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Transcript of the Testimony of Samuel Brewer

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STATEMENT UNDER OATH
OF
SAMUEL BREWER

taken pursuant to Notice by Cynthia Piro Simpson, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137 Beaver, West Virginia, on Wednesday, June 16, 2010, beginning at 10:15 a.m.

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

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*exhibit not attached

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ATTORNEY HAMPTON:

My name is Polly Anna Hampton. Today is June 16th, 2010. I am with the Office of the Solicitor, U.S. Department of Health. With me is Jasey Maggard, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the United States Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record right now.

MS. MONFORTON:

I'm Celeste Monforton. I'm with the Governor's special team.

MR. FARLEY:

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

MR. O'BRIEN:

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

ATTORNEY HAMPTON:

Okay. There are also several members of the investigation team also present in the room today. Mr. Maggard will be conducting the initial portion of

1 the questioning today.

2 All members of the Mine Safety and Health

3 Accident Investigation Team and all members of the

4 State of West Virginia Accident Investigation Team

5 participating in the investigation of the Upper Big

6 Branch Mine explosion shall keep confidential all

7 information that is gathered from each witness who

8 voluntarily provides a statement until the witness

9 statements are officially released. MSHA and the

10 State of West Virginia shall keep this information

11 confidential so that other ongoing enforcement

12 activities are not prejudiced or jeopardized by a

13 premature release of information. This

14 confidentiality requirement shall not preclude

15 investigation team members from sharing information

16 with each other or with other law enforcement

17 officials. Your participation in this interview

18 constitutes your agreement to keep this information

19 confidential.

20 Government investigators and specialists

21 have been assigned to investigate the conditions,

22 events and circumstances surrounding the fatalities

23 that occurred at the Upper Big Branch Mine-South on

24 April 5th, 2010. The investigation is being conducted

25 by MSHA under Section 103(a) of the Federal Mine

1 Safety and Health Act and the West Virginia Office of
2 Miners' Health, Safety and Training. We appreciate
3 your assistance in this investigation.

4 You may have a personal attorney present
5 during the taking of this statement, or another
6 personal representative if MSHA has permitted it, and
7 you may consult with an attorney or representative at
8 any time. Your statement is completely voluntary.
9 You may refuse to answer any question and you may
10 terminate your interview at any time or request a
11 break at any time.

12 Since this is not an adversarial
13 proceeding, formal Cross Examination will not be
14 permitted. However, if you have a legal
15 representative, they may ask clarifying questions.
16 Just so that the record is clear, do you have a
17 personal representative with you today?

18 MR. BREWER:

19 No.

20 ATTORNEY HAMPTON:

21 Okay. Your identity and the content of
22 this conversation will be made public at the
23 conclusion of the interview process and may be
24 included in the public report of the accident unless
25 you request that your identity remain confidential or

1 your information would otherwise jeopardize a
2 potential criminal investigation. If you request us
3 to keep your identity confidential, we will do so to
4 the extent permitted by law. That means that if a
5 judge orders us to reveal your name or if another law
6 requires us to reveal your name or if we need to
7 reveal your name for other law enforcement purposes,
8 we may do so.

9 Also, there may be a need to use the
10 information you provide to us or other information we
11 may ask you to provide in the future in other
12 investigations into and hearings about the explosion.
13 Do you understand or have any questions?

14 MR. BREWER:

15 I understand.

16 ATTORNEY BAXTER:

17 After the investigation is complete, MSHA
18 will issue a public record detailing the nature and
19 cause of the fatalities in the hope that greater
20 awareness about the causes of accidents can reduce
21 their occurrence in the future. Information obtained
22 through witness interviews is frequently included in
23 these reports. Since we will be interviewing other
24 individuals, we request that you not discuss your
25 testimony with any person aside from a personal

1 representative or an attorney.

2 A court reporter will record your
3 interview, so please speak loudly and clearly. If you
4 do not understand a question, please ask the
5 questioner to rephrase it. Please answer each
6 question as fully as you can, including any
7 information you have learned from somewhere else.

8 I'd like to thank you in advance for your
9 appearance here. We appreciate your assistance in
10 this investigation. Your cooperation is critical in
11 making the nation's mines safer.

12 After we have finished asking the
13 questions, you'll have an opportunity to make a
14 statement and provide us with any other information
15 that you believe to be important. If at any time
16 after the interview you recall any additional
17 information that you believe might be useful, please
18 contact Norman Page at the telephone number or e-mail
19 address provided to you in the letter that I gave you
20 earlier.

21 Any statements given by a miner witness
22 in MSHA are considered to be an exercise of statutory
23 rights and protected activity under Section 105(c) of
24 the Mine Act. If you believe any discharge,
25 discrimination or other adverse action is taken

1 against you as a result of your cooperation with this
2 investigation, you are encouraged to immediately
3 contact MSHA and file a complaint under Section 105(c)
4 of the Act. Do you have any questions?

5 MR. BREWER:

6 No.

7 ATTORNEY HAMPTON:

8 Okay. Could you please swear in the
9 witness?

10 -----

11 SAMUEL BREWER, HAVING FIRST BEEN DULY SWORN, TESTIFIED
12 AS FOLLOWS:

13 -----

14 ATTORNEY HAMPTON:

15 Thank you.

16 MR. FARLEY:

17 Also, on behalf of the Office of Miners'
18 Health, Safety and Training, I would like to advise
19 you that the West Virginia Coal Mine Health and Safety
20 regulations protect miners against any potential
21 discrimination. Should you experience any such
22 problem as a result of giving us this interview, you
23 may file a claim with the West Virginia Board of
24 Appeals, and I'll give you some contact information.
25 Here's my business card the business card of Mr. Bill

1 Tucker, who's also one of our lead investigators.

2 EXAMINATION

3 BY MR. MAGGARD:

4 Q. I'm going to start the questioning first. Can you
5 please state your full name and spell your last name,
6 please?

7 A. Okay. Samuel J. Brewer, B-R-E-W-E-R.

8 Q. And do you go by Samuel or ---?

9 A. I go by Chad.

10 Q. Okay. Chad, could you also give us your address
11 and telephone number?

12 A. Okay. (b) (7)(C)

14 Q. Are you appearing here today voluntarily?

15 A. Yes.

16 Q. Could you give us a description of your mining
17 experience? How much mining experience do you have?

18 A. Let's see. I was hired at Massey in November of
19 '07, and I worked in the mines three months, three
20 months prior to that. I was a red hat. When I got
21 hired in November of '07 with Massey.

