

01 STATEMENT UNDER OATH  
02 OF  
03 JOHN ROGER JACKSON  
04  
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 U.S. Bankruptcy  
10 Court, 324 West Main Street,  
11 Clarksburg, West Virginia, on  
12 Tuesday, January 24th, 2006, at 1:08  
13 p.m.

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01

I N D E X

02

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04 WITNESS: JOHN ROGER JACKSON

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P R O C E E D I N G S

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MR. SWENTOSKY:  
My name is Dennis Swentosky. I'm an accident investigator with the Mine

07 Safety & Health  
08 Administration, an agency of  
09 the United States Department  
10 of Labor. With me is James B.  
11 Crawford from the Solicitor's  
12 office; Brian Mills, with the  
13 West Virginia Office of  
14 Miners' Health, Safety &  
15 Training; and Mr. Davis Stuart  
16 for the State.

17 I've been assigned to  
18 conduct an investigation into  
19 the accident that occurred at  
20 the Sago Mine on January 2nd,  
21 2006, in which 12 miners died  
22 and one was injured. The  
23 investigation is being  
24 conducted by Mine Safety &  
25 Health Administration and West

9

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

08 At this time the  
09 accident investigation team  
10 intends to interview a number  
11 of people to discuss anything

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

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

10

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

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

15 We understand the  
16 difficulty for you in  
17 discussing the events that

18 took place, and we greatly  
19 appreciate your efforts to  
20 help us in understanding what  
21 happened.

22 This interview with Mr.  
23 Jackson is being conducted  
24 under Section 103(a) of the  
25 federal Mine Safety & Health

11

01 Act of 1977 as part of an  
02 investigation by the Mine  
03 Safety & Health Administration  
04 and the West Virginia Office  
05 of Miners' Health, Safety &  
06 Training into the conditions,  
07 events and circumstances  
08 surrounding the fatalities  
09 that occurred at the Sago Mine  
10 owned by International Coal  
11 Group in Buckhannon, West  
12 Virginia on January 2nd, 2006.

13 This interview is being  
14 conducted at the U. S.  
15 Bankruptcy Courthouse 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. Jackson, the  
02 interview will begin by me  
03 asking you a series of  
04 questions. If you do not  
05 understand a question, please  
06 ask me to rephrase it. Feel  
07 free at any time to clarify  
08 any statements that you make  
09 in response to these  
10 questions.

11 After we have finished  
12 asking questions, you will  
13 also have an opportunity to  
14 make a statement and provide  
15 us with any other information  
16 that you believe may be  
17 important. If at any time  
18 after the interview you recall  
19 any additional information  
20 that you believe may be useful  
21 in the investigation, please  
22 contact Richard Gates at the  
23 phone number or e-mail address  
24 provided to you. We'll get  
25 that for you. It's a business

13

01 card.

02 Your statement is

03 completely voluntary. You may  
04 refuse to answer any question,  
05 and you may terminate this  
06 interview at any time. If you  
07 need a break at any time, just  
08 please let me know.

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

23 If any part of your  
24 statement is not based on your  
25 own first-hand knowledge, but

14

01 on information that you've  
02 learned from someone else,  
03 just please let us know.  
04 Please answer each question as  
05 fully as you can, including  
06 any information you have  
07 learned from someone else. We

08 may not ask the right  
09 questions to learn the  
10 information you have, so do  
11 not feel limited by the  
12 precise question asked.

13 If you have information  
14 about the subject area of a  
15 question, please provide us  
16 with that information. At  
17 this time, Mr. Mills, do you  
18 have anything that you would  
19 like to add on behalf of the  
20 Office of Miners' Safety,  
21 Health & Training?

22 MR. MILLS:

23 Mr. Jackson, I'm glad  
24 you could make it. The West  
25 Virginia Office of Miners'

15

01 Health, Safety & Training is  
02 conducting this interview  
03 session jointly with MSHA, and  
04 are in agreement with the  
05 procedures outline by Mr.  
06 Swentosky for these interviews  
07 that will be conducted here  
08 today. But the Director  
09 reserves the right, if  
10 necessary, to call or subpoena  
11 witnesses or require the  
12 production of any record,  
13 document, photograph or other

14 relevant materials necessary  
15 to conduct this investigation.

16 MR. SWENTOSKY:

17 Mr. Jackson, you are  
18 permitted to have a  
19 representative with you during  
20 this interview, and you may  
21 consult with your  
22 representative at any time.  
23 You may designate any person  
24 to be your representative. Do  
25 you have a representative with

16

01 you?

02 MR. JACKSON:

03 Yes.

04 MR. SWENTOSKY:

05 Could you identify him,  
06 please?

07 MR. RAJKOVICH:

08 Marco Rajkovich.

09 MR. SWENTOSKY:

10 Thank you. Do you have  
11 any questions regarding the  
12 matter in which this interview  
13 will be conducted at this  
14 time?

15 MR. JACKSON:

16 No.

17 MR. SWENTOSKY:

18 Will you swear in Mr.

19 Jackson, please.

20 -----

21 JOHN ROGER JACKSON, HAVING FIRST BEEN

22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 -----

24 BY MR. SWENTOSKY:

25 Q. Did you talk to anyone about

17

01 your interview statement here today,

02 other than Counsel?

03 A. No, sir.

04 Q. For the record, could you

05 please give your full name and spell

06 your last name for us, please?

07 A. John Roger Jackson,

08 J-A-C-K-S-O-N.

09 Q. Could you provide your address

10 and phone number, please?

11 A. P. O. Box 391, Mill Creek, West

12 Virginia 26280. 335-6762.

13 Q. Are you appearing here today

14 voluntarily?

15 A. Yes, sir.

16 Q. How many years of mining

17 experience do you have, Mr. Jackson?

18 A. Approximately 28.

19 Q. Could you kind of give us a

20 brief description of your mining

21 experience?

22 A. I started on Wilcox facing

23 left side, and then I started --- I

24 done that for about four years, and I

25 got put on a miner, and ran the miner

18

01 for about a year. And I just  
02 advanced on to run scoop at Finnish  
03 Resources. And from Finnish  
04 Resources, I went to Carter-Roag  
05 where I was a --- run supply motor.  
06 I supplied there for probably 12 to  
07 14 years. And when they shut down, I  
08 went to Anker Energy at Buckhannon's  
09 Spruce Fork Mines. And I worked for  
10 them for probably about three years.  
11 I run a supply motor for them, and  
12 then they changed hands to William  
13 Processing and worked for them while  
14 they was there. And then Anker  
15 Energy took back over. I used to run  
16 supply motor for them, too. And then  
17 we went --- finished up Spruce Fork,  
18 they put me outby foreman. I took  
19 red hats and shoveled belts and built  
20 stoppings and stuff like that, and  
21 that's what I was doing when I worked  
22 over at Sago. I was outby foreman.

23 Q. How much time do you spend at  
24 Sago total?

25 A. Approximatel y, I'd say from

19

01 four to six months.

02 Q. And what is your present  
03 posi ti on?

04 A. Outby foreman. I usually work  
05 with red hats cleaning belts and  
06 building stoppings.  
07 Q. Such as, laying --- you've  
08 laid track, and that stuff?  
09 A. Yeah, lay track. Just any  
10 general labor that needs to be done  
11 outby.  
12 Q. And how long have you been in  
13 that position?  
14 A. I'd say approximately three  
15 years. Three, four years. See, I  
16 started over at Spruce, when I worked  
17 for Spruce.  
18 Q. Yes.  
19 A. And then when they --- when I  
20 transferred over there, they still  
21 kept me as outby foreman.  
22 Q. Outby foreman. Okay. Were  
23 you working on the day of the  
24 accident, January 2nd?  
25 A. No, sir. I had been off two

20

01 weeks on account of my mother passed  
02 away. And I was supposed to went  
03 back that following Monday. I was  
04 supposed to report back that  
05 following Monday. I got a call on  
06 Thursday that said that I was going  
07 back to Sycamore Mines, because what  
08 we do right now, since Spruce shut  
09 down, they kept the four foremens

10 more or less together. We've been  
11 doing setting belt heads and doing  
12 outby work and section stuff. They  
13 was going to send us to Sycamore for  
14 a couple weeks to set a belt head.  
15 And they told me not to report to  
16 work on Monday on account of Monday  
17 was classified as a holiday for  
18 Sycamore, and report to Sycamore on  
19 Tuesday.

20 Q. Okay. Sorry to hear about  
21 your mother.

22 A. Thank you.

23 Q. What mining certifications do  
24 you have?

25 A. I've got mine foreman's card,

21

01 and shop foreman's card.

