ---?

22 A. Chris Adkins is CEO, something with Massey Energy.

23 Q. Okay.

24 A. They brief us on where they would like us to go
25 and what they was wanting us to do. And at that time

1 we knew we had some uncounted persons. And our
2 objective was to try to search the coal mine, find
3 those persons and hopefully bring them to the surface.
4 So once they briefed us, immediately we were prepared
5 to go underground. We traveled as to State teams.
6 There was no company representatives or MSHA traveled
7 with our two teams as we proceeded underground. Our
8 instructions were from the command center to go to
9 60 --- 70-some Break on the Five North track area.
10 They had a fresh air base set up, and that's where
11 they instructed us to go. Now, we left --- and this
12 map does not show it, but we left from the UBB portal.
13 This is the Ellis Portal.

14 Q. We're going to get you another map. Please take
15 one of the markers and start by marking the portal
16 where you entered the mine, please.

17 WITNESS COMPLIES

18 A. Okay. Now, you got to understand, this is my
19 first trip ever in this coal mines. I had never been
20 in this coal mines before, so I may not have all the
21 correct directions.

22 BY MR. FARLEY:

23 Q. All right. Now, you entered the main portal at
24 Montcoal at what I think is called the South Portal?

25 A. South Portal.

1 Q. All right. Did you travel the track entry the
2 entire distance to 78 Crosscut?

3 A. Yes, sir. We did travel the track. And that one
4 is the track; is that correct?

5 MR. STEFFEY:

6 Yeah. That would be the secondary
7 escapeway.

8 A. So that is your track entry?

9 MR. STEFFEY:

10 Yes.

11 A. Okay. We started underground. And I'm just
12 guesstimating on the time, but I'm thinking it was
13 between 7:00 and 8:00.

14 BY MR. FARLEY:

15 Q. Would the Mine Rescue Command Center notes ---?

16 A. Well, they should have the notes the time we
17 entered the mine exactly and what time we exited the
18 coal mines that night or the next morning. But we
19 proceeded in the South Portal. We had --- I think
20 there was two mantrips. This track goes all the way
21 up to here straight. I'm thinking this is a straight
22 shot, okay. I don't remember going around any curves.

23 MR. FARLEY:

24 Let the record reflect he's marking the
25 track entry with a blue pen.

1 A. And we were instructed to get to the Ellis Portal
2 switch, and that would be this location here.

3 BY MR. FARLEY:

4 Q. Would you maybe identify that, please? Maybe
5 circle that and draw a line out and identify it as the
6 Ellis Switch?

7 WITNESS COMPLIES

8 ATTORNEY BABINGTON:

9 And also for the record he entered at
10 what appears to be the southwest of the UBB portal and
11 then followed --- that's the alternate escapeway?

12 A. Yes.

13 ATTORNEY BABINGTON:

14 Followed the alternate escapeway across
15 the northeast mains and then up the Number Three North
16 belt up until the Ellis Switch.

17 A. Okay. And we were instructed to stop there and
18 call the command center. And then they instructed us
19 to proceed on to, and I'm thinking it was 60-some
20 Break on the --- we were instructed to go somewhere
21 along 60-some Break, that that's where the fresh air
22 base was set up. And they would give us further
23 instructions once we reached there.

24 While we were traveling underground we started
25 noticing --- naturally, we're excited. You know, your

1 adrenaline is pumping. We started noticing where we
2 thought that maybe the extent of the blast had come
3 out. We could tell that the mine rock dust areas and
4 we seen some rescuers and hardhats laying along the
5 track because we all got our detectors out right in
6 front of us as we traveled up the track to make sure.

7 Q. Can you estimate where you began seeing physical
8 damage to ventilation controls and so forth?

9 A. All I can tell you, it was somewhere between
10 60-some and the Ellis Switch, and I'm thinking
11 someone --- I didn't --- we wasn't mapping it as we
12 went.

13 Q. Would you estimate roughly halfway between Ellis
14 Switch and 60 ---?

15 A. Yes. I would say somewhere --- I was thinking
16 somewhere between 25 and 30, back inby toward the
17 longwall in the Number 220 Headgate.

18 Q. Okay.

19 A. And what we were seeing is --- I noticed that I
20 was in front of the mantrip. We noticed hardhats,
21 rescuers, in one area, and we just estimated --- we
22 had already heard about the one mantrip that was
23 already outside with the victims, and we was kind of
24 figuring that's where that had occurred. We noticed a
25 stopping out here and there along the way, along this

1 travelway. So when we ---.

2 Q. Again, you're traveling the track entry?

3 A. We're traveling the Five North belt track entry,
4 traveling inby toward the longwall face and 22
5 Headgate.

6 ATTORNEY BABINGTON:

7 For the record, you might --- thank you,
8 marking from the Ellis Portal ---

9 A. Switch.

10 ATTORNEY BABINGTON:

11 --- or Ellis Switch. I'm sorry.

12 A. So we're proceeding this way now. We came like
13 this. We called here and got --- rode to proceed on.
14 And then supposedly somewhere around 60-some is where
15 we thought the fresh air base was. We proceeded on
16 the inby until we got to this location right in here.
17 We parked our manbuses here.

18 BY MR. FARLEY:

19 Q. Now, this location you're referring to, would that
20 be around 75 Break?

21 A. Yeah, 70, 75, 72. There was already a couple
22 mantrips there, so we just parked in behind them.
23 Because I remember we all got out right here
24 (indicating). This is where we thought they maybe had
25 moved the fresh air base, and there was no one there.

1 And this would have been on 5/10 --- not 5/10. The
2 date of the accident was ---

3 ATTORNEY BABINGTON:

4 4/5.

5 A. --- 4/5. I'm sorry. And we gathered here as a
6 mine rescue team. And one of our team members is a
7 religious person, so before we proceeded any further
8 we all had a word of prayer. We got our thoughts
9 together. We made sure everybody was prepared,
10 because we were already seeing --- we were already
11 seeing where things had occurred, and we started
12 traveling. Then we could see where the phone line had
13 been moved, the fresh air base. We followed the
14 communication line, and we started down this area
15 here.

16 BY MR. FARLEY:

17 Q. Would that be inby --- did you travel the track
18 entry?

19 A. We traveled the track entry all the way down to
20 this location here. Somewhere right in here is where
21 we found the fresh air base on Monday.

22 Q. You're indicating on ---?

23 A. About 95, 94 Break, something like that, ---

24 Q. Okay.

25 A. --- on the Six North belt.

1 Q. Okay.

2 A. And that would have, again, been on 4/5, the day
3 of the accident.

4 Q. Okay.

5 A. And as we're traveling down this track, we're
6 seeing high line, obstructions in the walkway, so
7 we're still not under air. We have our apparatuses on
8 our back. Oxygen and everything is okay. We're not
9 detecting anything. And we get to the fresh air base
10 and there's a couple guys there. We call out and they
11 instruct our team, the Southern Team, which is the
12 team I was kind of heading up, our instructions were
13 to proceed over into this panel here. And I don't
14 know what they called this panel. It is a crossover
15 of the longwall face.

16 Q. Now, would this panel you're referring to, would
17 that be on the outby or the side of the longwall
18 panel, at the mouth of the longwall?

19 A. It would be in front of the longwall face line,
20 and it's a crossover panel. I call it a crossover
21 because it crosses from the headgate to the tailgate,
22 and there's a little panel driven outby.

23 Q. Okay.

24 A. Our instructions were to enter that area. We were
25 instructed to enter this area and explore and look for

1 the four missing persons.

2 Q. Can you note the spad there approximately where
3 you entered this crossover area? Identify the general
4 area.

5 A. We entered somewhere around 19884 or it could have
6 been 19846, somewhere --- we traveled some --- I'm not
7 sure if this is the direct, exact --- but we came in
8 like this. We came in here from the track.

9 Q. Maybe indicate on the map entered in this area, if
10 that's an accurate description.

11 WITNESS COMPLIES

12 A. Okay. I instructed the --- like I say, when we
13 got there, there was a couple people there. I
14 instructed the Northern Team, as my backup, for them
15 not to go anywhere. They were to stay there while we
16 went into this area to explore. As we proceeded over
17 in there and, let's see, ---.

18 BY MR. FARLEY:

19 Q. Again, this area being the --- what you refer to
20 as the crossover area at the mouth of the longwall?

21 A. At the mouth of the longwall, between the headgate
22 and tailgate.

23 Q. All right.

24 A. Chris Blanchard, a company representative, was
25 there. Jason Whitehead, a company representative, was

1 at the fresh air base. And Fred Wills, an MSHA
2 inspector or supervisor, was at the fresh air base.

3 Q. What sort of conversation did you have with them,
4 if any, I mean, with Blanchard and Whitehead?

5 A. They had commented that they had been in some of
6 the areas.

7 Q. Can you tell us where they told you they had been?

8 A. I can tell you where we seen they had been once we
9 started exploring.

10 Q. Okay. Go ahead.

11 A. But anyway, apparently the other teams or persons,
12 and I don't know who all they were, were inby, but I
13 made sure we kept a backup team for us. And Chris
14 Blanchard, who knows the mine, and I don't know what
15 his title is at the mines, elected to go with us. He
16 did not have an apparatus, we did, but we were still
17 getting 20.8. It wasn't really picking any CO or any
18 methane or anything. So we took him with us because
19 none of us had been in the mine and in the area. We
20 had a map, and he kind of guided us, helped us to
21 navigate over into here. This map doesn't show a
22 track or anything, but there was a --- there is a
23 track. And I'm not for sure what --- where it is, but
24 what we done is we proceeded over in here, and we left
25 one individual stationed here, somewhere in this area

1 here (indicating).

2 Q. Now, would that be about where you entered?

3 A. Yes. We started around ---.

4 Q. Could you with the spad number identify ---?

5 A. Right. It could have been here or here

6 (indicating). It's one of these two locations. Here

7 we left --- one of the guys has a communication

8 person, so we would stay in constant communications

9 with the fresh air base. We knew we was getting ready

10 to go around turns, so we left a guy in this area

11 here. There was --- me and Mr. Browning, me and him

12 paired up and traveled together in one entry. John

13 Kinder --- I can't remember. Danny Acord I think were

14 traveling in one entry. We took like three entries

15 straight up. We wanted to go in a straight line so we

16 wouldn't get. So I think what we done, we

17 traveled ---.

18 Q. As you advanced in the inby direction?

19 A. Right. We traveled --- I think, if I'm correct on

20 this, we traveled this entry, this entry and this

21 entry. The middle entries.