22 Q. When you was hired in as a red hat, who was you
23 --- was you working directly for Massey or was
24 you ---?

25 A. Yeah, I worked for a contractor for three months.

1 Q. And who would that be?

2 A. David Stanley. David Stanley, David Stanley
3 Consultants was the name of it.

4 Q. And what did you do? How long have you worked at
5 UBB? Have you always worked at UBB?

6 A. No, when the coal prices dropped they kind of
7 moved a lot of people around. I was at Marfork. Then
8 I got moved to UBB. I was at UBB about a year and a
9 half. I think it was March of last year.

10 Q. And when you started at UBB March of last year,
11 was that from continuous? Was there any time there
12 that you went to any other jobs or ---?

13 A. No. I was at Marfork, and then I got put over to
14 UBB.

15 Q. Okay. Do you have any mining certification?

16 A. Mine electrician.

17 Q. Any other?

18 A. No. EMT. EMT mine electrician.

19 Q. And when did you get your electrical
20 certification?

21 A. June the 24th of last year.

22 Q. And where are you currently employed?

23 A. Slip Ridge Mine for Marfork Coal.

24 Q. And did you work at Slip Ridge before you came to
25 UBB?

1 A. Uh-huh (yes).

2 Q. Could you kind of tell us about your first day on
3 the job at UBB, who trained you, what did you do?

4 A. When I first sent over there I was an electrician
5 trainee still, and I still had about, I think about
6 four months to go before I could test, take my
7 electrical test. But I'd always been at small mines.
8 This was a big one, so it was a little bit different.
9 But like I said, I worked on the south side, which we
10 were --- called the portal section. We're very close
11 to the portal. A lot of times we walked in and walked
12 out just because it was faster. It was when we
13 weren't very far in there.

14 Q. And who did you --- who was you working for on the
15 south side?

16 A. Let's see. When I first ---.

17 Q. What grade ---?

18 A. I was on --- I was on hoot owl, nightshift,
19 electrician training in Three section, maintenance
20 crew basically.

21 Q. And what was it --- was that crew called a
22 specific crew number or ---?

23 A. No, no number, just hoot owl. Hoot owl.

24 Q. But for the last year and a half that you've been
25 on hoot owl the whole time?

1 A. No, after I got certified, one of the guys wanted
2 to get off the section, so I was put on the swing
3 shift and I was on swing shift for about two months as
4 a section electrician.

5 Q. And what crew was that?

6 A. Portal section. I think it was B crew. I'm not
7 real sure on that, though.

8 Q. And that was for the last two months?

9 A. Yeah.

10 Q. When was the last day that you was at UBB?

11 A. I was supposed to be on evening shift. I was
12 actually there when it happened. I was changing my
13 clothes, putting my work clothes away.

14 Q. And what was going on when you arrived?

15 A. It seemed like a normal day.

16 Q. What time did you get there?

17 A. A little before 3:00, maybe 15 'til 3:00,
18 something like that.

19 Q. Okay. Could you kind of go through what went on
20 when you got there a little before 3:00 and up until
21 when you knew that something bad had happened?

22 A. Well, I came in, was talking to a couple buddies
23 of mine. They're on other sections. It's normal. I
24 started changing clothes and heard the fan go out, it
25 sounded like. Didn't think much of it, you know? I

1 mean, things break down, something happens. And I
2 finished putting my clothes on and then one of the
3 guys came in and said, man, there's dust everywhere.
4 Something's going on.

5 So I finished getting dressed and went upstairs
6 and they couldn't get ahold of One, Two --- One
7 section, Two section of the longwall. And just we
8 figured a fall or an explosion happened. I didn't
9 know what.

10 By the time I went upstairs, I think some people
11 were --- the superintendent and mine foreman had
12 already walked underground, just took off walking. I
13 don't know that. That's just what I heard, and they
14 weren't there, so I assume that's what happened.

15 Q. And could you tell us who those individuals were,
16 the superintendent, mine foreman?

17 A. Gary May was superintendent. Rick Foster, our
18 mine foreman.

19 Q. And about what time did you walk upstairs?

20 A. It was just past ten of 3:00.

21 Q. Let's switch gears just a minute. Well, no, let's
22 stay on that a little bit. Could you tell us a little
23 bit what you seen going on as far as communication?

24 What else did you see?

25 A. A little bit before 4:00 a helicopter landed on

1 the crew sections and another --- Elizabeth Chamberlin
2 and another fellow --- I don't know who he was ---
3 came in and went straight upstairs and everybody was
4 told to go downstairs. They took over the phones and
5 told us to service mantrips. We have a scoop in the
6 shop that had just been repaired. They said get it
7 ready in case it's needed. We went over.

8 They sent everyone home except for electricians
9 and bosses. And they told us to get everything in
10 permissible manner in case it needs to go underground.
11 Make sure all the batteries were wired, all the
12 necessary equipment was on and everything. They said
13 get all the EMT boxes out, anything that we thought
14 needed to get out and get ready. So we serviced
15 mantrips, and that's basically what I did.

16 Q. So you were outside around the portal area?

17 A. I worked for 16 hours that night.

18 Q. Okay. Did you notice anybody going in and out of
19 the ---

20 A. No, they ---.

21 Q. --- North or South Portals, or who come --- while
22 you was there, who was coming out?

23 A. My section boss and two other section bosses and
24 three fire bosses were all stationed at each portal.
25 They were taking air readings. I don't know how

1 often, but I know they were down there taking air
2 readings. I noticed several of them going in and out
3 of the intake fan, taking air readings, opening doors,
4 you know, checking the air because that's what they
5 were told to do.

6 Then they said I could run the loader outside.

7 They said, start taking stuff back. Get it out of the
8 way because they knew people would be coming, mine
9 rescue and stuff. So I ran the loader for a while
10 just moving equipment, supplies and everything to the
11 back of the yard. That's what I did for about three
12 or four hours.

13 Q. Do you remember what mines --- anybody from MSHA
14 stayed or ---

15 A. I don't know.

16 Q. --- mine rescue teams, about what time they
17 arrived ---?

18 A. I knew the mine rescue teams were there pretty
19 quick. I don't remember. Like I said, I was running
20 the loader most of the time, just moving stuff. I'm
21 not sure when MSHA came. I know they had a bunch of
22 trucks, and I'm thinking it was toward dark when they
23 got there. And after I got done with the loader, I
24 was refueling it and another guy took over that so I
25 could do something else. They needed the electricians

1 to wire up the buses and vans and everything, so I
2 went to help set up power.

