

01 STATEMENT UNDER OATH  
02 OF  
03 HARMON NEIL JORDAN

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05  
06 Taken pursuant to Notice by Miranda  
07 D. Elkins, a Court Reporter and  
08 Notary Public in and for the State of  
09 West Virginia, at the U.S. Bankruptcy  
10 Court, 324 West Main Street,  
11 Clarksburg, West Virginia, on  
12 Tuesday, January 24, 2006, at 11:32  
13 a.m.

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01

I N D E X

02

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P R O C E E D I N G S

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MR. O' DONNELL:  
My name is Joe  
O' Donnell. I'm an accident  
investigator with the Mine

07 Safety & Health  
08 Administration, an agency of  
09 the United States Department  
10 of Labor.

11 With me is Bob Wilson,  
12 from the Solicitor's Office,  
13 and Doug Conaway, with the  
14 West Virginia Office of  
15 Miners' Health, Safety &  
16 Training.

17 I've been assigned to  
18 conduct an investigation into  
19 the accident that occurred at  
20 the Sago Mine on January the  
21 2nd, 2006, in which 12 miners  
22 died and one was injured.

23 The investigation is  
24 being conducted by MSHA and  
25 the West Virginia Office of

9

01 Miners' Health, Safety &  
02 Training to gather information  
03 to determine the cause of the  
04 accident, and these interviews  
05 are an important part of that  
06 investigation.

07 At this time, the  
08 accident investigation team  
09 intends to interview a number  
10 of people to discuss anything  
11 that may be relevant to the

12 cause of the accident. After  
13 the investigation is  
14 completed, MSHA will issue a  
15 written report, detailing the  
16 nature and causes of the  
17 accident.

18 MSHA accident reports  
19 are made available to the  
20 public in the hope that  
21 greater awareness about the  
22 causes of accidents can reduce  
23 their occurrence in the  
24 future. Information obtained  
25 through witness interviews is

10

01 frequently included in these  
02 reports. Your statement may  
03 also be used in other  
04 enforcement proceedings.

05 I'd like to thank you  
06 in advance for your appearance  
07 here. We appreciate your  
08 assistance in this  
09 investigation. The  
10 willingness of miners and mine  
11 operators to work with us is  
12 critical to our goal of making  
13 the nation's mines safer.

14 We understand the  
15 difficulty for you in  
16 discussing the events that  
17 took place, and we greatly



18 appreciate your efforts to  
19 help us understand what  
20 happened.

21 This interview with Mr.  
22 Jordan is being conducted  
23 under Section 103(a) of the  
24 Federal Mine Safety & Health  
25 Act of 1977 as part of an

11

01 investigation by the Mine  
02 Safety & Health Administration  
03 and the West Virginia Office  
04 of Miners' Health, Safety &  
05 Training into the conditions,  
06 events and circumstances  
07 surrounding the fatalities  
08 that occurred at the Sago  
09 Mine, owned by International  
10 Coal Group in Buckhannon, West  
11 Virginia, on January the 2nd,  
12 2006.

13 This interview is being  
14 conducted at the U. S.  
15 Bankruptcy Court in  
16 Clarksburg, West Virginia, on  
17 January 24th, 2006.

18 Questioning will be  
19 conducted by representatives  
20 of MSHA and the Office of  
21 Miners' Health, Safety &  
22 Training. This is not an

23 adversarial proceeding,  
24 therefore cross examination  
25 will not be permitted.

12

01 Mr. Jordan, the  
02 interview will begin by my  
03 asking you a series of  
04 questions. If you do not  
05 understand a question, ask me  
06 and I'll rephrase it. Feel  
07 free at any time to clarify  
08 any statements that you make  
09 in response to the questions.  
10 After we have finished asking  
11 questions, you will have an  
12 opportunity to make a  
13 statement and provide any  
14 other information you believe  
15 is important.

16 If at any time after  
17 the interview you recall any  
18 additional information that  
19 you believe may be helpful in  
20 the investigation, please  
21 contact Richard Gates at the  
22 phone number or e-mail just  
23 provided to you. And this is  
24 the business card for Mr.  
25 Gates and Mr. Conaway.

13

01 Your statement is  
02 completely voluntary. You may  
Page 10

03 refuse to answer any question,  
04 and you may terminate your  
05 interview at any time. If you  
06 need a break for any reason,  
07 please let me know.

08 The court reporter will  
09 record your interview and will  
10 later produce a written  
11 transcript of the interview.  
12 Please try and respond to all  
13 the questions verbally since  
14 the court reporter cannot  
15 record nonverbal responses.  
16 Also, please try to keep your  
17 voice up. Copies of the  
18 written transcript will be  
19 available at a later time.

20 If any part of your  
21 statement is based not on your  
22 own first-hand knowledge but  
23 on the information that you  
24 learned from someone else,  
25 please let us know. Please

14

01 answer each question as fully  
02 as you can, including any  
03 information you have learned  
04 from someone else.

05 We may not ask the  
06 right questions to learn the  
07 information you have, so do

08 not feel limited by the  
09 precise question asked. If you  
10 have information about the  
11 subject area of a question,  
12 please provide us with that  
13 information.

14 At this time, Mr.  
15 Conaway, do you have anything  
16 you'd like to add on behalf of  
17 the State?

18 MR. CONAWAY:

19 Yes. We just have some  
20 preliminaries we have to go  
21 through here before we get  
22 started. It's just a  
23 formality. And then once we  
24 get started, Mr. O'Donnell  
25 will do the primary

15

01 questioning, and I'll just  
02 follow up with a few things.  
03 But I've got a statement here.

04 The West Virginia  
05 Office of Miners' Health,  
06 Safety & Training is  
07 conducting this interview  
08 session jointly with MSHA and  
09 are in agreement with the  
10 procedures outlined by Mr.  
11 O'Donnell for these interviews  
12 that will be conducted here  
13 today. But the Director

14 reserves the right, if  
15 necessary, to call or subpoena  
16 witnesses or require the  
17 production of any record,  
18 document, photograph or other  
19 relevant materials necessary  
20 to conduct this investigation.

21 Mr. O' Donnell.

22 MR. O' DONNELL:

23 Mr. Jordan, you are  
24 permitted to have a  
25 representative with you during

16

01 the interview, and you may  
02 consult with your  
03 representative at any time.  
04 You may designate any person  
05 to be your representative. Do  
06 you have a representative with  
07 you?

08 MR. JORDAN:

09 Yes. Marco represents  
10 me.

11 MR. O' DONNELL:

12 Do you have any  
13 questions regarding the manner  
14 in which this interview will  
15 be conducted?

16 MR. JORDAN:

17 No.

18 MR. O' DONNELL:

19 Okay. Would you please  
20 swear in Mr. Jordan?  
21 -----  
22 HARMON Neil JORDAN, HAVING FIRST BEEN  
23 DULY SWORN, TESTIFIED AS FOLLOWS:  
24 -----  
25 BY MR. O' DONNELL:

17

01 Q. The first question we'd like  
02 to ask is did you talk to anyone  
03 about your interview statement here  
04 today? If so, could you identify  
05 them?

