

STATEMENT UNDER OATH
OF
WILLIAM (BILL) CHISOLM

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Wednesday, February 15, 2006, at
11:01 a.m.

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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is James Crawford from the Solicitor's office, John Collins and David Stuart, with the West Virginia Office of Miners' Health, Safety & Training.

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to
2 determine the cause of the
3 accident, and these interviews
4 are an important part of the
5 investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and the causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future. Information obtained
23 through witness interviews is
24 frequently included in these
25 reports. Your statement may

1 also be used in other
2 enforcement proceedings.

3 I would like to thank
4 you in advance for your
5 appearance here. We
6 appreciate your assistance in
7 this investigation. The
8 willingness of miners and mine
9 operators to work with us is
10 critical to our goal of making
11 the nation's mines safer. We
12 understand the difficulty for
13 you in discussing the events
14 that took place, and we
15 greatly appreciate your
16 efforts to help us understand
17 what happened.

18 This interview with Mr.
19 William Chisolm is being
20 conducted under Section 103(a)
21 of the Federal Mine Safety &
22 Health Act of 1977 as part of
23 an investigation by the Mine
24 Safety & Health Administration
25 and the West Virginia Office

1 of Miners' Health, Safety &
2 Training into the conditions,
3 events and circumstances
4 surrounding the fatalities
5 that occurred at the Sago Mine
6 owned by International Coal
7 Group in Buckhannon, West
8 Virginia, on January the 2nd,
9 2006. This interview is being
10 conducted at the U.S.
11 Bankruptcy Court in
12 Clarksburg, West Virginia on
13 February 15th, 2006.

14 Questioning will be
15 conducted by representatives
16 of MSHA and the Office of
17 Miners' Health, Safety &
18 Training. This is not an
19 adversarial proceeding;
20 therefore, Cross Examination
21 will not be permitted.

22 Mr. Chisolm, the
23 interview will begin by my
24 asking you a series of
25 questions. If you don't

1 understand a question, just
2 ask me to rephrase it. Feel
3 free at any time to clarify
4 any statements that you make
5 in response to the questions.
6 After we have finished asking
7 questions, you will also have
8 an opportunity to make a
9 statement of and provide us
10 with any other information
11 that you believe may be
12 important. If at any time
13 after the interview you recall
14 any additional information
15 that you believe may be useful
16 in the investigation, please
17 contact Mr. Richard Gates at
18 the phone number and e-mail
19 address provided to you. And
20 we'll have a business card for
21 you.

22 Your statement is
23 completely voluntary. You may
24 refuse to answer any question
25 and you may terminate your

1 interview at any time. If you
2 need a break for any reason,
3 please let us know. A court
4 reporter will record your
5 interview and will later
6 produce a written transcript
7 of the interview. Please try
8 and respond to all questions
9 verbally, since the court
10 reporter cannot record
11 nonverbal responses. Also,
12 try to keep your voice up.
13 Copies of the written
14 transcript will be available
15 at a later time.

16 If any part of your
17 statement is based not on your
18 own firsthand knowledge but on
19 information that you learned
20 from someone else, let us
21 know. Please answer each
22 question as fully as you can,
23 including any information that
24 you have learned from someone
25 else. We may not ask the

1 right question to learn the
2 information you have, so don't
3 feel limited by the precise
4 question asked. If you have
5 any information about the
6 subject area of a question,
7 please provide us with that
8 information.

9 At this time, Mr.
10 Collins, do you have anything
11 you'd like to add on behalf of
12 the State of West Virginia?

13 MR. COLLINS:

14 Yes. Mr. Chisolm, the
15 West Virginia Office of
16 Miners' Health, Safety &
17 Training is conducting this
18 interview session jointly with
19 MSHA and are in agreement with
20 the procedures outlined by Mr.
21 O'Donnell for these interviews
22 being conducted here today.
23 But the Director reserves the
24 right, if necessary, to call
25 or subpoena witnesses or

1 require the production of any
2 records, documents,
3 photographs or other relevant
4 material necessary to conduct
5 this investigation. And
6 here's a card. If you have
7 any questions or need
8 additional information or
9 anything, you can call later.

10 MR. O'DONNELL:

11 Mr. Chisolm, are you
12 aware that you may have a
13 personal representative
14 present during the taking of
15 this statement?

16 MR. CHISOLM:

17 I am.

18 MR. O'DONNELL:

19 Okay. And do you have
20 a representative here today?

21 MR. CHISOLM:

22 Joe.

23 MR. O'DONNELL:

24 And could you identify
25 him?

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MR. CHISOLM:

Identify him?

MR. O'DONNELL:

Yes, his name.

MR. CHISOLM:

Oh.

MR. CRAWFORD:

His name for the
record.

MR. CHISOLM:

Joseph.

MR. CRAWFORD:

His last name?

ATTORNEY YUHAS:

Yuhas.

MR. O'DONNELL:

Okay. Thank you. Has
anyone suggested to you that
you use this representative?

MR. CHISOLM:

Yes.

MR. O'DONNELL:

And who would that be?

MR. CHISOLM:

ICG.

1 MR. O'DONNELL:

2 Are you aware that your
3 representative may have a
4 conflict of interest in
5 representing you while being
6 provided by someone else, such
7 as the company?

8 MR. CHISOLM:

9 Yes.

10 MR. O'DONNELL:

11 With this
12 understanding, do you still
13 want this person as your
14 representative?

15 MR. CHISOLM:

16 I do.

17 MR. O'DONNELL:

18 And have you been
19 pressured in any way to accept
20 this person as your
21 representative?

22 MR. CHISOLM:

23 No, sir.

24 MR. O'DONNELL:

25 Okay.

1 MR. STUART:

2 Is it your
3 understanding that Mr. Yuhas
4 is to represent your interests
5 in this matter?

6 MR. CHISOLM:

7 Yes, sir.

8 MR. STUART:

9 Do you have an
10 understanding as to whether
11 Mr. Yuhas may also represent
12 the employer, your employer?

13 MR. CHISOLM:

14 State that again, sir.

15 MR. STUART:

16 Do you have an
17 understanding as to whether
18 Mr. Yuhas represents your
19 employer also?

20 MR. CHISOLM:

21 No, he does not.

22 MR. STUART:

23 That's your
24 understanding, that he does
25 not?

1 MR. CHISOLM:

2 (Indicates yes).

3 MR. O'DONNELL:

4 You have to say yes or
5 no for the record.

6 MR. CHISOLM:

7 Yes.

8 MR. O'DONNELL:

9 I'm sorry, did you say
10 yes?

11 MR. CHISOLM:

12 Yes.

13 ATTORNEY YUHAS:

14 Can I clarify one issue

15 ---

16 MR. O'DONNELL:

17 Yes.

18 ATTORNEY YUHAS:

19 --- on a matter of

20 clarification? The process

21 --- Bill indicated that he was

22 in some way --- you know, I

23 was referred to him or

24 suggested to him. The way the

25 process works is that everyone

1 --- all the hourly people are
2 notified that if they would
3 like a representative, someone
4 is available out there. If
5 they want to meet with him,
6 that's fine. If they don't
7 want to meet with me, that's
8 fine also. Mr. Chisolm chose
9 to meet with me and we
10 discussed all the issues, we
11 discussed all the potential
12 conflicts. He knows the
13 situation. He knows all his
14 options before he does choose
15 me for a representative. So
16 the fact that someone may ---
17 ICG may have suggested, they
18 didn't suggest me. They said
19 a representative was out there
20 if anyone was interested in
21 talking to them. That's how
22 the process works. So we
23 don't --- we try to eliminate
24 any potential conflicts. And
25 I personally tried to stay as

1 insulated and as isolated from
2 the company as possible so
3 there are no conflicts.

4 MR. CRAWFORD:

5 Thank you.

6 MR. STUART:

7 And is what he just
8 said, Mr. Chisolm, your
9 understanding?

10 MR. CHISOLM:

11 Yes, it is.

12 MR. STUART:

13 Very good.

14 MR. O'DONNELL:

15 Mr. Chisolm, do you
16 have any questions regarding
17 the manner in which we will
18 conduct the interview?

19 MR. CHISOLM:

20 No, I don't.

21 MR. O'DONNELL:

22 Okay. Will you please
23 swear him in?

24 -----

25 WILLIAM (BILL) CHISOLM, HAVING FIRST

1 BEEN DULY SWORN, TESTIFIED AS
2 FOLLOWS:

3 -----

4 BY MR. O'DONNELL:

5 Q. Please state your full name
6 and spell your last name.

7 A. William L. Chisolm,
8 C-H-I-S-O-L-M.

9 Q. And your address and phone
10 number, please?

11 A. Route 3, Box 91A, Belington,
12 West Virginia, 26250.

13 Q. Telephone number?

14 A. 636-9211.

15 Q. Okay. Thank you. Are you
16 appearing here today voluntarily?

17 A. Yes, sir.

18 Q. And how many years of mining
19 experience do you have, Bill?

20 A. About 10 or 11, sir.

21 Q. And are they all at Sago Mine?

22 A. No, sir.

23 Q. Could you give us a
24 description of your mining
25 background?

1 A. 1980, Republic Steel, Goldbeam
2 Coal, Kent Energy until she shut
3 down. Black Diamond. I have worked
4 at Moundsville in one of the Consol
5 mines as a contractor, changing
6 shields on a longwall, and back to
7 Spruce Four until it shut down, then
8 Sago.

9 Q. And how long have you been at
10 Sago?

11 A. Probably close to a year.
12 Well, no, I'd say when ICG took over
13 and they shut down Spruce Four. So
14 pretty close to a year.

15 Q. Is that what it is, about a
16 year?

17 A. (Indicates yes).

18 Q. Okay. And have you had the
19 same --- you've been a dispatcher the
20 whole time you've been at Sago?

21 A. Yes, sir.

22 Q. Okay. Now, what did you do at
23 the other mines? Were you an
24 underground miner?

25 A. Roof bolter, buggy operator

1 and dispatcher for probably four
2 years I'd say.

3 Q. Okay. What kind of mining
4 certificates do you hold?

5 A. Mining certificates?

6 Q. Yes. Do you have any mining
7 certificates?

8 A. You mean like black hat?

9 Q. Yes.

10 A. Gas cards, stuff like that?

11 Q. Yes. Foreman?

12 A. No, sir.

13 Q. Mine examiner, anything like
14 that?

15 A. No.

16 Q. All State of West Virginia ---

17 A. Yes.

18 Q. --- and no other states;
19 right?

20 A. Right.

21 Q. If you would, could you just
22 describe your normal duties as a
23 dispatcher? What do you do?

24 A. Check the methane markers, see
25 if they need calibrated. In which

1 case if they do, I'm not --- you
2 know, I'm not doing that. The
3 lights, take care of the guys'
4 lights, their tags, whatever they may
5 need. I monitor the computer,
6 monitor the belt line, monitor the
7 COs and the gases that, you know,
8 might be given off. Start up the
9 belts, shut them down.

10 Q. You can do that from your
11 location?

12 A. Yes, sir.

13 Q. Okay. Do you do any other
14 duties besides those duties that you
15 just described, other than dispatch
16 the mine?

17 A. I mean, clean up around my
18 area right there.

19 Q. That's what I mean. You stay
20 right in that trailer?

21 A. Yes, sir.

22 Q. Do you ever leave it for any
23 reason?

24 A. If somebody breaks me off.

25 Q. Okay.

1 A. But I have to fill them out on
2 traffic coming out or going in, ---

3 Q. Okay.

4 A. --- and tell them what's on
5 the rail.

6 Q. And who's your immediate
7 supervisor?

8 A. Immediate supervisor? Carl
9 Crumrine, Jerry Toler.

10 Q. And have they been your
11 supervisor since you got there, since
12 you've worked at Sago?

13 A. No. I started up underneath
14 Johnny Stemple.

15 Q. Bill, now what we're going to
16 do is we're just going to let you
17 describe what you did that day from
18 the time that you got on the
19 property, started your shift, and
20 work yourself all the way through
21 that day until the time you left the
22 property and what your role was in
23 everything that happened.

24 A. Okay. I arrived at the mine
25 site probably 3:30, because Fred

1 Jamison and Terry Helms had to go
2 under to fire boss, so I had to be
3 there in time to start by four
4 o'clock. Had a lengthy conversation
5 with Terry. We were joking around.
6 Talked to Fred Jamison. I knew what
7 mantrip they was --- that they was
8 going to take in and told them to
9 check their sanders and make sure
10 that the trip was safe. They headed
11 on in to First Left. And they
12 did --- the phone, when I was talking
13 to them, this is the mine phone,
14 because the trolley wasn't rigged.
15 That's why, because Fred had called
16 me. He told me that the mantrip was
17 going --- was low on juice, that he
18 was going to take it and bring it out
19 and let it charge up. He told me to
20 tell Terry Helms that his lunch would
21 be left at the First Left switch. So
22 when Terry went there to get his
23 lunch, the Two Left section crew was
24 there. The Two Left section crew was
25 there. And I don't know for sure,

1 but knowing Terry, I'd say he called
2 the Two Left section crew, you know,
3 but that's just speculation, because
4 he might have walked up to the belt
5 head. And that's about it. Fred
6 went down on Number One belt. The
7 crews went in, like I said, Second
8 Left. And First Left had a trip, and
9 it was low. So we switched around
10 until you had number six with First
11 Left.

12 When them guys went in, they
13 got as far as the switch. The only
14 thing I know, the wind was blowing
15 and a heck of a storm come through.
16 Now, I lost everything exactly at
17 6:31. That's what the computer time
18 was telling me. But at 6:31, John
19 Boni was in the intake. He come out
20 on Number Four belt, said that his
21 ears had popped, that there's
22 something definitely wrong, and --- I
23 forget the other Boni. Pat Boni,
24 which was John's son, he was at
25 Number Three head, he said that the

1 dust was definitely going in the
2 wrong direction. They was on the
3 belt. John directed him a path to
4 get into the intake and started
5 walking out. Okay. Nobody had knew
6 what had happened.

7 And it was probably --- I'd
8 say within the time, at least 20
9 minutes that Dick Wilfong and Jeff
10 Toler and Al Schoonover --- let's see
11 who else, because there was one more
12 mechanic, I can't think of his name
13 right now, went in with them. And
14 that's when they saw the First Left
15 crew. Them guys had made their way
16 out onto the track. And with Dick
17 seeing the shape that they was in, I
18 was notified to call the ambulance
19 and to call mine rescue teams. And
20 the main job is the people down the
21 line that you have to get in touch
22 with, I called Johnny Stemple so that
23 he could do that, because there was a
24 lot going on right there at the time.
25 And so to keep things regulated the

1 way they should be, he had to let
2 people know what was going on. Like
3 I said, I'll never forget it, because
4 the Second Left section belt, the CO
5 right there at the tailpiece, the CO
6 midway at the belt and the alarm at
7 the tail all turned gray. I had
8 Number One belt, Number Two belt,
9 Number Three belt, Number Four belt
10 running. The instant it hit, I lost
11 Number Three belt, Number Four belt,
12 the power loss. Number Five belt and
13 Number Six belt, which was on pull
14 switch at the time, Five belt went to
15 power loss, Six belt went black, it
16 went gray. It was like it didn't
17 exist. And back on First Left I had
18 the CO at the tail all the way up
19 through to Four tail, all except for
20 the one CO that was gray. And
21 halfway up, all except for the two
22 COs that was on Four tail --- I mean,
23 Four drive, was all reading 107 parts
24 per billion. And I lost a couple
25 more, including the CO in the middle

1 of Two belt. Whereupon, I told
2 Johnny Stemple to get in touch with
3 the mine rescue teams. I had the
4 numbers of them right there. Dick
5 was wanting me to do it.