02 Q. For the State of West  
03 Virginia?

04 A. Uh-huh (yes).

05 Q. Do you have any certifications  
06 for other states?

07 A. No, sir.

08 Q. Who's your immediate  
09 supervisor?

10 A. Right now, Marty Conrad.

11 Q. When you say right now, you  
12 mean --- okay. During your time at  
13 Sago?

14 A. Marty Conrad.

15 Q. Marty Conrad?  
16 A. Uh-huh (yes).  
17 Q. And what positions does he  
18 hold?  
19 A. He's general mine foreman, or  
20 ship (sic) foreman, whatever you call  
21 it.  
22 Q. Okay. Shift foreman?  
23 A. That's it.  
24 Q. Okay. And he's been your  
25 supervisor?

22

01 A. I'd say probably about six  
02 months, eight months at Spruce there  
03 just before they shut down. He was  
04 at Spruce when they pulled their  
05 equipment out.  
06 Q. Have you ever --- have you  
07 made examinations in the mine as part  
08 of having --- being certified as a  
09 foreman?  
10 A. Yes, sir, I have. I was  
11 section boss a little while at  
12 Spruce, when Dave Dill got hurt. And  
13 I section bossed there for them for a  
14 while while he was off. And then  
15 here about a month, month and a half.  
16 I ain't for real sure about the date,  
17 but he had to go to Beckley for a  
18 two-day training, and I bossed one  
19 section that day.  
20 Q. How long was that that you had

21 to fill in for him?

22 A. One day. Because he had ----.

23 Q. How long have you been an

24 outby foreman at Sago --- at each

25 mine?

23

01 A. Probably about four to six

02 years.

03 Q. And Sago was your entire

04 length of time that you've been at

05 Sago; right?

06 A. Probably about four --- four

07 to five months were all at Sago,

08 since Spruce shut down.

09 Q. But you've been a foreman

10 there since you started?

11 A. I've been classified as a

12 foreman, but Marty Conrad has been

13 the foreman ----. See, when we

14 finished Spruce up, they was all

15 bosses. We kept all certified people

16 at Spruce to finish Spruce up, pull

17 their equipment out. And we went

18 over there, they didn't have no place

19 for us, so they just kept us on the

20 payroll right then.

21 Q. Are you familiar with the old

22 Two Left main seals in Sago Mine?

23 A. Yes, sir, I am.

24 Q. Okay. Have you made any

25 examination of those seals after they

01 were completed?

02 A. No, sir, I haven't.

03 Q. Do you happen to know when  
04 they were built, when they were  
05 started?

06 A. The date? No, sir.

07 Q. Were you involved in building  
08 them?

09 A. I went up there --- like I  
10 said, we worked outby, and when we  
11 were doing our work, like if we had  
12 an extra hour to the shift, we'd go  
13 up to see if they needed any help  
14 mixing mud and stuff like that. And  
15 we probably helped work on probably  
16 three of them. You know, we never  
17 did start to finish on any separate  
18 seal. We just went up there like an  
19 hour or so at the end of our shift to  
20 work on them, or help them. Most of  
21 the time, I mixed mud and stuff,  
22 scooping up, haul block up to them.

23 Q. Okay. Just kind of review  
24 what your responsibilities were. I  
25 know you did mention a couple, but

25

01 can you just kind of tell me what  
02 phases that you participated in?

03 A. In the seal work?

04 Q. The seal work, yes.

05 A. The only thing I done there

06 was mix mud. You know, I didn't have  
07 no responsibility, no ---. We just  
08 went up to help the guys that were  
09 working on them. And like I said, we  
10 only had an hour so left on our  
11 shift, because we usually built  
12 stoppings, Kennedy stoppings, getting  
13 our air right and stuff for the  
14 section. And once we finished our  
15 stopping, we just go up there to give  
16 them a hand to help them work on the  
17 seals.

18 Q. Were you ever responsible ---  
19 were you ever, as a foreman, ---?

20 A. No, sir. For the seals, no,  
21 sir.

22 Q. Had you ever worked on any  
23 Omega seals prior to the Sago Mine?

24 A. At one time when I was running  
25 supply motors over at Carter-Roag's

26

01 mine, they sealed down their work  
02 shop down in there, and I helped  
03 probably couple hours on one of the  
04 seals down at the out block into  
05 them, and we had like, say, an extra  
06 hour to kill, so we just helped them  
07 with the seals there.

08 Q. Are those Omega seals you're  
09 speaking about?

10 A. Yes, sir.

11 Q. The construction of those  
12 seals and the Sago Mine seals, did  
13 they seem to --- did procedures and  
14 everything seem to be the same?  
15 A. They were both the same, yes,  
16 sir.  
17 Q. Did anybody, whenever they  
18 sent you up there to help out with  
19 those seals, did anyone ever speak to  
20 you or relay any information to you  
21 about how they should be constructed?  
22 A. No, sir, I don't know. The  
23 guy's name is Skip. That's the only  
24 thing I know him by.  
25 Q. Okay. Yeah, his name pops up.

27

01 A. Okay. He was the guy that was  
02 doing the --- the guys up there  
03 working on them. And when we were up  
04 there helping, he was the guy that  
05 was in charge of them. And we did  
06 start on the Number One seal ---  
07 well, they had started on the Number  
08 One seal, and we went up there, and  
09 that's the one where the water trap  
10 went in. And I did ask them to see  
11 the print on how the water trap went  
12 in, make sure we had it right.  
13 Q. Okay.  
14 A. And the only thing we done  
15 was, we laid the water trap in and  
16 mortared around it real good, and

17 what we wanted to do is set up that  
18 line before they went back the next  
19 day to finish work. We had the mud  
20 and stuff around it pretty good.

21 Q. And when you asked Skip, he  
22 did actually have a plan of some  
23 sort?

24 A. Yes, sir, he did. He said I  
25 got it in my pocket. He had a --- I

28

01 reckon, where he got from the State,  
02 or wherever he got the plan from.

03 Q. How many pages were to that  
04 plan, do you recall?

05 A. Right off hand, I don't. But  
06 I think about three, but I'm not  
07 really sure.

08 Q. And he reviewed those  
09 instructions with you?

10 A. Yes, sir, he did.

11 Q. Did you happen to look at all  
12 the seals, seal areas, or --- let me  
13 put it this way. How many seals were  
14 built whenever --- the first time you  
15 were up there?

16 A. The first time I was up there,  
17 they were just starting the first  
18 one, the Number Nine seal.

19 Q. Number Nine seal.

20 A. And they had it, I'd say a  
21 third of the way done. And we went

22 up and just had about an hour left.  
23 See, we quit an hour early, because  
24 we worked --- five eights is what we  
25 all worked. We worked five eights,

29

01 and then they worked an extra hour  
02 longer than we did, so we just worked  
03 up to two o'clock and we left to go  
04 to the outside.

05 Q. And who is the foreman there?

06 A. Skip, but I don't know his  
07 name.

08 Q. Skip?

09 A. When I went to work over  
10 there, everybody called him Skip, so  
11 that's what I --- when you get a  
12 nickname it sort of hangs to you, you  
13 know.

14 Q. Yeah, I guess. I got a copy  
15 of the map on the next table over  
16 there. Can we --- we'll just go over  
17 there, and maybe you can mark down  
18 what seals that you had worked on  
19 whenever you were there. Can you do  
20 that? We'll mark this as Exhibit  
21 One.

22 (Jackson Exhibit Number  
23 One marked for  
24 identification.)  
25 BY MR. SWENTOSKY:

30

01 Q. Okay. This is ---?

02 A. Number One.  
03 Q. That's Number One, okay. And  
04 Number Nine is at Number Eight entry?  
05 Mark that as Number Nine. And that's  
06 the first seal that you worked on,  
07 Number Nine?  
08 A. Yes, sir. We went up there  
09 for about an hour, worked on the  
10 Number Nine seal. And I'm not real  
11 sure about that, but I think it was  
12 one of these two down here. We just  
13 went up there probably pretty well  
14 finished it. We started laying block  
15 on top until it was finished.  
16 Q. Okay. And that was ---.  
17 A. Six.  
18 Q. Number Seven seal; is that the  
19 one you're speaking about?  
20 A. Yes. And Number One helped  
21 with the cut. It was Number One ---.  
22 Q. Does this kind of represent  
23 approximately how they were located  
24 up there as far as you locating the  
25 distance between the block?

31

01 A. Yes, sir.  
02 Q. Okay. When you went up on  
03 this Number Nine seal, how far was it  
04 ---?  
05 A. I'd say it was probably about  
06 half way.

07 Q. Was there any kind of remnants  
08 of a partial seal or anything outby  
09 that they were installing? Did it  
10 look like one had been started and  
11 tore down or anything like that?