22 Q. If I'm reading your markings correctly, this

23 crossover area seems to have one, two, three, four,

24 five, six, maybe as many as seven entries, and you

25 traveled ---

1 A. Three, Four and Five.

2 Q. --- the middle three it seems?

3 A. Right. And what we did there, we proceeded one
4 break at a time. We all had radios on our persons.
5 We would take out --- we would proceed one break. We
6 would be in line with each other. We would
7 communicate with each other, call out the readings,
8 and we'd proceed another break. You know, we moved
9 pretty quick. All we basically were seeing was a lot
10 of soot and a lot of black. And as we started in this
11 area --- we talked about it later, nobody talked about
12 it at the time, is our eyes were burning out of our
13 heads. For some reason our eyes were burning. We
14 still weren't in any CO or methane. Oxygen was
15 staying about 20.8, 20.7.

16 ATTORNEY MCATEER:

17 Did the burning produce tears or was it
18 dry; do you recall?

19 A. I can't really remember, but I know it must have,
20 because when I got out, where I had wiped my face so
21 much, you know, I was black. I mean, I was --- but we
22 all talked about that later. We didn't really talk
23 about it while we were advancing, trying to look for
24 the missing miners. Because our primary goal was to
25 try to find these guys. We was hoping we'd --- they

1 had come up in here and maybe come over in here
2 somewhere. We were trying to locate them. But our
3 eyes were burning. We did talk about that.

4 Everything was kind of black over in here and we
5 couldn't see this stopping line from here too much
6 because we wanted to stay in straight communications.

7 BY MR. FARLEY:

8 Q. Now, the stopping line you're referring to, would
9 that be on your ---

10 A. Twenty-one (21).

11 Q. --- right side as you're advancing inby?

12 A. It would be 26 and 27.

13 Q. Okay. So we proceeded up through here. Somewhere
14 along --- if I'm not mistaken, we started picking up
15 small amounts of CO in this area here, somewhere right
16 in this area.

17 Q. Okay. I think you are marking the line of
18 crosscuts about ---.

19 A. The crossover.

20 Q. About the third crosscut outby the longwall
21 block; ---

22 A. Right.

23 Q. --- is that accurate?

24 A. Right. And we were picking up like --- at first
25 it started out like 10, 11, 12. Then at one point,

1 when we get into this area over in here, it went up as
2 high as 40, maybe 45.

3 Q. Now, the area you're marking again is to the
4 right, where the entries connect from the headgate to
5 the tailgate?

6 A. Correct. And that was --- because once we got up
7 to here we asked the command center what our further
8 instructions were, and they instructed us to check the
9 crossover entries. Now, we still hadn't checked this
10 or this yet. So what we done then, we proceeded ---
11 in groups of three, we proceeded to the right first,
12 and we were seeing --- I think we ran once upon a
13 charger, a little D box, an electrical D box that was
14 turned over, had severe damage to it. And we started
15 noticing these stoppings across this here
16 (indicating). I do know that --- and I'm not sure to
17 what extent --- how the track ran, but there was track
18 entry that ran across here.

19 Q. Okay. Now, these stoppings that you're referring
20 to would appear to originally have connected the
21 blocks --- the line of blocks immediately outby the
22 longwall block; is that correct?

23 A. Correct, between what I would call Number One and
24 Number Two crossover entries, the One and Two
25 crossover.

1 ATTORNEY BABINGTON:

2 And just to clarify, before you said you

3 headed right as you headed down the entries of the

4 crossover section. When you say you headed right, you

5 headed towards the Headgate One North?

6 A. Headgate One North, correct.

7 ATTORNEY BABINGTON:

8 Also, do you mind highlighting the track

9 with a different color? We have a green and yellow
10 down there.

11 A. I can't remember. I know we ran into track, and

12 I'm thinking that track --- and this is just a guess.

13 I'm thinking that track --- I think it was in this

14 entry, and I think it may have been something like

15 this. But I do know there was rails --- there's track

16 rails in this entry.

17 ATTORNEY BABINGTON:

18 Okay. Now, what were you saying about

19 that stopping line?

20 A. Okay. Once we started across here, these

21 stoppings --- all these stoppings across the --- from

22 Headgate One North to Tailgate One North were blown

23 outward. They were just --- they're gone. They're

24 blowing --- they have blown outward, toward the

25 outside.

1 BY MR. FARLEY:

2 Q. In the outby direction, away from the longwall?

3 A. Yes, sir.

4 MR. STEFFEY:

5 Can you highlight that?

6 WITNESS COMPLIES

7 ATTORNEY BABINGTON:

8 Just to clarify for the record, the blue

9 highlighter indicates the travel of the mine rescue

10 team. The yellow highlighter indicates the track.

11 And the green highlighter is indicating stoppings that

12 were blown out in the crossover entry connecting

13 Headgate One North and Tailgate One North.

14 A. Okay. So at one point especially, somewhere in

15 this area here, the track had even been --- and I'm

16 looking at --- on the track entry on the crossover,

17 close --- somewhere around spad 23785 or 238, maybe

18 that's a 14, somewhere along those two locations the

19 track had even been blown up against the coal rib

20 outward, outby. It picked the track up and pushed it.

21 These stoppings here, a couple of these stoppings, it

22 was just like somebody picked them up and took them

23 and set them over against the coal rib outward, outby.

24 So we checked these overcasts here. They were also

25 destroyed.

1 BY MR. FARLEY:

2 Q. Now, when you say here, are you now in the
3 tailgate entries?

4 A. No. We're still --- basically we call it the
5 crossover outby the longwall. Yeah, it could be ---
6 it could be the Tailgate One North overcast.

7 Q. You're telling me there seemed to be one, two,
8 three, four, five, six, seven tailgate entries; is
9 that correct?

10 A. That's what the map shows, yes, sir.

11 Q. Now, the overcasts that you're marking would be in
12 which of the seven entries, overcast for door
13 regulators?

14 A. Number Four and Number Five. At the mouth of the
15 crossover on the Tailgate One North side you have two
16 overcasts and a couple set of doors. All those were
17 blown outward. They were damaged also.

18 Q. When you say in the outby direction ---?

19 A. Toward the surface.

20 Q. Okay.

21 A. Okay. So at that time we --- once we completed
22 the exploration to the right, toward Headgate One
23 North, we turned around then and came back toward
24 Tailgate One North. So we completed a complete
25 exploration of the crossover entries. Now, we were

1 seeing footprints, fresh footprints, in this entry
2 here, where these stoppings had been blown out. That
3 would be the Number One entry of the crossover.

4 Q. And that's the one immediately against ---?

5 A. Against the solid longwall coal.

6 Q. Against the solid longwall block, okay.

7 A. And Chris Blanchard then informed us that him and
8 Jason Whitehead had already traveled that entry prior
9 to teams entering the mines. So we --- at first what
10 we thought is maybe we were seeing the tracks of the
11 missing miners, but then he informed us --- because we
12 kept him kind of behind us because we had apparatuses.
13 He didn't. We wanted to make sure the area was safe
14 before we allowed him to come right in with us. So
15 there was fresh footprints in that area.

16 So then once we completed exploration of all this,
17 we then proceeded back and traveled the Number One,
18 Two, Four and Five entries back toward the fresh air
19 base on this crossover panel. So we then traveled
20 every entry.

21 Q. Would you indicate with some arrows your direction
22 of travel?

23 A. Direction of travel would be this way on this
24 entry and this entry. This entry we'd be going that
25 way and that way, that way. This would be this way

1 and this way.

2 Q. Thank you.

3 A. So we traveled those. We completed all the
4 exploration of the crossover panels, including this
5 little panel outby the crossover of the longwall face,
6 between Headgate One North and Tailgate One North.
7 While we were proceeding up in there, we had to drop a
8 second guy off with radios. I failed to mention that
9 a while ago. So we stayed in constant radio
10 communications with the fresh air base, and the fresh
11 air base to the surface, so that they knew all of our
12 travels.

13 So then we worked our way back into here and we
14 came back to the fresh air base. And at that time
15 there was a couple more teams there. I don't know
16 what teams they were. And we hadn't been there a
17 couple minutes, they were making preparations to move
18 the fresh air base up again, when we got the call to
19 exit the mine as soon as possible. One of the teams
20 that had made it up in here had run to a ---.

21 Q. When you say up in here, can you be a little more
22 specific?

23 A. Okay. I'm not for sure, but there was a couple
24 teams inby on the Six North belt track entry, and I
25 think at some point --- whether it was on the Six

1 North belt panel or the longwall panel, Headgate One
2 North panel, one of the teams detected an explosive
3 range of methane, and we were told to exit the mine as
4 soon as possible.

5 Q. Do you recall approximately what time you got that
6 call?

7 A. No. I knew we immediately got everybody back to
8 the fresh air base, all the teams, we accounted for
9 everybody. We counted heads and we made sure each
10 captain knew that everybody was accounted for. And
11 then we proceeded the longwall --- the long walk back
12 to where the rides were. We done a --- once we got
13 back to this location here, at the switch at Five
14 North belt, in the Six North belt switch we did a
15 second head count to make sure we had accounted for
16 everybody, and we entered into the mantrips and we
17 exited the coal mine as soon as possible.

18 Q. Approximately, what time did you exit the mine?

19 A. I do remember the time we arrived outside. I
20 think it was around 2:35 or 2:40 a.m. on Tuesday.

21 Q. Okay. All right.

22 A. So once --- we then --- we exited the coal mines
23 as quick as possible and we got outside, sat around
24 for a little bit. I was briefed by the command
25 center. And I do have a map at my office. There's

1 not a lot of markings on that map, but I do have a map
2 that we took underground with us that night. It is at
3 my office. I've put it on the wall and I've tried to
4 show all the mine inspectors as they come in a basic
5 general view of the coal mine. So I do have that map.

6 ATTORNEY MCATEER:

7 Can we make a copy of that map and make
8 it part of the record?

9 A. Of course. I have no problem.

10 ATTORNEY MCATEER:

11 Before we leave --- is it all right to
12 ask a question now?

13 ATTORNEY MCATEER:

14 When you got --- when you were in here,
15 at the fresh air base, did you see any signs of
16 destruction or damage?

17 A. Oh, yes. Yes.

18 ATTORNEY MCATEER:

19 And which direction?

20 A. Really, it was just out in the track entry
21 walkways. I mean, everywhere --- from where we seen a
22 little bit of damage up in here, where I suppose the
23 mantrip where the victims had expired from were coming
24 outside, from that location in, you could see nothing
25 but black soot. You'd see stuff turned over. It

1 didn't really look --- whether it was blowed out --- a
2 lot of the track entry stuff was laying in the middle
3 of the track. You had to step around it and be
4 careful where you were walking. But at no time did
5 our team go under air in this panel. We talked about
6 it later, that maybe we should have because the way
7 our eyes were burning, but we wasn't even in 50 part
8 CO. We wasn't in an amount of CO that made us
9 concerned. We was not picking up any methane. There
10 was --- something in the atmosphere was burning our
11 eyes.

12 ATTORNEY MCATEER:

13 You testified that along the panel next
14 to the longwall that the force of the explosion was
15 clear in the direction that it was taking by virtue of
16 pushing everything outby?