6 And after seeing the guys that
7 came out of the mines, I then called
8 Johnny Stemple to see if the
9 ambulance was on the way. And he
10 said that he was getting ready to
11 dispatch the ambulance and he would
12 like to know what was going on inside
13 the mines as far as directing the
14 air, not jumping the gun but finding
15 out what kind of situation we had.
16 But I immediately --- Doc Anderson, I
17 immediately looked at him. He was in
18 desperate need for oxygen right then
19 and there.

20 So I called for the first
21 ambulance to arrive on the scene with
22 more information to be as followed.
23 And the rescue team started arriving.
24 That's about all I can say. Dick was
25 in there. Toler was in there. There

1 was a K Order, but I didn't know
2 nothing about it. We was waiting on
3 them to call out. If they called
4 out, you had to tell them. They'd
5 have to automatically come out of
6 there. And the rest of the day was
7 just hectic as the teams started to
8 arrive. Just a rough day.

9 They decided that they did
10 have an explosion. I know Owie was
11 trying to get on Second Left. I do
12 know that. He had lost his hat. He
13 was trying to get on Second Left to
14 see about Jesse and that crew. One
15 of the guys that had come out, his
16 name was --- let's see, Hoy Keith or
17 Keith Hoy. He took over Wilfong's
18 office and started monitoring the
19 phone from every --- maybe ten
20 minutes, yelling for the Second Left
21 crew, to see if they could get a
22 response. Just more people was
23 gathering in at this time, more
24 teams. They was checking their
25 apparatuses. It didn't take them ---

1 as the first team come there, Barbour
2 County team, was monitoring like 300
3 parts per billion in the lamp house,
4 which we was evacuated, and about 360
5 is what I had, you know, but it did
6 go higher than that. And I was
7 operating out of Carl's office then.
8 The rescue teams, I'm not sure about
9 what time they went under. Really,
10 you know, I can't say for sure. They
11 was being monitored. The command
12 center was set up and they took over
13 monitoring the rescue teams going in
14 and out of the mine. I stayed there
15 until the next dispatcher came on. I
16 probably stayed there two more hours
17 over my shift, possibly three, you
18 know, I'm not saying --- to see what
19 shape the guys was in and if they was
20 all right. And that's about all I
21 can say, I mean, of that day.

22 Q. What we'll do now is we'll go
23 back and we'll work through it. Now,
24 you said that there was some storming
25 going on?

1 A. There was a storm that come
2 through there.

3 Q. Bill, did you see any
4 lightning strike at the mine portal?

5 A. No. Right down directly at
6 it, no. I just saw ---.

7 Q. I mean, what did you see?

8 A. Just brightness. The storm
9 come through there. And as fast as
10 it came, it just left. I mean, it
11 was like a couple lightning bolts
12 come down. One come down, the ground
13 shook. I mean, that second, I mean
14 when it hit, I lost all
15 communications in the mine. And like
16 I said, that was at 6:31. But they
17 checked it with the mercury time, and
18 you know the rest of that. I mean,
19 on --- you know what I'm saying? Or
20 do you want me to say it?

21 Q. Yes.

22 A. Okay. The mercury time is the
23 time that the world goes by. It's
24 the accurate time, the most measured
25 time. Going from that, they could

1 see where the computer, where it said
2 6:31 and I lost everything, actually
3 the computer clock was off. So
4 therefore, it was within a second of
5 everything happening. I'm not sure
6 what --- the time that it went back
7 to. I don't know if it was six
8 minutes off. I'm really not sure.

9 Q. But you said that --- so you
10 were sitting --- you were ---?

11 A. I was on the phone talking to
12 Jeff Toler. The wind picked up, a
13 storm come through. I threw the
14 phone down because lightning ran in
15 on the phone. I told Jeff --- I
16 picked back up the phone and said,
17 Jeff, there's something wrong. I
18 have immediately lost all
19 communications. I said, the belts is
20 going down. As soon as it happened,
21 I said I lost all the belts and
22 everything. But when it come down, I
23 was talking to Jeff when I threw the
24 phone down.

25 Q. You said lightning came

1 through the phone?

2 A. It popped the phone.

3 Q. It did?

4 A. Yeah.

5 Q. So you had it at your ear ---?

6 A. Yes, I did.

7 Q. Well, what did you hear?

8 A. I mean, just like a (makes
9 sound effect), like a pop on the
10 phone itself.

11 Q. Yeah? Like a --- like static
12 or ---?

13 A. No, just like noise, like
14 electric --- well, yeah. Yeah.

15 Q. It sounded like an electrical
16 ---?

17 A. Yeah.

18 Q. And you heard that?

19 A. I heard it.

20 Q. And what happened after that?

21 A. I threw down the phone and I
22 looked --- I mean, a split-second ---
23 when I was talking to Jeff, I just
24 threw it down. It hurt my ear. I
25 picked up the phone and told Jeff

1 that we lost the belts. Second Left
2 is showing me just dead.

3 Q. Did you get shocked or
4 anything?

5 A. I don't think I did, but it
6 hurt.

7 Q. It hurt you?

8 A. My eardrum, yeah.

9 Q. So you say you started at 3:30
10 in the morning?

11 A. 3:30. My usual --- go ahead.

12 Q. Go ahead.

13 A. My usual shift is 6:00 in the
14 morning 'til 6:00 in the afternoon.
15 So what we done there, I was to come
16 in at like four o'clock in the
17 morning or be there by 4:00 so the
18 fire bosses can go under, and then
19 continue working my shift.

20 Wherefore, Bruce would come on and he
21 would come in like two hours early.
22 And that's how we worked.

23 Q. So who was at the mine when
24 you got there?

25 A. Terry Helms, Fred Jamison.

1 Now, when I was talking to them, Jeff
2 Toler, Gary Marsh and Dick Wilfong.

3 Q. They were all there that
4 early?

5 A. They was there --- well, when
6 the crews was going under ---.

7 Q. No, no. I'm talking about
8 when you started.

9 A. As soon as I walked on the
10 scene, it was just Fred Jamison and
11 Terry Helms.

12 Q. And they were outside when you
13 got there?

14 A. They was outside when I talked
15 to them.

16 Q. Was there anyone underground
17 at all?

18 A. No, sir. They had to go and
19 fire boss for the oncoming shift.

20 Q. Right. Was the mine down?

21 A. It was idle, yeah.

22 Q. How long was it idle?

23 A. From the shift before. I'd
24 just say Sunday.

25 Q. Sunday? So when was the last

1 day that you worked?

2 A. Well, the last day I worked
3 was Friday.

4 Q. The Friday before?

5 A. Right.

6 Q. Okay. But you do normally
7 relieve somebody?

8 A. Friday?

9 Q. No, whenever you ---.

10 A. Oh, yeah. Yeah.

11 Q. You're always ---?

12 A. Yeah.

13 Q. So you guys worked 12s?

14 A. Right.

15 Q. Okay. And how many
16 dispatchers are there, just two or is
17 there three?

18 A. There's Nathan Eye, which we
19 call him Gander, Bruce Edmond Payne,
20 Larry Everson (phonetic) and myself.

21 Q. So there's four of you?

22 A. Yes, sir.

23 Q. And you all work --- how does
24 that work?

25 A. I work through the weekdays,

1 6:00 to 6:00 Monday through Thursday,
2 and from 6:00 'til 12:00 on Friday.
3 And how that works in, like Bruce
4 will work three --- them guys will
5 rotate, three on, three off.

6 Q. Okay.

7 A. And Gander will be on steady
8 dayshift on his three, Friday,
9 Saturday and Sunday.

10 Q. Gander, what's Gander's real
11 name?

12 A. Nathan Eye.

13 Q. Oh, that's Nathan Eye, okay.
14 So what time did Helms and --- who
15 was the other guy?

16 A. Fred Jamison.

17 Q. Fred, yeah. What time did
18 they go in the mine?

19 A. Four o'clock.

20 Q. And what was their route of
21 travel? What were they supposed to
22 examine? Do you know what their
23 preshift was?

24 A. Yeah. They had to go in and
25 preshift. They had to go up on First

1 Left, through the faces, First Left,
2 Second Left and down around the
3 seals. Just a regular preshift.

4 Q. Do you know who did what or
5 did they go together?

6 A. When I called and talked to
7 Terry, he was coming off of Second
8 Left. He come off there to get his
9 lunch on First Left. But I'd say
10 Terry done Second Left. I don't
11 really know if he did or not. See,
12 they parked the mantrip at First
13 Left, and so I don't know ---.

14 Q. Now, do they call you
15 periodically throughout the preshift?

16 A. Keeping checks on me.

17 Q. Yes. How often do they call?

18 A. I'd say probably every half
19 hour.

20 Q. And did they do that that day?

21 A. Terry called me and Fred
22 called me.

23 Q. Okay.

24 A. I talked to both of them.

25 Q. How do you track guys in the

1 mine when you dispatch?

2 A. How do I track them?

3 Q. Yes. I have a ---.

4 A. I write it down. That was a
5 morning that it was very simple
6 because we only had --- when they
7 brought up that one mantrip, we only
8 had two mantrips going in.

9 Q. Do you recognize that as your
10 ---

11 A. Yes, sir, I do.

12 Q. --- dispatch report sheet?

13 A. Yes, sir.

14 MR. O'DONNELL:

15 We'll mark that as
16 Chisolm Exhibit One.

17 A. Okay.

18 (Chisolm Exhibit One
19 marked for
20 identification.)

21 BY MR. O'DONNELL:

22 Q. So just go through it from the
23 top and explain that to me.

24 A. From the top, sir?

25 Q. Yes.

1 A. Outside, the First Left,
2 outside. That's self-explanatory,
3 sir.

4 Q. But who is that and what time
5 and where are they going?

6 A. At the top of the sheet, I
7 wouldn't know. I started ---.

8 Q. This is your writing?

9 A. Sir, this is not my writing.
10 This is my writing.

11 Q. Okay.

12 A. Sir, I'd be starting at ---.

13 Q. Where did this part come from,
14 the top part?

15 A. It would have been --- I don't
16 know. It should have been --- I
17 should have signed it right here and
18 dated it. Because this would have
19 had to have been from Saturday.

20 Q. So is that what you do, you
21 normally --- where you start off, you
22 put your name down?

23 A. Yeah, and date it.

24 Q. Okay. So this was from
25 another dispatcher?

1 A. Yes, sir.

2 Q. Okay. So let's go from where
3 you started here.

4 A. This writing looks like
5 Gander. I got 4:35, Two Left to the
6 outside. And that was the mantrip
7 that they was using. I do not show
8 the mantrip going in. I show the
9 mantrip coming out. That is when he
10 told me that --- to tell Terry Helms
11 to pick up his lunch at First Left
12 switch.

13 Q. Who told you that?

14 A. Fred Jamison.

15 Q. Oh, that was Fred.

16 A. Fred Jamison told me that.

17 Q. So what's missing in here is
18 when they went in?

19 A. When they went in.

20 Q. Okay. Because there were only
21 two guys in the mine. They went in
22 on one mantrip?

23 A. Yes, sir.

24 Q. Okay. Go ahead. So Two Left
25 ---?

1 A. And then the Two Left crew ---
2 that mantrip from Two Left to the
3 outside ---

4 Q. Yeah.

5 A. --- had come out. Fred took
6 off on one belt, like I said, and Mr.
7 Toler continued on to Second Left.
8 Usually when he gets there, he always
9 calls and says, Flea, --- if he knew
10 we was having trouble, they always go
11 --- they call and say, Flea, we're
12 clear, Number Eight, Number Six,
13 whichever mantrip they got.

14 Q. This Two Left outside at 4:30,
15 is that --- what's that over on the
16 left side?

17 A. Two Left to the outside at ---
18 yeah, Two Left to the outside, 4:30.

19 Q. That's what time he come
20 outside or what time he was leaving
21 to go out?

22 A. That's what time he was
23 leaving to go outside.

24 Q. Okay. And did he come
25 outside?

1 A. No, sir, not at that time. He
2 had to park up there at First Right.

3 Q. Okay.

4 A. And so there was nobody else
5 in there, he had plenty of time. He
6 put it on a little bit of charge and
7 done his walking.

8 Q. So after their preshift was
9 done, did anybody come outside?

10 A. Fred Jamison did.

11 Q. Fred came outside?

12 A. Right.

13 Q. And did you talk to him at
14 all?

15 A. Yes, sir, I did.

16 Q. And did he come up to your
17 dispatch shanty to do the books?

18 A. He come up there to tell him
19 what the report was for filling out
20 the books.

21 Q. Okay.

22 A. And he went back down on One
23 belt. Terry decided that he'd just
24 go ahead and stay in.

25 Q. Terry stayed in?

1 A. Terry stayed in and called out
2 his report.

3 Q. Okay. And he called that out
4 from where?

5 A. From Second Left.

6 Q. Terry stayed in Second --- was
7 he in the section at Second Left?

8 A. That's what I'm thinking, sir,
9 because ---.

10 Q. Okay.

11 A. But you know, by what I got by
12 him.

13 Q. Yes.

14 A. Because he had to come down
15 off of Second Left to get his lunch
16 that Fred had dropped off at the
17 First Left switch.

18 Q. So Fred dropped Helms' lunch
19 off at First Left switch?

20 A. Right.

21 Q. That means that Terry Helms
22 had to come down --- what does he ---
23 what do these guys --- like you said,
24 if his preshift was done, what did he
25 do usually after that; do you know?

1 A. A beltman. He had Number Six
2 belt and Number Four belt.

3 Q. Six and Four?

4 A. Six and a little bit of Four
5 and also right in through there on
6 Five. He stayed right around that
7 area.

8 Q. And that was like an everyday
9 thing?

10 A. Yes, sir.

11 Q. So he would have normally been
12 working at which drive?

13 A. Six drive.

14 Q. Six drive. And does he call
15 you from time to time and tell you
16 where he's at when he got down to the
17 switch?

18 A. No. That's the last I heard
19 from him.

20 Q. When he called from Two Left?

21 A. When he called and I told him
22 that he needed to go down and pick up
23 his lunch.

24 Q. Okay. So for all you know,
25 that's where he was headed, down to

1 First Left switch - - -

2 A. Right.

3 Q. - - - to pick his lunch up?

4 Okay. Now, we have the guys down at
5 - - - we have - - - Helms is in the mine
6 by himself; right?

7 A. Helms is at the First Left
8 switch.

9 Q. By himself.

10 A. Fred is out of the mines,
11 brought up the trip, finished charge.

12 I had to get his fire boss report.
13 Terry is on the phone, calling out
14 his fire boss report. Fred walked
15 back down on Number One belt, and the
16 crews start in.

17 Q. And that's what I got here at
18 six o'clock, outside Second Left,
19 outside First Left?

20 A. Yes, sir.

21 Q. Okay. So you made no other
22 entries for that day?

23 A. No, sir.

24 Q. Okay. And that's how you
25 tracked them. And now after they get

1 into the mine --- now, let me just
2 back up here and ask you about some
3 of the communications before we get
4 into this part. Describe to me the
5 types of communications that you do
6 have at the mine?