12 A. I never paid no attention,  
13 but Jeff Toler did go up there and  
14 they had started one of them, but I  
15 couldn't --- I didn't know which one.  
16 He didn't like the way they had it  
17 started, so they had to tear it down  
18 and move it back.

19 Q. How did you find that out?

20 A. Just hearsay. I don't  
21 remember who told me.

22 Q. What all was said during that  
23 conversati on wi th whatever i ndi vi dual  
24 i t mi ght have been?

25 A. Just said that they started

32

01 too close to the corner rib, and they  
02 had to tear it down and move it back.

03 Q. And Mr. Toler had given that  
04 order, he was at that locati on?

05 A. Yes, sir.

06 Q. The locati on of those seals,  
07 were they, say, --- how far i nby the  
08 rib li ne were those seals?

09 A. They ranged from 10 feet to 40  
10 feet.

11 Q. Okay. Do you know how far  
12 they're supposed to be i nby?

13 A. They're supposed to be in by at  
14 least ten feet.

15 Q. Ten feet.

16 A. In by.

17 Q. Is that part of what Mr. ---?

18 A. Skip went over the plan. He  
19 told me about the plan.

20 Q. Okay. Did you notice any  
21 screen on the roof at all?

22 A. Where the seals were built  
23 that a screen area was cut out with a  
24 pair of bolt cutters.

25 Q. Okay. Did you actually

33

01 observe that, or was that what was  
02 told to you?

03 A. When we up there one day, they  
04 said they were going to start sealing  
05 the next, and they had to have the  
06 screen cut out.

07 Q. Okay.

08 A. And if I'm not mistaken,  
09 either Harmon Jordan or Mike Triplett  
10 was one that went down to the other  
11 and cut --- started cutting the  
12 screen out of it.

13 Q. You observed him cutting it  
14 out?

15 A. Yes, sir.

16 Q. You stood there and observed  
17 that? And he cut them with bolt

18 cutters?

19 A. That's right.

20 Q. Do you recall what length of

21 --- or how much screen in length was

22 cut out?

23 A. They cut out between two

24 bolts, probably four feet.

25 Q. And just --- a length of two

34

01 bolts, in between two bolts?

02 A. Across the whole width.

03 Q. Yes. So that would --- do you

04 know what bolt centers are on?

05 A. Four-foot center.

06 Q. Okay. So that would be

07 roughly four foot; am I correct?

08 A. Four foot by --- the length of

09 screen's 14 feet in length.

10 Q. What about the material, or

11 the site preparation, did you ever

12 observe anyone doing site preparation

13 while you were down there for a seal?

14 A. You mean, clean it up or ---?

15 Q. Yeah. Loose material or

16 anything like that?

17 A. Yes, sir, I did.

18 Q. You did? Okay.

19 A. Or I just --- like I said,

20 when I went up and run the scoop, I

21 go down in a --- if I'd run a scoop

22 hauling block, and they'd say they

23 was going to build the next one the

24 next day, I'd take the scoop down  
25 there and clean out the debris and

35

01 stuff away, to have a good foundation  
02 to work off of.

03 Q. Okay. That cleanup process  
04 that you're speaking about, was that  
05 in addition to actually mixing  
06 mortar, what you were speaking about  
07 earlier and assisting in the ways  
08 that you identified?

09 A. Yes.

10 Q. Was that scooping done in the  
11 other entries, other than those three  
12 that you have mentioned about?

13 A. They cleaned them all, as far  
14 as I know.

15 Q. How many did you clean?

16 A. Probably one or two of them.

17 Q. Do you remember which area  
18 that was in, what area those seals  
19 would have been?

20 A. No, not right off hand. No,  
21 sir.

22 Q. What was the bottom look like  
23 whenever you were completed? Did you  
24 get off and go look, or check it,  
25 or ---?

36

01 A. No. It was pretty clean in  
02 there, but a lot of wet mud and

03 everything and water. We had a lot  
04 of water and stuff around.

05 Q. Were you able to get down on a  
06 hard bottom, or firm ---?

07 A. A firm bottom, yes, sir.

08 Q. When you were cleaning with  
09 the scoop, did the scoop want to go  
10 deeper or anything than you wanted,  
11 or were you able to really ---?

12 A. No. It seemed like it ---  
13 yeah, I run it on low is what I run  
14 the scoop back on when I clean. It  
15 seemed like it done a fair job.

16 Q. What about the ribs? Did you  
17 clean off any ribs and then scoop it  
18 up, or ---?

19 A. No. Where I cleaned, I got  
20 rid of all the debris that was laying  
21 along the ribs that I could get. And  
22 what I couldn't get, I reckon they  
23 cleaned up with a shovel.

24 Q. You weren't involved in any  
25 cleaning of the rib, or ---

37

01 A. No, sir.

02 Q. --- scooping off the rib or  
03 anything?

04 A. No, sir.

05 Q. How much of an area did you  
06 clean up, you know, in length?

07 A. Probably better than half the  
08 breaker, you know, where they go to

09 seal, because they usually had a mark  
10 on the rib, you know, where they was  
11 going to build the seal at.

12 Q. Those marks on the rib, were  
13 they just exactly where the seal was  
14 going to be, or were they the entire  
15 length they wanted you to clean up?

16 A. No, just they would put a  
17 marker, it could be a paint mark or  
18 something like that they'd stick on  
19 the rib where they was going to put  
20 the seal, or --- in the neighborhood  
21 they was going to put. That's where  
22 they wanted cleaned.

23 Q. Okay. They had a mark where  
24 the seal was going to go; right? Is  
25 that what you said?

38

01 A. They had a mark on the rib  
02 where the seal should be.

03 Q. Should be, okay. And then you  
04 cleaned on each side of it, or did  
05 they put a mark on the rib at the  
06 area that you wanted it?

07 A. I just clean it where they  
08 tell me where to clean. You can go  
09 out and look see where they had  
10 marked or the particular wall they  
11 painted, and I cleaned both sides,  
12 15, 20 feet on both sides.

13 Q. Was there any standing water

14 or anything up there that you  
15 noticed? And I know you said mud and  
16 water in general, but was there any  
17 standing water holes, and ---?

18 A. There was some in the entry  
19 outby the seals.

20 Q. Okay.

21 A. What would be, I reckon, at  
22 the return when they finished the  
23 seals up, it would be the return for  
24 the seals.

25 Q. Okay. And this is actually

39

01 where the seals were going to be  
02 installed in the entries?

03 A. Yeah.

04 Q. After you cleaned up, did you  
05 notice, like were there any cracks in  
06 the bottom, or abnormalities in the  
07 bottom?

08 A. None that I noticed, sir.

09 Q. Did you notice like roof  
10 support in the area inby the seals or  
11 outby the seals that were installed?

12 A. Well, they built cribs inby  
13 the seals.

14 Q. Okay. How many cribs did they  
15 place inby the seals, do you recall?

16 A. If I'm not mistaken, they put  
17 two cribs on behind each seal.

18 Q. These are cribs that you  
19 observed when you were in that area?

20 A. Yes, sir.

21 Q. Did you see any --- were you  
22 up there after the seals were built  
23 and they had --- where they had cribs  
24 built in any one of those seals?

25 A. After the seals were built?

40

01 Q. Yes.

02 A. No, sir.

03 Q. Okay. Were any seals  
04 completed --- well, you had said you  
05 worked on Ni ne.

06 A. I worked on 9-A. I don't know  
07 if they finished that up the day that  
08 we was up there or not, because they  
09 was almost up to the top, and our  
10 quitting time came, and we were  
11 always at the section until the  
12 product runs out.

13 Q. And so when you were there  
14 working on Number One, some of the  
15 other seals had already been  
16 installed?

17 A. Yes, sir.

18 Q. Okay. Did you see any roof  
19 support on the outby side of those  
20 seals that had already been  
21 completed?

22 A. They had to go back to do  
23 that. They're going to put their  
24 cribs in them, and they come back and

25 re-crib. You're always supposed to  
01 have crib from the outside, so I'm  
02 sure they did.  
03 Q. Okay. But you never observed  
04 any?  
05 A. I never went back over to  
06 check them.  
07 Q. Okay. Did you notice if there  
08 were any trenches in the rib where  
09 the seal was supposed to be  
10 installed, notches in the rib at all?  
11 A. No, sir.  
12 Q. Okay. In the bottom?  
13 A. No, sir.  
14 Q. Approximately, how high was  
15 those --- did you ever measure the  
16 height of that area?  
17 A. No, sir, I didn't.  
18 Q. What about width?  
19 A. Approximately 18 feet.  
20 Q. But you never measured that  
21 width or anything?  
22 A. Never measured it.  
23 Q. You had mentioned that most of  
24 the time you were up there you mixed  
25 mortar?