3 Q. Did you do anything out in the substation,
4 anything like that?

5 A. I hooked four or five 220 lines up for Department
6 of Labor and MSHA trucks. That's all I did.

7 Q. Okay. Who was your maintenance boss? Who was the
8 one that you said was outside by the portal?

9 A. Shannon Perdue. He was our section boss on Three
10 section south side.

11 Q. Who else was out there? You said a couple more.

12 A. One of them's name is Hammer. That's all I know.
13 One of them's name is Brandon. There's another fellow
14 named Droopy.

15 Q. Okay.

16 A. There was two other fellows, but I don't know
17 their names.

18 Q. Who else was out there helping you as far as
19 electricians go?

20 A. Oh, there was pretty much all the electricians
21 that were on the evening shift. Hoot owl came in
22 early to help. That's about all, just bosses and
23 electricians down there. I mean I did everything from
24 carry food upstairs to carry coolers, pop, empty trash
25 every couple hours, just whatever needed ---. I

1 helped with petroleum products, truck refuel, all
2 trucks outside at one point, just whatever was needed.

3 Q. Who was the dispatcher that was on charge that
4 day?

5 A. Greg Clay is usually the dayshift. He's our
6 purchasing clerk, slash --- that's who's outside
7 usually. There was another fellow there. I think his
8 name's Adam, but I don't know who he was. I didn't
9 talk to him much. I didn't talk to many people unless
10 I needed to.

11 Q. Yeah. Could you tell us about the last shift
12 before April 5th that the accident occurred that you
13 worked?

14 A. We were actually moving --- we were on the south
15 side over here but the rock was so thick, it was 64
16 inches of sandstone. It was too hard to mine.

17 ATTORNEY HAMPTON:

18 Just to interrupt for a second, you said,
19 over here. Could you explain to us where you're
20 pointing to right now?

21 A. The south side Three section, portal section.
22 This panel here, the last panel on that side.

23 BY MR. MAGGARD:

24 Q. The panel being around ---

25 A. Yeah.

1 Q. --- spad 24, 584, 585 area, somewhere around in
2 there?

3 A. Uh-huh (yes).

4 Q. Okay.

5 A. And we were in the process of moving over here and
6 for the past maybe three, four days before that
7 happened.

8 ATTORNEY HAMPTON:

9 Can you explain where over here is?

10 A. Toward Ellis Portal. It was called LBB, which is
11 Lower Big Branch. It was just a section of the mine
12 that hadn't been mined in a while. They've actually
13 come back to it where we were going to set up a short
14 longwall panel just while they set up for this other
15 longwall panel.

16 BY MR. MAGGARD:

17 Q. So when you say here, what --- can you ---?

18 A. I really don't know. For those three days I could
19 run a loader outside and I could run a motor, so I ran
20 supplies. That's all I did for three or four days
21 prior to the explosion. I loaded up outside. I
22 usually made three loads a day, me and another fellow.
23 That's all we did for first three or four days.

24 Q. I kind of missed it. What was the last day you
25 said you was up here on Three section?

1 A. I don't remember the day, because it was --- we
2 came in on evening shift and we were already
3 underground when they called and said, if the rock's
4 still thick all across the section, start butting it
5 off and we're going to move, so ---.

6 Q. So what equipment is currently up here that you
7 know of?

8 A. There would be two 12-12 miners, three team
9 shuttle cars, two scoops, a maintenance --- another
10 maintenance scoop's outside. Where we were moving, we
11 took our maintenance scoop outside. We were going to
12 take it with us. There were two roof bolters and a
13 feeder.

14 Q. So what all had you all moved over to the LBB
15 setup or whatever you---?

16 A. They had got us two more 12-12 miners and --- but
17 we had one roof bolter. And the last day I worked, I
18 brought --- me and two other guys brought one miner in
19 and the feeder underground. And we brought them up to
20 where the new section was going to start. We took
21 them as far as they would go until we ran out of
22 cable, and then we had to stop and told them to move
23 power up. But it was a new setup. It was completely
24 under construction, so I mean it wouldn't have ran for
25 a while.

1 Q. And at the time of the accident, do you --- if you
2 know for sure or think it was, was there still power
3 up to this area right here?

4 A. I don't have a clue.

5 ATTORNEY HAMPTON:

6 What do you mean by this area over here?

7 MR. MAGGARD:

8 I'm talking about Three section.

9 A. Three section. There would have had to have been
10 power --- our splitter box was on One South belt. It
11 would have been in this area. I'm not real sure
12 where, but it was right past the curve. It would have
13 been right here.

14 ATTORNEY HAMPTON:

15 And again, ---

16 A. Our splitter box ---.

17 ATTORNEY HAMPTON:

18 --- can you explain in words instead of
19 using --- try to refrain from using the term here or
20 right here and just use words ---

21 A. Okay.

22 ATTORNEY HAMPTON:

23 --- to describe the location of the mine
24 that you're referencing.

25 A. Midways on One South belt was a splitter box, and

1 at the splitter box you can stop the power from going
2 to the section. So more than likely they probably
3 turned the power off, because if it wasn't needed, you
4 know, they wouldn't put it up there. But I don't
5 know. I mean, I --- after we left there, I pulled my
6 toolboxes out and we never went back, so I don't know.

7 BY MR. MAGGARD:

8 Q. Could you kind of tell us about what you was
9 responsible for when you was working on the section?

10 A. On the section you pretty much fix what breaks
11 down. So I mean pretty much a repairer was all I was,
12 pretty much, just responsible for keeping everything
13 running and keep it safe and ---.

14 Q. And did you ever perform examinations?

15 A. Yeah, I have to do permissibility once a week on
16 the equipment I had. I had just the left roof bolter.
17 I had to do permissibility on it and the left shuttle
18 car.

19 Q. Did you have the Number Two scoop or any scoop,
20 battery chargers, miners or anything else?

21 A. I had a scoop the nightshift had been given, but I
22 think I took --- or, you know, I think I took it,
23 like, two weeks before we moved.

24 Q. Did you ever do anything else on the miners
25 or ---?

1 A. Yeah. I mean torque shafts. I'd do that a lot.
2 There were thick rocks that broke torque shafts a lot,
3 but nothing major. Just busted hoses and that kind of
4 stuff.

5 Q. Did you ever check methane monitors or do any work
6 on them?

7 A. No, I never had to do anything. The two miners
8 that we had up there were new, rebuilt miners and
9 everything on them was in pretty good shape, but when
10 I was on nightshift I've calibrated them several
11 times, you know. We took turns calibrating. There
12 was three other guys that dealt with them, so ---.

13 Q. And how often did you all do calibration on them?

14 A. Usually once a week.

15 Q. Once a week? Okay.

16 A. Probably not to the day, but more or less. Well,
17 I mean, we did it once a week. Sometimes wasn't a
18 exact day to the week, but ---.