06 A. No.  
07 ATTORNEY RAJKOVICH:  
08 Other than Counsel.

09 BY MR. O' DONNELL:

10 Q. Could you please state your  
11 full name and spell your last name?

12 A. It's Harmon Neil Jordan. Last  
13 name, J-O-R-D-A-N.

14 Q. And your address and phone  
15 number?

16 A. Is P. O. Box 143, Hacker  
17 Valley, West Virginia, 26222. Phone  
18 number is 493-6593.

19 COURT REPORTER:  
20 Could you repeat your  
21 address one more time?

22 A. P. O. Box 143, Hacker Valley,  
23 H-A-C-K-E-R.

24 BY MR. O' DONNELL:

25 Q. And are you here voluntarily?

18

01 A. Yes.

02 Q. How many years of mining  
03 experience do you have, Harmon?

04 A. I started in the mines in '79.

05 Q. And what have you done during  
06 that time?

07 A. A number of things, anything  
08 from being a face man on the rail  
09 cocks to brattice to supplies to  
10 shift foreman, section foreman.

11 Q. How long have you worked at  
12 Sago?

13 A. Three months. About three  
14 months. We're just kind of filling  
15 in there.

16 Q. Where did you work at before?

17 A. I was at Spruce Run. Then we  
18 shut it down. We went to Sago to  
19 help out and just ---.

20 Q. That's the same --- go ahead.  
21 I'm sorry.

22 A. Until they got another mine  
23 ready for us to go to.

24 Q. And it's the same company?

25 A. Same company, yes.

19

01 Q. I see. So what's your present  
02 job?

03 A. Well, I don't know if you can

04 put a title on it or not. Right now  
05 we're at Clarksburg, helping set a  
06 belt drive. Well, my title is shift  
07 foreman.  
08 Q. Okay. And that's what you've  
09 been doing at Sago for the last three  
10 months?  
11 A. Well, now we've just been more  
12 or less helping out, just doing ---  
13 like we worked on the seals a little  
14 and we set belt drives there and did  
15 outby rock dusting and ---.  
16 Q. But you're a manager?  
17 A. Right.  
18 Q. Okay.  
19 A. Not in a management position  
20 the last three months, though.  
21 Q. Okay. When is the last time  
22 you worked at the Sago Mine?  
23 A. It was the Friday before.  
24 Q. And were you scheduled to work  
25 the day of the accident?

20

01 A. No. That was a holiday for us  
02 guys that work five days a week.  
03 Q. So just briefly tell me what  
04 your job duties have been here in  
05 those last three months.  
06 A. Okay. Well, like I say, we  
07 really went over to help set a belt  
08 drive to start with for the section  
09 belt. We ended up setting two belt



10 drives and we done some --- we had  
11 had a couple roof falls. We helped  
12 work on those. And then we put some  
13 arches in those falls later. We put  
14 arches in those. Put foam and stuff  
15 over top of them. And we did some  
16 outby rock dusting.

17 Q. What kind of mining  
18 certifications do you have?

19 A. Well, just shop car,  
20 underground mine foreman.

21 Q. All from the State of West  
22 Virginia?

23 A. Yes.

24 Q. Do you have any other state  
25 certifications?

21

01 A. Yes. I have an Ohio mine  
02 foreman.

03 Q. And who is your supervisor?

04 A. Marty Conrad.

05 Q. Marty Conrad is your boss?

06 A. Yes.

07 Q. And how long has he been your  
08 supervisor?

09 A. Probably several months. He  
10 came just before we shut Spruce down.  
11 He was my supervisor there. And then  
12 we all --- they kept us all together  
13 at Sago, and we're all together now  
14 at Clarksburg.

15 Q. Do you ever do any kind of  
16 examinations as a certified person?  
17 A. Yes.  
18 Q. What kind?  
19 A. Well, in the past, I mean, if  
20 your shift foremen are certified ---.  
21 Q. Just tell me at the Sago.  
22 Have you ever did any there?  
23 A. Once I filled in on a section.  
24 Q. Okay. So have you done some  
25 pre-shift and some on-shift exams?

22

01 A. Yeah, just two or three.  
02 Q. Is that the extent of it?  
03 A. Yes.  
04 Q. No weekly exams or anything  
05 like that?  
06 A. Right.  
07 Q. Okay. How familiar are you  
08 with the old Two Left main seals?  
09 A. Not --- well, I helped work on  
10 them some. We were just there maybe  
11 like an hour or two at a time. We  
12 just --- if we helped --- sometimes  
13 we'd mix mortar for them or haul  
14 blocks to them or ---. We did work  
15 on them some.  
16 Q. When you say we, who do you  
17 mean?  
18 A. Well, counting me, John  
19 Jackson, Mike Triplett and Marty,  
20 which we all wasn't there at the same

21 time.

22 Q. So you usually work with these  
23 four guys?

24 A. Yes.

25 Q. What would you do when you ---

23

01 were you --- about how many days did  
02 you work up there?

03 A. Well, was never there really  
04 --- well, most of the time we wasn't  
05 there for a full day. Most of the  
06 time it was --- we had other jobs in  
07 the area. We'd go like maybe help  
08 them a couple hours. And then if we  
09 had a piece of equipment come up that  
10 we needed to do another job, we'd  
11 take that piece of equipment to do  
12 the other job we had to do in that  
13 area. And we just helped  
14 sporadically, really.

15 Q. Who was in charge?

16 A. Well, Jeff was in charge when  
17 they first started, Jeff Snyder.

18 Q. Okay.

19 A. And then later on they moved  
20 Jeff to another and Skip was there.

21 Q. Skip, okay.

22 A. I don't know his correct name,  
23 but that's --- that's all I know him  
24 by.

25 Q. The times that you worked

01 there, have you seen anybody else,  
02 any other management people there?  
03 A. Yes.  
04 Q. Who would that be?  
05 A. I saw Carl Crumrine there one  
06 time.  
07 Q. Okay. Now, you went up to  
08 these seals and you helped work on  
09 them. Did you have any  
10 responsibilities in the construction  
11 or did you just help as a support?  
12 A. Just more or less helped to  
13 support.  
14 Q. Do you know when they started  
15 the construction of those seals?  
16 A. No. I couldn't put a date on  
17 it, no.  
18 Q. Do you know when they were  
19 finished?  
20 A. No.  
21 Q. Tell me a little bit about  
22 what specific tasks you did and you  
23 saw on the construction of the seals.  
24 A. Well, the first day I was  
25 there, I mixed mortar. I was there

01 for two or three hours one morning  
02 and I helped just mix mortar for the  
03 guys. And that way that would let  
04 them lay their blocks faster. And  
05 one day we did lay some --- I did

06 help lay some blocks one day. And  
07 then a couple times we just helped  
08 haul blocks to them and water. You  
09 know, it takes a lot of water when  
10 you mix that much mortar for those.  
11 A lot of B-Bond, too.

12 Q. Yes.

13 A. And there's a couple days I  
14 know that they didn't get to work on  
15 them because they didn't have the  
16 right mortar. You know, we had to  
17 take --- there's a difference between  
18 a green bag and a blue bag, and they  
19 had to have the blue bag, the mortar  
20 for those. And there's a couple days  
21 they didn't work because they didn't  
22 have the right mortar, so ---.

23 Q. Do you know what they called  
24 that stuff?

25 A. No, I don't. They just told

26

01 us they didn't have the right  
02 supplies. They couldn't --- they  
03 wouldn't be working there that day.