41

01 A. Yes, sir.  
02 Q. Did you ever lay any blocks  
03 down for them?  
04 A. It might have been five or

42

05 six. There wasn't very many, because  
06 most of the time, I mixed mud.

07 Q. Do you know if they used all  
08 new blocks, or was there some that  
09 were reused or anything like that?

10 A. They used all new blocks, sir.

11 Q. All new? When they laid them  
12 down, were the blocks wet?

13 A. They laid a base down and they  
14 smeared the whole block, they  
15 recovered it.

16 Q. Did you ever observe one that  
17 was started at the bottom? Did you  
18 ever observe them doing that?

19 A. No.

20 Q. Were you involved at that  
21 time?

22 A. They already had the bottom  
23 started when we usually got up there.  
24 Because like I said, it's usually  
25 late in the day when we're going up

43

01 there.

02 Q. How thick were those seals?

03 A. Forty (40) inches.

04 Q. They use ---?

05 A. They turn one sideways and one  
06 long ways, 16 and 24, something like  
07 that.

08 Q. One horizontal, one ---

09 A. Yeah.

10 Q. --- vertical --- or traversed-  
11 typed, staggered joint?  
12 A. Yes. Uh-huh (yes).  
13 Q. What type of mortar did you  
14 --- were you using?  
15 A. It was a special mortar. Them  
16 blue bags.  
17 Q. Was the entire bag blue, or  
18 was it ---?  
19 A. It was white with blue  
20 stripes. There is a different type,  
21 but I do know at one time they had to  
22 wait for mortar to come in because  
23 they ran out of mortar before they  
24 could do more work on the seals.  
25 Q. Okay. If they didn't have  
44  
01 any, did they ever just straight  
02 mortar anything ---  
03 A. No, sir.  
04 Q. --- if you get in a hurry or  
05 something like that?  
06 A. No, sir.  
07 Q. Were there instructions on  
08 those bags?  
09 A. I'm sure there was, you know.  
10 Mixing instruction?  
11 Q. Yes.  
12 A. I'm sure there was, but as far  
13 as me observing it, I never ---.  
14 Q. You never read that?  
15 A. That's correct.

16 Q. How did you mix them, I mean,  
17 the contents, you know, the water and  
18 so on and so forth? What was the ---  
19 how much water and how much mortar?  
20 Can you give me kind of an idea?

21 A. Well, we just put water in  
22 there and started mixing until we got  
23 a good mix. For the water quality of  
24 it, or stuff, I couldn't tell you,  
25 I'm not sure.

45

01 Q. Okay. When the blocks are  
02 laid down, you're putting what on the  
03 blocks when you laid them down?

04 A. I put wet mud on them.

05 Q. Wet mud on them. So the  
06 blocks were actually dry whenever  
07 they put the mortar on them?

08 A. Yes, sir. That's what I call  
09 wetland, you know.

10 Q. Yeah, I understand. But they  
11 didn't --- was there ever any water  
12 applied to the block before you put  
13 the mortar on?

14 A. Not to my knowledge.

15 Q. Was the mortar applied to the  
16 vertical and horizontal joints?

17 A. Yes, sir.

18 Q. How was that applied?

19 A. It was when they took the  
20 block down, they laid one block down

21 and then they put on another one, do  
22 the sides of it, and they'd do the  
23 sides and stuff of the other block  
24 before they put it in. The bottom  
25 and they'd do they sides and the top

46

01 of it.

02 Q. Do you recall what maybe  
03 thickness was it at, that mortar  
04 joint?

05 A. They told us it needed to be a  
06 quarter-inch thick.

07 Q. Okay. Do you recall whether  
08 there was any pilasters installed in  
09 those?

10 A. Pilasters?

11 Q. Yes. An offset in the seal.  
12 Meaning, you start across and then  
13 you build out from the seal a short  
14 distance across and then back in,  
15 like a reinforcing-type ---.

16 A. No, sir.

17 Q. So they were just straight  
18 across?

19 A. Yes, sir.

20 Q. Both sides, inby and outby?

21 A. Right.

22 Q. Okay. The consistency of the  
23 mortar --- I know we were talking  
24 about that a moment ago, was it like  
25 a runny mix or a thicker mix?

47

01 A. About a medium mix. It wasn't  
02 real runny, but we mixed it so that  
03 it would stick pretty good to the  
04 blocks and stuff.

05 Q. Okay. And they continued this  
06 staggered joint configuration until  
07 they reached the roof, or up near the  
08 roof?

09 A. Yes, sir.

10 Q. Can you describe to me, how it  
11 was finished off?

12 A. The main top of it?

13 Q. Yes.

14 A. No, sir.

15 Q. Were you ever there whenever  
16 they ---?

17 A. We was up at that one seal,  
18 they was almost finished, but like I  
19 said, quitting time come before we  
20 got done, and I went back the next  
21 day shift to see if it was finished  
22 or not.

23 Q. The blocks against the rib,  
24 when you went up against the rib, how  
25 were those wedged in, or were they

48

01 wedged in, or how was that done?

02 A. They were wedged in.

03 Q. Well, how were they wedged in?

04 A. With a pole axe.

05 Q. Pardon me?

06 A. With a pole axe. Throw a  
07 wedge down in there, get them tight  
08 and then mortar it real good.  
09 Q. Explain that to me a little.  
10 Now, we're speaking of the seal that  
11 goes across the entry and then the  
12 seal butts up --- the blocks butt up  
13 in the rib; right?  
14 A. Uh-huh (yes).  
15 Q. Okay. And when the blocks  
16 would be just slightly short, or ---?  
17 A. They tried to get where the  
18 mortar and stuff that come right to  
19 the rib, you know, where they get a  
20 good bead of mortar down in there.  
21 Q. Okay. And they use wedges  
22 sometimes to wedge that up?  
23 A. Sometimes.  
24 Q. And they were installed with a  
25 --- what did you call it?

49

01 A. A pole axe.  
02 Q. A pole ax. They'd drive them  
03 down in there pretty hard?  
04 A. Pretty hard, yeah.  
05 Q. How close to the roof did they  
06 --- I guess you said you were only  
07 there once. How close to the roof  
08 did they get that up there?  
09 A. They probably had another row  
10 of blocks to go across to be at the  
11 top.

12 Q. Okay. How did they reduce the  
13 size of the block? If you needed a  
14 piece of a block, you know, not a  
15 complete block, how did they do that?

16 A. A bow saw.

17 Q. Did you ever see any planks or  
18 anything laying around the seal?

19 A. Planks?

20 Q. Planks. Wooden planks, wooden  
21 boards.

22 A. There's boards around it, but  
23 you know ---.

24 Q. Do you know if that's what  
25 they put on top of it?

50

01 A. I don't know.

02 Q. Were you ever around whenever  
03 they --- what did they apply to the  
04 face, the outside? Once it was  
05 completed, do you recall what they  
06 put on the outside of the seal?

07 A. They used the mortar. They  
08 refaced it again.

09 Q. Refaced them again. Both  
10 sides?

11 A. Yeah.

12 Q. How did they do the back side?

13 A. Well, see, the back side ---  
14 we had a stopping on the back side.  
15 So we'd have our air and stuff come  
16 up there right. When they'd get

17 down, they'd have a bunch of mud and  
18 stuff on the back side when they do  
19 back side, and then they come back  
20 around.

21 Q. That was the same material  
22 as ---?

23 A. The block bond.

24 Q. You used block bond?

25 A. Yes, sir.

51

01 Q. How thick was that material  
02 placed on that? Did you ever apply  
03 the mortar to the outby?

04 A. No, sir, I never.

05 Q. Okay. After the seal was  
06 completed and they faced it, was  
07 there any additional mortar applied  
08 around the perimeter of the seal?

09 A. I didn't see it then. They  
10 first went back on all the seals and  
11 refaced them all.

12 Q. Is that something that was in  
13 the plan, or was that something you  
14 heard someone tell someone?

15 A. I guess I heard them talking  
16 about, you know, had to reface all  
17 the seals and make sure they had  
18 enough mortar to get quarter inch  
19 that's supposed to be on.

20 Q. Who said --- who was talking  
21 when that ---?

22 A. I just heard the guys talking

23 up there on the track, you know. I  
24 reckon, the guys were going to work  
25 their job today was to --- they were

52

01 going to reface the seals.

02 Q. Okay. The seal with the water  
03 trap was Number One you said?

04 A. Yes.

05 Q. How was that water trap  
06 installed? By that I mean, how did  
07 you configure the block to lay the  
08 water trap in?