19 Q. Did you all --- did you ever notice any problems
20 with calibration on the monitors, that they would read
21 low or read high or ---?

22 A. Sometimes one would read .1, but that's usually
23 about --- I mean, you know, if they read .1 we came
24 straight in and calibrated. That's what you're
25 supposed to do.

1 Q. Did you keep calibration gas on the section or did
2 you have to bring it from outside?

3 A. No, we had two. We had one on the scoop, our
4 maintenance scoop, and there was usually one on our
5 parts sled. We usually kept one there, too.

6 Q. Had you ever seen any of them not work?

7 ATTORNEY HAMPTON:

8 No?

9 A. No.

10 BY MR. MAGGARD:

11 Q. Could you kind of --- what was your procedure for
12 calibrating the methane monitor?

13 A. Well, you have to put what they call zero air on
14 it, usually for --- I used to do it for two minutes or
15 so, so it would clear. And then you put a magnet on
16 the back of the methane monitor to put it in
17 calibration mode. And then you put gas on it. It's a
18 mixture of gas, 2.5. And after the --- after
19 calibration process, let it set and then you gas it
20 off to make sure that it worked. The methane monitor
21 while calibrating, it's got to go up to 2.5 and stop.
22 If it doesn't go to 2.5 --- I never had it happen, but
23 you're supposed to change bottles and try it again.

24 Q. And when you applied the cal gas, how did you
25 apply it? What did you have to do on the sensor

1 that ---?

2 A. The calibration kit has a little cup and you put
3 it overtop the sensor and turn it on.

4 Q. Do you take the dust cap off or you leave it on?

5 A. I always leave the dust cap on, usually clean it
6 off some.

7 Q. Could you tell us a little bit about ---? And
8 have you ever been to the longwall section ---

9 A. No.

10 Q. --- or to the Headgate 22 or Tailgate 22 section?

11 A. No. I wanted to go to the longwall but I never
12 got a chance.

13 Q. As far as where Ellis Switch is at, I guess back
14 over here. Did you ever go inby Ellis Switch?

15 A. No.

16 Q. Okay.

17 A. Never been inby.

18 Q. Were you responsible for anything else outby Three
19 section as far as checking anything else, belts
20 or ---?

21 A. When I was on nightshift I had two outby pumps.
22 One was at 16 Break and one was at 18 Break on the
23 Three section, almost to the section. They were just
24 outby pumps.

25 Q. Were they in the return air course or ---?

1 A. Yes, sir. Yeah, they were over in return.

2 Q. Was both pumps working or ---?

3 A. Most of the time they didn't use them. It was
4 just kind of an overflow. If they needed them, they
5 were there. I can remember one time one pump was
6 running, but the rest of the time they were not.

7 Q. So you checked it for permissibility and ---

8 A. Yes.

9 Q. --- you did examinations on equipment on the
10 section for permissibility?

11 A. Yes.

12 Q. And just a regular weekly electrical. Did you
13 ever do any monthly electrical exam?

14 A. Yeah, we did monthly electrical. When I was on
15 nightshift we did them on the power center on the
16 section.

17 Q. And were the guys that certified it in the record
18 books or just ---?

19 A. Not on the power center.

20 Q. Okay. Could you kind of go over what you check on
21 a piece of equipment during a weekly electrical
22 examination on the section?

23 A. You check all the entrance glands and packing
24 glands, on the motors, on lights, on the packing
25 glands going into the panels, electric panels. Check

1 the gaps in between the panel lids, check the fire
2 suppression, just general maintenance. Go over it and
3 make sure that everything looks good and running in
4 real safe working order, pretty much.

5 Q. Could you kind of go over what you do in a monthly
6 electrical exam?

7 A. I didn't do much on the power center. One of the
8 other fellows, he usually did it. I think I did the
9 miner. I had just gotten certified, so he didn't give
10 me too much. I usually went over the miner and the
11 shuttle car sometimes.

12 Q. Did you have a personal handheld gas detector?

13 A. No.

14 Q. A Solaris?

15 A. No. If I had to do any cutting or welding, I
16 usually borrowed one off the boss, because he always
17 carried one.

18 Q. And you say you was hauling supplies from time to
19 time?

20 A. Yeah. Well, just to set up the new section.

21 Q. All right.

22 A. Nobody else on the section could run the outside
23 forklift, so I had to.

24 Q. Did you have anybody to assist you sometimes or
25 most time do it by yourself?

1 A. I did it by myself. It's easier, usually.

2 Q. And when you traveled underground, were you mostly
3 working from Ellis side, ---

4 A. No.

5 Q. --- supplies or from ---

6 A. I change from over here.

7 Q. --- South Portal?

8 A. There was no more room in the bath house on the
9 Ellis side, so we were still pulling from, I think the
10 UBB side.

11 Q. And when you ran the mantrip, did you have a gas
12 detector with you when you ran the mantrip?

13 A. Yeah, when we were on the mantrip, they did give
14 us one.

15 Q. Did you always have one or sometimes had one?

16 A. Well, the one over at the motor we had one every
17 time. They made sure that we did.

18 Q. Could you tell us about any kind of equipment you
19 was task trained on underground?

20 A. Well, I just went through task training. Our boss
21 went over --- everybody on the section over everything
22 on the section. Everybody had to do it.

23 Q. And who did that?

24 A. Shannon Perdue, section boss.

25 Q. And so what pieces of equipment did he task train

1 you on? Could you kind of explain what you did?

2 A. Well, being electrician I have to pretty much be
3 able to know how to run everything, so he went over
4 everything. We didn't really need to, but you know,
5 we all kind of got together and if anybody had any
6 questions ---. He was a good boss. He would show us.
7 You know, if we had questions, he'd show us. He was
8 always good to help.

9 Q. Has he always been your boss?

10 A. No, he was only my boss for, I might have said
11 that two months or so when I was on the section.

12 Q. When you first started, I guess you said, what,
13 March of last year?

14 A. Yeah, March or April, something like that.

15 Q. Who trained you on your first day?

16 A. Let's see. The guy's name was Terry. I don't
17 remember his last name. He was an electrician. He
18 was a 15-year electrician, so he was very smart, one
19 of the smartest guys I worked with, and he showed me a
20 lot. I worked with him for maybe a month or so. And
21 then I got put over there because they were
22 short-handed. A fellow had quit.