7 A. Trolley and mine phone.

8 Q. So the trolley phone is the
9 one that's on the mantrips?

10 A. Uh-huh (yes).

11 Q. The ---?

12 A. Mine phone.

13 Q. Is the pager phone?

14 A. Yes. But it also comes in on
15 the mantrips.

16 Q. It does?

17 A. Yes.

18 Q. Is it normally ---?

19 A. Yeah.

20 Q. That's standard stuff?

21 A. It's standard. It's the way
22 they have it.

23 Q. And what other form of
24 communication underground?

25 A. What other form?

1 Q. Is there another form?

2 A. No.

3 Q. These are the only two ways
4 that you call in?

5 A. The mine phone and the
6 trolley.

7 Q. And I understand that the
8 crews have walkies; right?

9 A. Yes, sir.

10 Q. Was there any ---?

11 A. Now, I can talk to a section
12 with my walkie-talkie that I have.

13 Q. You can? How does that work?

14 A. I can hear them on my
15 walkie-talkie. If I want like Gary
16 Marsh down in the yard, they can get
17 on the mine phone and tell --- you
18 know, and have me to tell --- like we
19 call him Muff, what they want to load
20 up. And I'll say, I didn't get that
21 last part. I'll say, just page it.
22 So they can actually, with the mine
23 phones, talk to that walkie-talkie by
24 paging.

25 Q. So you can page ---?

1 A. You can page and talk to the
2 outside.

3 Q. So both systems are
4 interconnected?

5 A. Right.

6 Q. And as long as that line runs
7 through the mine, you could talk to
8 anybody on the mine phone and the
9 pager --- the trolley phone?

10 A. Yep, all for one exception.
11 When the trolley phone is out,
12 nothing will come over that speaker.
13 They was down there and it was just
14 like you just heard a little bit of
15 static, and they took off. That's
16 why this wasn't fully filled because
17 I couldn't tell what they was saying.
18 But if they would have went to the
19 mine phone ---.

20 Q. Okay.

21 A. Now, see, the mine phone would
22 have given me a clearer of what was
23 going on. But I can't talk on the
24 mine phone and come across their
25 trolley when the trolley is out. See

1 what I mean?

2 Q. Yes.

3 A. The trolley has got to be
4 working. That's why I was waiting on
5 to get an acknowledgment from them
6 guys on the section.

7 Q. So the only communication you
8 had was with the pager phone?

9 A. The mine phone, exactly.

10 Q. Two-way communication ---

11 A. Right.

12 Q. --- to the sections, and that
13 was all working fine?

14 A. Yes, sir.

15 Q. But you did say --- was it
16 just unique to this shift or had you
17 had problems with the trolley phone
18 before?

19 A. Before.

20 Q. How long has that been a
21 problem?

22 A. They was having trouble with
23 it Sunday, but it wouldn't work
24 Monday morning.

25 Q. Do you have any idea what the

1 problem was?

2 A. I think it's a splitter down
3 at Three head, I'm pretty sure. I
4 think they might have moved it to
5 Four head. There's a splitter in
6 there, a switch that you throw.

7 Q. So it's a pretty good system
8 then when it's working right?

9 A. Yeah. Right.

10 Q. What about the section
11 walkie-talkies that the guys use
12 between each other?

13 A. I can't receive them.

14 Q. Is there any time you ever
15 did?

16 A. No.

17 Q. It won't feed through
18 that ---?

19 A. No. They're on their own
20 frequency.

21 Q. Okay.

22 A. See, and I'm on frequency two,
23 which is the mine phones and trolley,
24 together. So I couldn't even hear
25 them --- you can't hear them on the

1 mine phone or trolley. No feedback
2 there.

3 Q. So now the guys go --- and
4 let's say --- well, you said --- did
5 you know that there was a delay
6 between First Left and Second Left?

7 A. Yes, sir.

8 Q. They called you and --- who
9 would have called you and told you
10 that we're switching out mantrips?

11 A. Owie Jones.

12 Q. Owen. And the foreman on the
13 Second Left bus, he called you and
14 reported went in; right?

15 A. Yeah.

16 Q. At any time after that, the
17 Second Left crew went in, did you
18 ever have any communication with them
19 again?

20 A. No communication at all.

21 Q. That was the last time?

22 A. That was the last time.

23 Q. What about One Left going in?

24 A. First Left, communication with
25 them, at First Left switch when he

1 said something has happened. Well,
2 no, that was --- Owie was on the mine
3 phone. Owie made it to the mine
4 phone. Owie said that there had been
5 some kind of an explosion or a fall.
6 He's not sure which. It blew the cap
7 off of his head.

8 Q. Let me back up just a little
9 bit, then we'll get to that part.
10 Before that happened, okay, before
11 you had any communication with Owie,
12 that's when you were on the phone;
13 right?

14 A. Uh-huh (yes).

15 Q. And you had the problem with
16 the telephone?

17 A. Yeah. I mean, it rang. It
18 rang in my ear. I mean, it just ---.

19 Q. And it hurt you?

20 A. It ran into me on the phone.

21 Q. And that's when your monitors
22 and everything went out?

23 A. At the same second.

24 Q. So that happened?

25 A. Yeah.

1 Q. Now, what is the next thing
2 that occurred?

3 A. Owie Jones made it to a phone.
4 They was talking to him. He said
5 that something had happened. He
6 wasn't sure which. He lost his cap,
7 and he was going to try to make it to
8 Second Left.

9 Q. Okay.

10 A. Then he was notified to put
11 the crew in the intake, which there
12 were some stoppings that blew out, so
13 they had to go a little ways before
14 they could get back over into the
15 track.

16 Q. But when your sensors went
17 out, ---

18 A. Yes, sir.

19 Q. --- did you or anybody else
20 make a call to the inside?

21 A. I made the call for them.

22 Q. You did?

23 A. Yes.

24 Q. Okay. So you had this event
25 that happened and now you're trying

1 to call inside?

2 A. Right.

3 Q. And then is that when Owen
4 answered the phone?

5 A. Yeah.

6 Q. Okay. And what did you tell
7 him?

8 A. I told him that I lost the
9 belts. He said something happened
10 and he's not sure what it was, but he
11 felt the force from it. He said he
12 thought that it might have knocked
13 the stopping out. Dick told him to
14 get into the intake, for him to get
15 the guys into the intake.

16 Q. So you called into the
17 section, you called into the mine to
18 get ahold --- some way to alert them.
19 Owen answers the phone?

20 A. Right.

21 Q. Now you're having this
22 communication with Owen, ---

23 A. He's putting his guys into the
24 intake.

25 Q. --- and you mentioned that

1 somebody else broke into the
2 conversation.

3 A. Yes, sir, John Boni.

4 Q. And?

5 A. Pat Boni. And I mean at the
6 same time, I mean, all this was going
7 on.

8 Q. That's what I mean, yeah.

9 A. John Boni, on Four belt, he's
10 only --- he was back in there
11 checking his pumps when it happened,
12 John Boni. He come out on the belt
13 line and, of course, he's wanting to
14 know what wrong with the belts. He
15 said that his ears popped. Pat Boni
16 got on there and said that something
17 was wrong, that the dust was going
18 the wrong way, rock dust.

19 Q. Which way does it normally go?

20 A. Intake.

21 Q. And it's reversed?

22 A. Yeah, it was reversed.

23 Q. Okay. But then you said
24 somebody else called, too. You said
25 they told them to get into the

1 intake.

2 A. Dick.

3 Q. Dick.

4 A. Dick told them something must
5 have happened. He told them to get
6 into the intake.

7 Q. Was that Dick Wilfong?

8 A. Yes, sir.

9 Q. Okay. Where was his location?

10 A. Dick was --- he was over in
11 his office.

12 Q. Okay.

13 A. No, sir. I got that wrong.
14 He was in the dispatcher's center.

15 Q. He was with ---?

16 A. Because we was talking and he
17 was using the phone.

18 Q. And he was with you?

19 A. Yes, sir. Because by that
20 time it was Fick Wilfong and Gary
21 Marsh.

22 Q. Who's Gary Marsh?

23 A. Muff.

24 Q. Muff?

25 A. The forklift operator.

1 Q. So Muff is as forklift
2 operator?

3 A. Uh-huh (yes).

4 Q. And his name is?

5 A. Gary Marsh.

6 Q. Gary Marsh, okay. That's
7 Muff. All right. Didn't know who
8 Muff was. So now Wilfong --- how did
9 Wilfong realize that something had
10 happened? I mean, some of this stuff
11 may seem real obvious to you, but we
12 have to do this to piece it together,
13 okay.

14 A. Dick was in the office. Like
15 I said, I was talking to Jeff Toler
16 on the phone when all this occurred.

17 Q. What phone were you talking to
18 Jeff on?

19 A. On the mine phone.

20 Q. On the mine phone?

21 A. Yes, sir.

22 Q. So Jeff was somewhere else on
23 the surface?

24 A. Jeff was in his office on the
25 mine phone, and I was talking to him.

1 Q. Okay. I understand there was
2 a lot of confusion, and we're just
3 trying to sort it out. When this
4 happened, when all the phones went
5 down and you lost all of that, did
6 you ever lose power?

7 A. Power, as far as ---?

8 Q. The mine power.

9 A. No, sir, just a belt line.

10 CO ---.

11 Q. But the main mine power was
12 still on?

13 A. It was still on, sir.

14 Q. It never kicked? Just what
15 you know.

16 A. Well, power loss.

17 Q. Yes.

18 A. Power loss. I mean, it's
19 kicking, I mean, Number Two belt,
20 Number Three belt. There's power
21 loss. I had them running.

22 Q. But the first --- One, Two and
23 Three were still running?

24 A. One, Two and Three --- let's
25 see, One and Two belt was on. I had

1 them all running, all except for Two
2 section belt to start with. It was
3 on pull switch. When that lightning
4 hit, what I lost was Three belt and
5 Four belt was on power loss and Five
6 belt was on power loss and Six belt
7 was just gray, along with the CO.

8 Q. Now, we have --- so Wilfong is
9 --- he's on the phone. Are you still
10 on another phone or ---?

11 A. I was talking to --- told Dick
12 that something had happened. Dick
13 got on the phone and he said a couple
14 things to Owie, like get your guys in
15 the intake. Dick then immediately
16 come over, he grabbed his light, he
17 got on the phone, and he was like
18 finishing his conversation. Jeff
19 Toler was getting ready to go under
20 --- well, he was just slapping stuff
21 on. Al Schoonover and --- I still
22 can't think of the other mechanic's
23 name.

24 Q. Did you hear any other
25 conversations from the First Left

1 crew after they had begun the
2 evacuation? So who ordered the
3 evacuation?

4 A. Dick.

5 Q. Dick ordered the evacuation?

6 A. Told them that something had
7 definitely happened. Of course, they
8 knew that.

9 Q. Yeah.

10 A. They couldn't see in front of
11 them. Tell you the truth, that phone
12 that Owie had got on, I don't know
13 where that was, unless it would be
14 right there at the drive itself. It
15 had to have been. That's the only
16 thing I know.

17 Q. See, is there any way that you
18 could determine what phone a person
19 is talking on?

20 A. No. I mean, that's ---.

21 Q. There's no way to monitor
22 that?

23 A. No. But now I could --- like
24 say a smoky situation, there is, I
25 mean, for like you trained for, like

1 are you at First Left switch? Click
2 once for yes, twice for no. Stuff
3 like that. But they was all like in,
4 you know, --- except for Doc, you
5 know, with ---.

6 Q. Doc, meaning Denver Anderson?

7 A. Denver Anderson.

8 Q. Okay. So the guys all started
9 --- now, what was the next thing that
10 happened after they called and the
11 evacuation began? Now what happened?

12 A. Dick and them was on their way
13 under, because they did not know what
14 had happened, to see if they could
15 help out. When he saw Owie's crew,
16 he met them on the track. Like I
17 said, it had to have been by ---
18 let's see, by First Left switch. I'm
19 thinking like Four head, in through
20 there.

21 Q. Yeah.

22 A. He called. He told me, you
23 know, to get in touch with these
24 people. And he took one look at them
25 and knew what was going on.

1 Q. Yeah. So who brought them
2 out?

3 A. Who brought the guys out?

4 Q. Yeah.

5 A. There was a trip, I think it
6 was on First Right, that them guys
7 got.

8 Q. Did anybody stay in the mine?

9 A. Yes, sir.

10 Q. Who stayed in the mine?

11 A. Dick was in there, Jeff Toler,
12 Al Schoonover.

13 Q. Did Owen ever come out?

14 A. Sir?

15 Q. Owen Jones, did he ever come
16 out?

17 A. Yes, sir, he did.

18 Q. When did he come out?

19 A. With Dick and them.

20 Q. Okay. But he didn't come out
21 with the crew?

22 A. No, sir.

23 Q. He stayed in ---?

24 A. To see what he could do.

25 Q. Okay. So now we have the crew

1 out of the mine. And you said that
2 Wilfong --- was it Wilfong that ---

3 A. Yes, sir.

4 Q. --- directed you to call who?

5 A. Mine rescue.

6 Q. Okay.

7 A. But first the ambulance, the
8 medical team and mine rescue.

9 Q. Now, when was that? Was it
10 after he had --- before he went in
11 the mine or ---?

12 A. No, sir, after he seen the
13 guys in the situation that they had.

14 Q. Okay. So ---?

15 A. And he was taking fresh air
16 with him as he went.

17 Q. How soon was that after the
18 --- all right. They get ready, they
19 go in the mine, they find the guys
20 that are walking out.

21 A. Close, but not on the money?

22 Q. Yeah, just ---.

23 A. Let's see. That's 6:31, so it
24 was probably --- well, right about
25 6:45, 6:50.

1 Q. Okay. So they're picking the
2 guys up. He sees their condition,
3 ---

4 A. Right.

5 Q. --- and then he calls you?

6 A. Right.

7 Q. That's when he called you?

8 A. Yes, sir.

9 Q. So it was about 20 minutes
10 after ---

11 A. Yes, sir, because ---.

12 Q. --- the explosion?

13 A. Yes, sir.

14 Q. And he told you to call mine
15 rescue teams?

16 A. Yes, sir.

17 Q. And who else, the ambulance?

18 A. Yeah.

19 Q. So who did you call?

20 A. I called --- I tried Dunbar.
21 I tried all the people down the list
22 that I'm trying to get in touch with,
23 Raymond, all of them. It was a
24 holiday. Could not get in touch with
25 any of them. I called Johnny

1 Stemple.

2 Q. Do you have a list that you go
3 by?

4 A. Yes, sir.

5 Q. Okay. And at the top of that
6 list, what is there? You said you
7 were instructed to call the mine
8 rescue team?

9 A. Yes, sir.

10 Q. So what time specifically did
11 you call?

12 A. Team, sir?

13 Q. Yeah. I don't know ---.

14 A. I called --- I got the
15 ambulances rolling on it. Johnny
16 took care of the rescue teams, which
17 Barbour County was the first that
18 arrived on scene.

19 Q. Okay. Barbour County is the
20 rescue team?

21 A. Yes, sir.

22 Q. That's your company's rescue
23 team, your ---? But that's who you
24 call first. And what ambulance
25 company did you call?

1 A. Buckhannon 9-1-1.

2 Q. Okay. And ---?

3 A. I related to them that we had
4 a situation going on. They asked me
5 what kind of an emergency. I said we
6 needed to roll an ambulance right now
7 on scene to deliver oxygen, but more
8 will be available on the scene, more
9 will be available. And that is when
10 they seen what they had as looking,
11 you know, through the guys back there
12 at the bathhouse, and then it was
13 Code Red.

14 Q. So these initial contacts were
15 made 20 minutes after you discovered
16 that you had a problem?

17 A. When Dick told me to call, I
18 went down through the names, like I
19 said, which I could not find the
20 first time, and I called Johnny
21 Stemple immediately, told him what we
22 had, what was going on. He was
23 wanting to know, like I said, if
24 there's people hanging curtain, what
25 actually do we have. I told him Dick

1 has been through it before and he
2 knows what he's talking about as far
3 as there has been an explosion.

4 Q. Now, when you called Stemple,
5 where was Stemple at?

6 A. At his house.

7 Q. He was home. And you told him
8 that --- your conversation with him,
9 you informed him that you had an
10 explosion?