09 A. You put the block over, check  
10 for air on the seal. The water trap  
11 where it come off the ground, it had  
12 to be up so many inches, I think.

13 Q. Do you remember what those  
14 inches were?

15 A. Not right off hand. I think  
16 12 inches or something like that off  
17 the ground.

18 Q. Right. Okay. Go ahead,  
19 continue how you did that.

20 A. Okay. I had the block over  
21 there, and then I laid the tight end  
22 there, and then mortared everything  
23 down and I had to let that set up  
24 overnight before they ---.

25 Q. They had cut a notch in, or

53

01 they left them spaced --- a space

02 between them?

03 A. Well, I come over with the  
04 block, brought the block over and the  
05 pipe would go through, and they just  
06 kind of just grooved a little bit in  
07 the block. That pipe sat down, and  
08 they just mortared the whole pipe.

09 Q. Okay. When they grooved the  
10 block, how did they do that?

11 A. Bow saw.

12 Q. Bow saw. The water trap, did  
13 it have any --- at the joints, were  
14 there any screws, or how would they  
15 attach that thing, the joint --- the  
16 different pieces of the water trap,  
17 how did they join those?

18 A. They was supposed to be glued.  
19 The joint they had done the day I was  
20 there was put the pipe through the  
21 block.

22 Q. In other words, they didn't  
23 have the outby portion, the trap part  
24 of it attached, they just ---?

25 A. No, they had it there, but

54

01 they didn't have it attached.

02 Q. Was it put together?

03 A. No. But they was going to  
04 glue it together. PVC pipe or  
05 something like that.

06 Q. Did you ever observe that?

07 A. No, sir.

08 Q. So then they left it set  
09 overnight, you said, or at some  
10 length of time?  
11 A. Yeah, overnight. We have ---  
12 I'm sure they went back the next day.  
13 We never went back up there.  
14 Q. You never went back there?  
15 A. No.  
16 Q. Just for a moment, can we go  
17 back over to the map. And how far  
18 --- well, let's go to the map first.  
19 Looking at this Number One seal, can  
20 you show me the approximate location  
21 of that seal, how it was configured?  
22 As we look at this map here, at the  
23 Number One entry, it's an angled  
24 seal, and I noticed that on this  
25 particular map we had a seal

55

01 constructed right at the corner,  
02 across the corner there. Can you  
03 tell me how that seal was located?  
04 Was it outby this corner? That would  
05 be the left corner. Outby, or was it  
06 inby?  
07 A. If I'm not mistaken, it was  
08 around this corner.  
09 Q. Okay.  
10 A. I ain't sure if it was inby or  
11 outby, because I don't recall seeing  
12 corners there. It was around the

13 face here.

14 Q. Okay. Where that seal was  
15 located, did it seem to be any wider  
16 in that area than it did in the other  
17 seals?

18 A. Not to my knowledge, no, sir.  
19 It might have been a tad wider than  
20 the other seals, but we never  
21 measured them.

22 Q. Okay. Thank you. Do you  
23 recall what size that water trap was?

24 A. If I'm not mistaken, four  
25 inch.

56

01 Q. And you said you thought it  
02 was PVC-type pipe?

03 A. Yeah.

04 Q. What color was it?

05 A. White.

06 Q. Did you have any involvement  
07 in installing the gas sampling tube  
08 at all?

09 A. No, sir. At the Number Ten  
10 --- I was not over around Number Ten.  
11 I did all the block in Number Ten,  
12 but they were hauled up there,  
13 because we was doing some stopping  
14 work outby, and when the mortar crew  
15 brought the block in, they unloaded  
16 them right away. I asked the boss  
17 what do you want me to do with them,  
18 and he said just take up them to

19 where the seal area's at. So I just  
20 took them up there and set them at  
21 Number Ten entry.

22 Q. Was that Skip?

23 A. No, it was Marty Conrad.

24 Q. Marty Conrad?

25 A. Yeah. He told me where I need

57

01 to move the block, because we was  
02 doing the stoppings, you know,  
03 getting the air right when they turn  
04 off that thing over there.

05 Q. Do you recall how that area  
06 was ventilated? Was the air going  
07 away from you into the old Two Left  
08 mains?

09 A. The intake's swept in front of  
10 the seals until they got everything  
11 done, got their overcastting across  
12 where they can split it.

13 Q. Okay. So the front of the  
14 seals, the air was moving from left  
15 to right or right to left?

16 A. Going to the section?

17 Q. No, I mean, across the front  
18 of the seals.

19 A. Okay. Across the front of the  
20 --- going from right to left and come  
21 up Number Ten entry. I think there's  
22 two intakes coming outside Number  
23 Nine and Number Ten, and swept in

24 front of the seal and went to the  
25 section. And after the seals was

58

01 pretty well completed, they put them  
02 --- they split the air, and go  
03 overcast across the intake air going  
04 to the section and across the belt  
05 and the track.

06 Q. Did you have a methane  
07 detector at all when you were up  
08 there?

09 A. I didn't have mine with me at  
10 that time.

11 Q. Did anybody have one?

12 A. Yes. Marty Conrad had his  
13 and ---.

14 Q. And Skip?

15 A. Yes.

16 Q. Did you ---?

17 A. And I'd say Mike Triplett or  
18 Harmon Jordan might have had theirs.

19 Q. Did you ever hear of any  
20 methane being detected up there  
21 during the construction, or did you  
22 ever hear anybody's detector going  
23 off at all or anything?

24 A. No, sir.

25 Q. I noticed you said that you

59

01 didn't see the seals being topped  
02 off, but how far from the roof was it  
03 whenever you last saw that seal?

04 A. Number One?  
05 Q. Any of them.  
06 A. The last one I saw was over at  
07 Number Nine, it was like a little  
08 block.  
09 Q. Just one little block?  
10 A. Yeah.  
11 Q. Do you know any other  
12 employees that --- the names of the  
13 other employees that worked on those  
14 seals?  
15 A. A couple of the red hats.  
16 George and --- I can't think of his  
17 last ---. One's name is George and  
18 the other is Short. I can't think of  
19 his first name. I think his last  
20 name was Short, because I called him  
21 Stubby.  
22 Q. But you don't know the other  
23 guys?  
24 A. And Skip. I mean, I couldn't  
25 tell you his name. When I started  
60  
01 work over there, everybody called him  
02 Skip.  
03 Q. Did you ever see Mr. Toler up  
04 there, or Mr. Crumrine or anyone up  
05 there during the construction of the  
06 --- your time at the seals?  
07 A. At my time at the seals? No,  
08 sir.

09 Q. Do you know if he was up there  
10 at any time?  
11 A. I assume he was, because he  
12 worked on stoppings up there outby  
13 the seals there along the track, and  
14 they come up there with inspectors,  
15 but I'm sure when they come up there  
16 that they went across the seal area  
17 where the work was done. But as far  
18 as me seeing them, no, sir.  
19 Q. When you say inspectors, who?  
20 A. We get so many, it's hard to  
21 keep up with them.  
22 Q. Who in terms of management  
23 specifically was up there?  
24 A. Jeff Toler. I know he was  
25 there.

61

01 Q. At the seal?  
02 A. Up at the seal area.  
03 Q. Did you see him?  
04 A. I didn't see him, no, sir.  
05 But he's the one that moved the one  
06 seal back, so that's a pretty good  
07 indication that he was there.  
08 Q. Okay. Did you see any other  
09 management personnel up there? Did  
10 you personally observe any other  
11 management personnel up there?  
12 A. Marty Conrad was up there. He  
13 should have been there.  
14 Q. Did he give any instructions

15 or anything, or what did he look at?  
16 What can you tell me about his visit?  
17 A. Well, he was there with us.  
18 You know, like I said, we all worked  
19 together, me and him. Just me and  
20 Marty Conrad and Mike Triplett and  
21 Harmon Jordan, we all worked  
22 together. When we was outby working  
23 we'd finish up or something, we'd go  
24 up there to see if any of them needed  
25 any help with the seals. In about a

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01 period of two weeks or so. We both  
02 went to Sycamore during the process  
03 of building the seals, so I don't  
04 know how many got completed while we  
05 was down there.

06 Q. Did you notice if there was  
07 any piers built underneath any of the  
08 seals? Piers meaning a slab of  
09 concrete?