23 Q. Okay. I'm going to let Terry ask you a few, and
24 then I may get back and ask you some more.

25 A. Okay.

1 EXAMINATION

2 BY MR. FARLEY:

3 Q. Okay. I think you said that on your last day at
4 UBB that you moved a ---?

5 OFF RECORD DISCUSSION

6 BY MR. FARLEY:

7 Q. I think you said on your last day of work at UBB
8 that you and another guy had moved a continuous miner
9 machine and a feeder to the area where the portal
10 section would be moved; is that right?

11 A. Yes.

12 Q. Okay. And is that right here? Is that where you
13 moved them to, where I'm pointing to on the map?

14 A. Let's see. I'm not real sure and I'll tell you
15 why. When I came --- I hauled supplies up to the
16 section, or up to the new setup. I hauled waterline
17 in.

18 Q. Uh-huh (yes).

19 A. And they said, well, you're an electrician and you
20 should be over here helping them, and we don't need
21 anymore supplies hauled in. So I walked, I think it
22 was 13 breaks out the intake for the new section, and
23 I came out the Ellis Portal. And a couple of fellows
24 I had worked for --- worked with before were out there
25 getting ready to tram the miner in, so all I did was

1 help carry and move the cable while they trammed the
2 miner in.

3 Q. Okay. Who were the other two guys?

4 A. Rick Nicolau and a guy --- his name's Nate. I
5 don't remember his last name.

6 Q. Rick Nicolau's a --- he's the electric foreman?

7 A. Yeah. He was the maintenance foreman for, I think
8 One section.

9 Q. Okay. Now, when actually was the last day that
10 you worked?

11 A. Well, I worked the day of the explosion, but I
12 worked the --- I think it was Friday before that. I
13 think that was a two-day weekend for us.

14 Q. Okay. Now, would that be April 2nd?

15 A. Yes.

16 Q. Friday?

17 A. We were on the dayshift that week.

18 Q. Is that the day that you and Nicolau and Nate
19 brought the continuous miner in ---

20 A. Yes.

21 Q. --- the Ellis Portal? Okay. Now, which entry did
22 they tram it up into?

23 A. I think it was in the intake. No, I take that
24 back. No. I think there was no doors when we came
25 in, so it couldn't be the intake. It may have been

1 neutral. That would've been down in here.

2 ATTORNEY HAMPTON:

3 Again, could you refrain from using here?

4 BY MR. FARLEY:

5 Q. And did you bring it up the track entry?

6 A. No, it was the entry right beside it.

7 Q. Okay. And that would be ---?

8 A. And there were stoppings on it.

9 Q. And that would be the Number One entry as you
10 traveled inby from Ellis Portal?

11 A. Well, I know there's one more portal over ---.
12 Does this red represent the belt, because I believe
13 the belt ---?

14 Q. I think so.

15 A. Okay. So it would have been over here.

16 Q. Okay. And where did you actually --- which portal
17 did you actually enter?

18 A. It was to the side. Like I said, when I came up
19 they had already started the miner into the portal,
20 and I never even actually walked out. I just came up
21 there and we started grabbing cable.

22 Q. Okay. Now, was this on the dayshift on April 2nd?

23 A. Yes, it was on dayshift.

24 Q. Okay. Now, how far did you guys take the miner?
25 Where did you end up with it?

1 A. I think the miner would have had about 600 or 700
2 feet of cable. And then we took it that far, and then
3 there was a move box, and we hooked it to the move box
4 and went probably 10 or 15 more breaks. I don't
5 really know, though.

6 Q. Okay.

7 A. Pulling cable, I was out of breath. I wasn't
8 counting much, just moving.

9 Q. Did you turn left at ---

10 A. Yeah, I remember turning left.

11 Q. --- this first switch area?

12 A. I would say that we were coming down this neutral
13 to the side.

14 ATTORNEY HAMPTON:

15 Would it be more helpful to maybe mark
16 the map ---

17 MR. FARLEY:

18 Sure.

19 ATTORNEY HAMPTON:

20 --- the areas he's discussing? Okay.

21 I'm handing you a marker that is pink in color. If
22 you could mark on the map the areas that you're
23 discussing and maybe label ---?

24 BY MR. FARLEY:

25 Q. Just the best you can, show the --- mark the

1 direction of travel when you moved the continuous
2 miner on Friday, April 2nd.

3 WITNESS COMPLIES

4 BY MR. FARLEY:

5 Q. Okay. Now, what time did you finish with the
6 move?

7 A. As soon as we got the miner up there, we went back
8 and got the feeder. Me and Rick pulled the miner up
9 here as far as I did. And Nate walked out and started
10 the feeder in, because it was getting close to
11 quitting time.

12 Q. Okay.

13 A. So he went ahead and started out and we brought
14 the feeder in the same line that they did.

15 Q. Okay. Now, did you have to knock any stoppings on
16 the way in?

17 A. No.

18 Q. Okay. Which way was the airflow in the entry you
19 traveled?

20 A. It was flowing outby.

21 Q. Okay.

22 ATTORNEY HAMPTON:

23 Could you make an arrow?

24 A. Yeah.

25 WITNESS COMPLIES

1 BY MR. FARLEY:

2 Q. Okay. All the way?

3 A. Yeah. It was --- I mean not real strong like an
4 intake, but I mean it was a little bit of airflow.
5 You could feel.

6 Q. And if I understood your earlier answer correctly,
7 you've never been inby the Ellis Switch area or ---

8 A. No, sir.

9 Q. --- the north side of the mine; is that correct?

10 A. Yeah. And I do recall two doors up here, because
11 he bumped the one.

12 Q. Can you mark the location of the doors as best you
13 can?

14 ATTORNEY HAMPTON:

15 Yeah.

16 A. They were around here somewhere.

17 ATTORNEY HAMPTON:

18 And the witness is writing the word doors
19 on the map in pink.

20 A. There was a set of double doors.

21 BY MR. FARLEY:

22 Q. Okay.

23 A. I do remember that.

24 Q. Now, did you go through the doors one at a time?

25 A. Yeah. And then once we got in here, you could

1 feel a little bit of air.

2 Q. Okay. And as you were moving the mining machine
3 and the feeder in, was the mine in normal production?
4 Were they --- underground sections all producing coal
5 at that time?

6 A. As far as I know. I didn't actually go to the
7 belt lines, so I wasn't real sure.

8 MR. FARLEY:

9 Okay. I don't think I have anything else
10 right now.

11 EXAMINATION

12 BY MS. MONFORTON:

13 Q. All right. Hi, Mr. Brewer. Thank you so much for
14 appearing here today. Can you tell me if you have
15 been interviewed by anyone representing Massey?