04 Q. I know you called it B-Bond.

05 A. Well, that's usually the name  
06 of the --- it's called a surface  
07 cement.

08 Q. And what color was the bag?

09 A. Blue.

10 Q. All blue or ---?

11 A. Well, light blue. No, not all  
12 blue, but --- I guess there's a  
13 difference in the chemical make-up of  
14 it.

15 Q. Okay. Well, how is that  
16 different than the other stuff that  
17 you use for building stoppings?

18 A. I guess this is just for  
19 surface bonding, and the other is  
20 for, you know, if you're bonding  
21 metal to blocks.

22 Q. Can you tell the difference  
23 between it?

24 A. Mixing it by hand, no, I  
25 couldn't.

27

01 Q. Okay. Did anybody give you  
02 any kind of special training, task  
03 training, on how to do this stuff?

04 A. No. I've just been task  
05 trained on laying blocks and stuff.  
06 And the guys that was there, you  
07 know, when we went up we asked them  
08 how they were doing it, you know, and  
09 they told us how they were doing it.

10 Q. Explain that. How did they  
11 say they were doing it?

12 A. Well, they said just make sure  
13 you had the bottom clean, the ribs  
14 cleaned, and there was no staggering  
15 of the seams in the block and making  
16 sure you have adequate mortar seams,

17 which the plan called for a quarter  
18 inch they said.

19 Q. So no one gave you any ---  
20 that you kind of got your instruction  
21 from the people that were there?

22 A. Right.

23 Q. Did the boss himself, Jeffrey,  
24 give you any specific ---?

25 A. Yeah. He was there when we

28

01 first went up, yes, the first day.

02 Q. So as far as the ventilation  
03 plan, I mean, no one had handed you a  
04 piece of paper and says, Harmon,  
05 here's how you do this stuff?

06 A. Not at that time. I guess  
07 Jeff was in charge of that.

08 Q. Okay. How many of the seals  
09 were you involved in the  
10 construction? Do you know what the  
11 numbers were?

12 A. Well, the first day I went up  
13 it was Number Nine. And I know we  
14 was there for a couple hours. And  
15 then it was back --- I think a couple  
16 days later they was probably over at  
17 about Number Eight, on Eight.

18 Q. We have a map over here. Why  
19 don't we go over there and just mark  
20 which ones that you worked on?

21 MR. O' DONNELL:

22 Mark this Exhibit One.

23 (Jordan Exhibit Number

24 One marked for

25 identification.)

29

01 BY MR. O'DONNELL:

02 Q. And you're saying that this is

03 Number One and this is Number Ten?

04 A. Right.

05 Q. Okay. So go ahead. You can

06 even mark the number.

07 A. Well you go across Number

08 Nine. I know that we were here, some

09 on this one, Eight and Seven. We

10 weren't there for the start and

11 finish of that. Maybe a little bit

12 on Six. I think that was just a

13 little bit on Number One.

14 Q. Where were you at in the

15 construction of Number One?

16 A. It was only about two blocks

17 high the last time I saw it, two or

18 three blocks high.

19 Q. Did you have any involvement

20 with Ten at all?

21 A. No.

22 Q. So we're going to say Six,

23 Seven, Eight, Nine and some of One?

24 A. Yes.

25 Q. Okay.

30

01 A. And just parts of Six, Seven,  
Page 24



02 Eight and Nine.

03 Q. Is that the location of the  
04 walls?

05 A. No. One --- I can't be sure  
06 where. One is going to be back  
07 further here because One sort of had  
08 a real high front so we moved it back  
09 to get the height down.

10 Q. You don't know which one that  
11 was?

12 A. I can't say for sure, no.  
13 Somewhere in this area.

14 Q. But you moved one wall --- was  
15 any of the construction started on  
16 it?

17 A. No. No, it was --- it wasn't  
18 started. It was just the place we  
19 put it because it was lower.

20 Q. Okay. Let's sit down. Did  
21 they have it marked on the rib where  
22 to build them? Like a lot of times  
23 some will chalk it or ---?

24 A. Yeah, some of them. Yes, some  
25 of them.

31

01 Q. Some of them had marks?

02 A. Yeah.

03 Q. So wherever they ---?

04 A. But I'm not sure who put those  
05 marks. I'd have to check, but ---.

06 Q. But wherever they told you to

07 build them, that's where you'd build  
08 them; right?  
09 A. Usually they --- most of the  
10 time they had one started or whatever  
11 when we was there.  
12 Q. Okay. Were all of the seals  
13 made the same way?  
14 A. Yeah. What time I was around  
15 them, they was done all the same.  
16 Q. And were they all Omega seals?  
17 A. Uh-huh (yes).  
18 Q. Okay. Let's just start from  
19 the site preparation until finish,  
20 your understanding on how to build  
21 --- well, were you involved in site  
22 preparation at all?  
23 A. Well, we did a little bit of  
24 the scooping --- the weekend before  
25 they started or somewhere, we worked

32

01 the weekend to help with the air  
02 change on that end. And we did some  
03 scooping in that area.  
04 Q. Was the bottom pretty solid?  
05 A. Yeah. After we scooped, it  
06 was. But you know, Sago is pretty  
07 famous for mud, but yeah, we scooped  
08 the bottoms good with scoops. And  
09 then I guess they scooped again  
10 before them seals were shoveled, you  
11 know.  
12 Q. What about the rib and roof

13 preparation?

14 A. Yeah, they --- well, I know a  
15 couple times we helped them --- when  
16 they was getting ready to start, we  
17 cut the screen. Some of the screen  
18 headings had, you know, roof screen.  
19 We cut the screen down where the seal  
20 --- back where the seal would be to  
21 give us good tight seal on the top.  
22 And that screen wanted to interfere  
23 with you.

24 Q. What about the rib?

25 A. Yeah. Anything that was

33

01 loose, the ribs were taken ---.

02 Q. How far from the --- like  
03 let's say the seal was positioned in  
04 a certain location. How far at each  
05 side of that seal did you clean the  
06 rib?

07 A. Enough to get an adequate mud  
08 seal, you know, to get the mortar to  
09 seal.

10 Q. No, no. I mean, outby and  
11 inby.

12 A. I didn't really see --- I  
13 mean, just enough to get their mortar  
14 to seal is what ---.

15 Q. So just in the area of the  
16 width?

17 A. Yeah, just where the seal was.

18 Q. Just where the seal was,  
19 that's just where you cleaned out;  
20 right?

21 A. Right.

22 Q. Okay. Going back to the  
23 screening, how was the screen  
24 attached to the roof?

25 A. It was bolted up and permanent

34

01 bolts were put in.

02 Q. And about how much of that  
03 screen did you cut out?

04 A. Probably at least a foot or a  
05 foot and a half on each side back  
06 away from the seal, you know, because  
07 you got to get your hands up in that  
08 area.

09 Q. Now, did you just cut a line  
10 in it or did you cut it around all  
11 the bolts and remove all the  
12 screening?

13 A. Well, we cut a line and we cut  
14 it around all the bolts, and just  
15 left the screen that was right under  
16 the bolt plate.