17 A. Correct.

18 ATTORNEY MCATEER:

19 Did that same view occur at the fresh air
20 base?

21 A. Couldn't really tell.

22 ATTORNEY MCATEER:

23 Okay.

24 A. Couldn't really --- you know, once we got to the
25 fresh air base, we were prepared to go do this job, so

1 I didn't look around here.

2 ATTORNEY MCATEER:

3 Sure. Sure.

4 A. We just went and done what we were instructed to
5 do and came back out.

6 BY MR. FARLEY:

7 Q. We had the location of the fresh air base here,
8 around Stopping 96. Now, how far inby did you travel
9 from there in --- over here on Six North?

10 A. On Monday I did not go any further inby.

11 Q. Did you go in there later?

12 A. I went in three more times.

13 Q. Okay. Now, if 96 or 97 here, there appears to be
14 the general area where you entered this crossover
15 area. Now, after you went in there at a later date,
16 as compared to what you saw outby there, was there any
17 difference --- what difference in the damage inby from
18 there as opposed to outby? What was your sense of
19 that?

20 A. Darker. Got a lot darker, a lot more soot, a lot
21 more structural damage.

22 Q. Further you went inby?

23 A. Further you went inby, correct.

24 Q. Okay.

25 A. This is the area we went on Monday into Tuesday.

1 And like I said, we exited the coal mines, and I
2 entered the mine again on Wednesday, Tuesday evening
3 into Wednesday morning.

4 ATTORNEY MCATEER:

5 If we could talk about that. The
6 structural damage you see at this point on Six North
7 belt, can you compare it with the structural damage on
8 cross --- this area?

9 A. In this panel here there's not a whole lot of
10 material. It was just dark and black. I mean, it was
11 fairly clear of any material, like belt structure.
12 There's nothing like that over in --- these stoppings
13 here were out.

14 BY MR. FARLEY:

15 Q. Now, again, when you say this area, you mean the
16 crossover area immediately outby the longwall?

17 A. Between the Headgate One North and Tailgate One
18 North, the panel outby the crossover.

19 Q. Okay.

20 A. These stoppings here were out.

21 Q. And again, those stoppings would ---?

22 A. And appeared to be blown this direction, appeared
23 to be blown in toward the middle of the section.

24 Q. Now, the stoppings you identified are between the
25 last two entries on the right side, looking inby?

1 A. I would call that between Six and Seven on the
2 panel outby the longwall face between Headgate One
3 North and Tailgate One North.

4 ATTORNEY BABINGTON:

5 And those stoppings were blown
6 towards ---?

7 A. It appeared they had been blown inward.

8 ATTORNEY BABINGTON:

9 Inward. So toward the Tailgate One
10 North?

11 A. Yes, sir.

12 ATTORNEY BABINGTON:

13 Okay. Thank you.

14 A. To the best of my recollection, I believe --- and
15 that's the only time I was ever in there, was that
16 night.

17 ATTORNEY DAVITT:

18 But this block, there's an unmarked
19 section with a number five in it. That area is a body
20 of coal?

21 A. Yes. There is a solid block of coal here. I
22 traveled that entry myself, and it is a solid block of
23 coal. A little block of coal in this area here. And
24 we're talking about --- it would be off to the right
25 of Number Seven entry, in a little panel between

1 Headgate One and Tailgate One.

2 So then once we --- again, our --- to the best of
3 my recollection, our oxygen content stayed in 20.5, 6,
4 7 and 8. The most amount of CO that I remember would
5 have been 45 --- around 45, in this area. We did not
6 pick a lot of CO up over in here.

7 BY MR. FARLEY:

8 Q. Again, this area would be?

9 A. On the Headgate One North side of the crossover.

10 So we exited the coal mines, and that finished me up
11 on 4/6.

12 And then I came back to work on Wednesday, and we
13 entered the mine again on Wednesday. And I don't know
14 the exact times. That will be in the command center
15 notes.

16 Q. Would that have been toward the afternoon or
17 evening?

18 A. Evening. It was in the evening hours. And our
19 job that day was --- do you want me to go into that
20 now?

21 Q. Sure. Go ahead.

22 A. Our job that day was I --- at that point, for
23 whatever reason, I started --- we broke off as a team
24 and started traveling with other mine rescue teams.
25 The State team then became a representative of another

1 team.

2 Q. Did you enter the mine the same portal?

3 A. Yes. We were entering --- every time we entered
4 the coal mine it was from the South UBB Portal.

5 Q. Okay. Now, where did you have to park the mantrip
6 on the track this time?

7 A. The same place. We had to park the trip again
8 down around the Five North belt track area, around 75,
9 somewhere around the 70 breaks here, somewhere in this
10 area here, at this little switch here.

11 Q. Continue.

12 A. Okay. We --- at that time we are now not
13 traveling as a State team. We are split up. We have
14 a State representative with every team that enters the
15 coal mines. I traveled with the Massey --- I'm not
16 sure what they call that team. It's the --- they had
17 two teams. They have a Massey Southern Team and a
18 Massey East Kentucky Team. I traveled with the Massey
19 Southern Team. Rob Asbury is the captain. As a
20 matter of fact, from that day on, every time I went in
21 the coal mines, I traveled with that team. That's
22 just the way it worked out. I know those guys, they
23 know me, so we hooked up and we stayed together. So
24 we entered the mines that evening of --- it now would
25 be the 6th --- 7th?

1 Q. Wednesday.

2 A. Wednesday evening would be the 7th, I guess. This
3 may have been on Tuesday evening, but I think it was
4 Wednesday evening. See, I may have those two evenings
5 messed up. It may have been Tuesday evening I came
6 back. Maybe Tuesday. And you can check the command
7 center notes. I'm not real sure on the --- whether it
8 was Tuesday evening or Wednesday.

9 ATTORNEY MCATEER:

10 See if that helps.

11 WITNESS REVIEWS CALENDAR

12 A. I'm thinking I went home, slept a little bit and
13 come back, and I'm thinking it was Tuesday evening
14 into Wednesday morning.

15 BY MR. FARLEY:

16 Q. Okay.

17 A. And I can verify that with my timesheets. I just
18 did not bring them with me. If you want that exact, I
19 can get that for you. Anyway, I only live a few miles
20 from the mine, so I came back. And again, I'm with
21 the Massey team --- the two Massey teams, the Southern
22 Team and the East Kentucky Team. And I traveled with
23 the Southern Team.

24 Our --- the goal was that evening, and there were
25 several teams, and I don't remember how many teams, we

1 were going to proceed all the way up the Six North
2 belt area to the longwall belt area and travel up the
3 longwall headgate, Headgate One North, and establish a
4 fresh air base at the longwall face, at the mouth of
5 the longwall face on the Headgate North side. So we
6 had quite an extensive walk from where the mantrips
7 were. We were navigating over and around blocks and
8 rails and cables, and we all were carrying in both
9 hands --- we have our apparatuses on our back and
10 everybody was carrying stretchers, extra breathing
11 apparatuses. We're carrying lifeline. We're carrying
12 phone communication, stopping material. We're going
13 to make a push. The original plan was to make a push
14 to go across the longwall face and try to locate the
15 one individual they thought was on the longwall. And
16 then we was going to make a push to go up Headgate 22,
17 which this does not show --- this does not show that
18 crossover.

19 Q. By this time, Tuesday evening, how many people are
20 thought to be unaccounted for at that point?

21 A. Four.

22 Q. Okay.

23 A. We were looking for four individuals. So as we
24 start our journey, carrying all this material, and
25 it's very exhausting, very tiresome, and we have to

1 take a few breaks, we get to where one of the victims,
2 they had already --- I guess had located the night
3 before, one of the victims. He was located at the
4 longwall belt starter drive, head drive.

5 ATTORNEY BABINGTON:

6 Let's get another map in here real quick.

7 A. Do you want me to initial this?

8 BY MR. FARLEY:

9 Q. Please do.

10 ATTORNEY BABINGTON:

11 Yes. We haven't marked it, so ---.

12 ATTORNEY MCATEER:

13 The date today?

14 A. This would be --- well, this was 4/5 and 4/6. I
15 can get into 4/6 and 4/7 on this one.

16 BY MR. FARLEY:

17 Q. Put today's date, ---

18 A. Oh, okay.

19 Q. --- May 20th.

20 WITNESS COMPLIES

21 ATTORNEY BABINGTON:

22 Let's go off the record for a second.

23 SHORT BREAK TAKEN

24 BY MR. FARLEY:

25 Q. Eugene, we were speaking about Tuesday evening,

1 April the 6th?

2 A. Correct.

3 Q. Do you recall when you entered the mine then?

4 A. It was Tuesday evening on April the 6th. I don't
5 know the exact time. Again, the command center should
6 have those.

7 Q. Okay.

8 A. But I'm traveling with the --- one of the
9 Massey --- I call it the southern Massey Team. Rob
10 Asbury is the captain. There's several East Kentucky
11 teams accompanying us. We had a State representative
12 with them, and I think that representative may have
13 been John Kinder. There's also MSHA representatives
14 traveling with each team.

15 Our objective was to make a push to go to the ---
16 from the Five North, Six North Switch, we would make a
17 push up to the mouth of the Headgate One and set up a
18 fresh air base, and our objective was to try to locate
19 the four missing coal miners.

20 Q. Now, you have marked the map approximately from 78
21 Break as your direction of travel to the longwall
22 face; is that correct?

23 A. Correct. And again, I've marked this in blue
24 marker, and I'm guesstimating the exact crosscuts.
25 But at some point we're traveling up the track and it

1 becomes --- there's so much material, it's easier for
2 us to cross over into the next neutral entry. We call
3 it. We're traveling up Six North belt panel, and we
4 crossed over into --- we would cross over into the
5 Number Two entry, travel up. And I'm guessing that at
6 some point right before we got to the mouth of the
7 longwall belt, at the start --- at the Mother Drive,
8 starter drive, we crossed back into the track entry.
9 That was due to easier walking. We didn't have to go
10 through water. There was a waterhole somewhere on the
11 track, and so we crossed over and that became our
12 traveled route for the next three days.

13 Q. Okay. On the second day, did your impression of
14 the damage change any?

15 A. You're seeing more and more damage the further you
16 traveled into the coal mines.

17 Q. Okay.

18 A. Again, I was with the Massey team, and we knew we
19 was going to be --- we knew we was going to see some
20 of the victims, because they had already at some point
21 prior to us traveling that evening --- there was
22 victims, and we knew we was going to see them. So
23 once we started up --- and we're carrying all this
24 material. We're carrying --- everybody's got their
25 hands full. I mean, everybody is struggling. We're

1 carrying ---. And we take several breaks until we get
2 there. So when we get to the mouth of the longwall
3 belt, on the Six North belt, where one of the victims
4 are, we stop everybody right there, and a couple of
5 the team captains wanted to see if they can't
6 positively ID the victim. Everybody pretty well ---
7 they had a real good idea who this gentleman was. We
8 did not let everybody go over there. We kept
9 everybody back. So then we started traveling up the
10 longwall belt toward the Headgate One, on the Headgate
11 One North side. We traveled up the belt. It's very
12 tight, a lot of damage to the belt, very black. There
13 is a burning smell in the atmosphere.