16 A. Yeah, about maybe two weeks ago I went down to the
17 Marfork office and met with some Massey
18 representatives. They especially wanted to know if we
19 seen anything unsafe, if we ever felt unsafe. Was
20 there anything that, you know, we wanted to come forth
21 with or --- they were very plain in telling us to tell
22 everything the truth. Don't hide nothing, you know?
23 They said if you want to tell anybody the truth. They
24 said that there would probably be several
25 investigators and people talk to you. And they said,

1 tell them the truth. Don't hide anything. Massey has
2 nothing to hide and neither should you, so ---.

3 Q. Did they make a statement? Did you write a
4 statement out? Did they have you sign anything?

5 A. No.

6 Q. Did they ask you or offer to you to accompany you
7 here today?

8 A. Yes, they did offer.

9 Q. How did they state their ---?

10 A. They said ---.

11 Q. How was that presented to you?

12 A. They said if we felt like we needed legal
13 representation that Massey would be more than happy to
14 help with that or they would go with us if we needed
15 them to.

16 Q. Did they ask you to notify them --- if you were
17 interested in that, did they ask you to notify them
18 when you were scheduled for an interview here?

19 A. No.

20 Q. Okay. We've heard a few other miners talk about
21 the Raymond Safety Program ---

22 A. Uh-huh (yes).

23 Q. --- that the mine has. Can you explain that
24 program a little bit?

25 A. You receive points for working safe. If you as an

1 individual work safe, you as a section group work
2 safe, you get so many points. And if the mine works
3 safe, you get so many points.

4 Q. And what was defined as working safe?

5 A. No accidents, no lost-time accidents, basically
6 work safer, less accidents and they'd reward you for
7 it. It was a good program, I think.

8 Q. Yeah. What would happen if someone had a lost
9 time accident? How would that affect the points?

10 A. Well, I mean you wouldn't get as many points, you
11 know. To a lot of guys, I mean it's no big deal. I
12 mean, you --- they're giving you something free if
13 everybody works safe. You know what I mean? It did
14 make a lot of people --- I know myself was a little
15 more conscientious about working, you know. Some
16 things --- I mean, I don't think it was a big thing.
17 I mean it was nice to have. It was a good program.

18 Q. Did you ever feel that maybe people wouldn't
19 report something because it would affect, you know,
20 the rest of the crew's points?

21 A. I've never felt that way at all. I mean, if there
22 was an accident, I mean everybody, bosses,
23 superintendents, everybody was --- if there's an
24 accident, you report it, you know, because you
25 wouldn't want something to happen or later or, you

1 know, get worse. They're big on that.

2 Q. It's my understanding that earlier this year, at
3 UBB they did the installation of their electronic
4 tracking system.

5 A. Uh-huh (yes).

6 Q. Were you involved in that installation at all, ---

7 A. No.

8 Q. --- being an electrician?

9 A. No, they had a crew that pretty much did it. They
10 went to a special school and it was pop electronics
11 and they do it good.

12 Q. And was it your understanding that on the day of
13 the explosion that that system was operational? Was
14 it fully working?

15 A. To my knowledge, it was.

16 Q. And what kind of training did you get on that
17 system of how it was supposed to work for you when you
18 were underground?

19 A. When the system first came on, the guys who
20 installed it, they kind of went over it with us, what
21 everything does and told us about the emergency button
22 on the tracker, how to use the radio, what channels
23 were what. And they had the channels posted of, you
24 know, what channels were emergency channels, what were
25 normal channels and the section channels.

1 And then they had some problems with radios
2 interfering with the continuous miners. So we weren't
3 allowed to take them on the section. We used them
4 pretty much for communication outside, traveling in
5 and out, calling for the road to make sure no one else
6 was going in.

7 But the tiger ears that we had, they worked good,
8 because I actually only hit my button, like, twice, so
9 they were good. And they holler and holler and holler
10 and holler for you until you answer.

11 Q. So how did that work? You accidentally hit
12 your ---?

13 A. I carry a lot of tools in my belt, and I put the
14 tracker on the back, just wherever I had the most
15 room. And just moving around equipment and crawling
16 under everything, I hit the button several times,
17 but ---.

18 Q. And then someone went on the mine phone and ---

19 A. Yeah.

20 Q. --- started hollering for you?

21 A. Yeah. Well, all of our phones have strobes on top
22 and --- because it's loud up near the phone, so the
23 strobe light blinks to let you know that somebody's
24 trying to reach the section. And the fellows that run
25 the shuttle cars, they're going right by it all the

1 time, so they see it and get me or the boss or
2 somebody else to see what they need.

3 Q. Okay. Did you ever accompany a State or Federal
4 inspector on a --- when they were there doing an
5 inspection?

6 A. I had one inspector that I was with. I'd just
7 first got on the section. He came on evening shift
8 and the evening shift outby electrician came with him
9 and brought him to the section. He went over the
10 equipment. We had no problems, no violations. And he
11 checked, he checked a lot. He was there for a good
12 while.

13 Q. Was that something that they discuss during safety
14 meetings, any citations that the mine got?

15 A. Not to my knowledge.

16 Q. No?

17 A. I mean, you know, they wanted us to run safe. I
18 mean, they didn't --- I mean, I had to power ---
19 something wasn't quite right, I'd shut it down, no
20 questions asked.

21 Q. Uh-huh (yes).

22 A. I mean, it was ---.

23 Q. Did you ever do that?

24 A. Yeah. I mean, if --- I walk around the section a
25 lot to each piece of equipment, seeing if, you know,

1 something's wrong. And all I did was walk around a
2 lot, basically, on a section, fixing hoses and small
3 problems, you know, cables a lot. And cables are
4 running back and forth a lot. I had to shut several
5 head down, fix cable splices. I mean, it's just
6 normal stuff that happens. Our section was pretty
7 good. We didn't have a lot of problems.

8 MS. MONFORTON:

9 All right. Thank you very much.

10 RE-EXAMINATION

11 BY MR. MAGGARD:

12 Q. When Massey asked you how you felt about the mine,
13 was it safe, how did you answer that?

14 A. I felt safe. It was a big mine. It had a lot of
15 people. I felt we had a lot of experience. The guys
16 in charge had a lot of experience and I felt like they
17 knew what they were doing.

18 Q. Had you ever heard any of the other men express
19 any kind of concerns on the other sections or ---?

20 A. No, no.

21 Q. Does anybody in upper management or during safety
22 meetings or ---?

23 A. Well, on the other side of the mountain, they
24 portal from over there, so all the longwall guys, all
25 the Headgate 22 and Tailgate 22, they all portal over

1 there. So I never really talked to them. There was
2 one section over here called the barrier section. I
3 think they were driving right here.