17 Q. Just snipped around it?

18 A. Right.

19 Q. And then took that section  
20 out?

21 A. Right, that was --- we threw  
22 it in behind the seal, you know,  
23 because that was no man's land in

24 there.

25 Q. So you got that out and you

35

01 got your ribs prepared and you got

02 your bottom solid. Was the bottom

03 cracked at all?

04 A. Not that I noticed.

05 Q. Okay. So there wasn't any

06 extra preparation that you would need

07 for the bottom other than starting

08 the seal?

09 A. Right.

10 Q. So when you started that seal,

11 what did you do with that first

12 layer?

13 A. Well, sometimes they'd add ---

14 we'd add mortar, you know, to try to

15 level the bottom to get your blocks

16 over, try to get your blocks level.

17 Kind of like building a foundation

18 for your house, you want to start off

19 straight so you'd end up straight,

20 you know, make your blocks lay

21 better.

22 Q. Did you use any kind of wood

23 on the bottom or any rock dust or was

24 any of the block laying flat on the

25 bottom with no mortar?

36

01 A. None that I saw, no.

02 Q. Okay.

03 A. We put --- when I was there,  
04 when they would start on a bottom,  
05 they always put mortar B-Bond down.  
06 Q. About how much do they put  
07 down?  
08 A. Enough to get a seal, which,  
09 you know, sometimes your bottom is a  
10 little bit uneven.  
11 Q. Right.  
12 A. But they just put the --- they  
13 thought we needed to get a seal  
14 there.  
15 Q. So go through how you stacked  
16 the block then. What's the order of  
17 stacking the block? What kind  
18 of ---?  
19 A. Well, your front row, you  
20 know, you lay them and you always  
21 want to break your seam in the back  
22 row.  
23 Q. So you're laying the first one  
24 length-wise ---  
25 A. Right.

37

01 Q. --- and then ---?  
02 A. And the other one of those  
03 turns side --- if you lay them  
04 length-wise, turn the other one  
05 sideways, opposite direction of the  
06 other one.  
07 Q. And that would make the  
08 stopping about how thick, the seal

09 how thick?

10 A. The blocks are 16 and 40

11 inches, close.

12 Q. So what did you do with the

13 space between the rib and the block?

14 A. Okay. It was mortared with B-

15 Bond.

16 Q. How did you tighten it?

17 A. Most of the time we tried to

18 just cut them to fit.

19 Q. How did you cut them?

20 A. With a bow saw.

21 Q. How was the void between the

22 rib and the block? I mean, sometimes

23 there's a pretty good space there.

24 A. We mortared all of ---.

25 Q. Okay. Everything was

38

01 mortared. No wood?

02 A. Right. The only place with

03 wood was on top.

04 Q. Okay. What about the bottom?

05 Was there any water on the bottom?

06 You said it was pretty muddy.

07 A. No. By the time we was

08 building the seals, it had started to

09 dry.

10 Q. Oh, did it?

11 A. With the scooping up --- yeah,

12 with the scooping, you know, once we

13 took the mud off, the initial

14 scooping, by the time we come back to  
15 those seals it was starting to dry.  
16 Q. And you had to put some kind  
17 of roof support up, from what I  
18 understand. What did you do? What  
19 kind of roof support did you ---?  
20 A. We built cribs.  
21 Q. And where did you put the  
22 cribs?  
23 A. Behind and in front of the  
24 seal.  
25 Q. And how many did you build?  
  
01 A. Okay. Well, I didn't build  
02 any, but I know we helped haul the  
03 blocks for them.  
04 Q. How many were built?  
05 A. The ones I seen, it was two on  
06 each side.  
07 Q. Were they wooden cribs or ---?  
08 A. Yes, they was wooden cribs.  
09 Q. What about cutting any  
10 trenches into the mine floor or ribs?  
11 Did you hitch anything?  
12 A. Well, not as far as --- we did  
13 cut some bottom in places to level  
14 --- to make our blocks fit better.  
15 We had to --- we chopped some with  
16 axes and picks to get our foundation  
17 started straight.  
18 Q. About how high and how wide  
19 were the seals?

39



20 A. Wide is around 40 inches and  
21 the height varied. I'd say six and a  
22 half to seven foot, ten inches or so,  
23 just judging by walking around, you  
24 know.

25 Q. What about the width?

40

01 A. I'd say 19 foot or something  
02 in that area.

03 Q. And they were all pretty much  
04 the same?

05 A. Uh-huh (yes).

06 Q. Let's go back and talk about  
07 --- did you use all new block or did  
08 you use some that were used?

09 A. No, it was all new.

10 Q. Now, you talked about  
11 mortaring the --- putting mortar on  
12 the bottom. Where else did you use  
13 the mortar?

14 A. At all seams, all over the  
15 block.

16 Q. You just put it right on the  
17 dried block?

18 A. Yeah. I mean, we put a layer  
19 of mud on the block. And then if we  
20 had a layer of blocks laid, we'd mud  
21 the top block and the other block and  
22 lay it together.

23 Q. Were any of the blocks wet or  
24 damp?

25 A. No.

41

01 Q. What about a pilaster or a  
02 pier?

03 A. No.

04 Q. None?

05 A. No.

06 Q. Do you have any idea how thick  
07 the joints were, the mortar that you  
08 put in?

09 A. Well, we didn't --- we was  
10 trying to get a quarter inch. Now,  
11 I'm sure some might have been a  
12 little more than that, you know, to  
13 try to level a block or something or  
14 a little less.

15 Q. What was the consistency of  
16 the mortar then? I mean, how did you  
17 know you had enough water in it?

18 A. Usually by feel, you know, and  
19 the texture of it.

20 Q. And what was the texture that  
21 you --- you put water in it until you  
22 got what kind of texture?

23 A. Well, we'd try to get it to  
24 where it stacked, you know. You  
25 wouldn't want something that would

42

01 run away.

02 Q. Well, what would you do when  
03 you got a soupy batch?

04 A. Just we'd add more B-Bond ---  
Page 34

05 Q. You would?

06 A. --- to stiffen it up.

07 Q. Okay. So let's keep stacking

08 it up, and you're at the top. Were

09 you involved in any of the top

10 construction?

11 A. Very --- I don't know, that

12 one we --- I mixed some mud that one

13 day I think when they was about ready

14 to do the top of one, but I wasn't

15 actually working on the seal. I just

16 mixed the mud that day.

17 Q. You said that there was wood

18 involved in the top of the seal.

19 Could you ---?

20 A. Now, see, the plan, there was

21 some fly boards --- we were supposed

22 to put fly boards over top and then

23 wedge them down.

24 Q. Do you know how many --- I

25 mean, just only tell me what you saw.

43

01 A. I think what I saw --- I think

02 there was just three that one day.

03 Q. Now, these fly boards, do they

04 go all the way from rib to rib?

05 A. Uh-huh (yes).

06 Q. There was no gap?

07 A. Not much, if there were any,

08 that I saw.

09 Q. Was it all one piece or was it

10 cut?