14 Q. Now, the longwall belt damage, was it --- was the
15 belt blown or pushed to one side or the other?

16 A. No. It was structure in the walkway, structure
17 laying all across the entries. I don't remember
18 seeing belt anywhere. I believe it blowed the belt
19 away. The doors laying in the walkways. It
20 appeared --- I'm not for sure how the forces carried
21 the material, but very, very hard to navigate through
22 the mine, traveling around all this material.

23 So when we get up to the longwall belt, we then
24 crossed over into the track entry, around ---
25 somewhere around --- I really can't see a spad there.

1 Let's see. Somewhere around spad 22585 or 22566,
2 somewhere in that general area we crossed and then got
3 into the longwall track entry, Headgate One track
4 entry.

5 Q. Okay.

6 A. Again, we're still carrying all the materials, and
7 there's probably --- I think there's two or three
8 teams of us. So Rob Asbury, at that time, knew we
9 were getting close to where we would be traveling by
10 some of the victims. We knew we had some young team
11 members that had never witnessed anything like this,
12 so somewhere around --- I'm going to say --- and I'm
13 guessing, because I don't have a map here that shows
14 the location of the victims, and I'll be guessing
15 about where we stopped the teams, but I want to say
16 22025, somewhere in that general location we elected
17 to stop the teams from advancing any further. Me, Rob
18 Asbury, an MSHA inspector and one other gentleman
19 proceeded inby to where the victims were. And we were
20 going to try to, some way or another, positively
21 identify the victims.

22 And in one location there were four victims. We
23 was able to get a name off of a shirt or a name off of
24 a belt tag, but we didn't really want to go with just
25 one ID. Some of these boys knew these individuals

1 personally, but they couldn't positively ID them
2 anyway. So what we elected to do then is we went back
3 and got ventilation curtain, because the teams were
4 going to have travel right by them. We didn't want
5 everybody exposed to that. So we covered those four
6 individuals up that were laying along the longwall
7 track with white brattice cloth. That way younger,
8 inexperienced mine rescue team members --- there was
9 no reason to expose anybody to that, and it is more
10 respectful to the victims.

11 We traveled more inby. We're still leaving the
12 teams here at a location, me and Rob Asbury and ---
13 the MSHA inspector went back to talk to the teams to
14 try to give them a heads-up about what they were
15 getting ready to walk by to --- you know, to be real
16 careful. Because if you didn't, you would step on
17 them.

18 ATTORNEY MCATEER:

19 Were the victims facing in one direction
20 or another?

21 A. The first victim was at a roof bolt machine, and
22 he was --- we have that outlined on the mine floor
23 now. I'm thinking his body was facing inby, towards
24 the longwall face. And again, I'm guessing on that.

25 ATTORNEY MCATEER:

1 Sure.

2 A. Just a break or so inby were three other victims.
3 There's a waterline that runs along the left side of
4 the track entry. One of the victims was laying face
5 up over the waterline. Right in that general area was
6 two other victims, and I don't remember exactly their
7 direction, the position.

8 BY MR. FARLEY:

9 Q. Was the waterline intact?

10 A. Yes, sir. At that location it was intact. So we
11 then covered these four individuals up so we wouldn't
12 expose unnecessarily to the other team members. We
13 were --- still had four persons missing. So we're
14 going up the track entry. We're trying to look in the
15 crosscuts. And we see a battery-operated forklift,
16 and it's kind of raised up in the air. And we walk
17 over and we see a boot, a rubber boot, mine boot. So
18 we're saying, okay, you know, the guy is down here
19 somewhere. I mean, that's our first thought, and
20 we're going to find the other missing person. But
21 then when we start going over into the next entry over
22 and looking around, there's rubber boots laying
23 everywhere. So then we said, well, they've just got
24 extra boots on the section. I guess they do that on
25 the longwall. We realized, you know, that's not what

1 we were looking for.

2 So --- we were kind of looking around toolboxes

3 and things like that. So then we proceeded on up and

4 me and Rob Asbury from the Massey team goes to the

5 headgate operator. We know where he's positioned,

6 close to the phone there. His head --- he was

7 positioned with his head inby, toward the longwall

8 face, along the rib, right beside the corner of the

9 coal rib, at the headgate. We tried to positively ID

10 him, and we were unable to do that, because we didn't

11 want to move the bodies. We didn't want to physically

12 move things off their possession. All the victims

13 were covered in black soot. And I don't need to go

14 into detail on all of that. So we check him.

15 And we're real close to the longwall face. We're

16 still bare-faced. We have never been under oxygen

17 yet. Everything is still good. Good air. Good

18 oxygen, 20.8. We just --- we didn't cover this

19 gentleman up because we knew we wouldn't have none of

20 the team members over there, so we left him as he was.

21 We go back and then we bring the team on up. And

22 we're stretching out phone lines, establishing

23 communications and moving everything up. At some

24 point, and I don't know what time, we get everybody

25 right here at the mouth of the Headgate One, at the

1 mouth of the longwall face, real close to the
2 crossover connections going over to --- from the
3 Headgate One North to 22. Our objectives were to
4 travel the longwall face, try to find the missing
5 victim, and possibly make a push up 22 to try to see
6 if we could find the other missing persons and look
7 for any evidence of maybe whether they had breached or
8 got inside of a shelter, a life shelter.

9 Q. Did you travel across the longwall face?

10 A. No, sir, I did.

11 Q. Then what?

12 A. We're here, getting set up, and we immediately get
13 a call for everybody to exit the coal mine as soon as
14 possible. Do not hesitate. Get out of the coal
15 mines. From what we understand, the readings in some
16 of the boreholes they had already drilled, something
17 happened and they wanted us out of the coal mine.

18 Q. So by this time, is it still Tuesday evening or
19 are you into Wednesday morning?

20 A. We're probably getting close to Wednesday by then
21 I think. I think it was. I'm not for sure, Terry, on
22 the time on that. I know it was Wednesday morning
23 when I got out of the coal mines.

24 Q. Okay. So do you recall, approximately, what time
25 you got outside?

1 A. For some reason I'm thinking it was daylight, but
2 again, the communication --- the command center should
3 have the exact times.

4 Q. Okay.

5 A. But I'm thinking --- we're all here. We just ---
6 we're getting ready to make our push when they called
7 for us to get out. Now, we're exhausted. I'm telling
8 you, the teams were exhausted. That was a long, hard
9 walk, and then we had that long, hard walk to get back
10 out of that coal mine as quick as possible.

11 I remember we were exiting as quick as we can. We
12 had some of the older guys --- you know, it was a
13 little tough on a lot of people to get back out of
14 there. So we got all the way back to where the
15 mantrip is parked, and then one of the --- somebody
16 had lost a face piece and he wanted to go back and
17 look for it. And we were trying to get everybody to
18 get out of the coal mines. Anyway, we had to wait a
19 couple minutes on one of the individuals to go back
20 down and look for his face piece. A couple mine
21 rescue team members stayed with him until he found his
22 face piece, and then we exited the coal mines.

23 So that was on --- that would be on Wednesday
24 morning now. But here is the farthest point we made
25 that night.

1 Q. Now, you are drawing a line ---

2 A. Across the mouth of the longwall face ---

3 Q. Okay.

4 A. --- and the crossover going to 22 Headgate.

5 Q. Okay.

6 ATTORNEY BABINGTON:

7 Do you mind dating that line to show

8 that's how far you got on --- I think you said the
9 morning of --- I guess that would be 5/7.

10 A. If I had to guess, it would be 5/7.

11 ATTORNEY BABINGTON:

12 Okay.

13 MR. KOERBER:

14 4/7.

15 ATTORNEY BABINGTON:

16 4/7. Thank you.

17 A. I'm sorry. Thank you.

18 BY MR. FARLEY:

19 Q. All right. After you exited the mine on the
20 morning of April 7th, did you re-enter the mine again?

21 A. Not until Friday night.

22 Q. Okay. Take it up there. Where did you go Friday
23 night?

24 A. Okay. Friday night, again, I'm traveling with the
25 --- that date would have been what?

1 ATTORNEY MCATEER:

2 4/9, I think.

3 BY MR. FARLEY:

4 Q. April 9, is that about right?

5 ATTORNEY MCATEER:

6 The calendar is underneath that map

7 somewhere.

8 A. It would be on the 9th.

9 BY MR. FARLEY:

10 Q. Did you re-enter the mine via the same route?

11 A. Yes, sir.

12 Q. And did you park --- once you got into the area,
13 you parked the mantrip the same location?

14 A. Same location, same travelway that we traveled
15 into the coal mines, and I'm with the same team as I
16 was with on 4/7.

17 Q. Okay. Now, if I'm understanding you correctly,
18 from approximately 78 Break, you traveled the same
19 route as the previous visit back to the longwall face;
20 is that correct?

21 A. Correct.

22 Q. Okay. Take it from there.

23 A. And our goal that day was --- this is ---.

24 Q. At this point you're what, four people unaccounted
25 for; is that correct?

1 A. Still four persons unaccounted for.

2 ATTORNEY BABINGTON:

3 Do you mind using a different color to
4 signify a different day?

5 A. Different day?

6 BY MR. FARLEY:

7 Q. Make a separate mark, if you would, someplace.

8 A. Okay. You just want me to use yellow?

9 ATTORNEY BABINGTON:

10 Yeah, that sounds good. And then the
11 blue will be for that --- for 647 traveling and then
12 the yellow will be for the 4/9.

13 WITNESS COMPLIES

14 BY MR. FARLEY:

15 Q. Now, on the evening of April 9, once you returned
16 to the longwall face area, did you travel across the
17 longwall face?

18 A. No, sir, we did not at that time, not at that
19 point. Our first objective was they had sent --- they
20 had sent two teams in to explore the crossover between
21 Headgate One and Headgate 22. The only objective of
22 those teams were to travel these entries, make sure it
23 was safe. Our team was going to make a push, and
24 that's the two Massey teams that were going to do
25 this, make a push up 22, try to locate the four

1 missing miners.

2 Q. Where was your team while this crossover on here
3 was going ---?

4 A. We were outside. They let them come in ahead of
5 us. They started checking this area. It appeared to
6 everybody that we was going to be able to make this
7 final big push. They kept us outside. And before
8 they really knew about what time they was going to be
9 getting finished up with the crossover between
10 Headgate One and Headgate 22, they sent us in so we
11 wouldn't have to stand around and we can make that big
12 push to get up 22.

13 Q. Okay.

14 A. So when we get there, the team has already checked
15 this. They brief us. We had a fresh air base
16 standing right here.