4 ATTORNEY HAMPTON:

5 And again, can you explain in words ---

6 A. Yes.

7 ATTORNEY HAMPTON:

8 --- where over here is ---?

9 A. It was at 52 Break. Yeah, 52 Break. That was the
10 barrier section. They portal at the UBB side. They
11 were guys from Parker Peerless Mine. Now, they shut a
12 section down over there and brought them over here.
13 But that was the only people that we seen on that side
14 of the mountain.

15 BY MR. MAGGARD:

16 Q. On the April 2nd, you was over here. Where did
17 they leave the move box at in the area you have
18 marked?

19 A. They took a scoop and took it back outside,
20 because I was driving scoop while they left the cable
21 in it, because I had left the cable before, so we took
22 turns. But yeah, we took the move box back outside.

23 ATTORNEY HAMPTON:

24 I'm going to ask the witness to actually
25 write April 2nd in the area that we've been discussing

1 on the map so that we're clear.

2 BY MR. MAGGARD:

3 Q. And the feeder that you all took up there, was it
4 a permissible feeder?

5 A. It was a brand new feeder. It was a Cogar feeder,
6 and I wasn't real familiar with it. Like I said, I
7 moved cable. They trammed it, so ---.

8 Q. Think back before the April --- or on April 2nd
9 you didn't go to Three section, did you?

10 A. No, sir.

11 Q. Can you kind of guess when you went back or when
12 you went to Three section before that?

13 A. It would have probably been either that Saturday
14 or that Monday.

15 Q. When you was up there, was your radio working?

16 A. Uh-huh (yes).

17 Q. And how far --- what was it working to?

18 A. My toolbox was right at the end of the track, and
19 I know it worked there.

20 Q. Could you show us where the end of the track was?

21 ATTORNEY HAMPTON:

22 I'm handing you an orange marker. If you
23 could mark the area in the Three section.

24 WITNESS COMPLIES

25 ATTORNEY HAMPTON:

1 The witness just wrote, end of track, in
2 orange on the map.

3 BY MR. MAGGARD:

4 Q. And as you walked in from the South Portal side,
5 when did you contact the dispatcher? What locations?
6 How did you do that?

7 A. Well, when we got our cap light we had to walk
8 right by the dispatcher.

9 Q. Okay.

10 A. So we would normally tell him, hey, we're going
11 onto the section.

12 Q. And that would be the only time you'd communicate
13 with him as far as telling him where you were going?

14 A. Yeah.

15 Q. Okay. Was you ever working on Three section when
16 the fan quit or did you have any fanning problem on
17 the south side?

18 A. Not to my knowledge.

19 Q. You never knew a fan there would stop, ---

20 A. No, I do remember it ---.

21 Q. --- that's not working or ---?

22 A. I was on evening shift one time and the fan motor
23 --- I think it grounded out, and --- but we were
24 already outside and nightshift had just came in, and
25 they were taking it apart and changing. But that's

1 the only fan trouble I remember having. That's just
2 electric motors. They go down. I mean, it's ---.

3 Q. But there was, I mean, going inside ---?

4 A. No, we already came out. That was the end of our
5 shift.

6 Q. Was any of the other shift working on the north
7 side or ---?

8 A. I don't know. Like I said, they were coming.

9 Q. About when did that happen? Do you know?

10 A. I don't have a clue.

11 Q. Was it in the last month, two months or ---?

12 A. Like, two months.

13 Q. Did you ever work on the CO system?

14 A. No. No, I never did. They had two outby guys
15 that usually took care of the COs and the belt heads
16 and pretty much all the outby stuff.

17 Q. Did you ever detect any --- see any methane
18 detected on Third section?

19 A. No.

20 Q. Never seen the miner read anything or ---?

21 A. No.

22 Q. Did you ever see the ventilation controls knocked
23 down while the miner was running and not running
24 properly or anything that you had to correct or that
25 you noticed that ---?

1 A. I don't know; sometimes the scoop would pull the
2 curtain down and ---. We had a good scoop man. He
3 always hung it back up. Sometimes the buggies would
4 tear a fly pad down, but our boss was very big on
5 ventilation. I mean, he could lose his job over it.
6 So everybody on the section, we had a pretty good crew
7 over there. We always took care of it pretty good.

8 Q. Did you all ever have any problems, any kind of an
9 inspectors running --- wrote any citations or did you
10 have any problem at all with any --- not having enough
11 ventilation on the section?

12 A. Not to my knowledge.

13 Q. Okay. When you were working on the section did
14 you --- how many times would you say that an inspector
15 had been to that section in the last year that you
16 were there?

17 A. Well, I had an inspector.

18 Q. State or Federal?

19 A. On nightshift I remember maybe three or four, but
20 I mean, they ran two other shifts. I don't know.

21 Q. When they come to the section, were you notified
22 that they'd be coming? Did they tell you they was
23 going to be coming to the section?

24 A. Sometimes they told us outside, you know?
25 Sometimes they were there waiting for us, you know.

1 They'd go in with us. I mean, most of the time they
2 rode in with us.

3 Q. Were you ever on a section that an inspector
4 showed up, but you didn't know he was coming?

5 A. Uh-huh (yes). When we were on nightshift, a
6 couple of them did. But most of the time we would
7 know. But if they were outside waiting to come in,
8 then we knew.

9 Q. Did you ever feel that you could --- or did
10 anybody else feel that they could be retaliated
11 against for reporting concerns or safety issues to
12 mine management?

13 A. I never felt like that. I mean, if it's wrong,
14 it's wrong. I mean, it's not like they can --- it is
15 what it is. They were pretty straight up.

16 MR. MAGGARD:

17 I think that's probably all I got.

18 RE-EXAMINATION

19 BY MR. FARLEY:

20 Q. On April 5th, 2010, you were dressing as the
21 explosion occurred.

22 A. Uh-huh (yes).

23 Q. When you arrive --- or during the time immediately
24 after the explosion, did you see --- what management
25 people were around in the mine office at that time?

1 A. A lot of the --- well, most of the electricians.
2 Our outby chief was there. My dayshift chief was
3 there. Later that night I remember seeing Gary May,
4 our superintendent there and Rick Foster, the mine
5 foreman.

6 Q. Let's say within the first hour.

7 A. First hour?

8 Q. After the explosion.

9 A. I was pretty impressed that Elizabeth Chamberlin
10 and Chris Adkins were there. They were there before
11 four o'clock. They were there real quick, mine rescue
12 very shortly after that.

13 Q. All right. Now, did you see any other management
14 people like the Performance president, Chris
15 Blanchard, or ---?