11 A. The ones we put up was all one  
12 piece.

13 Q. Okay. And how were they  
14 secured to the roof?

15 A. You'd use wedges to secure  
16 them.

17 Q. How did you put the back one  
18 in?

19 A. I couldn't answer that because  
20 I was on the front side. We mixed  
21 the mortar on the front and passed  
22 ---

23 Q. Okay.

24 A. --- we'd fill the buckets and  
25 pass them to the guys on the back.

44

01 Q. Let's say, you know, you're  
02 working a wall up and the top doesn't  
03 work out even, okay, so what kind of  
04 space did you leave between the top  
05 of the seal and the roof?

06 A. That one I was working on that  
07 day, it was working out close, you  
08 know. Either that, or we cut a  
09 block, you know. We even sawed  
10 blocks in half if --- so that we had  
11 six and eight-inch blocks, too, to  
12 try to make our space come out where  
13 we wanted it.

14 Q. And how did you tighten the  
15 fly board?

16 A. With wedges.  
17 Q. Okay. And how far apart were  
18 the wedges?  
19 A. Let's see. I was on the one  
20 at the top, and I know the wedges  
21 were pretty --- they kept them pretty  
22 close.  
23 Q. Okay. And what about the  
24 space between the wedges, how was  
25 that taken care of? If the blocks

45

01 didn't come to the roof and you had a  
02 void there, how was that taken care  
03 of?  
04 A. I know everything was mudded  
05 in with mortar, B-Bond.  
06 Q. Okay. What side? Was it just  
07 the front that was bonded? Did you  
08 just plaster the front?  
09 A. No.  
10 Q. You plastered the back also?  
11 A. Right, because I know that we  
12 was passing back extra mud to make  
13 sure they got their back done, too.  
14 Q. Oh, so there was somebody  
15 behind?  
16 A. Yeah. Usually we had somebody  
17 on each side, and especially when we  
18 got up to the top.  
19 Q. Okay.  
20 A. And instead of trying to run

21 around the block, we just passed it  
22 over as long as we could.  
23 Q. Yes.  
24 A. And then when we got to where  
25 we were going to finish one, we just

46

01 passed them a bunch of extra stuff,  
02 extra mud. And if they finished and  
03 they had extra, they brought it with  
04 them to the next one.  
05 Q. So you just ran a guy around  
06 the block to finish the back off?  
07 A. Right.  
08 Q. Did that person have a methane  
09 detector with them?  
10 A. Yeah, because Jeff was on that  
11 side most of the time.  
12 Q. Do you ever remember hearing  
13 the detector going off, alarming?  
14 A. No.  
15 Q. Did you ever take a gas check  
16 yourself?  
17 A. Yes.  
18 Q. And how much methane did you  
19 detect?  
20 A. None.  
21 Q. None?  
22 A. Even though I'm not in a  
23 supervisor position, I always carry  
24 my --- still carry my equipment.  
25 Q. Yes.

47

01 A. And most of the time I'm  
02 underground, so ---.  
03 Q. What about oxygen and CO?  
04 A. No.  
05 Q. It was all normal?  
06 A. Yeah.  
07 Q. And which way was the air  
08 moving, into the sealed area or out  
09 of the sealed area?  
10 A. Into the sealed area.  
11 Q. Into the sealed area?  
12 A. Uh-huh (yes).  
13 Q. Okay. How thick was the  
14 faces, the coating, the mortar on the  
15 faces?  
16 A. Most of them we went back and  
17 put two coats on because we wanted to  
18 --- because most of the time you  
19 can't get one layer thick enough to  
20 do it, so ---. I don't know, I'd say  
21 a half inch to three-quarter-inch  
22 thick or maybe thicker on some of  
23 them.  
24 Q. And how did you apply that?  
25 A. By hand.

48

01 Q. With?  
02 A. Rubber gloves and ---.  
03 Q. Okay. The bag had  
04 instructions on it. Did you ever  
05 read the instructions on that ---

06 what color bag was it?  
07 A. A blue bag.  
08 Q. A blue bag. What did the  
09 instructions say?  
10 A. I never read them to the  
11 letter.  
12 Q. Okay. Did you read them at  
13 all?  
14 A. Yeah, I read them.  
15 Q. What did it say, what you can  
16 recall?  
17 A. You know, just mix it with ---  
18 you know, you got to mix it with  
19 water and apply it to your surface.  
20 Q. Okay. Nothing else special?  
21 A. No.  
22 Q. Okay. Now, you said that you  
23 worked over on the Number One. Was  
24 there anything different about the  
25 Number One seal that was ---?  
  
01 A. Yeah. It had water traps on  
02 it.  
03 Q. It did?  
04 A. Yes.  
05 Q. And could you describe that  
06 and how it was installed?  
07 A. Okay. It was just a tube with  
08 a trap on it to seal your air.  
09 Q. What was it made out of?  
10 A. It was made out of PVC  
11 plastic.

49



12 Q. Okay. And was there anything  
13 else along any of the seals that you  
14 saw where there was anything that  
15 passed through it?

16 A. No. But I know that Number  
17 Ten was supposed to have a gas tube  
18 in it, but I have --- I've seen the  
19 gas tube laying at the end of the  
20 track to go up there, but that's all  
21 I know about it.

22 Q. But you didn't have any  
23 involvement with Number Ten or  
24 putting ---?

25 A. Not at all.

50

01 Q. Okay. You said you cut out  
02 the roof --- the metal roof matting  
03 in which entries?

04 A. I know it would have been in  
05 the track, on the belt. I know that  
06 --- I know I helped cut it down in  
07 front of the track entry.

08 Q. Which would be Number ---?

09 A. Six or Seven. I'm not sure.

10 Q. Okay. So two entries  
11 together, whether they were Six and  
12 Seven or Five and Six, you took the  
13 roof matting out?

14 A. Yes.

15 Q. Was there any other roof mats  
16 or any kind of --- any of that in any

17 of the other entries?  
18 A. There should be some in Number  
19 One, but I don't know --- because we  
20 just started on the bottom there, so  
21 I don't know. I have no idea if it  
22 was cut. I know the crew was  
23 supposed to cut it down, but ---.  
24 Q. Okay. But you personally did  
25 two of them?

51

01 A. Yeah, or I helped.  
02 Q. Yes. But there could have  
03 been other places where it was, ---  
04 A. Yes.  
05 Q. --- where it was supposed to  
06 have been taken out?  
07 A. Uh-huh (yes).  
08 Q. What about any other  
09 conductors that might have passed  
10 through the seals?  
11 A. Now, I know all the rail was  
12 pulled out ---  
13 Q. Okay.  
14 A. --- where the track was. I  
15 don't know of any other conductors  
16 that ---.  
17 Q. What about that trolley line?  
18 A. Okay. We have battery  
19 equipment.  
20 Q. No. There's a ---.  
21 A. Trolley phone line?  
22 Q. The trolley phone line, that's

23 what I meant.

24 A. Yeah, it was taken down, too.

25 Q. Okay. How was the high

52

01 voltage hung in the mine?

02 A. Most of it is hung off of the

03 --- most of it is hung off the rib on

04 insulated hooks.

05 Q. You didn't have any messenger  
06 cable running through?

07 A. No, not that mine, ---

08 Q. Okay.

09 A. --- that I ever saw. It makes  
10 your high line look nice, though.

11 Q. Could you tell us what other  
12 employees that you know of were  
13 involved in the construction of the  
14 seals?