11 A. I informed him that Dick
12 thought that we had an explosion ---

13 Q. Okay.

14 A. --- and we had not heard from
15 the Second Left and we need to get
16 the mine rescue team running.

17 Q. Okay. So that's the person
18 that was then designated to contact
19 the mine rescue teams; is that right?

20 A. Right. And I was taking care
21 of the ambulances. And like I said,
22 Gary Marsh, which is Muff, he was
23 there. That was it. That was it.
24 And I don't know if Carl came in a
25 little bit later. I'm really not

1 sure. Because Carl --- Carl came in
2 after that. I'm really not sure
3 where he was. But anyway, a K Order
4 had been put on the mines. So my
5 mission was if them guys called back
6 out again, if Dick or anybody called
7 out for any reason whatsoever, they
8 was to pull theirsself away. And I
9 didn't hear from them. They come out
10 on their own.

11 Q. Just so I make this clear. We
12 need to make this clear. When you
13 were on the phone, you were on the
14 bell phone, the telephone?

15 A. I was on the telephone.

16 Q. That's the regular bell
17 telephone?

18 A. Yes, sir.

19 Q. And you were talking to who?

20 A. Johnny Stemple.

21 Q. And that's when you got the
22 crack?

23 A. No.

24 Q. That's what I need to
25 find ---.

1 A. Yeah. I was talking to Jeff
2 Toler, ---

3 Q. Jeff Toler?

4 A. --- the mine foreman, when
5 that storm come through. I told him,
6 I said, as soon as that lightning hit
7 and it jarred, I lost the belts and
8 everything. I mean, I just threw the
9 phone down.

10 Q. That was the mine phone you
11 were on, ---

12 A. Yes, sir.

13 Q. --- the pager phone?

14 A. Yes, sir.

15 Q. Okay. But then you could
16 still use that phone afterwards?

17 A. Yeah.

18 Q. Oh, okay. You just heard ---?

19 A. It just snapped just like a
20 --- if you're going on like a bell
21 phone, ---

22 Q. Yes.

23 A. --- you know, how lightning
24 will run in on it, ---

25 Q. Yes.

1 A. --- it just cracked, snapped.
2 But you still --- I mean, you were
3 still able to use the phone, but I
4 don't like to.

5 Q. So now while these four guys
6 are in the mine, are they telling you
7 what they're doing?

8 A. They are.

9 Q. And what did they do? Did
10 they go from phone to phone or ---?

11 A. They are gathering curtain and
12 keeping the phone right with them.

13 Q. Do you know if they brought
14 any supplies in with them?

15 A. I don't know.

16 Q. Okay. Did they park their
17 mantrip anywhere and start to walk in
18 ---?

19 A. I think --- sir, I think they
20 did take supplies with them.

21 Q. Okay.

22 A. Because I remember Al carrying
23 some out of the back end of the
24 trailer, first-aid stuff. Yes, I
25 remember that.

1 Q. So they took some stuff in
2 with them?

3 A. Yes, sir.

4 Q. And how far did they ride in?
5 Do you know how far they got?

6 A. Until they --- I'd say
7 probably around Four head. I'm just
8 guessing on this. Because he saw
9 Owie's crew and he went to the phone.
10 That's all basically. It might have
11 been Three head, but it was at a
12 head. But I'm thinking Four head.

13 Q. And they told you they were
14 getting off the mantrip and they were
15 going to start to walk or ---?

16 A. Dick and them left their
17 mantrip right there. Being that
18 close to it, the guys walked all the
19 way up because they didn't know what
20 they had had and they didn't need no
21 sparks flying off the rail from the
22 mantrip. So it stayed there.

23 Q. Did they tell you what number
24 stoppings they were repairing?

25 A. No, sir.

1 Q. Did they tell you that you did
2 have stoppings that were blown?

3 A. Did have stoppings out.

4 Q. And they told that --- how
5 were they repairing them?

6 A. Just hanging curtain, trying
7 to direct the flow of air until the
8 last block that they got to, they
9 couldn't do it.

10 Q. How far did they get into the
11 mine; do you know?

12 A. I don't --- 57, 58 block.

13 Q. Okay. How many times did you
14 have a discussion with them as they
15 were going in and what period of time
16 was it?

17 A. I'd say --- I only had it
18 twice. I'm not sure how many checks
19 they hung up, but I only had
20 communication with them twice. And
21 Carl was going to go in, and that was
22 a no-no. And the K Order was in
23 effect. And I was told if I heard
24 from the guys, tell them the K Order
25 was in effect and they was to pull

1 themselves away.

2 Q. So the next time that you did
3 hear from them was when?

4 A. They was out.

5 Q. Oh, they were out?

6 A. After that, yes, sir.

7 Q. So you didn't --- how did you
8 know that they made it to 57?

9 A. Just by Dick saying that they
10 did.

11 Q. So he told you that ---?

12 A. And talking, because they was
13 --- after seeing Owie's crew, they
14 was going on with hanging apparatus
15 down through there. I'm not even
16 sure how many pieces they had to hang
17 to get that far, but just by Dick
18 saying that they was --- at what
19 block that they was at.

20 Q. So that was a conversation
21 that you had later on?

22 A. When he was out, yes, sir.

23 Q. But the conversations that you
24 had while they were underground was
25 just kind of --- help me with that.

1 A. Dick was just saying that they
2 had stoppings blowed out, was talking
3 to Carl, at least I think it was
4 Carl. They was having a
5 conversation. I'm really not sure.
6 The ambulance was arriving on the
7 scene and give Denver Anderson
8 oxygen, because he needed it.

9 Q. How long did it take for their
10 attempt to go in and try to get into
11 that Second Left? From the time that
12 they went underground until the time
13 they got out, about how much time had
14 --- if you can remember?

15 A. I'd say from 6:31 to --- it
16 was an hour, I'd say. I can't ---
17 you know, I mean, just nail it right
18 on the head, but ---. And John
19 Collins was there at that time.

20 Q. Did they ever call out any CO
21 readings to you? Did they call and
22 tell you about any conditions that
23 they had, like smoke, heat, fire, CO
24 levels, methane levels?

25 A. At the last curtain they had

1 CO. They had high CO. And I'm not
2 sure about the methane.

3 Q. How high was it; did they say?

4 A. I don't know, sir.

5 Q. Your CO monitoring system,
6 when it --- you said that it was 107
7 part per million?

8 A. Yes, sir.

9 Q. Is that the high end level?

10 A. That's the high end level.
11 That's the highest you'll be.

12 Q. Right. And once they do that,
13 then they have --- they're fouled;
14 right?

15 A. Right.

16 Q. And they are no longer
17 accurate; is that right?

18 A. She will regain herself ---
19 the batteries will keep it going at
20 107.

21 Q. Right.

22 A. If fresh air is added, then
23 they could respond to that. Because
24 there's ones that come back that was
25 on 107, but that was afterwards.

1 Q. Afterwards?

2 A. Not during that shift, not
3 during --- the next two shifts to
4 follow.

5 Q. So all the levels that topped
6 out at 107, all the sensors stayed at
7 107 for the rest of that day, is that
8 what you're saying?

9 A. Yes, sir. And matter of fact,
10 until we recalibrate them. This was
11 during my shift. This was Monday,
12 Monday or Tuesday.

13 Q. Did any of the CO sensors
14 remain functional during the event?

15 A. Yes, the ones at the pit
16 mouth.

17 Q. That was the only ones?

18 A. One belt was functional. Two
19 belt, the CO in the middle Two belt,
20 we lost it. Lost Two tail, too. So
21 they was all --- on Three belt you
22 had three of them in the yellow that
23 just kept on going higher as we went.
24 But they was all reading a little
25 bit. One belt, just going up

1 wouldn't have set it off, you know
2 what I mean? Wasn't enough to set
3 the alarm off because it goes up,
4 parts per billion goes up, and when
5 it comes back down to nine parts per
6 billion --- parts per million, it
7 just --- it clears itself.

8 Q. Yeah.

9 A. But that tells you if any ---
10 if a belt is burning, if a scoop is
11 charging, mantrip is on charge, high
12 CO as well as methane, just detects
13 it all.

14 MR. O'DONNELL:

15 Do we need a break?

16 Let's take a short break. And
17 this would be a good time to
18 break it off.

19 SHORT BREAK TAKEN

20 MR. O'DONNELL:

21 Mr. Collins, do you
22 have any questions?

23 MR. COLLINS:

24 Yes.

25 BY MR. COLLINS:

1 Q. Mr. Chisolm, ---

2 A. Yes, sir.

3 Q. --- if you would, I'd like to
4 back up a little bit and go through
5 my notes. I'm a little bit confused
6 there on what happened, when and just
7 get a little more understanding of
8 some of the times maybe. I know
9 you've been through this quite a bit
10 here, but --- what time did you
11 arrive at the mine again?

12 A. 3:30. I had to be there so
13 them guys could go under at four
14 o'clock.

15 Q. And that's a little earlier
16 than normal?

17 A. Yeah. I'm usually 6:00 to
18 6:00.

19 Q. And you're pretty sure you
20 arrived at 3:30?

21 A. 3:30, yeah. 3:35, yeah.

22 Q. And what time did the
23 examiners go underground?

24 A. When I got there, they was in
25 the bathhouse. They come over and

1 talked. Right around 4:00.

2 Q. Now, Fred Jamison and Terry
3 Helms were the examiners?

4 A. That's all.

5 Q. And when they went
6 underground, there was no one else
7 underground?

8 A. No.

9 Q. There was no other equipment
10 operating on the track?

11 A. No, sir.

12 Q. And they were both going on
13 one mantrip?

14 A. Yes, sir.

15 Q. Okay. Do you know for sure
16 who was going to fire boss what?

17 A. No, because they left the trip
18 at First Left.

19 Q. How do you know that, Flea?

20 A. Well, I mean, they told me. I
21 mean, Fred was at First Left. They
22 might have took it on up on First
23 Left, but I'm saying that when Fred
24 called, he said, Flea, I'm leaving
25 Terry's lunch right here at First

1 Left switch. The mantrip --- I'm
2 coming outside. Now, John, I don't
3 know if he went up on Second and come
4 back up, but that's the only --- you
5 know what I mean?

6 Q. What time was that when Fred
7 called you?

8 A. I'd say 25 after.

9 Q. 4:25?

10 A. Yeah.

11 Q. When the examiners went
12 underground, they didn't report back
13 to you and say, well, I finished One
14 Left or I finished Two Left?

15 A. No.

16 Q. Just called and said --- Fred
17 said he was going to leave Terry's
18 lunch ---?

19 A. At the switch. It was like
20 4:25 he then called --- 4:35 for
21 clearance.

22 Q. Did you talk --- that was
23 clearance, he was coming outside?

24 A. He was going to go to First
25 Right switch. I don't know why. You

1 know what I mean? I don't know their
2 usual routines, but that's where he
3 went.

4 Q. Okay. Then Terry Helms, did
5 he call you?

6 A. I called Terry Helms, got in
7 touch with him. I told Terry Helms
8 what Fred Jamison said, that his
9 lunch was left down at First Left
10 switch.

11 Q. Do you know where Terry was
12 then?

13 A. No. That's what I'm saying, I
14 don't. The only reason I'm saying,
15 John, that he --- I say he might have
16 went with the crew just because his
17 --- was because his bucket was on the
18 mantrip. I heard that it was. I
19 heard that it was. I don't know.

20 Q. So you don't know where Terry
21 was it when he called you?

22 A. No. He said that he had to
23 get his bucket. I think ---.

24 Q. You called him. I'm sorry.

25 A. Yeah, I called him.

1 Q. And you were telling him about
2 his lunch bucket?

3 A. To get his lunch bucket.

4 Q. But you don't know where he
5 was at at that time?

6 A. No.

7 Q. And what time was that? And
8 if you don't know, you don't know.

9 A. I don't know.

10 Q. Okay. So you gave Freddie
11 Jamison clearance to come back to the
12 outside?

13 A. Correct.

14 Q. And then the dayshift crew
15 starts showing up?

16 A. Correct.

17 Q. And about what time do they
18 start showing up?

19 A. They was already out there
20 when Fred come out. Fred gives his
21 fire boss report. Terry Helms was on
22 the phone. He called his out, Terry
23 did. So whoever he give his --- that
24 fire boss report to, unless he got a
25 ride --- you know, he might have set

1 there with his bucket or he might
2 have walked up to his drive. I'm not
3 real sure which one he done, but
4 whoever he give his fire boss to, an
5 exception, if he talked to any of his
6 crew members or got a ride with them,
7 that was the last time I heard from
8 him.

9 Q. So then you cleared the two
10 dayshift mantrips to go in the mines?

11 A. One.

12 Q. One dayshift mantrip?

13 A. Yeah, Second Left.

14 Q. So you cleared the Second Left
15 mantrip to go inside. And when the
16 mantrip normally gets on the section,
17 do they call you - - -

18 A. They always call.

19 Q. - - - that they're clear?

20 A. Yeah.

21 Q. Did they call back outside on
22 this day?

23 A. No, sir.

24 Q. Then you cleared the First
25 Left crew from outside the First

1 Left?

2 A. They had trouble with a
3 mantrip, had to get another mantrip.
4 That's why First Left crew was
5 delayed. They would have been up on
6 their section.

7 Q. So now it gets --- and you
8 talked about your duties. Some of
9 your duties is to watch this CO
10 monitoring system?

11 A. Monitor.

12 Q. Which is along the belt lines?

13 A. Yes, sir.

14 Q. And I think you said earlier
15 that --- don't let me tell you what
16 you said, but from the time you
17 cleared the crews underground at
18 around six o'clock or so, then what
19 happened next? What was the next
20 event that drew your attention?

21 A. John Boni, he was checking his
22 pump over in the intake. He had come
23 over to the belt line, said that he
24 had heard --- his ears had popped.

25 Q. He called you, Flea?

1 A. Yes, sir.

2 Q. On the mine phone?

3 A. Yes, sir.

4 Q. Go ahead.

5 A. Said that his ears had popped.
6 And right after that, Pat Boni got on
7 the phone. He said that --- I don't
8 know if there's trickle duster that
9 was on the belt line, but the air was
10 moving in the wrong direction.

11 Q. Pat Boni called you on the
12 mine phone also?

13 A. Yeah.

14 Q. Do you know what time that
15 was?

16 A. 6:31, 6:32.

17 Q. Had the CO monitors went off
18 yet?

19 A. Yeah.

20 Q. Now, as soon as the CO
21 monitors went off, I believe you said
22 something about you were talking to
23 Jeff Toler, the mine superintendent?

24 A. I was talking to Jeff. Yes,
25 sir.

1 Q. And he's in his office?

2 A. Right.

3 Q. But the mine phone is also in
4 his office, and the mine phone is in
5 your office?

6 A. Right.

7 Q. So you guys are talking on the
8 mine phone?

9 A. Correct.

10 Q. And is that when you heard the
11 noise on the mine phone?

12 A. No, I heard it when --- I lost
13 it when the lightning come down. We
14 tried to get that ---.

15 Q. So the lightning came down
16 before ---?

17 A. Yeah. When they was talking
18 about that their ears popped on the
19 belt line and then it was gone, it
20 was before that. Well, reading out
21 was 6:31 exactly.

22 Q. This mine phone thing, you've
23 been a dispatcher for several years.
24 Have you ever experienced anything
25 like that before?