10 A. No, sir.

11 Q. They were all started with  
12 Omega block?

13 A. Well, they always use the  
14 mortar and stuff.

15 Q. Yes, yes.

16 A. They all used that.

17 Q. And the mortar that you used,  
18 that was all one of the same type?

19 A. Right. Yes, sir.

20 Q. Did that mortar come in  
21 anything else besides bags at any  
22 time during the construction?  
23 A. No, sir. I never seen  
24 nothing.  
25 Q. The mortar was applied to both

63

01 sides, I think you said?  
02 A. Both sides going from ---.  
03 Q. Have you ever experienced or  
04 heard anyone talk about any  
05 difficulties that they encountered  
06 during the construction of the Omega  
07 seals?  
08 A. No, sir.  
09 Q. The boards that you saw laying  
10 around, how thick were those?  
11 A. That would be fly board. I'd  
12 say they were an inch thick, six  
13 inches wide.  
14 Q. Six inches wide, how thick?  
15 A. An inch.  
16 Q. An inch thick?  
17 A. I'm pretty sure they were an  
18 inch. I'm not even a hundred percent  
19 sure on that. I'm pretty sure the  
20 fly boards are --- I'm pretty sure  
21 they're an inch.  
22 Q. Did you actually observe the  
23 mortar applied to both sides, or did  
24 you just hear that they were applied  
25 to both sides?

01 A. They applied the biggest part  
02 on the seals coming up with them.  
03 They kept both sides coming up with  
04 them and they go back over it. I  
05 never seen it, but they were supposed  
06 to go back over and replace all the  
07 seals.

08 Q. Okay. But during that time  
09 there, you had somebody on the inby  
10 side, and as they were going up, you  
11 actually saw them applying mortar to  
12 the ---

13 A. Yes, sir.

14 Q. --- inby side? Both sides  
15 actually.

16 A. Yes, sir.

17 Q. Did you notice any pipes or  
18 cables or any metallic type material  
19 in the area of those seals?

20 A. No, sir.

21 Q. Any cable ---?

22 A. The cables that was used to  
23 mine that panel, or ---?

24 A. Yes. Well, anytime or  
25 anything, metallic pipes, or like

01 when they hung the high voltage cable  
02 or something like that, you know,  
03 cables running through there. Was  
04 the track broke?

05 A. The track was broke and pulled  
06 out. It was pulled all the way up  
07 out of, the whole panel. See, when  
08 they first started out, after some  
09 repair, they pulled that track out of  
10 there.

11 Q. Pulled the track out of there?

12 A. Uh-huh (yes).

13 Q. Do you recall, when you're  
14 pulling --- did you assist in pulling  
15 the equipment out of old Two Left  
16 main?

17 A. No, sir. The crews done that,  
18 because they was --- they got a  
19 permit to take the bottom coal,  
20 because they took the top coal going  
21 in. They got a permit to take the  
22 bottom coal coming out and the crews  
23 that worked up there brought the  
24 equipment out of the --- brought the  
25 coal out on the bottom.

66

01 Q. Were you ever up there after  
02 everything was out?

03 A. No, sir.

04 Q. No? Did you ever hear any  
05 discussions about any --- that they  
06 left maybe some old batteries or  
07 anything like that up in there?

08 A. No, sir.

09 Q. Any old equipment at all,  
10 whatever it might be?

11 A. No. All that equipment is  
12 pretty new, sir. I don't think they  
13 left any of that.

14 Q. Okay. No pipes or cables,  
15 or ---?

16 A. No.

17 Q. Did you ever think or have a  
18 reason or hear anyone speak about the  
19 construction of the Two Left seals,  
20 any problems that they might have had  
21 with the construction of them, or did  
22 everybody seem satisfied with the  
23 construction?

24 A. To my knowledge, when I heard  
25 from everybody, it seemed like it was

67

01 pretty well built there.

02 Q. And I may have asked you this  
03 before, and I apologize if I did.  
04 But after they were completed, did  
05 you ever hear anyone speak about, you  
06 know, finding some methane at the  
07 seals or anything like that?

08 A. No, sir.

09 Q. No one talked about that at  
10 all?

11 A. No, sir.

12 Q. Do you know who in the company  
13 is responsible for gaining approval  
14 from MSHA on those seals? Did you  
15 ever hear that discussed?

16 A. I never heard it discussed,  
17 but I would say it would probably go  
18 through the safety department.

19 Q. Who is the individual that was  
20 responsible for the construction of  
21 it? Who is the main individual  
22 responsible for the construction of  
23 those seals? Do you know who?

24 A. You're saying the boss on the  
25 job, or ---?

68

01 Q. The main --- the person giving  
02 the most instruction for those seals.

03 A. That would be Skip and Jeff  
04 Snyder, I believe.

05 Q. Do you know why mining was  
06 stopped up in the Two Left area? Did  
07 you ever hear why that was stopped up  
08 there?

09 A. Water.

10 Q. Water. Do you recall anyone  
11 talking about any additional methane  
12 problems or just seeing additional  
13 methane while they were in the Two  
14 Left area?

15 A. No, sir, I haven't.

16 Q. Did you ever hear of anyone  
17 cutting through any uncharted  
18 boreholes or charted boreholes or  
19 mining into any holes?

20 A. No, I haven't heard anybody  
21 say anything about it.

22 MR. SWENTOSKY:

23 Brian, do you have

24 anything?

25 BY MR. MILLS:

69

01 Q. John, at any time did you

02 perform a pre-shift or a non-shift

03 exam of that site?

04 A. The seals, no, sir.

05 Q. Okay. You mentioned you were

06 there when they started Number Nine

07 seal?

08 A. We went up there after they

09 started. They were probably halfway

10 done with it.

11 Q. Was there wire screen above

12 that area?

13 A. Not that I recall.

14 Q. Okay. What about when they

15 were finishing up Number Seven seal?

16 Was there wire roof screen above that

17 seal?

18 A. I ain't sure which end did

19 have the screen in it, but one had

20 the screen that they cut out.

21 Q. Okay. Number One seal, where

22 you worked on the water trap, was

23 there a wire screen in that heading?

24 A. I'm not real sure.

25 MR. SWENTOSKY:

70

01 Can we go off the  
02 record? Just take a short  
03 break.

04 SHORT BREAK TAKEN

05 BY MR. SWENTOSKY:

06 Q. For clarification, you had  
07 mentioned --- I believe this was what  
08 you were speaking about, but the  
09 persons who worked on those seals,  
10 did you mention a gentleman by the  
11 name of Mike Triplett?

12 A. Triplett, yeah.

13 Q. Triplett.

14 A. Yeah, he worked with us.

15 Q. Am I pronouncing it ---  
16 Triplett?

17 A. Triplett, yeah.

18 MR. RAJKOVICH:

19 He's got another  
20 clarification that he'd like  
21 to give to you.

22 MR. SWENTOSKY:

23 Sure, go ahead.

24 MR. MILLS:

25 Before we get to that

71

01 one, can you just clarify that  
02 again, as far as Triplett and  
03 who? Go ahead. I'm sorry.

04 BY MR. SWENTOSKY:

05 Q. Okay. Mr. Triplett, what did  
06 Mr. Triplett perform, or what was his

07 posi ti on?

08 A. Like I say, he's a general  
09 mine foreman, or shift foreman from  
10 the other mines, you know, because we  
11 was all --- like, we had Harmon  
12 Jordan, he was the weekend shift  
13 foreman. Mike Triplett, he was the  
14 evening shift foreman, and Marty  
15 Conrad, he was dayshift shift  
16 foreman.

17 Q. Okay.

18 A. And we all finished up coming  
19 from the other mine over. And his  
20 --- what he had done up there, he  
21 spread mud.

22 Q. Okay. At which mine?

23 A. Sago Mine.

24 Q. Sago Mine. Okay. So he was  
25 involved with those seals that we're

72

01 speaki ng about?

02 A. Yeah. That was the only time  
03 he was up there, was the same time we  
04 was.

05 Q. Okay. And he mixed mud  
06 and ---?

07 A. Well, I mixed the mud and  
08 he ---.

09 Q. And he put it on. All right.

10 MR. MILLS:

11 Does he have another

12 clari fication?

13 MR. SWENTOSKY:

14 Yeah, he's got a ---

15 yes.

16 MR. MILLS:

17 Unless you do.

18 MR. SWENTOSKY:

19 No, we're done with

20 that clari fication.

21 MR. MILLS:

22 All right.

23 A. In fact, when I went over and

24 worked on Number Nine seal I told you

25 that Jeff Snyder and Skip was the

73

01 ones that was over the seals. And

02 when we was up there at Number Seal,

03 Jeff Snyder was the boss at that

04 time.

05 BY MR. SWENTOSKY:

06 Q. Okay. Jeff ---?

07 A. Yeah. He was up at Number

08 Ni ne seal .

09 Q. Okay. And it wasn't Skip?

10 A. No, not Number Ni ne. No, sir.

11 Q. Okay.

12 A. Skip and Jeff both was the

13 bosses over the seals and then I

14 think he took Jeff off for other

15 reasons. I don't know what, but I

16 think they had to walk airways or

17 some little stuff or something. I

18 ain't sure what.