15 A. Well, there's --- well, four.  
16 Marty Conrad.

17 Q. Okay.

18 A. Mike Triplett. You know, like  
19 I said, we were all kind of just hit  
20 and miss.

21 Q. What was the second gentleman?

22 A. Mike Triplett.

23 Q. Okay. And the third?

24 A. John Jackson.

25 Q. And the fourth?

53

01 A. Okay, was, well, Jeff Snyder.

02 Q. Okay.  
03 A. And Casey Short, George Brooks  
04 and Jeremy Toler.  
05 Q. Is there anybody that you can  
06 recall?  
07 A. Skip. Did I say Skip?  
08 Q. Yeah. Everybody says Skip,  
09 but no one knows Skip's name.  
10 A. Right.  
11 OFF RECORD DISCUSSION  
12 BY MR. O' DONNELL:  
13 Q. Anyway, ---.  
14 A. There's one other red hat that  
15 was there that I can't remember his  
16 name, when they first started, but he  
17 had quit and went to another mine.  
18 So I don't know --- I can't recall  
19 what his name was.  
20 Q. So this is the only time that  
21 you have worked in Sago Mine then  
22 would be for the last three months?  
23 A. Uh-huh (yes).  
24 Q. And you wouldn't have any  
25 other knowledge ---?

54

01 A. No. I ain't sure of the  
02 dates, whenever we finished Spruce.  
03 When it was first going to open back  
04 up, I went back --- I was still at  
05 Spruce. I went over and pumped some  
06 of the water holes about five blocks  
07 underground. I went over and checked

08 the pumps, I don't know, for about a  
09 four-week period there on weekends.  
10 Q. Do you know how far back the  
11 seal has to be --- the minimum amount  
12 that the seal has to be back from the  
13 corner of the rib?  
14 A. Ten foot.  
15 Q. Did you mix any block or did  
16 you use all Omega?  
17 A. All Omega.  
18 Q. Were all the seals the same  
19 thickness?  
20 A. Uh-huh (yes). Yes.  
21 Q. Did you ever use anything  
22 other than the stuff in the blue  
23 bags?  
24 A. No, not while I was there.  
25 Q. About how heavy were the bags

55

01 that it come in?  
02 A. They were 60 or 80 pound.  
03 Those were probably 50-pound bags. I  
04 know they're ---.  
05 Q. Does it ever come in any other  
06 form other than those bags? Does it  
07 come in buckets or ---?  
08 A. No, not B-Bond, that I'm aware  
09 of. I mean, you can buy other stuff,  
10 but it's not recommended for seals.  
11 Q. Do you know of any other time  
12 that material was used other than

13 that stuff?

14 A. No.

15 Q. Okay. You weren't involved in  
16 putting the --- the building of the  
17 last seal?

18 A. No.

19 Q. Do you know anything about the  
20 sequence of the seals?

21 A. No.

22 Q. Did you have any problems  
23 while you were building it, with  
24 materials or anything that you might  
25 consider odd or unusual with the

56

01 mortar? Did you have to throw away  
02 some of it? Did it not mix right?

03 A. No. Most of the mortar was  
04 --- you know, it seemed to be fresh.

05 It wasn't lumpy or nothing. It  
06 hadn't started to set up or anything.

07 And we had to haul our blocks ---

08 some of the blocks was kind of  
09 damaged. If we had a damaged block,  
10 usually we left it or we --- the part  
11 that was damaged, we sawed it off for  
12 one of the ones we had to cut, you  
13 know.

14 Q. Do you use a saw all the time?

15 A. Yes.

16 Q. Did you ever cut them with an  
17 axe?

18 A. No.

19 Q. The plank on the top of the  
20 seal, how thick were they?

21 A. Probably an inch or an inch  
22 and an eighth.

23 Q. An inch or an inch and an  
24 eighth. Were they ever like the  
25 bridging plank?

57

01 A. No.

02 Q. Did you ever use plywood?

03 A. No.

04 Q. The coating, how long did it  
05 take for the mortar to set up?

06 A. Underground --- the surface,  
07 it --- you know, it took two or three  
08 hours usually to --- if you was going  
09 to put another layer on it, you know.

10 Q. Is that what you waited before  
11 you put the second layer on?

12 A. Yeah, usually the next day  
13 even we just, you know, just had  
14 somebody go back and do it while we  
15 was --- somebody go back and do it  
16 while we was working on another one.

17 Q. Did you ever go back and do  
18 --- say, re-do the perimeters around  
19 the rib and the top?

20 A. Uh-huh (yes). Yes.

21 Q. Did you go back and look at  
22 them after they were done?

23 A. Yeah, I walked by them. I

24 didn't really walk right up and  
25 inspect them. But yeah, I walked

58

01 through that area, yes.

02 Q. Was any of them leaking? I  
03 mean, were you there after they were  
04 completed?

05 A. No. I hadn't been there after  
06 they was completely completed, no.

07 Q. Okay. So was the mortar set  
08 up then?

09 A. Yeah.

10 Q. I mean, did you put your hand  
11 on it?

12 A. Yeah.

13 Q. And it was tight?

14 A. Uh-huh (yes).

15 Q. You say they put --- built two  
16 cribs on the outside, too. You saw  
17 those?

18 A. Uh-huh (yes).

19 BY MR. CONAWAY:

20 Q. Have you ever constructed  
21 seals before?

22 A. Yes.

23 Q. What kind of seals have you  
24 constructed?

25 A. Okay. Well, seals I've

59

01 constructed before, we used solid  
02 block, 8-by-8 solid block,  
03 8-by-8-by-16.



04 Q. How did you put those in, just  
05 one row?  
06 A. Yeah. Your front row, you  
07 just stagger your seams, you know,  
08 make sure your seams never lined up.  
09 Q. Any Omega block seals?  
10 A. No.  
11 Q. This was your first ---  
12 A. First Omega block seals.  
13 Q. --- experience with those?  
14 You mentioned an air change. When  
15 did you do that?  
16 A. It was the weekend while we  
17 were swinging a section. It was the  
18 weekend prior before they started on  
19 the seals. It might have been a week  
20 before they --- a week before they  
21 started on the seals, actually.  
22 Q. Where was that? Where was the  
23 change?  
24 A. Two Left there when they was  
25 getting ready to build the seals.

60

01 Q. So it was around the seal  
02 area?  
03 A. Yeah.  
04 Q. Anything significant,  
05 noteworthy about that or ---?  
06 A. No. We just --- we just built  
07 a bunch of stoppings that weekend,  
08 you know, to direct air force to the

09 face and to get the --- in  
10 preparation to start the seals.  
11 Q. Who was in charge of that air  
12 change?  
13 A. Well, Marty was our boss that  
14 day, Marty Conrad.  
15 Q. So Marty Conrad was the one  
16 that was directing everybody where to  
17 put stoppings and so forth?  
18 A. Correct.  
19 Q. And why did you say they were  
20 making that air change?  
21 A. In preparation to get ready to  
22 start the seals. And the section was  
23 just pulled back. Just finished  
24 cutting the bottom, was moving in to  
25 start the Left again.