1 A. Lightning you mean?

2 Q. I don't know ---.

3 A. Yes, sir.

4 Q. On the mine phone, ---

5 A. Yes, sir.

6 Q. --- you've had that on the
7 mine phone?

8 A. Yes, sir.

9 Q. At this mine?

10 A. No.

11 Q. Which mine?

12 A. Spruce.

13 Q. What did it normally do to the
14 phone?

15 A. It just cracked. I don't know
16 if it's just the circuitry on the
17 board or what it is, but it just
18 cracked.

19 Q. Is that the same one this
20 time?

21 A. It's different than --- it's
22 different like if you're at the house
23 and you pick up a phone and lightning
24 comes down and you hear it ring.
25 Well, a mine phone just pops.

1 Q. So the mine phone pops, ---

2 A. And you hear static.

3 Q. --- a storm is coming through,
4 and ---?

5 A. I threw the phone down.

6 Q. And picked it back up?

7 A. Picked it back up. Told Jeff
8 that I lost my belts.

9 Q. You yelled at Jeff on the mine
10 phone then ---

11 A. Yes.

12 Q. --- and said we've lost our
13 belts?

14 A. I said, Jeff, something is up.
15 I said, I lost my belts.

16 Q. Okay. What did Jeff say?

17 A. Jeff said he's coming over. I
18 heard Owie come on there after that
19 and said something had happened.

20 Q. Owie comes on the phone ---

21 A. Yes, sir.

22 Q. --- about the same time then?

23 A. Uh-huh (yes).

24 Q. And what does Owie say?

25 A. Owie said that there was some

1 type of an explosion or a big fall
2 because there's just stuff
3 everywhere.

4 Q. And he's telling you?

5 A. He is telling Dick.

6 Q. On your phone?

7 A. Yeah, that something is
8 happening. And Dick says, get ---
9 no, not on my phone. Owie was inside
10 talking and Dick was in over at his
11 office.

12 Q. Okay.

13 A. And Dick was telling Owie to
14 get his guys outside.

15 Q. So Owie was at the mouth of
16 One Left, ---

17 A. Correct.

18 Q. --- Dick was in his
19 office, ---

20 A. Correct.

21 Q. --- and Jeff Toler was also on
22 the phone?

23 A. Jeff Toler was listening on
24 the phone, telling Owie to get ---.

25 Q. And Owie said, we've had some

1 kind of an explosion?

2 A. Right.

3 Q. And that would have been at
4 6:31?

5 A. Exactly.

6 Q. And Dick told Owie to get his
7 men outside, did you say?

8 A. Yeah, get them in the intake,
9 get them in fresh air.

10 Q. Get them in the intake, get
11 them outside. So then there's a crew
12 consisting of Dick Wilfong, Jeff
13 Toler, Al Schoonover and Vernon
14 Hofer?

15 A. Vernon, okay.

16 Q. They go underground?

17 A. They go under.

18 Q. Did they ask you for
19 permission to go underground or
20 clearance to go underground?

21 A. No. Al started gathering up
22 first-aid stuff and they did --- they
23 did yell for clearance to go
24 underground. They was seeing if they
25 could help or what had happened. And

1 I was constantly hollering for Second
2 Left, to get any kind of
3 communications going to the guys
4 whatsoever.

5 Q. Did you ever obtain anything?

6 A. Never did, no.

7 Q. So this mantrip that these
8 individuals are on, it goes
9 underground?

10 A. Yes, sir.

11 Q. And that's --- is that the
12 same mantrip that brings the One Left
13 crew back outside?

14 A. No, sir.

15 Q. What mantrip do they use to
16 bring that crew back outside?

17 A. They went up to First Right,
18 got that mantrip that Fred had on
19 charge, I believe.

20 Q. So as Fred Jamison --- he
21 called you for clearance to come
22 outside, but he doesn't bring the
23 mantrip all the way outside?

24 A. He was doing --- at the time
25 he calls, like 4:35, and that's not

1 enough time. I don't know what he
2 was doing on --- you know, I mean,
3 checking the belts? I don't know. I
4 don't know his routine, what he does.

5 Q. Okay. Do you know if Dick
6 Wilfong brought this One Left crew
7 back outside?

8 A. No.

9 Q. When did Dick Wilfong call
10 you?

11 A. He seen Owie's crew. He gave
12 me a call, said that they had a
13 situation ---.

14 Q. Excuse me.

15 A. He saw Owie's crew.

16 Q. Underground?

17 A. Underground.

18 Q. And he called you?

19 A. Coming out into the fresh air.

20 Q. And how does he call you?

21 A. He said, Flea --- he just keep
22 yelling my name, get ahold of the
23 ambulance and the mine rescue. It
24 looks like we've had an explosion.
25 Get ahold of them now. So I went

1 down through the list of the guys ---
2 like I said, that Saturday --- or
3 Sunday was a vacation. There's
4 nobody working Sunday, so everybody
5 was home.

6 Q. What time was that that Dick
7 told you that?

8 A. Took Owie's crew from 6:31
9 probably about 7:31, within an hour's
10 time. 6:30, 7:00, yeah, about an
11 hour's time. But within 15, 20
12 minutes Dick had already seen the
13 crew and was on the phone to me,
14 so ---.

15 Q. What phone was he talking to
16 you?

17 A. I'm thinking the phone at Four
18 head. That's the only one --- you
19 know what I mean? I mean, with the
20 map, that's the only phone that's in
21 that vicinity.

22 Q. Now, Flea, as a dispatcher,
23 when mine power goes off, do the
24 trolley phones work?

25 A. No, sir.

1 Q. So Dick tells you to call an
2 ambulance and mine rescue team?

3 A. Mine rescue team.

4 Q. Do you have a list of names
5 that you're supposed to call, people?

6 A. Yes, sir.

7 Q. And did you have that list
8 that day?

9 A. Yeah.

10 Q. And who's at the top of that
11 list?

12 A. Let me see. Dunbar.

13 Q. You called him?

14 A. Coleman.

15 Q. What time did you call Dunbar?

16 A. 6:40.

17 Q. No answer?

18 A. No, I couldn't get a hold ---
19 like I said, I give --- the list of
20 them guys Johnny Stemple had. I got
21 him one and told him to sit ---.

22 Q. You tried Raymond Coleman?

23 A. Raymond.

24 Q. No answer?

25 A. No.

1 Q. Then the third person you
2 tried was Johnny Stemple?

3 A. They've got their --- most of
4 them on that list right there, what
5 you got, is --- some of them's got
6 very few homes. It's usually a pager
7 to where I can see the production and
8 get on the computer and page them and
9 let them know what's going on. Other
10 than that, it will be like their cell
11 phones, but ---.

12 Q. What time did you call Johnny
13 Stemple?

14 A. 6:45, probably as close as I
15 can make it.

16 Q. What did you tell Johnny?

17 A. When Dick seen the guys --- I
18 told Johnny that Dick was underground
19 and Dick had said to call --- get the
20 ambulance squad running and get the
21 mine rescue teams rolling on it.

22 Q. Do you remember if you told
23 Johnny that we have had an explosion?

24 A. Yes. And he said to make sure
25 --- he was wanting to know who was

1 putting up curtain, was there
2 somebody that was --- you know, in
3 other words, how did we know what had
4 happened? He was wanting to know if
5 anybody was hanging curtain. And he
6 was wanting to know if it was real
7 before he called, more or less, I
8 guess, in other words, to know what
9 was going on before, you know --- he
10 wanted some facts.

11 Q. You called 9-1-1?

12 A. Yeah.

13 Q. After Johnny Stemple?

14 A. I told Johnny to call them,
15 and he said, wait and see what we
16 have. And them guys come out of the
17 pit and Keith Hoy and Denver Anderson
18 --- Denver needed oxygen right there.
19 I got the first medical team there
20 and told them that --- as they was on
21 their way that --- more or less, like
22 more updates would be forthcoming.
23 Because I couldn't tell them what I
24 had, you know.

25 Q. Do you know what time that was

1 you called 9-1-1?

2 A. That was, I'd say, within
3 five, ten minutes, 9:50 --- not 9:50.
4 No, I don't. I would say I don't
5 because it's just all running
6 together here, John.

7 Q. But you've been a dispatcher
8 for quite a while and you've called
9 emergencies ---

10 A. Several times.

11 Q. --- several times?

12 A. Yes, sir.

13 Q. Have you ever had to use this
14 emergency chart before?

15 A. Yeah. 9-1-1, I mean, is ---
16 if they're inside and they say call,
17 you usually call. But when they say
18 like 9-1-1 for emergency call and
19 then you're faced with rescue teams
20 coming out, you got to know what you
21 got, which Dick told me what he had,
22 so I ---.

23 Q. So is it set up, Flea, for you
24 to call the mine rescue teams or for
25 you to call someone else to call the

1 mine rescue teams?

2 A. I have to get in touch with
3 safety to let them know what's going
4 on, then get in touch with the mine
5 rescue team, which Johnny said that
6 he would do. I wanted to go wait on
7 the ambulances because on first
8 sight, I mean, the guys needed them
9 right then. And when they got there,
10 told them more information. As Dick
11 come out, he let them know what was
12 going on, and it turned into a Code
13 Red. I don't know about the rescue
14 teams getting there any faster
15 because Sunday being a holiday, they
16 was all at their house, with their
17 families. That's all I got.

18 Q. So you called Jeff Dunbar,
19 Raymond Coleman - - -

20 A. Tried to get in touch with
21 Jeff.

22 Q. - - - and Johnny Stemple?

23 A. Yeah.

24 Q. And that was it - - -?

25 A. Well, I put that on Johnny

1 because, I mean, somebody had to do
2 something.

3 Q. We do have this ---?

4 A. There is protocols that they
5 want you to --- if that's what you
6 mean.

7 Q. And that's on a list at the
8 mine ---

9 A. Yes, sir.

10 Q. --- in the dispatcher's
11 office?

12 A. Dispatcher, yes.

13 Q. You were talking about
14 electrical disruption, that the CO
15 monitoring system went off?

16 A. Yes.

17 Q. Was there any other
18 disruptions that you know about?

19 A. The Five belt --- I mean, like
20 Six belt. Like I said, the CO right
21 there at the Four tail, it turned
22 completely gray. The one down in the
23 middle of Six belt turned completely
24 gray. The one at the tail turned
25 gray. The belt line itself turned

1 gray. As you started on the one
2 outby the tailpiece, it was a 107
3 parts per million. All First Left
4 was 107 parts per million. It
5 continued on the way down Four belt,
6 all except for the two COs right
7 there at the drive. They had not yet
8 turned, but shortly they would reach
9 107 parts per million. Number Three
10 belt and Four belt went off on power
11 loss.

12 Q. And Flea, if the fan --- did
13 the fan go off?

14 A. No, sir.

15 Q. If the fan had went off, would
16 you have known?

17 A. Yeah.

18 Q. And how would you have known
19 that?

20 A. By the alarm.

21 Q. And is that located in the
22 dispatcher's office?

23 A. Yes.

24 Q. Earlier you said something
25 about that the One Left crew did not

1 bring the mantrip back out because of
2 sparks or something.

3 A. Dick took in that one mantrip.
4 And when they got down in there, they
5 needed a mantrip to get out. It
6 definitely wouldn't have been the one
7 that Owie and them was on. They
8 wanted that mantrip to stay there.
9 Dick's mantrip stayed back for that
10 ride being out there. And told them
11 to hit the intake. They come walking
12 out the mine. That's about all I
13 know, John, I mean on that part.

14 Q. Just what you know.

15 A. That's just what I know.

16 Q. What about the K Order you're
17 talking about? Who advised you that
18 there had been a K Order?

19 A. Carl was directed to get some
20 curtain and other apparatus and stuff
21 to go under and help Dick and them
22 out. And that's when I found out
23 about a K Order, because you can't do
24 that --- matter of fact, John, it
25 might have been you. Was it you,

1 sir?

2 Q. So the K Order language you're
3 using, is this something Carl told
4 you?

5 A. No. Just Carl walked around
6 with his head down. I heard that
7 they had a K Order, but I was
8 notified you have to stop and, how do
9 you call it, desist and just leave.
10 You have to get out of there with a K
11 Order. Wherefore, if I would have
12 heard from the guys, Carl was going
13 to tell them just to have them come
14 out. I did not hear from them. The
15 next thing I knew, Dick and them was
16 outside.

17 Q. And I'm also not clear on
18 that.

19 A. What's that?

20 Q. When you said the phone
21 popped, did you mention something
22 about lights, the lights flickered?

23 A. No.

24 Q. Okay.

25 A. No, that phone --- when that

1 lightning hit, like I said, I was
2 talking to Jeff and it hit, and I
3 threw the phone down. And I got back
4 on and just said, man, I said, Jeff,
5 I just lost the belts. It had
6 already happened. I mean, it was
7 already done and over with. Like I
8 said, as fast as that storm come, it
9 was gone just as fast.

10 Q. And also, Flea, you've had
11 other emergencies as a dispatcher,
12 called the ambulance several times
13 and stuff. During this rescue
14 attempt that these guys went
15 underground right after this event
16 occurred, were you in charge of that?

17 A. You're saying Dick?

18 Q. When Dick, Jeff, Al and Vern
19 Hofer went underground, were you in
20 charge of that?

21 A. They went in there to help out
22 with Hoy Keith, to get Hoy Keith out
23 of the way. They did dispatch and
24 went down there and assessed the
25 situation. They was hanging curtain.

1 Q. Did they call back outside and
2 say, ---

3 A. Yeah. Sometime they did,
4 yeah. Yeah.

5 Q. --- Flea, I'm hanging a
6 curtain, ---

7 A. Yeah.

8 Q. --- I'm hanging a curtain here
9 ---?

10 A. And get some help here.
11 There's definitely been some kind of
12 an explosion. It was uncertain,
13 though, what it was at that point.

14 Q. One question here, Flea. When
15 the two examiners showed up that
16 morning and they're going
17 underground, did they cover with you
18 like what they were going to examine?

19 A. On a regular fire boss run,
20 --- I don't know about fire bossing,
21 but I --- you know, like John, I
22 don't know if --- belts and tracks
23 and faces, to me, I mean, that's ---
24 if you're a fire boss up at the mine.

25 Q. Belts, tracks and faces. The

1 reason I ask that ---.

2 A. And the pumps, I mean, you
3 know, ---.

4 Q. The reason I ask that, Flea,
5 because earlier I thought you said
6 seals, and I was wondering why you
7 thought they were going to check
8 those seals.

9 A. I don't know. I mean, I don't
10 know, John. If it would have been a
11 --- if they had to have been checked
12 so often or every day or --- you
13 know, I don't know. I honestly don't
14 know.

15 Q. And also, Flea, during this
16 you said the command center was set
17 up?

18 A. Yes, sir.

19 Q. And the command center
20 communicated with the mine rescue
21 teams underground, ---

22 A. Yes, sir.

23 Q. --- and you were present
24 during some of that at the mine?

25 A. Yeah.

1 Q. But is it true that you were
2 not the communication person during
3 this time or ---?

4 A. No, I was not.

5 Q. And you never sat in on a
6 communication system or, you know,
7 you never discussed with the mine
8 rescue teams or ---?

9 A. Oh, no, sir. No.

10 Q. Okay. Flea, you said that Al
11 Schoonover and Jeff and them were
12 going underground also to help with
13 Hoy Keith?

14 A. Yeah. They got ---.

15 Q. How did you know they were
16 going to help with Hoy Keith?

17 A. They went in there --- Hoy
18 Keith was lagging behind, so --- he
19 had talked to them. I guess some
20 guys walk faster than others. With
21 Denver Anderson, he had done
22 swallowed too much dust, what the ---
23 I guess the explosion give off. I
24 mean, he was bad, wheezing, and along
25 with Hoy. Hoy needed some help

1 getting out of there. When the guys
2 come out, how come I knew that is
3 because Hoy and them was lagging in
4 the back. And they had the guys stay
5 back there with them. They all got
6 together right there. Dick went on
7 --- Dick, Al Schoonover, Jeff Toler
8 and you say Vern.