19 Q. Do you know if they  
20 constructed seals --- the seal  
21 construction continued through into  
22 the second shift, third shift, or was  
23 it just one shift?

24 A. No, just one shift.

25 Q. One shift. Did you have ---

74

01 go ahead.

02 A. We got sent to Sycamore in the  
03 process of them being built. So we  
04 were down there for a couple weeks at  
05 that time.

06 Q. Okay. Did you happen to take  
07 any notes during the construction of  
08 these seals or your time up there?

09 A. No, sir.

10 Q. How was the rock dust in the  
11 area? Kind of describe that a little  
12 bit for me, would you, on the inby  
13 side and the outby side?

14 A. The inside it was, you know,  
15 pretty wide like, and the outby side,  
16 they took the machine duster up there  
17 and dusted all that. And then over  
18 where we built the stopping and  
19 stuff, we dusted that with the  
20 machine duster before we opened air  
21 up to go down the other way before  
22 they built --- finished everything

23 up, and put the overcast in. We  
24 machine dusted all that, and once  
25 they done that --- and they were

75

01 already machine dusted from the  
02 beginning.

03 Q. Okay.

04 A. One of them machine dusters.

05 Q. Okay. How much --- when you  
06 were there, how much dust did they  
07 have? Was there any thickness to it?

08 A. I couldn't tell you what  
09 thickness it was, but they bought it  
10 in ton bags, so they used several  
11 there.

12 Q. In what?

13 A. In ton bags.

14 Q. One ton bags?

15 A. A big ole bag, yeah. I think  
16 it was ---. You got to pick them up  
17 and hang them up with a scoop.

18 Q. Okay. When you say they pick  
19 them up and hang them, do you mean  
20 they hung them from the roof?

21 A. Yeah, hung up. Chain, hang  
22 them up, and pull your scoop under  
23 them and cut them open and dust come  
24 out. Bulk dusting.

25 Q. Oh, okay. I see what you're

76

01 saying. You pick them up and then  
02 you cut them open and spread it

03 around. Okay. Is that what they did  
04 in that area?

05 A. Yes, sir.

06 Q. Did you assist in that  
07 process?

08 A. Not at the seal area we  
09 didn't, but see, you had your seal  
10 --- go ahead and come down with your  
11 seals, and you had your return wall.  
12 And you had that neutral heading  
13 there at the time. When we done it,  
14 it was a neutral heading. And the  
15 other heading was neutral. So we  
16 dusted all them when they was  
17 neutral. And see, when the air got  
18 changed around they built the  
19 overcast to where they had to sweep  
20 ventilation. That's when they opened  
21 up the intake on the section. We  
22 already had it all dusted before they  
23 opened it up.

24 Q. And just a moment, if we can  
25 go back to plastering both sides or

77

01 facing both sides of the seal. How  
02 many times did you observe that both  
03 sides were plastered, or --- was it a  
04 process of being plastered?

05 A. All three times I was over,  
06 they worked on them every time I was  
07 over there.

08 Q. On all three seals?

09 A. All three seals, yes. Uh-huh

10 (yes). Because I do remember Skip

11 saying they had to be a quarter-inch

12 thick. And it was hard to get a

13 quarter-inch of mud to stick to the

14 wall without letting it dry a little

15 bit and then taking more over.

16 Q. Is that they did that, they'd

17 put it on a little bit and then dry

18 and put on a little bit ---

19 A. Yeah. Uh-huh (yes).

20 Q. --- to gain that thickness?

21 Okay. When was the last time that

22 you had an annual retraining class

23 that you participated in?

24 A. I'm not sure the date of it,

25 but we just had it before we went

78

01 over there. Dick Curry was the

02 instructor.

03 Q. That would have been at

04 Spruce?

05 A. Yeah, before we went to Sago.

06 Q. When you went to Sago, what

07 type of training did they provide to

08 you?

09 A. Al Schoonover, he went over

10 their escapeways and stuff with us.

11 Just more on escapeways and stuff.

12 Q. Did he review like the

13 ventilation plan with you, the roof

14 control plan?

15 A. Yes, sir.

16 Q. Was that a couple days after  
17 you started, or the day you started,  
18 or what was that?

19 A. I'm not sure exactly what day.  
20 It was right after we started over  
21 there.

22 Q. Okay. But I mean, your first  
23 day at the mine, was that discussed  
24 with you the first day you were at  
25 the mine, or a couple days later,

79

01 or ---?

02 A. It was the day we was going  
03 over to the mines, because he comes  
04 out ---. When we finished Spruce up  
05 there, I think he was up there when  
06 we locked the doors on Spruce. Al  
07 Schoonover, and I think that's the  
08 day he come over, because we had to  
09 go over to the mine and we took our  
10 clothes and stuff over to the  
11 bathhouse. And he come out and  
12 explained all that to us.

13 Q. He actually went over to  
14 Spruce with you?

15 A. Uh-huh (yes). He brought the  
16 maps and everything. Showed us the  
17 maps of escapeways and stuff.

18 Q. And discussed the roof control

19 plan?

20 A. I said Al Schoonover, his name  
21 is James Schoonover. I call him ---  
22 that's another nickname.

23 Q. So Mr. Schoonover did that?

24 A. Uh-huh (yes).

25 Q. Your training, did you sign a

80

01 form of any sort after you had the  
02 training?

03 A. Yes, sir. When I had the  
04 training --- I was supposed to bring  
05 it today, but I couldn't find it.

06 Q. Okay.

07 A. I went to stick it in my shirt  
08 pocket, and either my wife --- I  
09 found them all clear back to 2002.  
10 Johnny Stemple gave them to us, and I  
11 couldn't find the one I had the other  
12 day. So evidently, it was in my  
13 shirt pocket, my wife washed or  
14 something.

15 Q. Blame it on your wife.

16 A. I don't blame too much on her.  
17 I'm trying to quit now.

18 Q. Did Mr. Schoonover also sign  
19 that paper?

20 A. Yes, sir.

21 Q. Was the mine emergency and  
22 evacuation firefighting program ---  
23 the firefighting plan, was it  
24 discussed with you?

25 A. Firefighting plan? Yes, sir.

81

01 Q. Okay. What was involved in  
02 that discussion? What instructions  
03 do they give you concerning that?

04 A. Fighting the fire and stuff?

05 Q. Yes.

06 A. Where everything was kept at  
07 over at the mines, the fire  
08 extinguisher and that. We tap into  
09 the water lines and stuff like that,  
10 belt heads, and they're marked with a  
11 --- I think he said an orange ribbon  
12 along the water taps and the fire  
13 hose and stuff and all belt heads.

14 Q. Do you know who the  
15 responsible person is at the mine on  
16 each shift when an emergency occurs  
17 as it related to that plan? In other  
18 words, who directs the responsible  
19 person that directs the evacuations?

20 A. I'd say the shift foreman.

21 Q. Do you recall anybody telling  
22 you who was the responsible person?

23 A. No.

24 Q. Are you familiar with the  
25 emergency materials supplied at the

82

01 mine, that is brattice, as far as  
02 brattice material, hammers, nails?

03 A. Yeah, they're stationed just

04 outby One Left switch.  
05 Q. Okay.  
06 A. You got the doors and rock  
07 dust, B-bond, nails, hammers, saws.  
08 Q. Okay. Did anybody ever  
09 explain or are you familiar with the  
10 evacuation procedures in case of an  
11 explosion?  
12 A. Use the primary escapeway and  
13 head out, try to make it to the  
14 surface.  
15 Q. Did anybody ever discuss with  
16 you the barricading procedures, when  
17 you barricade --- what you do when  
18 you barricade?  
19 A. No, I know pretty well off  
20 hand, you know, what to do, you know.  
21 Find a good place with good air, and  
22 shut off as big an area as you can.  
23 Q. Okay. When would you use  
24 barricading?  
25 A. Me?

83

01 Q. Yeah.  
02 A. Never.  
03 Q. Never?  
04 A. Well, after this last one,  
05 never.  
06 Q. Did anybody ever explain to  
07 you when you should use barricading?  
08 A. When your primary and  
09 secondary escapeways are blocked and

10 you can't get out due to smoke or  
11 fire.

12 Q. Have you been qualified for,  
13 or certified for your methane and  
14 oxygen tests?

15 A. I don't know.

16 Q. Okay. Were you qualified by  
17 demonstrating how to test for methane  
18 and oxygen deficiency and how to use  
19 the detector?