17 Q. When you say when you get there, ---?

18 A. All right. We're at the mouth of Headgate One at
19 the longwall face.

20 Q. Is there a fresh air base there?

21 A. There's a fresh air base. And that would be on
22 4/9.

23 Q. Now, as you say, when you arrived, the team had
24 already explored this crossover area from Headgate One
25 toward ---

1 A. Headgate 22.

2 Q. --- Headgate 22 section?

3 A. We knew going in they had already alerted the
4 area. We knew we were going to be in an irrespirable
5 atmosphere. We knew that we had to have everything
6 right. We knew there could be no mistakes because we
7 knew that we were not going to get --- we didn't have
8 no extra ventilation up here at all. So this team
9 checks this and they run --- then right after you
10 cross inby the crossover --- that would be Number Four
11 entry, right after we made our --- the team ahead of
12 us had told us, as soon as you step into the crossover
13 entry of Number Two entry, you're going to run into
14 low O2.

15 So we knew we was going to get into it right off
16 the bat. They done told us. So our team then, once
17 we got briefed, got everybody ready, we checked our
18 apparatus, double checked everybody's, we proceeded to
19 travel down, I want to say the Number Three entry into
20 the crossover between Headgate One North and 22. And
21 at some point --- I notice there's a fall indicated on
22 this map. We did have to circle around the fall area.

23 Q. Would you identify the location of that fall,
24 please. There may be a spad number on each end of
25 that. It would be --- as you traveled north through

1 those crossover entries, it would be in the Number
2 Three entry as you headed north?

3 A. Yeah. And I'm going to say, according to this
4 map, spad 24064 --- between 24064 and spad 24062. But
5 there was an area --- I didn't actually see the fall,
6 but they had already told us we had to circle around.

7 Q. Okay.

8 A. And we did do that. I remember us going around.
9 We did not make a straight shot across 22. We're
10 taking communications with us. We're dragging life
11 --- communication line. And again, as soon as we step
12 into the crossover between Headgate One North and
13 Headgate 22, our detectors are starting to alarm. I
14 had disabled my alarm, audible alarm. I just kept
15 the visual flashing alarm because they will drive you
16 crazy if this thing went off all the time. Most of
17 the team members did that. They disabled the
18 audible alarm and just used the flashing light. So
19 we're keeping our detectors out in front of us because
20 we know what we're getting into.

21 We proceed over into the track entry. Now, we're
22 ready to make a push.

23 Q. Now, when you say track entry ---?

24 A. On Headgate 22 would be Number Two entry. We
25 traveled the track entry all the way up 22.

1 Q. Twenty-two (22) Headgate?

2 A. Twenty-two (22) Headgate to where someone had
3 already knew that the mantrip was sitting up there on
4 22 Headgate with six victims. I don't know. That may
5 be prior to us going in that day or whatever, but they
6 knew there was six victims.

7 Q. That had already been determined?

8 A. That had already been predetermined. And we were
9 pretty sure the other three --- there was at least
10 three victims unaccounted for on 22. So we proceed up
11 the track entry. Again, we're in three percent
12 oxygen, 1,300 to 1,400 parts CO. So you've got to be
13 very careful about how you walk. You don't want to
14 trip and fall and bust your face piece or tear
15 something loose on your apparatus. So we're taking
16 time, taking slow steps. We're navigating over top of
17 belt and structure and overcast material. When we get
18 to where the mantrip is, and again, we stop the teams,
19 me and three other guys. I know Rob Asbury is one of
20 them. There's no reason to bring everybody up there
21 to look.

22 Q. What's the condition of the mantrip?

23 A. The mantrip --- the best of my recollection, the
24 mantrip was on the track. There was two victims in
25 the outby end, facing the outside. (b) (7)(C)

1 (b) (7)(C) . On the inby side, the canopy
2 had --- of the mantrip --- the top canopy of the
3 mantrip had kind of collapsed down and had --- there
4 was four victims in that end of the mantrip.

5 Q. Now, the canopy on the inby side of the mantrip,
6 the part which had collapsed down ---?

7 A. The inby side toward the face.

8 Q. Okay.

9 A. But it was hard to tell because these --- there
10 was a lot of debris and these victims were kind of
11 entangled in each other's arms and things like that.
12 so it was hard to --- it was hard to tell. They were
13 laying and --- I mean, it was just hard to tell
14 everything about them.

15 Q. Now, the canopy on the outby end of the mantrip,
16 what was the condition of that?

17 A. Honestly, I can't remember. I can't remember
18 exactly how that canopy was.

19 Q. All right. Continue.

20 A. To the best of my recollection, the trip was
21 sitting on the track. So we do take a minute to look
22 at these individuals to see if we can --- make sure
23 there's only six there and not eight or nine, I mean,
24 because that's --- without moving anybody. I knew one
25 of the guys personally, but I couldn't identify him.

1 So you know, I didn't know which one he was. I knew
2 personally he was one of them, but I couldn't identify
3 him.

4 Q. Okay.

5 A. So anyway, we proceeded on up the track. And when
6 --- you all have a definite location of the victims.
7 I'm just guessing. Maybe a couple breaks inby in the
8 Number Two entry on Headgate 22 we locate one of the
9 victims in the middle of the entry like he's walking
10 outby toward the mantrip. His body is kind of --- in
11 a way it appears to me he's coming to the mantrip.
12 He's about dead middle of the entry. It appears he's
13 right in the middle of the entry.

14 Q. Okay.

15 A. Again, we can't positively ID him. There's only
16 three or four of us doing this. Everybody else is
17 outby. There's no use bringing everybody up there.

18 Q. Okay.

19 A. We go a couple more hundred --- well, not a
20 hundred feet, but a couple more breaks and we find the
21 second --- one of the second missing persons basically
22 in the middle of the entry, and it appears he was
23 walking toward the mantrip. And then we go a couple
24 more breaks inby that individual and we see --- very
25 hard to even figure out what it is, but then we

1 realize it's the third missing victim. He, from what
2 I understand now, was (b) (7)(C) , according
3 to the people that I talked to. He's basically in the
4 middle of the entry, too. It appears to me, with my
5 background and my knowledge of coal mining, that these
6 guys are --- end of the shift, are going toward the
7 mantrip.

8 Q. Okay.

9 A. It was like they were facing outby. Now, the
10 third individual, again, it was very hard to --- we
11 spent a bit more time because we was trying to figure
12 out everything that was going on, and we found out he
13 had a missing body part, and we found it outby, a ways
14 outby, and we did mark it. That is the farthest we
15 got that night. We're still in three percent oxygen,
16 1,300 to 1,400 parts CO. We're getting ---.

17 Q. Do you know how far you are from the actual face
18 of the mine?

19 A. No, sir, I do not.

20 Q. Okay.

21 A. We're getting --- starting to get low on oxygen.
22 We're tired. We don't need to be fooling around no
23 more. The command center wants to start asking us
24 questions to do this and do that, and we knew we had
25 done counted for these three, so our objective is to

1 get back out of there so we can get to fresh air and
2 we'd be okay. So we come all the way back out. We
3 have one of the guys, and he was one of our (b) (7)
4 (b) (7) (C), he started going down on us. He was --- I think
5 he was --- I thought he was hyperventilating and was
6 afraid he was going to jerk his face piece off because
7 he just couldn't breathe. It was very hot up in
8 there. I mean, it was really hot. Come to find out
9 now what was wrong with him, he's got a (b) (7)(C)
10 problem. So he's got issues with (b) (7)(C). So it
11 wasn't nothing --- it wasn't that he was scared. And
12 I'll make this statement. Anybody that was in that
13 coal mines during this exploration and rescue, if they
14 was not scared, they shouldn't have been in there.

15 Q. Okay.

16 A. So anyway, we get him back out. And we're all
17 here now. There's four teams sitting right here at
18 the fresh air base at the mouth of Headgate One outby
19 the longwall, right at the longwall face, between
20 Headgate 22 and Headgate One.

21 Q. By this time did you learn --- did you eventually
22 learn that the fourth unaccounted for miner ---?

23 A. Yes. We're all here. We've accounted for three
24 of the four missing. And then send a team --- while
25 we're sitting there catching our breath, they send the

1 team that's been sitting there resting, they put them
2 back under air now, and they want to make a run down
3 the longwall face. We're here listening. They get
4 all the way to the longwall face, and I remember them
5 calling and saying, we can't find him. So what they
6 had to do, they had to do the same thing. As we
7 traveled up in here, on Headgate 22, we dropped off
8 individuals with radio so we stayed in constant
9 communication. I failed to mention that. We never
10 did lose communications to the outside.
11 So they sent a team across the longwall face. I
12 think there was a team of four. They dropped one off
13 right at the Headgate, at the mouth of the longwall
14 face, and three individuals --- they dropped another
15 one off, I'm going to say, close to mid-face. And
16 then three other guys go to the tail side because they
17 was thinking that's where this individual might be, on
18 the tail side. They get down there and they can't
19 find him. They holler out, we can't find them. And
20 the instruction was, as you work your way back out,
21 start looking under the pan line, chain line, look
22 close. And as they were coming up the face line, back
23 out, retreating, the guys stationed at the headgate
24 stated that he was smelling something. He had
25 detected an odor. And he started looking real close,

1 and he's the guy that found the fourth missing person.
2 He was in the gate shields --- close to the gate
3 shields at the mouth of the longwall. Several people
4 had probably went by this individual.

5 Q. Okay.

6 A. So that's --- when they found him, everybody's
7 here at the fresh air base, and we're all --- we're
8 exhausted. We're tired. We're ready to get out of
9 the coal mines. The command center calls in and they
10 want us to prepare five of the persons to bring to the
11 surface. And all of the team members really were
12 tired and didn't want to do it, so a select few of us
13 stayed and we had Mr. Carl Baisden from Task Force One
14 who is trained in dealing with the body bags and
15 proper procedures. He stayed and a few of us stayed.
16 The rest of them we sent on out.

17 And we prepared the four victims on Headgate One
18 track entry. They were placed in body bags. There
19 was an outline spray painted on the mine floor of
20 their positioning of their bodies, the location.
21 There was a map and the company, State and Federal
22 signed off on each one of those maps, indicating the
23 position of the body and the location of the body. So
24 those four individuals at the longwall track were
25 placed in body bags and left there. We tried to put

1 them all --- brought them all together in one spot and
2 left them, and then we proceeded down to the longwall
3 starter box area where the other victim was located.
4 And we did the same with him. We put him in a body
5 bag. We brought him out to the track entry. We did
6 spray paint his outline on the mine floor and marked
7 the area, mapped it, and then we proceeded to the
8 outside.

9 ATTORNEY MCATEER:

10 Do you know who has those maps?

11 A. No, sir, I do not. I signed off on them. I
12 signed off on them --- on a couple of them, and my
13 assistant signed off on the other two underground.

14 BY MR. FARLEY:

15 Q. You mean the maps used by the mine rescue team
16 used underground?

17 A. Yes, to indicate the bodies and where they were
18 located and everything. There's a diagram of the
19 body, how it's positioned. All that was done
20 underground on those five individuals. So then we
21 exited the coal mines.