9 Q. Vern.

10 MR. COLLINS:

11 I believe that's all I
12 have right now, Flea. Thank
13 you very much.

14 BY MR. O'DONNELL:

15 Q. When you said the lightning
16 struck, it hit, ---

17 A. Uh-huh (yes).

18 Q. --- how do you know that other
19 than what happened with the phone?

20 A. How do I know other than?

21 Q. Yeah. What told you that it
22 was lightning?

23 A. I mean, it lit up. I mean,
24 ---.

25 Q. Well, that's what I want you

1 to tell me.

2 A. Yeah. I mean, it lit up. I
3 mean, and the ground's --- but when
4 it hit, it just --- I've never seen
5 nothing like it, if that's what you
6 want to know.

7 Q. Yeah. You have windows around
8 your dispatch ---?

9 A. Yeah. It jarred the
10 dispatcher center I was in and it
11 jarred the bathhouse.

12 Q. It shook the building?

13 A. It shook the building.

14 Q. And you saw a flash?

15 A. Gary Marsh was in his
16 forklift, he heard me yelling when
17 the belt --- as soon as it hit, he
18 heard me yelling. He come in there.
19 That's why, I mean, he knows, you
20 know. He knows everything I'm
21 saying.

22 Q. Usually you see lightning and
23 then hear thunder; right?

24 A. Yeah.

25 Q. How was this?

1 A. When this thing come down, the
2 ground shook. It lit up. You
3 couldn't tell where it was coming
4 from, but it was a lightning strike.
5 And I only remember like two at the
6 most, I'd say.

7 Q. So you ---?

8 A. Usually like four, you know,
9 but I mean, it was there, it hit, I
10 lost everything. The trailer shook.
11 I mean, ---.

12 Q. So you would say that it was
13 very close to where you were, is that
14 what you're saying?

15 A. I don't --- I can't say.

16 Q. Well, I mean, have you ever
17 experienced anything like this
18 before?

19 A. No, sir.

20 Q. Okay. Did you try to call on
21 the trolley phone? You said that the
22 trolley phone wasn't operable, you
23 had problems with it?

24 A. The trolley phone was out.

25 Q. Did you try using it at all?

1 A. That morning it was staticing
2 a little bit, then there's no trolley
3 phone at all.

4 Q. Okay.

5 A. And like usually, like I say,
6 the mine phones will come across the
7 trolley phone to where I can get the
8 phone and page them and tell them to
9 hold up, but the trolley has got to
10 be working.

11 Q. About what time did you start
12 the belts that day?

13 A. Fred was out. Terry Helms was
14 under. Had to wait on the fire boss
15 reports.

16 Q. That's your procedure, you
17 wait for the preshift to get done?

18 A. Yeah. And that way you know
19 it's safe.

20 Q. Right.

21 A. And usually if there's
22 somebody working the shift before,
23 you just can't fire up the belts.
24 They could belt splice or anything.
25 Just never assume.

1 Q. What other things does the ---
2 at your station --- now, you said
3 that you watched CO monitors,
4 sensors, you can monitor belts
5 starting and stopping?

6 A. Right.

7 Q. Is there anything else that
8 they monitor?

9 A. Yeah, if they're --- I mean,
10 different kind of gases. It could be
11 a post leaning against a belt, making
12 it smoke, it will pick it up. The
13 mechanics, when they're burning and
14 cutting, they've got to tell me what
15 they're doing and where at they're
16 doing it at, because it will
17 definitely pick it up. And you have
18 to have somebody to monitor that. If
19 they go off, you have got to send
20 somebody to that and check it out on
21 the monitor. And if it stays off, I
22 mean, you have to have somebody there
23 to stay right there with it until
24 it's replaced. Or you know, if it's
25 going out, they have got to get a new

1 one in there. But as long as they've
2 got them in there, hooked up, they've
3 got to be monitored.

4 Q. So you have a procedure that
5 if someone is doing cutting, welding,
6 burning, ---?

7 A. They're supposed to tell me.
8 But if it goes off, I holler. And if
9 it's a beltman or whoever it is, try
10 to find the closest person to it. If
11 not, somebody is going to have to go
12 in from the outside. It has to be
13 checked.

14 Q. Like you talked about graying
15 out. What does that mean, graying
16 out?

17 A. Dead belt line.

18 Q. Okay.

19 A. Wires and everything.

20 Q. So it's like it doesn't ---?

21 A. Doesn't exist.

22 Q. Okay. And then you said a
23 Code Red, too?

24 A. Yes, sir. When the ambulance
25 arrived on the scene, I filled them

1 in on what was going on, and Dick
2 Wilfong --- Dick was then out. Dick
3 was then on his way out. They went
4 to Hoy and tried to give him oxygen
5 and stuff like that. And Hoy said,
6 no, I'll be all right, which he
7 wasn't, but --- you know what I mean?
8 But he's wanting to do something.
9 Hoy went into Dick's office and
10 monitored Two Left, yelled all day
11 long, tried to --- just to try to get
12 somebody on Two Left to answer the
13 phone. Then they took care of Doc.
14 And then they hollered on the phone
15 and said that we might have guys
16 trapped inside. We're pretty sure we
17 do. Let's make this a Code Red. And
18 that's when we got the others, as far
19 as ambulance and fire trucks, ---
20 Q. That's what you ---
21 A. --- not the mine rescuers.
22 Q. --- are saying, that --- yeah,
23 that's what your part in it was?
24 A. Yeah.
25 Q. Okay.

1 A. I knew we was going to have to
2 have one. Didn't know to what extent
3 until we got further information.
4 And then that's when it become a Code
5 Red.

6 Q. When did you --- at what part
7 of the morning were you taken away
8 from your dispatch duties and someone
9 else took over?

10 A. What part of the morning?

11 Q. Or were you involved in ---?

12 A. Four o'clock.

13 Q. Four o'clock ---

14 A. Yeah, because I usually work
15 6:00 to 6:00.

16 Q. --- in the afternoon?

17 A. Right. So I worked 4:00 in
18 the morning until 6:00 in the
19 afternoon. And it was Bruce Payne.
20 Bruce Payne would have been my
21 relief.

22 Q. But during the day --- were
23 you involved in notifying the state
24 or the federal?

25 A. Johnny was. State and federal

1 was both Johnny.

2 Q. Johnny - - -

3 A. Stemple.

4 Q. - - - Stemple - - -

5 A. Yes, sir.

6 Q. - - - did that?

7 A. Uh-huh (yes).

8 Q. So notification by the
9 agencies was done by him.

10 A. Because you had to - - - you
11 just can't call everybody and tell
12 them what you got going on. You
13 know, I figured the head of the
14 Safety Committee, you know, I mean,
15 he's got to know.

16 Q. Oh, yeah.

17 A. And get in touch with them
18 guys because I had my hands full
19 doing - - - there's no way that you can
20 - - - you got to get help to where it's
21 needed.

22 Q. And your part was the
23 ambulance - - -

24 A. Yes, sir.

25 Q. - - - and the - - - who called the

1 mine rescue teams?

2 A. I gave Johnny the numbers of
3 all the mine rescue team, which is in
4 the dispatcher shanty.

5 Q. Now, no one is in the mine;
6 right? Everybody is out, ---

7 A. Okay.

8 Q. --- except the people that
9 were unaccounted for.

10 A. Okay.

11 Q. What happened from that time
12 on? Tell me about who was in charge
13 --- who was the main guy in charge of
14 the surface then? Who was directing?

15 A. I don't know. It was done
16 from the command center, the command
17 post, going along with the federal
18 and state.

19 Q. How long was it before any of
20 those agencies got there and formed
21 this command center that you're
22 talking about?

23 A. I'm not sure. Barbour County
24 was our first, and they had their
25 backup, but I'm not sure of the time.

1 I'm not sure of the time.

2 Q. Where was the command center
3 located?

4 A. It was in the back office, you
5 know where Jerry's office is at?

6 Okay. If you ---.

7 Q. Is it across from your office?

8 A. Yeah. I mean, it's in the
9 other building.

10 Q. That's what I mean. Yeah.

11 Okay. But when this command --- were
12 you involved in any of the
13 documentation of who was entering the
14 mine and who was leaving the mine?
15 Were you involved in any of that?

16 A. Writing down their names, sir,
17 yes, I was.

18 Q. Okay. And how was it
19 documented, where?

20 A. On paper.

21 Q. I mean, was it your
22 sign-in/sign-out sheet ---

23 A. Yes, sir.

24 Q. --- that was used like when we
25 were at the mine there?

1 A. Right.

2 Q. So you have a record of who
3 went in and who come out ---

4 A. And what time.

5 Q. --- and what times. Okay. So
6 that would be in your
7 sign-in/sign-out sheet. All right.
8 As far as --- and you accounted for
9 everyone that went in and went out;
10 right?

11 A. Yes, sir.

12 Q. That was your job?

13 A. Yes.

14 Q. What other duties did you have
15 other than that?

16 A. Just making out tags, because
17 some of them were still putting them
18 on the board, making out tags and
19 writing down people's names. That's
20 just ---.

21 Q. That was your involvement?

22 A. That's basically it.

23 Q. And the rest of it was taken
24 care of by management ---

25 A. Yeah.

1 Q. --- and the agencies? Okay.

2 A. And answering the phones,
3 which it never did ---.

4 Q. Never quit ringing, huh?

5 A. Never quit.

6 Q. This is a copy of your
7 printouts for your CO monitoring
8 system.

9 A. Yes, sir.

10 Q. I'm going to give you a copy
11 of this. And I'd like to review some
12 of it so we can understand what it
13 means.

14 A. Okay.

15 Q. Okay?

16 A. Yep.

17 MR. O'DONNELL:

18 And we can mark this
19 Exhibit Two.

20 (Chisolm Exhibit Two
21 marked for
22 identification.)

23 BY MR. O'DONNELL:

24 Q. We'll just start on the first
25 page, and maybe you can just give us

1 an explanation of ---

2 A. 12/29th?

3 Q. --- yeah, what it means. And
4 then we're going to jump ahead to
5 that morning, all right.

6 A. Okay. 12/29th, as you go up
7 to the top?

8 Q. Yes.

9 A. Okay. Oh, 1732?

10 Q. Yes.

11 A. Okay. Number Five belt, more
12 or less.

13 Q. Okay.

14 A. Stop, pulled switch. Okay.
15 7017 ---.

16 Q. Flea, does that mean that
17 someone pulled the Jabco?

18 A. Yes, sir. If I would do it
19 from the computer, it would show
20 local stop.

21 Q. So a local stop. Now, you
22 can't start --- can you start the
23 belt when he pulls the Jabco?

24 A. On pull switch?

25 Q. Yes.

1 A. No.

2 Q. Okay. So once somebody has,
3 you see that pull switch, that belt
4 is down until they put it physically
5 on ---?

6 A. Exactly.

7 Q. Okay.

8 A. And especially if they call
9 me, they're going to do a splice on
10 it and they want me to shut it down.
11 I can shut it down from the outside.
12 But they've got to tag it out.
13 They've got to have control of it
14 right there in front of them. Don't
15 leave it up to a computer.

16 Q. Okay. The next one, Number
17 Seven belt boss, ---?

18 A. Yes, sir, sequence. That's
19 just going down the line in sequence
20 there. Number Five belt, pull the
21 switch, Number Seven. This is ---
22 this one had a Number Seven belt on
23 it. That's 12/29th?

24 Q. Yes.

25 A. Although it wasn't --- okay, I

1 see what it is.

2 Q. All right. Let's ---.

3 A. Although it was on there, it
4 wasn't --- I mean, it wasn't charged
5 up. They hadn't broken off that
6 panel.

7 Q. Okay.

8 A. I had it on the screen because
9 ---.

10 Q. So the next series is belts
11 starting and belts running and
12 someone sequencing, and we got that.
13 And then it says communication dead.
14 What kind of communication? Is it
15 the system communication or ---?

16 A. Belt boss.

17 Q. So the belt boss you are
18 referring to ---?

19 A. That went to 183.

20 Q. Okay.

21 A. Inby Four tail.

22 Q. Which is the monitoring
23 system; right?

24 A. Yes, sir.

25 Q. That's the name of the

1 monitoring system, the belt boss, ---

2 A. Yes, sir.

3 Q. --- so we know that. Now, we
4 have One Left section alarm, CO
5 monitor gained.

6 A. Yes, sir.

7 Q. What's that mean?

8 A. That means that it has gained
9 communications with the outside, the
10 belt boss, and it can --- it will
11 continue on.

12 Q. And it's picking up?

13 A. Right.

14 Q. Then it goes ---.

15 A. It is receiving and
16 transmitting.

17 Q. Then the next one says,
18 warning, ten ppm.

19 A. Yes, sir.

20 Q. What's that mean?

21 A. Ten parts per million.

22 Q. I know that. But I mean, what
23 is it telling us? Is that what the
24 system does when it's starting up?

25 A. No, sir.

1 Q. Go ahead.

2 A. No, sir.

3 Q. Go ahead.

4 A. Huh?

5 Q. What's it mean?

6 A. It means I set off the section
7 alarm.

8 Q. You set it off?

9 A. Yes, sir.

10 Q. How do you do that?

11 A. Just by --- if you're having
12 trouble getting a hold of a section,
13 it could be maybe your mom called,
14 she's in the hospital or anything.

15 Q. So this ---?

16 A. Those are alarms right there.

17 Q. It says warning. So you can
18 turn an alarm on?

19 A. First Left, yeah.

20 Q. And ---?

21 A. And Second Left.

22 Q. And the reason you do that is
23 because you ---?

24 A. If Carl would want --- if they
25 was going to go and --- say supplies

1 on a section, if nobody is coming to
2 that mine phone and I've got a loader
3 in there, a car is loaded and need a
4 scoop down the track and yelled and
5 yelled and yelled, that alarm let's
6 you know that there's something going
7 on. The noise that it makes and the
8 lights that flashes on it lets
9 somebody know to go to the phone.

10 Q. Now, does it do both? Does it
11 alarm --- an audible alarm and a
12 visual alarm?

13 A. Spruce did.

14 Q. Okay. Well, what's the
15 difference then between a warning and
16 an alarm?

17 A. A warning?

18 Q. The warning is the ---?

19 A. Okay. When you go to set it,
20 ---

21 Q. Okay.

22 A. --- okay, you go to set it,
23 okay you have to push to set the
24 alarm. And when you do it, it's a
25 warning. You command it to do so.

1 It comes up into alarm. It will say
2 warning. I mean, it will just show
3 you. But that is putting your ---
4 like flashing your CO on your belt
5 boss itself, I mean, more or less on
6 the alarm system.

7 Q. You're talking about your ---
8 that's when you manually put it on;
9 right?

10 A. Yeah.

11 Q. Okay. Does it make the noise
12 and flash in your station also when
13 you do that?

14 A. Yes, sir.

15 Q. Okay.

16 A. But you can't acknowledge it.

17 Q. Now, does it know --- the
18 system, like here, how does it know
19 --- it says a warning, ten ppm. So
20 the system knows that you manually
21 put it off; right?

22 A. Yes, sir.

23 Q. Okay. Now, let's go back to
24 whenever --- well, let's see here.
25 How does it go through this? It went

1 through 155 to 156 and that's all
2 within a minute; right?

3 A. Right.

4 Q. Then it goes through warning,
5 warning, maximum CO value obtained,
6 alarm condition was ten ppm, alarm,
7 alarm, latch. What happens when the
8 alarm latch? What does that tell us?