16 A. To my knowledge, Blanchard, Chris Blanchard went
17 underground at the Ellis side shortly after the
18 explosion. And I seen him there maybe --- I think it
19 was real early in the morning, two, three o'clock in
20 the morning. I think I was refueling trucks. Him and
21 some other people came in. Like I said, when the
22 people were upstairs, we weren't really allowed up
23 there, so we didn't go.

24 Q. Okay. When you say you saw them two or three
25 o'clock in the morning, you mean April 6th?

1 A. Yes, this would have been April 6th.

2 Q. Okay.

3 A. And he was dressed in underground clothes and
4 dirty.

5 Q. Okay.

6 A. For a president, that's out of the ordinary. So
7 you know he was underground.

8 Q. Okay. All right. Do you have any ---?

9 MR. MAGGARD:

10 Never mind. That's it.

11 MS. MONFORTON:

12 Thanks.

13 RE-EXAMINATION

14 BY MS. MONFORTON:

15 Q. I have two more questions. Before Shannon Perdue,
16 the name of your boss, do you remember the name of
17 your boss before?

18 A. Before him?

19 Q. Yeah.

20 A. Jody Price was my maintenance foreman on the
21 nightshift.

22 Q. And Mr. Brewer, just knowing that you've worked at
23 this mine for some time, do you have any idea about
24 what might have happened?

25 A. I really don't have any idea. Like I said, I've

1 never even seen gas on Three section. I've never seen
2 any of the miners --- I've never seen a multi-gas
3 detector go off. I do know that a multi --- the
4 Solaris detectors would go off. Like, if I did a gas
5 check before I was doing some cutting with the torch,
6 if acetylene got into it, it would set it off like it
7 was methane. But I mean, I never had any problem
8 other than that.

9 Q. So thinking back to the day of the incident and
10 the weeks before, you don't have any ideas of what
11 might have happened?

12 A. Uh-uh (no).

13 MS. MONFORTON:

14 No? Okay. Thank you.

15 ATTORNEY HAMPTON:

16 Let's take a two-minute break. Go off
17 the record.

18 SHORT BREAK TAKEN

19 MR. MAGGARD:

20 Like I said, I want to ask a few more.

21 RE-EXAMINATION

22 BY MR. MAGGARD:

23 Q. Do you know if anybody was scheduled to work April
24 the 3rd?

25 A. I don't have any idea.

1 Q. So I guess this April 2nd date, was that the last
2 day anybody was scheduled to work that you know of?

3 A. That I know of. I mean, we were on dayshift. Of
4 course they would have second shift. There shouldn't
5 have been no nightshift, to my knowledge, but like I
6 said, I didn't --- I only went to that bath house one
7 time, and that's just because I drove up to it because
8 I wanted to see it, but that's it.

9 Q. Back in March, March until last year; okay? When
10 you started last year, you just worked on the south
11 section the first day; is that right? Or did you work
12 anywhere else?

13 A. There was a Four section. I really don't know
14 where it was, because I was only there, like, two
15 days.

16 Q. Okay.

17 A. On the second day I had to walk out the intake,
18 and it took, like, two hours. I do remember that,
19 because it was a long walk.

20 Q. Did you just go in the South Portal and come back
21 out the South Portal or ---?

22 A. No, we actually came in the North Portal. I'm
23 sure --- this may have been the Four Section area
24 here. But I remember he told us we walked all the way
25 around the mountain and come back out on the south

1 side in the intake, so ---. It's not on this map,
2 because it --- this had been shut down. It only ran
3 for a little while.

4 ATTORNEY HAMPTON:

5 Could you label the area where you
6 believe the Four section was?

7 WITNES COMPLIES

8 A. I think this is Four section. I'll just write
9 possible Four section, because I don't know.

10 ATTORNEY HAMPTON:

11 Thank you.

12 BY MR. MAGGARD:

13 Q. On April 2nd was there anybody else up at this new
14 section that --- was there anybody else up at this new
15 section, the LLB section that you were starting and
16 working when you all was moving your miner and feeder?

17 A. Well, the rest of my section guys were laying
18 waterline down. I think I hauled waterline in two
19 days prior, because there was no waterline up there.
20 So I know they were putting that in, and a lot of them
21 put belt structure in. But that's it, to my
22 knowledge.

23 Q. Was the longwall producing that day in the
24 tailgate and headgate sections or ---?

25 A. I have no idea. Like I said, I never even went to

1 the belts. I ran a motor in and there was no belt
2 lines on the track line. And then I walked out that
3 intake a couple times. That was it.

4 Q. But there was people on the other sections working
5 and ---?

6 A. To my knowledge.

7 MR. MAGGARD:

8 I guess that's all I got.

9 RE-EXAMINATION

10 BY MR. FARLEY:

11 Q. On April 5th, 2010 after the explosion, can you
12 identify the first rescue --- mine rescue teams to
13 arrive?

14 A. Massey.

15 Q. Okay. Which particular location did they come
16 from?

17 A. I do not know.

18 Q. But would that have been the first two teams or
19 more?

20 A. I'm pretty sure the first two teams were Massey
21 teams.

22 Q. Can you identify any others after those that
23 arrived?

24 A. ICG was close after that. But after that I ran
25 that loader. I didn't see much.

1 MR. FARLEY:

2 Okay. Thank you.

3 ATTORNEY HAMPTON:

4 Okay. I'm going to mark the map that

5 we've been discussing as Exhibit One Brewer June 16th,
6 2010.

7 (Brewer's Exhibit One marked for
8 identification.)

9 ATTORNEY HAMPTON:

10 On behalf of MSHA and the Office of

11 Miners' Health, Safety and Training, I want to thank
12 you for appearing and answering questions today. Your
13 cooperation is very important to the investigation as
14 we work to determine the cause of the accident. We
15 request that you not discuss your testimony with any
16 person aside from a personal representative. After
17 questioning other witnesses, we may call you if we
18 have any follow-up questions. If at any time you have
19 any additional information regarding the accident that
20 you'd like to provide to us, please contact us at the
21 contact information that was provided to you in the
22 letter.

23 If you wish, you may now go back over any

24 answer you've given during this interview or make any
25 statement that you would like at this time. Is there

1 anything else you would like to say?

2 A. No.

3 ATTORNEY HAMPTON:

4 Okay. Again, I'd like to thank you for

5 your cooperation in this matter. Thank you. Off the

6 record.

7

8 * * * * *

9 STATEMENT UNDER OATH CONCLUDED AT 11:25 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Cynthia Piro Simpson, 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.



Cynthia Piro Simpson