22 I think the next couple days --- I think the next
23 time I went underground was Monday evening.

24 Q. Would that be about April 12th?

25 A. April the 12th.

1 Q. Did you enter the mine the same way of travel?

2 A. We entered the mine by --- through the UBB South
3 Portal. What had happened then, we were all briefed
4 outside. And I'm not exactly sure how many teams, but
5 I'm thinking, just a guess, I mean, again, the command
6 center notes will indicate that. All the victims had
7 been accounted for. Teams had been underground,
8 preparing the victims to bring them to the surface.
9 Ventilation had been restored where you could recover
10 the victims on 22 bare-faced and not under apparatus.
11 There was going to be a push to bring all the victims
12 to the surface, the remaining victims to the surface.
13 My job, again, was with the Massey teams.

14 Q. Now, by Monday evening of April 12th, how many
15 bodies still remained underground; do you recall?

16 A. Nine.

17 Q. And would that have been ---?

18 A. The final nine bodies that were located on
19 Headgate 22 were the last nine to be brought out of
20 the coal mines. Our job was to get those nine bodies
21 to the track, put them on a mantrip and bring them out
22 of the coal mines.

23 Q. Now, was it necessary to physically carry them
24 from the 22 Headgate section ---

25 A. Yes.

1 Q. --- to approximately Break Number 78?

2 A. I don't know how --- I know they had to carry them
3 off Headgate 22. At some point around the Six North
4 belt switch and the Headgate One switch, I think they
5 possibly had used a battery-operated, I'm not sure on
6 that, ride to transport some of the victims. But I
7 know that on Monday evening they sent in, I'm
8 thinking, maybe 18 teams. I don't know. It was
9 140-some mine rescue team members. And what their
10 plan was, and they went over it with us outside, every
11 six breaks going up Six North belt, going up Headgate
12 One North track, they placed teams six breaks apart.
13 And each team --- these bodies would be worked down to
14 this team. This team would carry the victim six
15 breaks. This team would pass it on to this one. And
16 I was on the final team with the Massey team that
17 actually helped loaded the six --- the nine victims on
18 the mantrip so they could be brought to the surface.
19 I, again, stayed with the Massey teams. For whatever
20 reason they requested I be with them. I knew them
21 personally. You know, we had worked together already
22 three shifts together, and that's how that came about.

23 Q. I don't think there's any question of team
24 selection.

25 A. So at some point in the night, I don't know what

1 time, we would get a body. They would have a number
2 spray painted on the body bag. We would call that
3 number outside. I basically was the one that done a
4 lot of the calling. And we placed that victim into
5 the mantrip. There was two mantrips used. We put
6 them on two mantrips, and those victims were brought
7 to the surface.

8 ATTORNEY MCATEER:

9 Who drove the mantrips?

10 A. Massey. Massey Mine Rescue Team members drove the
11 mantrips. Those victims were brought to the surface,
12 and all other mine rescue team members stayed
13 underground. They were took to the trip, and before
14 they were brought to the surface an American flag was
15 draped over their bodies.

16 BY MR. FARLEY:

17 Q. Want to take a break?

18 A. No. I'm fine.

19 ATTORNEY BABINGTON:

20 Are you sure?

21 A. Yeah. The American flag was draped over their
22 bodies, and then all of the rescue team members came
23 out of the coal mines behind them. I failed to
24 mention the night that we were on Headgate 22, under
25 apparatus, ---

1 BY MR. FARLEY:

2 Q. Would that have been Friday night?

3 A. --- on the --- Friday night, on the 9th, when we
4 knew we were in excessive CO and low O2, they did
5 check each mine rescue team member when we came out of
6 the coal mine for levels of CO absorbed into our
7 bodies. They had medical teams there checking us.

8 So once the last nine victims were brought to the
9 surface, that was the end of my experience at the coal
10 mines.

11 Q. Do you have anything else you'd like to add?

12 A. If you all got any questions on your team, but I
13 can't remember ---.

14 Q. First of all, I'll let you know what --- our
15 people think excellently of your efforts.

16 A. We got a job to do. That's our job.

17 MR. FARLEY:

18 Any questions?

19 MR. STEFFEY:

20 I've got a few.

21 EXAMINATION

22 BY MR. STEFFEY:

23 Q. Just for the record, Eugene, can you spell your
24 last name?

25 A. W-H-I-T-E.

1 Q. Also just for the record, are you appearing here
2 today voluntarily?

3 A. Yes.

4 Q. Let's talk about --- let's go back to when you
5 first arrived at the Ellis Portal. You said that they
6 had brought out seven victims already and they had
7 them covered over with a piece of brattice cloth and
8 people were milling around. Were these company
9 people?

10 A. It was rescue workers, just everybody. I mean,
11 the whole surface area of that mine was --- there was
12 ambulances and medical personnel. I don't think it
13 was only company. I just didn't feel like it was
14 something --- you know, get everybody away from them.

15 Q. I understand.

16 A. I mean, I could see the boots.

17 Q. Yeah. That was something nobody needed to see.

18 A. Right. And a lot of their coworkers were still at
19 the mine site.

20 Q. That's right. But you did see some of the company
21 people there walking around?

22 A. There was people walking around everywhere.

23 Q. Did you talk to any of them at the Ellis Portal or
24 at the UBB Portal, before you went in there?

25 A. Oh, yes, sir.

1 Q. Did they seem surprised by what had happened?

2 A. I think everybody was in shock.

3 Q. Did anybody ever say anything about hazards within
4 the mine?

5 A. Not that night.

6 Q. Not that night. What about any nights after that?

7 A. I've not personally talked to any of the company
8 people about that night or --- there's a lot of
9 rumors.

10 Q. Okay. When you first arrived there and you were
11 being briefed at the UBB Portal by Chris Adkins, ---

12 A. Uh-huh (yes).

13 Q. --- did he mention anything about company people
14 already being underground?

15 A. No, he did not. But I knew there was two teams
16 that had just went in the mines right ahead of us, but
17 I don't know who was with them.

18 Q. Okay.

19 A. But we seen a lot of tracks in the mine and
20 rescuers had been used, didn't have no dust on them,
21 and we made sure --- we knew that --- well, at first
22 we thought maybe survivors were out roaming around,
23 but then we found out that people had already been in
24 there because you could see fresh footprints.

25 Q. Okay. We'll come back to the rescuers.

1 A. Okay.

2 Q. On your way in, did you happen to notice the
3 conditions of the ventilation controls going up ---

4 A. Five North?

5 Q. --- before --- well, before you get --- well, not
6 just Five North, but before you get to the Ellis
7 switch coming north on that main line? Right here
8 along the Three North beltline.

9 A. No, sir. I don't remember --- it was like going
10 in from daylight to dark from the UBB South Portal in
11 to where --- where I stated earlier, where we thought
12 we started seeing evidence. It was white. It looked
13 nice. It looked pretty good.

14 Q. Did you go through any equipment doors?

15 A. Mandoors --- airlock doors?

16 Q. Yes.

17 A. Yes, sir.

18 Q. Were they electric or did you have to get out and
19 open them?

20 A. You had to manually open them. They were intact.

21 Q. What kind of shape were they in?

22 A. They appeared to be in good shape.

23 Q. Now, when you say there were two guys at the fresh
24 air base, you indicated that this was Chris Blanchard
25 and Jason Whitehead?

1 A. Yes, sir.

2 Q. And there was also a person there from MSHA?

3 A. Yes, sir.

4 Q. Did you get a chance to speak to Blanchard and
5 Whitehead? Did I hear you correctly?

6 A. Yes, sir.

7 Q. Did they happen to mention what areas they had
8 been in?

9 A. He --- somebody, I don't know who, had mentioned
10 they had been up in here, where we were going. That's
11 why they offered to go up with us, because they knew
12 the area.

13 ATTORNEY BABINGTON:

14 To clarify, you're pointing to the
15 area ---?

16 A. I'm talking about someone at the fresh air base,
17 I don't know if it was Chris Blanchard or Jason
18 Whitehead, mentioned that they had traveled the ---
19 across the crossover from Headgate One North to
20 Tailgate One North along the stopping line. And I
21 suppose that would be in the inby entry toward the
22 longwall face.

23 BY MR. STEFFEY:

24 Q. Did they ever mention why they chose to travel
25 that area right in there?

1 A. No, sir, they did not.

2 Q. Did they ever mention going anywhere else?

3 A. I think --- if I'm not mistaken, I think they had
4 already been up along the longwall track entry also
5 because we did find exhausted CSC rescuers laying up
6 in there.

7 Q. Okay. Did they mention if they had traveled
8 across the longwall face?

9 A. I'm guessing, but I think they had not because
10 of --- I don't remember, but I don't think they had.

11 Q. Did they mention anything about making it to the
12 22 Headgate or tailgate areas?

13 A. Someone had made it at some point to Headgate 22
14 because they knew the six victims were on the mantrip.

15 Q. Okay. Did Whitehead and Blanchard, did they ever
16 --- did either one of them ever actually mention using
17 an SCSR?

18 A. I remember Jason Whitehead, me and him had spoke,
19 and I do remember him talking about his eyes burning
20 the same way mine were. His eyes were bloodshot.

21 Q. Okay. Was he showing any signs of CO exposure,
22 you know?

23 A. It didn't appear to me he was.

24 Q. Didn't appear?

25 A. But I --- I'm wanting to say they did exhaust

1 them, usually had donned the rescuers, but I'm not for
2 sure.

3 Q. So you don't know where they got them from?

4 A. They're laying everywhere in the coal mines. You
5 could pick them up wherever you want. They're laying
6 everywhere.

7 Q. When you were over in here you said you saw right
8 here at the crossover from Headgate One to Tailgate
9 One, you said you saw footprints. Did you see them
10 going up the tailgate side?

11 A. No, we didn't. We just traveled across here.
12 Like I said, we didn't go up in here.

13 Q. Okay. Now, you mentioned seeing footprints going
14 up into the Headgate One area.

15 A. Track entry.

16 Q. Track entry. How far did these footprints go?

17 A. Well, my trip was only up to here, so that's where
18 I would say I seen them. I don't ---.

19 Q. Okay.

20 A. And I'm talking about up to the mouth of the
21 longwall face.

22 Q. Okay. So you did see footprints up to the mouth
23 of the longwall?

24 A. There was footprints up in there, yes, sir.

25 Q. Did Blanchard have an SCSR on his person when you

1 met him?

2 A. I don't know.

3 Q. You didn't notice that?

4 A. Didn't notice.

5 Q. What about Mr. Whitehead?

6 A. I did not notice.

7 Q. Okay. So they didn't show any signs of high CO2
8 exposure? Didn't seem disoriented or anything like
9 that?

10 A. I think they were in shock.

11 Q. In shock.

12 A. I think everybody was.

13 Q. Did they give you any indication that they thought
14 there were survivors?

15 A. I think everybody had an indication of survivors
16 until we accounted for all of them.

17 Q. Okay.

18 A. You got to have that hope.

19 Q. Oh, absolutely. I just want to clarify one thing
20 here that you mentioned earlier. Just a
21 clarification. You said these stoppings right here
22 along the crossover next to the solid coal were picked
23 up and set over.