20 A. Yeah, Johnny Stemple.

21 Q. Do you know when that was?

22 A. Not right off hand, no.

23 Q. Was the hazard of carbon  
24 monoxide ever discussed with you in  
25 any training classes, or in general

84

01 or anything?

02 A. Not to my knowledge.

03 Q. I believe you said the  
04 escapeways were discussed with you by  
05 Mr. Schoonover, I think you said.

06 A. Yeah.

07 Q. Have you ever participated in  
08 any escapeway drills?

09 A. No, sir.

10 Q. Did anyone ever --- did you  
11 walk any of the escapeways in the  
12 mine with another individual?

13 A. Walking --- I worked in  
14 different parts of them, but as far

15 as walking them continuous from one  
16 point to the other, no.  
17 Q. You did, though, as part ---  
18 you walked those as part of an  
19 examination; is that what ---?  
20 A. No. Work detail.  
21 Q. Oh, okay.  
22 A. I'd take a number showing us  
23 where we needed to work at or what we  
24 needed to do or anything like that.  
25 Q. So then you haven't ever

85

01 started at one end of an escapeway at  
02 a section or something, and then ---  
03 or an area and walked out to the  
04 surface?  
05 A. Not at Sago I haven't. Spruce  
06 I have.  
07 Q. With a foreman or something?  
08 A. I'd take my guys who worked  
09 outby. We had to do it every so  
10 often, and I took my guys in there.  
11 Go one section to the other, because  
12 we always worked outby off the  
13 section. I would just go to the  
14 section, we'd get in the escapeway  
15 and head to the outside. We already  
16 done it before the end of the shift.  
17 That way we'd be outside at quitting  
18 time.  
19 Q. Okay. How are the escapeways  
20 identified in Sago Mine?

21 A. Your primary is green. Your  
22 secondary is red.

23 Q. Did you ever participate in  
24 any fire drill at Sago Mine?

25 A. No, sir, I haven't.

86

01 Q. How about Spruce Mine?

02 A. Spruce, I did. They had  
03 demonstrations, a demonstration up  
04 there. Kenny, and I think the State  
05 was in on that, too. They had come  
06 in there. Number Three tailpiece  
07 caught on fire. We had to go fight  
08 part of that.

09 Q. As a drill?

10 A. As a drill. Uh-huh (yes).

11 Q. Have you received this SCSR  
12 training, self-contained, self-  
13 rescuer training?

14 A. Yes, sir. Johnny Stemple.

15 Q. Johnny Stemple. At Sago Mine,  
16 or ---?

17 A. Spruce.

18 Q. At Spruce?

19 A. Yeah, he was safety director  
20 at Spruce there for a long time.

21 Q. What did you have to ---?

22 A. They'd go over it also in our  
23 annual retraining.

24 Q. Can you explain that training  
25 for me a little bit, please, just

01 what occurred during that particular  
02 training?  
03 A. They'd tell you how to put it  
04 on and stuff, like you put your nose  
05 clip on, put your Vaseline on, and  
06 then when you break it open, you put  
07 it in your mouth and bite down, you  
08 know, and put your hat on and stuff  
09 and you're ready to go.  
10 Q. You had to demonstrate how to  
11 do that? What did they use for that?  
12 A. A training canister.  
13 Q. A training canister?  
14 A. Uh-huh (yes).  
15 Q. You actually took it apart?  
16 A. Yep. Uh-huh (yes). Which it  
17 looks identical to.  
18 Q. Pardon me?  
19 A. It looks the same as the  
20 rescuer, but they're used for  
21 training, training purposes only.  
22 Q. Okay. Did you ever have to  
23 use one?  
24 A. No.  
25 Q. Was first aid covered in the

01 training that you had?  
02 A. Yeah, they covered portions of  
03 first aid too.  
04 Q. What part of first --- can you  
05 just tell me a little bit about the

06 things that were discussed?

07 A. No. Not right now, no. But I

08 do know they went over first aid.

09 Q. Have you ever had an occasion

10 whenever there was a change in the

11 ventilation plan that was discussed

12 with you before going in at the

13 beginning of the shift, or when a

14 change was made that the mine

15 operator, just someone from the mine

16 operator discussed that with you?

17 A. Ventilation change?

18 Q. Yes.

19 A. One time over at Spruce they

20 was making an air change, and they

21 had to have a permit to do it or

22 something, and we had established a

23 lot of stoppings, and I had to help

24 route the stopping work. On the day

25 that it was done, it was done on our

89

01 shift.

02 Q. When there are changes in the

03 escapeways, do they go over that with

04 you at all?

05 A. When there's changes made,

06 yeah. They have a bathhouse meeting

07 in the morning any time you're

08 changing anything like that. They go

09 over all of it, yeah

10 Q. Do you feel the training was

11 adequate that you had?  
12 A. Yeah. Uh-huh (yes).  
13 Q. Is there anything that should  
14 be added to it, do you think?  
15 A. There's probably a lot of  
16 stuff that could be added, but I call  
17 it pretty good training, yeah.  
18 Q. Have you ever been searched  
19 for smoking materials?  
20 A. Yes, sir.  
21 Q. How often is that?  
22 A. Once a week.  
23 Q. Who conducts that?  
24 A. Usually the shift foreman, or  
25 he would catch you as you're going

90

01 out the door or something like that.  
02 Or sometimes they'd catch you down at  
03 the mantrip, check before you get on  
04 the mantrip.  
05 Q. Have you ever observed anyone  
06 smoking in the mine?  
07 A. No, sir, I haven't.  
08 Q. Have you ever found any  
09 smoking materials underground,  
10 cigarette butts, matches or anything  
11 like that?  
12 A. I found them in the mantrip,  
13 but --- you know, people walking down  
14 getting on the mantrip, you can pick  
15 them up on your shoe.  
16 Q. Okay. That's at Sago Mine?

17 A. No, sir. That's Carter, when  
18 I worked at Carter's.

19 Q. But never at Sago Mine?

20 A. No, sir.

21 MR. SWENTOSKY:

22 Do you have anything

23 else, Brian?

24 MR. MILLS:

25 No.

91

01 BY MR. SWENTOSKY:

02 Q. Has anyone offered you  
03 anything or made any promises to you  
04 in exchange for you appearing here  
05 today?

06 A. No, sir.

07 Q. Do you have anything that you  
08 would like to add that may be  
09 relevant to the investigation, that  
10 would help us out in any way, or any  
11 information that you might have?

12 A. No, sir.

13 MR. SWENTOSKY:

14 On behalf of MSHA, I  
15 would like to thank you for  
16 your appearing and answering  
17 the questions today. Your  
18 cooperation is very important  
19 to the investigation as we  
20 work to determine the cause of  
21 the accident. We ask that you

22 not discuss your testimony  
23 with any person who may have  
24 already been interviewed, or  
25 who may be interviewed in the

92

01 future. This will ensure that  
02 we obtain everyone's  
03 independent recollection of  
04 the events surrounding the  
05 accident.

06 After questioning other  
07 witnesses, we may call you if  
08 we have a follow-up question  
09 that we feel that we need you  
10 to answer. If at any time you  
11 have additional information  
12 regarding the accident, that  
13 you would like to provide to  
14 us, please contact us at the  
15 contact information that was  
16 previously provided to you,  
17 and that was on the business  
18 card.

19 The Mine Act provides  
20 certain protections for miners  
21 who provide information to  
22 MSHA and as a result are  
23 treated adversely. If at any  
24 time you believe that you have  
25 been treated unfairly because

93

01 of your cooperation in this  
Page 76

02 i n v e s t i g a t i o n , y o u s h o u l d  
03 i m m e d i a t e l y n o t i f y M S H A .  
04 I f y o u w i s h , y o u m a y  
05 n o w g o b a c k o v e r a n y a n s w e r  
06 y o u h a v e g i v e n d u r i n g t h i s  
07 i n t e r v i e w a n d y o u m a y a l s o  
08 m a k e a n y s t a t e m e n t t h a t y o u  
09 w o u l d l i k e t o m a k e a t t h i s  
10 t i m e . D o y o u h a v e a n y t h i n g  
11 t h a t y o u w o u l d l i k e t o a d d  
12 o r ---?

13 A. No.

14 MR. SWENTOSKY:

15 A g a i n , I w a n t t o t h a n k  
16 y o u f o r y o u r c o o p e r a t i o n i n  
17 t h i s m a t t e r . T h a n k y o u v e r y  
18 m u c h .

19

20 \* \* \* \* \*

21 S W O R N S T A T E M E N T

22 C O N C L U D E D A T 2 : 3 5 P . M .

23 \* \* \* \* \*

24

25

Scale: 1" = 50'