61

01 Q. Okay.  
02 A. We just had to get the  
03 stoppings across the face to get the  
04 intake --- really, it was to get the  
05 intake swung around so they can mine  
06 to the Left is what it was. It  
07 wasn't really an air change, but it  
08 was to get the section removed to  
09 start up the panel to the Left.  
10 Q. And these seals, were they on  
11 the intake or return?  
12 A. Intake.  
13 Q. Your ribs, Joe mentioned a few  
14 things about your ribs. Were the

15 ribs pretty good there, solid, or  
16 what would you say?

17 A. Yeah. If we had something  
18 loose, we took it down.

19 Q. Had you ever been up into the  
20 --- what do you call them, Two North  
21 area?

22 A. The morning that I was getting  
23 ready to start cutting bottom, we  
24 went up --- the midnight crew was  
25 running behind. And we was scheduled

62

01 to do something else that day, but  
02 since they was going to be late, me  
03 and Marty and Mike and John all went  
04 up to help them finish their stopping  
05 line across the face so they could  
06 start cutting bottom.

07 Q. But had you done any work up  
08 in --- mining activity up in ---?

09 A. No.

10 Q. None at all?

11 A. None at all. That was about  
12 the time --- we had been there a  
13 couple weeks before they got ready to  
14 start cutting the bottom.

15 Q. They was already backed up?

16 A. Right.

17 Q. So you hadn't been up in there  
18 much?

19 A. We had been on One Left,

20 setting the belt drive, and then up  
21 there setting them up for the panel  
22 they was getting ready to go on.

23 Q. Any talk or did you hear  
24 anything about the conditions up  
25 there or ---?

63

01 A. Yeah, just mud and water.

02 Q. Anything else?

03 A. No.

04 Q. Did you hear about the roof,  
05 ribs?

06 A. Yeah. You know, the roof is  
07 --- you know, just paying particular  
08 attention to roofs since they had  
09 some water, you know, just setting  
10 cable bolts and ---.

11 Q. Okay. How long does it take  
12 to build a seal; do you know? Or how  
13 long did it take in this case to  
14 build those seals?

15 A. I know we never --- I don't  
16 think they ever finished one in a  
17 day, so you know, probably ---  
18 depending on how many people you  
19 have. But it still is a slow  
20 process, you know, so I'd say a shift  
21 and a half, two shifts.

22 Q. How long have you worked with  
23 the guys that were up there working  
24 on the seal? Had you worked with  
25 them before or ---?

01 A. I worked with Jeff at another  
02 mine, Jeff Snyder. And the other  
03 people ---.

04 Q. He's the only one?

05 A. Yeah. Well, Marty and John,  
06 that's the guys that was usually  
07 there when I was there. I worked  
08 with them for several years. Marty,  
09 I had worked with him before at  
10 Spruce, when Anker --- well, before,  
11 when he had quit and went to  
12 Whittail for a while.

13 Q. What was your impression of  
14 the attitude in building the seals?  
15 Was everybody pretty much intent on  
16 what they were doing?

17 A. Yeah, seemed to be.

18 Q. That was your impression, ---

19 A. Right.

20 Q. --- that they were serious  
21 about what they were doing and ---

22 A. Yes.

23 Q. --- wanted to do it right and  
24 ---? That's your impression?

25 A. The impression I had, yes.

01 MR. CONAWAY:

02 Joe?

03 MR. O'DONNELL:

04 We're going to take a

05 quick break, about five, ten  
06 minutes, and then we'll be  
07 back.

08 SHORT BREAK TAKEN

09 BY MR. O' DONNELL:

10 Q. A couple of follow-up  
11 questions on the trap. Now, you were  
12 there when they installed the trap?

13 A. Yeah. When we were putting  
14 the block, yeah.

15 Q. And how did you position the  
16 trap? I mean, how did you make it  
17 fit through the wall?

18 A. Okay. Well, we put it in with  
19 --- we cut the blocks out and we put  
20 it in a bunch of mortar and pushed it  
21 down in it so we'd get a good seal.  
22 And then we mudded the top of it and  
23 let it set. Then we finished ---  
24 that was pretty close to the end of  
25 the shift. We let it sit so we

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01 wanted to --- when they'd come back,  
02 when they added more mortar, it would  
03 just set instead of push it out.

04 Q. Okay. What can you tell us  
05 about the rock dusting out by the seal  
06 area?

07 A. Okay. The last time I was  
08 through there, it looked good. I  
09 mean, they had dusted it, yes.

10 Q. Was it very thick or was it

11 just a coating?

12 A. It was a substantial coating.

13 Q. That you could see your

14 footprints in it?

15 A. Yes.

16 Q. Now, you said you were up  
17 there pretty much after the thing was

18 almost done but not completed. What

19 did you do with all the extra

20 supplies that were left over, like

21 fly board and extra block and all

22 that stuff?

23 A. Okay. Well, I just walked

24 through there when it was about done.

25 I didn't --- I wasn't in charge of or

67

01 even helping pick up anything.

02 Q. Well, was it pretty cleaned  
03 up?

04 A. Yeah. It was pretty cleaned  
05 up, yes.

06 Q. Okay. What about shifts? Did  
07 you work --- what shift did you work

08 on up there?

09 A. Dayshift.

10 Q. Dayshift. Do you know if  
11 anyone worked on other shifts?

12 A. To my knowledge, nobody did on  
13 other shifts.

14 Q. So when you came back the next  
15 day, if you did, in fact, come back

16 the next day, nobody had touched it?  
17 A. Right.  
18 Q. It was what you left?  
19 A. Yeah.  
20 Q. Okay. How many blocks were  
21 used to make the full thickness of  
22 the seal?  
23 A. Thickness, well, there's two.  
24 Q. Just two blocks wide?  
25 A. Yeah, which one was turning

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01 length-wise and one was turning  
02 sideways.  
03 Q. So there was only two block on  
04 the bottom, one length-wise, one  
05 sideways and the next course it goes  
06 the opposite?  
07 A. You have to change it.  
08 Q. So that all of the joints are  
09 --- were any of the joints together?  
10 A. None that I ever saw.  
11 Q. What about methane up there?  
12 Have you ever heard of anybody  
13 finding any methane?  
14 A. No.  
15 Q. What about when you were up  
16 there mining?  
17 A. Well, I wasn't in the mine.  
18 Q. Well, you were up there when  
19 they were mining, you said?  
20 A. Well, I was up there one day  
21 when they finished --- when they was



22 getting ready to start cutting the  
23 bottom.

24 Q. Okay.

25 A. Finished on solid and just

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01 getting ready cut the bottom part. I  
02 was up there that morning to help  
03 build the stopping line to get their  
04 air right, so you can start cutting  
05 the bottom coal.

06 Q. What about in the bathhouse,  
07 do you ever hear anybody talking  
08 about finding any gas up there?

09 A. No.

10 Q. Because there was a gas well  
11 up there and, according to the map,  
12 they mined out around it.

13 A. Uh-huh (yes).

14 Q. And we're just trying to find  
15 out if they cut through a gas well or  
16 a borehole or increased methane  
17 liberations up there. Did you hear  
18 of any of that happening?