9 A. Alarm latch?

10 Q. Yes.

11 A. That's when you got to reset
12 the system ---

13 Q. Okay.

14 A. --- and get it back to zero.

15 Q. Okay. And that's what, 156,
16 5610, --- yeah.

17 A. Yes, sir.

18 Q. Okay. I see what that's
19 doing. So let's say that you're
20 there monitoring, right, ---

21 A. Uh-huh (yes).

22 Q. --- and you get a ten ppm, is
23 that an alarm?

24 A. Yes, sir, it is.

25 Q. Okay.

1 A. Well, no, not --- I mean, it's
2 a warning sound. I mean, that could
3 be on ---.

4 Q. Okay.

5 A. See, I mean, if they're
6 picking up CO, is that what you're
7 saying?

8 Q. Yeah, like ---.

9 A. CO, any kind of gas, yes, sir.

10 Q. You get a warning here?

11 A. Then it should clear itself at
12 nine, nine ppm.

13 Q. But let's say we got a really
14 --- for some reason we're picking up
15 ten ppm.

16 A. Okay.

17 Q. What happens to the system
18 when that occurs?

19 A. It alarms. It throws it up
20 there, it alarms, it lets you know
21 there's something going on with it.
22 It's flashing back and forth.

23 Q. It flashes to you so you know
24 that you have a ---

25 A. Yes, sir.

1 Q. --- problem? But what else
2 happens in the coal mine?

3 A. It could be a fire or ---?

4 Q. No. I mean, does it go into
5 that section that's affected?

6 A. Well, no. That's just like at
7 the alarm, at the tailpiece. But
8 these other ones that's going off, I
9 mean, they can tell it underground if
10 I sent them that particular block,
11 where that CO is at. Is that what
12 you're saying?

13 Q. No. Here's what I'm asking
14 you. You got an alarm, a ten ppm
15 warning.

16 A. Right.

17 Q. Without you calling inside,
18 how does the crew know that that
19 condition exists?

20 A. I tell them.

21 Q. No, without you telling them.

22 A. Well, they wouldn't know on
23 the belt line or nothing.

24 Q. They wouldn't?

25 A. No.

1 Q. They wouldn't have a ---?

2 A. They wouldn't have an alarm
3 on.

4 Q. There's no signal underground
5 to them?

6 A. No, not the alarm.

7 Q. Okay.

8 A. Just on the sections.

9 Q. So let's say that you give
10 them --- you said --- what did you
11 say, on the section?

12 A. The section's got the section
13 alarm.

14 Q. That's the point I'm getting.
15 You got ten ppm.

16 A. Right.

17 Q. It's flashing where you're at,
18 but then we also have a signal in the
19 section tail; is that right?

20 A. No. I'll have to alarm them
21 on the section tail just because that
22 --- see, I control the alarm.

23 Q. Okay.

24 A. Okay. When that box flashes
25 up, it will say, CO 182 at the tail

1 Four.

2 Q. Okay.

3 A. So that tells me to send
4 somebody there at the tail Four, who
5 tells me to alarm the section and let
6 them know what's going on.

7 Q. So you have to manually alarm
8 the section?

9 A. Yes, sir.

10 Q. And what happens when you do
11 that?

12 A. It gets their attention.

13 Q. I mean, are we talking about
14 an audible and a visual?

15 A. Yes, sir.

16 Q. Okay. So when that occurs,
17 who do you call?

18 A. If it's on the belt line, the
19 closest belt guy to it. Or like I
20 said, mechanic, anybody I can get to
21 that place and see what's going on.

22 Q. And that's your procedure?

23 A. Because it could be going bad.
24 But if it's not going bad, yeah, you
25 have got to monitor, because there

1 could be methane around it, it could
2 be a board smoking, it could be a
3 scoop charging, anything.

4 Q. So what does the crew do, the
5 section, whenever you give them ---
6 you press the button and you give
7 them the alarm at the tailpiece?

8 A. They answer the phone.

9 Q. And what's your instructions?

10 A. Well, whatever is wrong.
11 Sometimes it will go out on a slip.
12 Maybe they're setting posts or
13 something and their belts out on slip
14 or underspeed, you don't know if the
15 belt is Two or not. You got to get
16 somebody to that place, I mean, from
17 section to the head, depending on
18 where Helms was at or depending on
19 who's in the area, just anything that
20 needs done.

21 Q. Do you pull them from the
22 working face?

23 A. You have to if --- I mean, if
24 they ---.

25 Q. Just on the warning now, the

1 ten ppm, you called somebody, you
2 told them that they have a problem
3 and they need to check it out, ---?

4 A. They've got to be --- yeah,
5 that's got to be monitored.

6 ATTORNEY YUHAS:

7 Joe, can I clarify one
8 thing. You know, we're
9 talking about the ten ppm,
10 your system tells you exactly
11 where in the mine, what's in
12 it. So maybe it would be
13 better, you know, is this a
14 warning from the section or
15 the main belt. He may do
16 different things when he ---
17 you know, just depending on
18 where this ---

19 A. They have got to ---.

20 ATTORNEY YUHAS:

21 --- comes from.

22 A. If one's going up, if like ---
23 if you got one right there going up,
24 they're so many feet down the belt
25 line. If you got yourself a serious

1 situation, it's going to start with
2 the air. You're going to have one
3 going off, you're going to have
4 another one going off, you're going
5 to have another one going off.
6 That's the times you pull people off
7 the sections, ---

8 BY MR. O'DONNELL:

9 Q. Right.

10 A. --- because you got a serious
11 situation.

12 Q. So whenever the system
13 malfunctions --- is that what you're
14 talking about, a malfunction?

15 A. No. I mean, just one going
16 off?

17 Q. Yeah.

18 A. Yes. I mean, COs, if the
19 battery is going dead in them or for
20 whatever reason.

21 Q. How do you know --- how does
22 the system tell you the difference
23 between a --- that it's sensing CO or
24 it's a malfunction?

25 A. It does not. The man is going

1 to tell me that I'm going to send ---

2 Q. Okay.

3 A. --- to check ---.

4 Q. So the system doesn't go into
5 malfunction?

6 A. No.

7 Q. It just tells you like ---?

8 A. I mean, like at 107 parts per
9 billion or something like that, you
10 know, like it did, but it won't say
11 like malfunction --- sometimes it
12 will say lost data or no response,
13 but you still have to have it checked
14 out.

15 Q. What about when it goes to 15
16 or higher?

17 A. That's cause for --- you still
18 have to have it checked out.

19 Q. Okay.

20 A. And in both of them cases, if
21 you check it and there's no gas
22 there, just because that CO went out
23 on you, there's got to be somebody
24 there to monitor that. It's there,
25 it's supposed to be working, it does

1 not work, it needs to be monitored.

2 Q. Okay. When it hits 15, do you
3 still have to --- you're still going
4 to call the section, tell them you
5 got a monitor that you're having
6 checked out; right?

7 A. Yes, sir.

8 Q. When does the system ever
9 automatically alarm or audible or
10 visual alarm at that tailpiece? When
11 does it do it automatically where you
12 don't have to physically warn them?

13 A. At that tailpiece?

14 Q. Yes.

15 A. Don't know. It doesn't.

16 Q. It doesn't do that?

17 A. No, sir.

18 Q. So you must be there ---

19 A. Yeah.

20 Q. --- to see it happen ---

21 A. Right.

22 Q. --- and alert the section?

23 A. If it's on Six belt, which
24 would be Two Left section, like I
25 said, if Terry is not available,

1 somebody on that section has got to
2 go check out that belt, and usually I
3 get my cast going. It's just
4 whoever's - - - .

5 Q. And your instructions to the
6 section, whenever you get ahold of
7 them, is it any different between the
8 10 and the 15 or is it the same? Or
9 do you just say, we're checking it
10 out and if we have a problem we'll
11 let you know?

12 A. No, they got to check it out
13 right away. It's not something that
14 you put off.

15 Q. No. But I mean, the crew,
16 what's the crew know?

17 A. If it's on Six belt - - -

18 Q. Yeah.

19 A. - - - or even down the line, it
20 just says like the readings on them,
21 but you've got to let them know. And
22 there's got to be somebody there,
23 like I said, monitoring at all times.

24 Q. Have you ever taken them off
25 the section and told them to go outby

1 that sensor until you can determine
2 that it is a malfunction?

3 A. Yes, sir, I have.

4 Q. You have?

5 A. Uh-huh (yes).

6 Q. What would make you do that?

7 A. Let me think here a second. I
8 believe it was the scoop and it was
9 hydraulics.

10 Q. You had a problem with the
11 scoop that ---

12 A. Yep.

13 Q. --- the system went into alarm
14 ---?

15 A. And set them all off.

16 Q. How did you know it was the
17 scoop?

18 A. I didn't know what it was. I
19 knew it was something because it was
20 --- one followed, the next one
21 followed, the next one followed, the
22 next one followed.

23 Q. So you saw the trend?

24 A. So whatever it was, it was
25 moving, and that's ---.

1 Q. But whenever you don't see a
2 trend, ---

3 A. Okay.

4 Q. --- you just have one sensor,
5 ---

6 A. Okay.

7 Q. --- and you have in excess of
8 15 ppm, do you ever pull them out?

9 A. You have to pull them out past
10 that, is that what you're saying?

11 Q. Yeah, that's what I'm asking.

12 A. You got to pull them out past
13 that CO, I mean, out past that point.

14 Q. That's what I'm asking you.

15 A. Yeah.

16 Q. That's what you do. Is that
17 your procedure?

18 A. You have to.

19 Q. Okay. See, that's what I was
20 getting at. Is that your procedure
21 all the time?

22 A. You have to. I mean, that's
23 like a ---.

24 Q. I understand what you're
25 saying.

1 BY MR. COLLINS:

2 Q. I just need to back up just a
3 second, Flea, if you don't care. You
4 called Johnny Stemple, I think you
5 said, at 6 --- around 6:45?

6 A. That's about right.

7 Q. And you told Johnny that you
8 had some kind of emergency and an
9 explosion? Did you tell him you had
10 an explosion?

11 A. A possible explosion.

12 Q. And you asked him to call the
13 mine rescue team?

14 A. I told him --- I said, Dick
15 --- yeah, Dick said call the
16 emergency squad and get the mine
17 rescue teams rolling.

18 Q. Did you also ask him to call
19 the state and federal?

20 A. No. Johnny knew. I mean, we
21 talked.

22 Q. Johnny knew that?

23 A. We talked, yeah. Yeah.
24 Matter of fact, I believe you was
25 first, John.

1 Q. Did Johnny call you back and
2 tell you ---

3 A. Yes. Yes, he did.

4 Q. --- that that had been
5 accomplished?

6 A. Yep, stayed in touch.

7 Q. What time did he call you
8 back?

9 A. Maybe ten minutes. Maybe 10,
10 15. He stayed in touch as he got ---
11 see, I got ahold of Carl, which was
12 the only body that I was able to get
13 in touch with, besides John ---.

14 Q. You called Carl?

15 A. Yeah, besides getting ahold of
16 Johnny. I knew that was going to
17 take a while right there, when you
18 had a situation going on.

19 Q. And when Johnny Stemple called
20 back, he did talk to you?

21 A. Yeah. And he told me that he
22 had gotten ahold of Dunbar, he had
23 gotten ahold of Randy (sic) Coleman,
24 he had gotten ahold of Ty, every time
25 he got in contact.

1 Q. And he did tell you that he
2 had got a hold of the state?

3 A. Yeah.

4 Q. And that was me?

5 A. I believe you was the first,
6 yeah.

7 Q. And what time did he ---?

8 A. Because you live the closest.

9 Q. Do you know what time that was
10 that he said he got ahold of me?

11 A. I did. I don't know.

12 Q. When you arrived at the mine
13 that morning, Flea, were all the
14 belts off?

15 A. Yes, sir.

16 Q. And you were the one that
17 started those belts?

18 A. Correct.

19 Q. And what time did you start
20 them?

21 A. After Terry called out his
22 preshift, after Fred Jamison had his
23 preshift. Start the stacker about
24 First, let One, Two, Three, Four.
25 Like I said, I had One, Two, Three,

1 Four. They was running. Five and
2 Six was on pull switch at the start
3 of the shift.

4 Q. Which means that you started
5 ---?

6 A. You don't let your section
7 belt run until the crew gets there
8 and the boss does his run.

9 Q. And Five is the section belt
10 for One Left?

11 A. Five is a section belt.

12 Q. And Six is the section belt
13 for Two Left?

14 A. For Two Left.

15 MR. COLLINS:

16 That's all we have.

17 BY MR. O'DONNELL:

18 Q. If you go to page six of
19 Exhibit Two, down at the bottom
20 there, is there an ink mark on there?

21 A. Yes, sir.

22 Q. So you know where I'm at?

23 A. Yep.

24 Q. And that would be --- is that
25 the time that you would have started

1 the belt, Flea?

2 A. Yes, it is.

3 Q. Okay. So that would be 5:27.
4 So that is when Number One, Two,
5 Three and Four came on?

6 A. Right.

7 Q. And like you said, Number Five
8 was on pull cord, so it wouldn't have
9 started?

10 A. And Six also.

11 Q. And Six, which you can't start
12 because it's on pull cord?

13 A. Right.

14 Q. Right.

15 A. Yeah, you don't fire them up
16 like that before the crews get there.

17 Q. Right. So then we go on here
18 to --- at 6:09. One Left section
19 alarm.

20 A. 6:09?

21 Q. It's right down below the belt
22 boss start of Number Four.

23 A. Okay.

24 Q. It says taken off scan. What
25 does that mean?

1 A. Taken off scan?

2 Q. Yes.

3 A. Let's see. It was --- that's
4 the one that had to be replaced.

5 Q. Okay. Tell me about that. I
6 mean, ---.

7 A. Well, it --- what was going on
8 with it is the alarm would stay on.
9 I mean, when the box went out, it
10 threw up your alarm like you're
11 talking about. And the alarm and
12 your visual just started up. So I
13 can't just say take --- you know,
14 take off. Right here, like if you
15 see where it says take off, ---

16 Q. Yeah.

17 A. --- it's doing away with it so
18 to stop alarming, but he's got to put
19 that there. I mean, he's got to put
20 it back.

21 Q. So how did you know that that
22 was being done? How did you know
23 that the One Left section alarm
24 was ---?

25 A. Because it was alarming

1 itself.

2 Q. Oh, in your shanty?

3 A. Yeah, without me doing
4 anything.

5 Q. Right. And that was the only
6 one?

7 A. Right.

8 Q. So you hit that?

9 A. That's the section alarm at
10 Two.

11 Q. And then we see at 6:10 ---.

12 A. See where it says like --- the
13 only thing I know to do right there,
14 it says, take off.

15 Q. Yeah.

16 A. Analyzing.

17 Q. Yeah.

18 A. Okay. I took it off, analyzed
19 them, put it on.

20 Q. Yeah.

21 A. See right there where it says
22 alarm down below that?

23 Q. Yeah.

24 A. It was not, it wasn't. It's
25 just taking it off scan, putting it

1 on scan, it wasn't picking back up.
2 So it was replaced.

3 Q. So it was a malfunction?

4 A. Yes, sir.

5 Q. And that's how you determine
6 if it's a malfunction?

7 A. Yeah.

8 Q. Okay.

9 A. On alarm.

10 Q. On alarm, yeah. And then it
11 says here --- here's where we get
12 Muffy. The next page, page seven.

13 A. Okay.

14 Q. User, Muffy, supervisor,
15 privileged time out defaulting to
16 public.

17 A. Yes, sir.

18 Q. What does that mean?

19 A. Well, let's see. Let me go on
20 down through.

21 Q. It's on the top.

22 A. Okay. Those are being
23 calibrated. One-third's pit mouth,
24 146, 145. Those are being
25 calibrated, sir. It starts off at

1 the pit mouth, ten parts, then it
2 clears itself. Every CO you got have
3 got to calibrate it.