24 A. A couple of them looked like somebody --- and I'm
25 not for sure of the exact location, but somewhere on

1 the tailgate side, it appeared that --- I noticed
2 specifically one stopping, it looked like somebody had
3 took them and just put them up against the rib.

4 Q. So they were almost intact?

5 A. No, no, no.

6 Q. They were blown apart?

7 A. They were kind of ---

8 Q. Okay.

9 A. --- up against the rib.

10 Q. I was wanting to clarify that. Okay. So
11 Blanchard and Whitehead, now, if I understood you
12 correctly, they didn't say anything about making the
13 headgate or tailgate sections, but when you went back
14 up here somebody knew that there were six victims on
15 this mantrip. Did you ever hear --- can you recall
16 ever hearing who had made that statement?

17 A. No. But somebody had made it up there because we
18 knew going into the second day that there was only
19 four missing persons.

20 Q. Had any of the mine rescue teams been up in this
21 area previously?

22 A. I'm not for sure who --- it could have been ---
23 Massey has --- their foremen, their management people,
24 are their mine rescue teams the same was as their
25 supervisors are with the inspectors. I can't

1 remember, but I remember someone saying he made it up
2 to the mantrip. And I think it was one of the team
3 members, but I don't know who that person would have
4 been.

5 Q. Okay. When you ran into Blanchard and Whitehead,
6 did they --- did either of them mention any other
7 company people who had been in the mine? Do you
8 recall any names, outside of the victims and the mine
9 rescue team members?

10 A. Someone --- I just heard someone mention --- I
11 can't even remember his first name. Persinger. Wayne
12 Persinger. I think maybe some of them had went in
13 down here to this mantrip. Somebody had brought the
14 mantrip out and all of the victims before we ever got
15 there?

16 Q. Okay.

17 A. So I don't know who done that.

18 Q. Okay. Whitehead and Blanchard, in your
19 conversations with them at the fresh air base, did
20 they mention finding any victims?

21 A. They had mentioned these victims.

22 Q. Those victims right in there. Okay. When you
23 were making your way into the --- I guess into the
24 crossover right here, was the destruction pretty
25 consistent all the way through or were there areas

1 that seemed relatively intact?

2 A. There wasn't a lot of materials in here to be
3 disturbed, ---

4 Q. Yeah.

5 A. --- but everything was black, fairly black, and
6 every stopping was damaged, the track, yeah.

7 Q. Okay. What about along the --- going up the
8 headgate?

9 A. Awful.

10 Q. Awful.

11 A. Crosscuts to the left and right, everything.

12 Q. What about this crossover going from the 22
13 Tailgate to the 22 Headgate, what was the condition of
14 the damage in that area?

15 A. The same as you seen along the Headgate One track
16 entry on the longwall. It was destruction.

17 Q. Was there any general direction to how things were
18 moved?

19 A. Well, it appears to me --- I mean, I'm not an
20 explosive or blast expert, but it appears to me the
21 last part --- I noticed the roof bolt plates along the
22 crossover between Headgate One and Headgate 22, ---

23 Q. Uh-huh (yes).

24 A. --- they used what they called the pizza pan
25 plates. They were doubled over on both sides. But it

1 appeared to me maybe, it was just my guess, that the
2 forces had --- the final forces had come across.
3 That's what it appears to me. The same on Headgate
4 22. In my opinion, the final forces came off, whether
5 it went up and came back or whatever, because this
6 individual, the last individual, the forces --- the
7 final forces had went inby and we wouldn't have found
8 what we found outby.

9 Q. So let's see here. All right. You said you
10 entered low O2 right in this area when you tried to
11 make ---.

12 A. As soon as you --- what we call break the plain
13 going into the crossover between Headgate 22 and
14 Headgate One, at the mouth of the longwall.

15 Q. You made your way up to the mantrip right here,
16 and you mentioned that the inby canopy was crushed in?

17 A. It had dropped down on top of it.

18 Q. Was that on the inby side or the outby side?

19 A. Inby side.

20 Q. Inby side. What about the outby canopy? Did you
21 say ---?

22 A. I can't remember exactly how it was.

23 Q. Okay. Do you ever remember seeing any SCSR
24 caches?

25 A. Oh, yeah.

1 Q. What type of shape were they in?

2 A. They were laying everywhere. Rescuers were laying
3 everywhere.

4 Q. What about barricades?

5 A. I don't --- one of the --- coming in, one team had
6 checked one of the outby barricade life shelters. I
7 don't know. I never did. Once we located these three
8 individuals, we didn't go looking for no life shelter.
9 We knew they didn't get to it, so we come out of
10 there. If we hadn't found these guys, we would have
11 ended up searching this whole Headgate 22 until we
12 found them. We knew they were up there.

13 Q. Did you ever talk to any of the rescue teams that
14 went across the longwall face?

15 A. Uh-huh (yes).

16 Q. Did they say anything as to the extent of the
17 damage across the longwall face itself?

18 A. I talked to a couple of the mine rescue team
19 members who could identify a couple of these
20 individuals. No, I didn't make it across the longwall
21 face. But from what I understand, the victims
22 received --- were more recognizable along the longwall
23 face than they were anywhere else that I seen.

24 Q. Okay.

25 A. It appeared, by talking to a couple of the guys

1 that did go down the longwall face, because (b) (7)(C)
2 (b) (7)(C) was one of these victims, it was
3 that flying debris is basically --- their worst lick
4 was stuff flying, because they're in a confined space.
5 There ain't nowhere to go. And one of the mine rescue
6 team members, and he's on the Massey team, and I
7 cannot think of his name, but he stated to me that he
8 felt like --- (b) (7)(C) was a
9 shearer operator, and he's not at the shearer. He was
10 somewhere along wherever they found the victims. And
11 it was one of the question, why was he not at the
12 shearer, and it's on the tail side. But he --- one of
13 the mine rescue team members made the comment that he
14 thinks maybe they --- that maybe they were trying to
15 get up the face line. I don't know. He said the way
16 they were positioned it made him think --- by him just
17 looking at them, it was his opinion that they were
18 trying to duck or head down in and under the pan line
19 or something. So I don't know.

20 Q. Did anybody mention anything about cracks in the
21 floor or anything?

22 A. No. I mean, you know, the times I'm in there, the
23 last night, we were looking for persons and not
24 looking at other stuff.

25 Q. Is there anything --- would you like to add

1 anything that you can tell us that you might have
2 heard?

3 A. No. But I did fail to tell you one thing that we
4 done on the second night in. We did stop and check a
5 set of seals going in. And I can't --- it wasn't this
6 set, so it would be the set outby.

7 ATTORNEY BABINGTON:

8 If you'd put on that 500 map which ---.

9 A. Well, our second trip in would have been on
10 Tuesday evening. We stopped and went over and checked
11 this seal right here.

12 ATTORNEY BABINGTON:

13 Okay. The seal is by set 14 on the Five
14 North belt.

15 A. I'm thinking that's the seal. I'm pretty sure
16 that's the seal. And the seal was intact and the
17 water trap was dry. There was no water in the water
18 trap. They had sucked the water out of the water
19 trap. I'm quite sure that's the seal.

20 BY MR. STEFFEY:

21 Q. Did you go to any other seals?

22 A. No. We just checked this one. Somebody else may
23 have done checked the rest of them, but I'm sure seal
24 set 14 is the seal that we checked. And again, the
25 water trap was dry. We did not detect anything in the

1 water trap.

2 Q. Let's go back to April 5th, when you guys were
3 assembling to exit the mine after you got the call to
4 pull out. Anybody else besides Blanchard and
5 Whitehead not have an apparatus?

6 A. Yeah.

7 Q. Who was that?

8 A. The MSHA supervisor.

9 Q. Do you remember who that was?

10 A. I'd rather not say.

11 ATTORNEY BABINGTON:

12 Davitt?

13 A. Are you talking about on --- no, this is on the
14 first night.

15 BY MR. STEFFEY:

16 Q. Yes.

17 A. April the 5th, the first evening we went in, ---

18 Q. Yes.

19 A. --- Blanchard and Whitehead was at the fresh air
20 base and the MSHA person, none of them had apparatus
21 that I seen. If they did, they didn't have it on
22 their backs. Everybody else was carrying theirs on
23 their back.

24 EXAMINATION

25 BY ATTORNEY MCATEER:

1 Q. Eugene, when you were briefed before you'd go
2 in --- this is on the 5th now. You testified earlier
3 that you said you were briefed and then realized how
4 bad it was. Can you tell me what the description
5 of --- that made you realize how bad it was?

6 A. Well, when I --- just getting to the mine site, I
7 mean, all the emergency medical, I was amazed how much
8 emergency medical personnel and equipment was already
9 on site. And then I seen the mantrip that they
10 brought out that had victims with black --- and then I
11 didn't realize for a couple minutes that we have
12 victims laying on the ground, covered up. I mean, I
13 sent he curtains, but what they were doing, they were
14 setting up a triage area, and they were just going ---
15 but then there was another curtain, white curtain
16 there. And then until you got started inby the Ellis
17 Switch going into the mine --- you know, we never did
18 enter the Ellis Portal.

19 Q. Right.

20 A. All of our enters and exits into the coal
21 mines --- enter and exits were out on the UBB South.
22 But until you got on up to the Four North belt
23 track --- everything looked fine until you got up
24 there, and then it was like going in from daylight to
25 dark.

1 Q. When you were in the first day --- now, this is
2 the team --- you were with the team and you were
3 ordered out because of methane levels, did anyone
4 indicate to you what the levels were?

5 A. No, sir. They just told us to exit the coal mines
6 as quick as possible.

7 Q. Had there been a (k) order issued on the mine, do
8 you know, or the state equivalent to the (k) order?

9 A. I'm not for sure. You probably would need to ask
10 Mr. Steve Snyder, the inspector-at-large of Region ---

11 Q. Okay.

12 A. --- 3 about that. I'm not for sure. He would be
13 --- that would be his responsibility.

14 Q. When Adkins briefed you on the 5th, in the
15 afternoon, did he indicate how many miners were
16 unaccounted for? Did he know a number?

17 A. I'm thinking they had a real good idea. I'm just
18 guessing. I'm thinking they had a good idea of how
19 many were missing. They just --- and you know, they
20 kept saying like 17 because they didn't know who these
21 four were. And we were not able to identify people,
22 so that's the reason they kept --- for days there were
23 17 unaccounted for. They didn't release names until
24 they made sure they put a name to the victim.

25 Q. And the mine rescue team notes that you took or

1 that anybody took, are they --- do you know where
2 those are?