19 A. No. We wasn't around the  
20 other shifts much either because  
21 mostly they was working a ten-hour  
22 shift. We was working eight.  
23 They're usually underground when we  
24 came and we'd be gone when they came  
25 out, because they was working four

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01       tens, we was worki ng fi ve ei ghts.  
02       Q.           So roughl y about how many guys  
03       were i nvolved i n bui lding the seals?  
04       A.           I 'd say probabl y ten.  
05       Q.           And nobody else, onl y those  
06       ten peopl e?  
07       A.           Roughl y, yeah.  
08       Q.           Di d you ever hear of an Omega  
09       seal before you came to thi s mi ne?  
10       A.           Yeah, I heard of them, but I  
11       never saw one.  
12       Q.           These are j ust some questi ons  
13       I 'm sti ll going to ask you j ust i n  
14       case you may have some knowl edge of  
15       who --- do you know who bought the  
16       constructi on materi al or devel oped  
17       the pl ans?  
18       A.           No, I don' t.  
19       BY MR. CONAWAY:  
20       Q.           I j ust got a coupl e questi ons.  
21       Talking about the roof screen or mat,  
22       you sai d you removed i t i n whi ch  
23       entry?  
24       A.           It shoul d have been the bel t  
25       and track entry.

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01       Q.           What numbers are those?  
02       A.           I coul dn' t say to be a hundred  
03       percent sure, but whi chever the bel t  
04       and track entry was.  
05       Q.           Okay. Di d you see anybody  
06       else remove any of the roof screen

07 from any of the other entries ---  
08 A. No, never.  
09 Q. --- or did you see it removed  
10 from any other entries?  
11 A. No.  
12 Q. So you just know for sure,  
13 just being the belt and track entries  
14 are the only two you're aware of?  
15 A. Yeah.  
16 Q. The seals you said you were  
17 involved with building, Six, Seven,  
18 Eight, Nine and part of One seal, ---  
19 A. Yeah.  
20 Q. --- were those all built  
21 identical? Did you stack the blocks  
22 the same? Did you start them the  
23 same?  
24 A. Pretty much, yes.  
25 Q. All the same?

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01 A. Yeah.  
02 MR. CONAWAY:  
03 Okay. That's all I  
04 have.  
05 BY MR. O'DONNELL:  
06 Q. Okay. I just have some  
07 training questions to ask you now.  
08 Can you recall the last time you had  
09 annual re-training?  
10 A. I can't put a date on it, but  
11 it was in the fall. Probably the end

12 of October somewhere. Somewhere  
13 around the end of October.  
14 Q. Of 2005?  
15 A. Yes.  
16 Q. And who gave you the training?  
17 A. Dick Curry.  
18 Q. What was the last name?  
19 A. Dick Curry.  
20 Q. And that was over at the  
21 Spruce Mine?  
22 A. Yeah. We was at Spruce, but  
23 they give --- the training was in  
24 Buckhannon, at the Bicentennial  
25 Motel.

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01 Q. And how many people were in  
02 your class?  
03 A. Somewhere between 10 and 15.  
04 Q. And what was gone over in the  
05 training?  
06 A. Just roof control and  
07 ventilation and first-aid and ---  
08 just standard stuff.  
09 Q. How about the mine evacuation  
10 plan?  
11 A. Yeah, they spoke some about  
12 it.  
13 Q. And the responsible person on  
14 each shift, did they review that with  
15 you?  
16 A. Yeah.  
17 Q. Who is the responsible person?

18 A. Most of the time it's our  
19 dispatcher.  
20 Q. And did you have any first-aid  
21 training?  
22 A. Yes.  
23 Q. How about SCSR training?  
24 A. Yes.  
25 Q. Could you go into that a

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01 little bit?  
02 A. Well, they instruct us --- we  
03 donned it. Everybody put it on. And  
04 Dick went through the steps and  
05 everybody had hands-on training.  
06 Q. Did you have to open one up  
07 yourself?  
08 A. Yes.  
09 Q. Did they talk about procedures  
10 for evacuation during explosions,  
11 fires?  
12 A. Yes.  
13 Q. Barricading?  
14 A. No. Kind of just touched on  
15 it briefly.  
16 Q. Have you participated in any  
17 escapeway drills since you've been at  
18 Sago?  
19 A. No.  
20 Q. How about fire drills?  
21 A. No.  
22 Q. Have you ever been searched

23 for smoking articles?

24 A. Yes.

25 Q. How often?

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01 A. Weekly usually. I mean, it's

02 ---.

03 Q. Did you ever see anybody

04 smoking in the mine?

05 A. No.

06 Q. Have you ever found any

07 smoking articles in a coal mine?

08 A. No. Not in Sago Mine, no.

09 Q. Are you qualified to take

10 methane and oxygen tests?

11 A. Yes.

12 Q. What did you think of the

13 training that you got, that you

14 received in your annual re-training?

15 A. I thought it was sufficient,

16 substantial.

17 Q. What do you think they could

18 do to make it better?

19 A. That's a good question. I

20 don't know. That's a good question.

21 Q. Did you have to sign a

22 training form?

23 A. Yes.

24 Q. And did you receive a copy of

25 that?

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01 A. Yes, I did. And I'm sure I

02 still have it.

03 Q. Has anyone offered you  
04 anything or made a promise to you in  
05 exchange for you appearing here  
06 today?

07 A. No.

08 Q. Do you have anything you'd  
09 like to add that may be relevant to  
10 our investigation?

11 A. I'd just like to say I hope  
12 you find the real cause, you know.

13 Q. That's what we're here for.

14 ATTORNEY RAJKOVICH:

15 Nothing. Thank you.

16 MR. O'DONNELL:

17 On behalf of MSHA, I  
18 want to thank you for  
19 appearing and answering  
20 questions today. Your  
21 cooperation is very important  
22 in the investigation as we  
23 work to determine the cause of  
24 the accident. We ask that you  
25 not discuss your testimony

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01 with any person who may have  
02 already been interviewed or  
03 may be interviewed in the  
04 future. This will ensure that  
05 we obtain everyone's  
06 independent recollection of  
07 the events surrounding the

08 accident.

09 After questioning other  
10 witnesses, we may call you if  
11 we have any follow-up  
12 questions that we feel that we  
13 need to ask you.

14 If at any time you have  
15 additional information  
16 regarding the accident that  
17 you'd like to provide to us,  
18 please contact us at the  
19 contact information that was  
20 given to you, the two cards  
21 that we gave you.

22 The Mine Act provides  
23 for certain protections to  
24 miners who provide information  
25 to MSHA and, as a result, are

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01 treated adversely. If at any  
02 time you believe that you've  
03 been treated unfairly because  
04 of your cooperation in this  
05 investigation, you should  
06 inform us immediately.

07 If you wish, you may  
08 now go back over any other  
09 question that you had during  
10 the interview and make a  
11 statement if you want to at  
12 this time.

13 A. I just have --- well, I've got



14 a question. What's the textbook,  
15 well, for barricading? What's the  
16 textbook scenario for barricading?

17 MR. O' DONNELL:

18 Well, I'm supposed to  
19 ask the questions.

20 ATTORNEY RAJKOVICH:

21 You can go off the  
22 record and discuss that.

23 MR. O' DONNELL:

24 We'll go off the  
25 record.

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01 OFF RECORD DISCUSSION

02 MR. O' DONNELL:

03 I want to thank you for  
04 your cooperation.

05 A. Thank you.

06

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08 \* \* \* \* \*

09 SWORN STATEMENT

10 CONCLUDED AT 12: 41 P. M.

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