3 A. My notes would be the map that I have at my
4 office.

5 Q. Okay.

6 A. I would say we didn't do any --- we were not
7 mapping. We were basically in around looking, trying
8 to find missing people.

9 Q. The burning sensation, was it --- for the eyes,
10 but was there any smell with it?

11 A. There was a smell in the atmosphere. I don't know
12 how to explain it. It wasn't like a --- it wasn't
13 like a burn, but it made you think it was burnt
14 because everything was black and you knew you'd have
15 to have ---

16 Q. Sure.

17 A. --- some type of heat. But yeah, there was a
18 smell the first night. Now, that's --- the eye
19 burning never did occur no more after that.

20 Q. Okay.

21 A. After that first night, our eyes were fine.

22 Q. And was it acidic in nature? I mean, did it ---
23 can you describe it any further?

24 A. No. Just burning my eyes. And I've asked several
25 people. I've talked to several people. You know, I'm

1 curious to what it was. And our team has got together
2 since and we've just sat and talked to check on each
3 other because, you know, this was something that a lot
4 of people had never experienced. And I was involved
5 in Sago, and I know what it done to me. And I've
6 handled this one pretty good, for whatever reason, and
7 I know what it does to people that's never experienced
8 it. So we've all got together to talk about things.
9 And the burning sensation was one of the things that
10 we talked about. I mean, we're all curious maybe what
11 it was. And we even joked, well, if it was bad, we'd
12 be dead by now, so it must not have been too bad for
13 us. And we even talked about putting our --- we
14 should have probably put our apparatuses on, but we
15 didn't, ---

16 Q. Sure.

17 A. --- so ---.

18 Q. Now, when you saw the mantrip with the collapsed
19 end on Headgate 22, you're saying that the inby side
20 was pushed down?

21 A. It looked like it was pushed down, yes, sir.

22 Q. As in force pushing it down, as in ---?

23 A. I don't know if it was force pushing down or maybe
24 the support post had broken and it was just --- but it
25 was down. Because we even talked about once recovery

1 took place, that they may have to take in some type of
2 airbag to jack it up.

3 Q. Okay.

4 A. I don't know if they done that or not. I wasn't
5 present when they got those victims off the manbus on
6 22.

7 Q. But the victims on the manbus at 22, you said they
8 were intertwined. But were they physically beaten up?

9 A. There was trauma to the bodies. All of the
10 victims were covered in soot, unrecognizable. Like I
11 said, one of them was (b) (7)(C)

12 (b) (7)(C) and I knew he was one of them,
13 but I couldn't tell you which one he was. I will make
14 this statement. The victims --- and I personally
15 witnessed 15 of them, in my opinion, in my opinion
16 only, the victims on 22 suffered the worst damage.
17 That's my opinion of what I seen.

18 Q. Well, that leads me to the last question. You've
19 looked at a good bit of this underground operation and
20 this rescue and recovery effort. From your
21 experience, where did the force begin?

22 A. Only by --- everything is dark and black. Now, I
23 did not go along the longwall face. By the condition
24 of the victims, ---

25 Q. Okay.

1 A. --- it appeared to me that the final force,
2 whichever way it went, was 22. That's my opinion.
3 And again, I'm not a blast wave or an expert on
4 anything. I don't know how that --- I'm not --- I
5 can't figure it out. I'm sure somebody will.

6 Q. But you've used on two or three occasions now the
7 word final force. Are you suggesting there were more
8 than ---?

9 A. I don't know. I mean, I've always understood the
10 blast would go and then it will come back. And I
11 don't know if that's what happened on 22, but from
12 what I seen, the force on 22, in my opinion, had to be
13 --- the last force had to go away from the last
14 victim.

15 Q. So coming outby?

16 A. Coming outby. And all those victims were
17 positioned like they were coming outby.

18 Q. Do you have any opinion as to the level of energy
19 produced by this force --- by this explosion?

20 A. No. I just --- you know, as far as safety toward
21 the coal miners in this nation, I wished --- we've got
22 a lot of young coal miners, you know. We've lost a
23 generation of coal miners. We've got a lot of young
24 coal miners. I wish we could take them all in UBB now
25 that the victims have been removed and let them look

1 at what an explosion will do, and maybe it will help
2 us down the road to get these kids, I'll call them, to
3 think about what's going on. But I know we can't do
4 that.

5 Q. But the --- you were underground at Sago. You saw
6 the force --- the indicators of force there. And
7 could you compare those indicators of force at
8 this --- at UBB?

9 A. In my opinion, there's no comparison. UBB is
10 worse. That's my opinion.

11 Q. Okay. By a large amount or ---?

12 A. A large amount of area. You know, at Sago I was
13 around the seal area up on the section, where the
14 victims were, and was outby. So UBB, the area
15 covered, is a lot worse, in my opinion. Now, I've
16 been in U.S. Steel, Pinnacle, when they had an
17 ignition. We were in there just to help recover the
18 coal mines. It reminds me a little bit of that
19 because we seen 80-pound track rails bent up. So it
20 was a pretty good force at U.S. Steel. But this was
21 bad.

22 ATTORNEY MCATEER:

23 That's all the questions. Eugene, I want
24 to thank you, too.

25 EXAMINATION

1 BY ATTORNEY BABINGTON:

2 Q. I just have a couple follow-ups. You mentioned
3 water on the Number Six North belt?

4 A. Uh-huh (yes).

5 Q. You said in ---.

6 A. Yeah. Somewhere through here, and I'm not exact
7 on the North --- after we make this --- at the Five
8 North switch, Six North switch, we walked just a
9 little ways, and then we crossed over to the neutral
10 because somebody had said there was a big waterhole.
11 So there was no reason to get wet if you didn't have
12 to. And this was a --- there's not a lot of --- it's
13 just a clear entry, so there's not a lot of stumbling
14 hazards other than loose rocks. But if you walked
15 down this track, you're going to be stumbling over
16 waterline cables and --- so we took the easiest path
17 of travel.

18 Q. Can you identify the spad number on the track
19 entry from, you know, roughly, ---

20 A. I'm guessing.

21 Q. --- from where you jumped over to the neutral
22 airway?

23 A. I'm going to guess, and this will be a guess,
24 somewhere around 19677.

25 Q. Okay. Thank you.

1 A. That's a guess.

2 Q. You talked about --- how did you compare the
3 destruction on the Headgate 22 section to the
4 destruction on the crossover area at the --- behind
5 the block on the longwall and the headgate on North
6 entry?

7 A. Okay. The destruction that I witnessed on
8 Headgate --- now, I'm only in the track entry. You
9 got to understand I've not been in the other two
10 entries. We traveled straight up the track on
11 Headgate 22, straight back out. It's bad. The
12 crossover, going from Headgate 22 to Headgate One
13 north is bad. Headgate One North, the longwall track
14 entry is bad. I did travel in some of the neutrals.
15 I didn't go down the belt much. I just went to the
16 headgate. It's bad. It's all --- basically it looks
17 --- you know, it's just bad, the same.

18 Q. Right. You talked about --- I think you went ---
19 on Friday you got on the Headgate 22 section. You
20 said you were measuring about three percent oxygen?

21 A. Correct.

22 Q. On Monday, do you recall what the oxygen levels
23 were?

24 A. I was not up there Monday. That work was done
25 bare-faced Monday. They worked Saturday into Sunday

1 correcting ventilation controls. All the recovery
2 work was done, my understanding, other than maybe a
3 mask, under fresh air.

4 Q. Okay.

5 A. I think that's protocol that you recover under
6 air --- not under air, I mean. You don't want to take
7 a chance to stumble and fall and destroy your
8 apparatus up here if you don't have to.

9 Q. Right. Did Chris Blanchard mention --- you know,
10 we talked a little bit about where he may have been.
11 Did he mention how long he had been underground since
12 the explosion?

13 A. No, he did not.

14 Q. You don't have to go into too much detail with
15 this one. You mentioned that the worst damage to the
16 bodies was done at the Headgate 22 section. (b) (7)(C)

17 (b) (7)(C)

18 (b) (7)
19 (C)

19 A. (b) (7)(C)

20 Q. Okay. One other question. This should be my last
21 one. On Headgate 22 you talked about how all the
22 bodies at the end were --- kind of seemed like they
23 were moving in one direction, and that was outby.

24 A. The last three victims it appeared to me, my
25 opinion, they were walking toward the mantrip.

1 Q. Did you see any trails on the floor behind the
2 bodies that would maybe indicate that the bodies had
3 been thrown or slid?

4 A. No.

5 ATTORNEY BABINGTON:

6 Okay.

7 A. The only thing that made me think that was where I

8 (b) (7)(C)

9 (b) (7)(C)

10 ATTORNEY BABINGTON:

11 Okay.

12 MR. STEFFEY:

13 I have one last question.

14 A. That's the only thing that I seen that would make
15 me think that a force had carried something. But
16 again, we're not --- we wasn't looking for that. I
17 mean, the investigative teams will figure all that out
18 once they get in.

19 RE-EXAMINATION

20 BY MR. STEFFEY:

21 Q. You met Whitehead and Blanchard at the fresh air
22 base?

23 A. Yes, sir.

24 Q. Did they happen to mention how they got in the
25 mine? Did they have a mantrip that was parked back

1 outby where your mantrip was parked?

2 A. There was already a couple teams underground when
3 we got here, so I don't know if they rode in with
4 those guys or they were already in the mines. I do
5 not know.

6 Q. Okay.

7 ATTORNEY BABINGTON:

8 Okay. Let's take a quick break. Off the
9 record.

10 SHORT BREAK TAKEN

11 ATTORNEY BABINGTON:

12 Let's go back on the record. Eugene, on
13 behalf of MSHA and the Office of Miners' Health,
14 Safety and Training, I want to thank you for appearing
15 and answering questions today. Your cooperation is
16 very important in the investigation as we work to
17 determine the cause of the accident.

18 We require that you not discuss your
19 testimony with any person aside from your personal
20 representative or counsel. After questioning other
21 witnesses, we may call you if we have any follow-up
22 questions that we feel that we need to ask you. If at
23 any time you have additional information regarding the
24 accident that you'd like to provide to us, please
25 contact us at the contact information that was

1 previously provided to you.

2 If you wish, you may now go back over any
3 answer you've given during this interview, and you may
4 also make any statement that you'd like to make at
5 this time.

6 A. The only statement I would like to make is my
7 times and exact locations may not be exact, but they
8 should be easily tracked through the command center
9 notes.

10 ATTORNEY BABINGTON:

11 Okay. Thank you. And again, I want to
12 thank you for your cooperation in this matter.

13

14 * * * * *

15 STATEMENT UNDER OATH CONCLUDED AT 3:10 P.M.

16 * * * * *

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Alison Salyards, a Notary Public in and
for the State of West Virginia, do hereby certify:

That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;

That the proceeding is herein recorded fully
and accurately;

That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Alison Salyards