4 Q. I know. But I think maybe you
5 need --- we need to look at that a
6 little bit better. Because that's
7 --- that might be a ---.

8 A. Well, Muffy is my code name
9 inside the computer.

10 Q. That's what I want to find
11 out.

12 A. Yeah.

13 Q. Okay. You're Muffy? That's
14 your username?

15 A. Yeah. That's my username.

16 Q. Okay. So at 6:25, you went in
17 and --- or maybe --- does that do it
18 automatically, since you weren't
19 using the system?

20 A. No.

21 Q. So you've got to go in ---?

22 A. Yeah. There's no way.

23 Q. And why would you do that?

24 A. To put in my name. In case a
25 CO went bad, ---

1 Q. Uh-huh (yes).

2 A. --- you put in your name to
3 get into that CO. You just can't
4 slap CO there. You've got to address
5 it as such as being 1.29 CO at pit
6 mouth. And you've got to put at pit
7 mouth. You can't put nine blocks
8 ahead.

9 Q. Okay.

10 A. Do you know what I'm saying?

11 Q. Yeah.

12 A. Everything's got to be
13 addressed.

14 Q. So at 6:31, this is when the
15 explosion happened; right?

16 A. Yes, sir.

17 Q. Okay. Now, we have the pit
18 mouth warnings at 10:00?

19 A. Yeah.

20 Q. Obtained alarm condition, then
21 57 block, alarm, 51 ppm?

22 A. Yes, sir.

23 Q. And then we go with the Number
24 Four belts all maxed at 107, 107.

25 A. Right.

1 Q. So this is telling me that
2 this is when it happened; right?

3 A. Yes, sir.

4 Q. And we can ---.

5 MR. O'DONNELL:

6 Let's take a short
7 break.

8 SHORT BREAK TAKEN

9 BY MR. O'DONNELL:

10 Q. In front of you, you have
11 Exhibit Two, the printout of the CO
12 alarm system. And to better
13 understand what occurs when we have
14 different printouts on this page,
15 what we want to do is go through it
16 on a line-by line.

17 A. Okay.

18 Q. And what we'll do is we'll
19 start like on page six. At 12/31/05
20 at 4:48:36, which would be the tenth
21 line from the top, where it says
22 alarm latch.

23 A. Okay. What do you need to
24 know?

25 Q. Okay. Here's what I will do.

1 I'll give you the date, and we're
2 going to go straight down there.
3 I'll give you the time, and then I
4 want you to go across and tell me
5 what that means. And we're going to
6 go all the way through that 'til
7 about ten o'clock on the 2nd. Okay?

8 A. Okay.

9 Q. So that's what we're going to
10 do. We'll go line-by-line. All
11 right. You can start with the 4:48
12 time.

13 A. Okay. The latch alarm, sir?

14 Q. Uh-huh (yes). Yes.

15 A. Okay. Section alarm, CO
16 monitor, alarm latch.

17 Q. Yeah. What does that mean?

18 A. It's an engaged signal alarm
19 latch set off a warning.

20 Q. Okay. And 4:48:36, the next
21 one down?

22 A. CO1?

23 Q. Uh-huh (yes).

24 A. Alarm latch. Same thing.

25 Q. And what happens when that

1 occurs?

2 A. That's not doing anything.
3 Just to alarm the section.

4 Q. And you would say that that
5 would be like when someone was trying
6 to signal them?

7 A. Yeah.

8 Q. Is that what that means?

9 A. Yeah.

10 Q. Okay. Because we weren't
11 clear on that. We didn't ---. So go
12 ahead. The next one, 12 ---.

13 A. Okay. Alarm latch, and plus,
14 you have your warning to --- that's a
15 signal.

16 Q. 12/31/2005, 4:48:53. Just
17 tell me what that is.

18 A. Which one are you on?
19 Forty-three (43)?

20 Q. Fifty-three (53). 4:48:53.

21 A. That's one. That's still your
22 alarm.

23 Q. Okay. What does it say?

24 A. For like a --- if your ---
25 like on your assessment,, an alarm

1 section, right here it says gain,
2 gain communications, alarm latch. We
3 alarm the section and warning. I
4 mean, you'll get that when you're
5 doing that.

6 Q. Okay.

7 A. Obviously, what you're ---.

8 Q. Well, it's like this. We want
9 you to explain it so that we can
10 understand exactly what it means when
11 it occurs. Like the alarm latch
12 reset 25 ppm, what we've just
13 discussed.

14 A. Uh-huh (yes).

15 Q. And you're saying that is
16 whenever you signal the section;
17 right?

18 A. That would have been on ---
19 well, that would've been on ---
20 that's when you're signaling the
21 section, trying to get in touch with
22 somebody.

23 Q. That's what that means?

24 A. Yes, sir.

25 Q. Okay. Now, the next line, is

1 that the same?

2 A. They are. It's just --- well,
3 a printout and series of alarms
4 warning and where it's gained. It's
5 going to print out in a series.

6 Q. So that's what --- that's
7 happened all the way down to ---.

8 A. All the way down to ---.

9 Q. 4:49:42?

10 A. 49:42, yes, sir.

11 Q. So that was a series of ---

12 A. Alarms.

13 Q. --- alarms?

14 A. Uh-huh (yes).

15 Q. Manual alarm?

16 A. Yeah.

17 Q. Okay. Now, we're down to
18 13:38:09.

19 A. Okay. Belt boss stopped.
20 Remote master station. It was Number
21 Nine --- Number One belt shut off
22 with the remote control, but from
23 inside, from the computer. Shutting
24 that down --- they shut down Number
25 One belt from --- that's the 31st.

1 They shut it down from inside. The
2 dispatcher shut it.

3 Q. From your station?

4 A. Yeah.

5 Q. Okay.

6 A. Master station.

7 Q. That's where you work?

8 A. Right.

9 Q. And that's what the next three
10 are; is that right?

11 A. Yeah.

12 Q. Now, we're down to this
13 sequence on 12/31/2005, beginning at
14 13:51, ---.

15 A. Okay. Number One belt, belt
16 boss, belt start. Okay?

17 Q. Uh-huh (yes).

18 A. Okay. It's just the sequence
19 I go through when you --- when I put
20 it on belt start. I click up on
21 start, and it asks me, do you want to
22 send the command to start this belt,
23 and I hit yes. And the belt stays
24 red. And it will turn green and you
25 see like little lines on it where

1 it's running. It's just going
2 through the start sequence right
3 there.

4 And where it says sequence
5 went out on Number One, it's just
6 building up start, Number One, Number
7 Two, Number Three belt is starting
8 up. And then it's got Number One,
9 Number Two, Number Three belt
10 shutting back down again. That right
11 there is a sequence. This says stop
12 sequence. That could be a Hawkeye.

13 Q. Are you referring to 9:48:58
14 on 1/1/06?

15 A. That's a belt shutting down on
16 sequence.

17 Q. Okay. And what ---?

18 A. I said it's the Hawkeye, sir.

19 Q. Okay. Now, we're going to go
20 to 1/2/2006, which is right after
21 that 9:49 on 1/1. Stop on sequence.
22 Let's pick it up on 1/2/2006 at
23 5:27:16, and just, let's walk through
24 each one through the explosion.

25 A. Okay. You want to start ---

1 5:27?

2 Q. Yes.

3 A. Okay. 5:27. Number One belt,
4 belt start, 5:27. Number One belt
5 shows that you gave it the run
6 command and it is running. 5:28,
7 Number Three belt --- or Number Two
8 belt has started. 5:30, Number Four
9 belt is kicking in, right down the
10 line. Those are the four belts that
11 I had running.

12 Q. Okay.

13 A. And then, One, Two, Three and
14 Four, and like I said, Five and Six
15 was on pull switch until sections got
16 there.

17 Q. Okay. And then just stay on
18 page six. On 1/2/06, 6:09:50.

19 A. Let's see. First section ---
20 let's see. One Left section alarm,
21 take off. Okay. One Left section
22 alarm, energizing. First Left
23 section alarm, placing on at 6:10.
24 6:10, also, First Left alarm CO,
25 alarm, 26 ppm.

1 Q. And you had explained that
2 before, saying that you had a
3 malfunction; is that right?

4 A. Yes, sir.

5 Q. And that's why --- that's the
6 explanation of that sequence?

7 A. Yeah.

8 Q. Okay. Let's go to page seven
9 and begin with the first line.

10 A. Okay. 6:25, number six user,
11 Muff --- Muffy password.

12 Q. Okay.

13 A. Okay. 6:31, 1:30, which is
14 the pit mouth, CO warning, ten.
15 Okay. 6:31, still showed maximum CO
16 valve obtaining during alarm
17 conditions was 10 ppm. 6:31, 146 CO,
18 57 block Four belt. Alarm, 51 ppm.

19 Q. Okay. Now, that is the time
20 that the explosion occurred; correct?

21 A. Correct.

22 Q. But we have an alarm at the
23 pit mouth. I mean, how can we
24 explain --- what do you --- can you
25 tell me about that?

1 A. Sir, the alarm at that pit
2 mouth was ten when the rest of them
3 was showing me much higher than that.

4 Q. Uh-huh (yes).

5 A. As you get to the pit mouth, I
6 mean, your ten alarm, you're going to
7 be getting some stuff out of the pit
8 mouth. Because it took it a little
9 bit longer, but it was coming. I
10 mean, it was coming right down the
11 line. But that says by 6:31.

12 Q. 6:31, which was ---.

13 A. Yeah. Like on Four belt, 107
14 ppm, having that much, I --- it might
15 have just threw it out of --- you
16 know what I mean? It just might have
17 just jumped it up. I don't know. I
18 can't say.

19 Q. Have you ever had the pit
20 mouth alarm like that before?

21 A. No. It's one outside. Right
22 at the pit mouth.

23 Q. That's what I mean.

24 A. No. It's usually the one at
25 the third CO down. It'd be the one

1 at the motor bar.

2 Q. Uh-huh (yes).

3 A. Because they charge the
4 batteries.

5 Q. So would you think that that
6 was unusual that that alarmed at the
7 pit mouth?

8 A. No. But that jumped it up
9 right there. I mean, it's not
10 throwing them up in sequence.

11 Q. Uh-huh (yes). And then the
12 next one, 6:31:31.

13 A. Right.

14 Q. Go ahead. Explain that one.

15 A. Okay. 6:31:31. Okay. 146 CO
16 57 block on the Four belt. Resting,
17 51.

18 Q. Okay.

19 A. Okay. 6:31, 1:45, 49 block on
20 Four belt, resting, 107 ppm. Okay.
21 6:31 again, Two Left section belt,
22 alarm. Well, that's Four tail again,
23 107. But communication's dead.
24 They're dead and they're no longer
25 picking up anything. That's on Two

1 Left. 6:31, it's station 199. One
2 Left section alarm, alarm latch.
3 That is on First Left. It is ---
4 it's high reading, sir. It's just
5 --- there's just blinking. I mean,
6 there's no stopping it. Matter of
7 fact, we never stopped them 'til when
8 you guys let us check the COs.

9 Q. But wasn't that the one that
10 was taken off scan?

11 A. Yeah.

12 Q. It was taken off, but now it's
13 back on?

14 A. No. See, you can take it off
15 scan, yeah. It just kept on jumping
16 back on scan ---

17 Q. Okay.

18 A. --- until Pete Capaldo ---.

19 Q. 'Til you could get it fixed?

20 A. No. They got it --- yeah. To
21 replace it, is what I'm saying.

22 Q. Yeah. Okay. So ---.

23 A. But right now, it's going.

24 Q. Right. Okay. Now, at
25 6:31:57.

1 A. Okay. Number Four belt, power
2 loss. Okay. 6:32, Number Five belt,
3 communications dead. 6:32, Number
4 Six belt boss at Six drive,
5 communications dead. 6:32 again,
6 let's see, break Number Two belt,
7 communications dead. 6:32, 148 CO,
8 monitor two breaks outby Six tail.
9 Communications dead. 6:32, Number
10 Three belt, belt boss stopped, power
11 loss. Okay. 6:32, CO at Four tail.
12 CO, communications dead. Okay. 6:51,
13 Number One belt stopped sequence.
14 6:51, Number Two belt stopped
15 sequence.
16 Q. Now, does that tell me that
17 somebody stopped it?
18 A. Yes, sir. I did it.
19 Q. You did? Okay.
20 A. Yeah.
21 Q. Go ahead.
22 A. Okay. 7:19, 37 break, Four
23 belt, alarm, 15 ppm. 7:30, 1.82,
24 hatch one block outby Number Seven
25 belt, warning, five. Okay. 7:31,

1 182, one block outby Number Seven.
2 Maximum CO. Value contained during
3 this condition was five ppm.

4 Q. What does that mean?

5 A. It says that it's on Number
6 Seven drive?

7 Q. Yeah.

8 A. Number Seven drive, sir,
9 shouldn't --- they weren't on Number
10 Seven drive. At that time of this,
11 it's --- okay. You've got the Five
12 drive coming off of it.

13 Q. Yeah.

14 A. Every time they split a panel
15 off of it like this, I have to put a
16 drive there. I put Seven drive on
17 there like three times.

18 Q. Uh-huh (yes).

19 A. So I've just been keeping it
20 out. I've just been keeping it like
21 it's there. It's not going to read
22 itself until they actually put it in.

23

24 Q. Okay.

25 A. But I kept it there out of

1 order in the gray. It's just picking
2 it up. But it's not working. The
3 one that is working is Five belt.

4 Q. Okay. But where was this
5 located at? Number Seven?

6 A. Yeah. It's coming off Five
7 belt.

8 Q. Okay. So it's at Five belt,
9 too?

10 A. Yeah.

11 Q. Okay. Go ahead.

12 A. Okay.

13 Q. That would be --- pick it up
14 at 7:38:35.

15 A. Picking up Seven drive, which
16 is not there. Okay. 7:38, 22 block
17 Five belt, CO alarm, five ppm. Okay.
18 7:41, 22 block, Number Five belt,
19 alarm, ten ppm. Okay. 8:14, 199,
20 One Left section alarm. Alarm latch,
21 107 ppm.

22 Q. And that means that that one
23 is maxed out; right?

24 A. It's maxed out. It can't go
25 no higher. Okay. 8:14, first left

1 section alarm warning, latch reset.
2 107 ppm. 8:15, 14 brake on Five
3 belt, alarm, ten ppm. 8:45, Three
4 belt, communications dead. This is
5 reading out right here, sir. It's
6 actually --- it's venturing back and
7 forth. Actually, they were stuck at
8 107 ppm.

9 Q. Uh-huh (yes).

10 A. Is what it was reading to me
11 on the screen.

12 Q. Uh-huh (yes). And the rest of
13 this just continues?

14 A. Just continues. And it ---.

15 Q. Until the system was shut off;
16 is that right?

17 A. Right.

18 Q. And when did that happen?

19 A. When the state along with
20 federal inspectors come in there and
21 they shut down the computer, took
22 stuff off the hard drive. And as a
23 rescue --- as rescuing was going on,
24 they knocked power off the CO, below
25 the uninterrupted power supply, which

1 is on the wall, so it wouldn't be
2 sparking inside with that much CO.

3 Q. What time was it? What time
4 was that?

5 A. What time was what?

6 OFF RECORD DISCUSSION

7 BY MR. O'DONNELL:

8 Q. Yeah. What time did they shut
9 the computer system off?

10 A. Well, let me see here.

11 OFF RECORD DISCUSSION

12 BY MR. O'DONNELL:

13 Q. Page 12. Sir, page, 12.

14 A. Take off scan, communications
15 dead. This sheet was --- Bruce done
16 it. Bruce turned the doggone thing
17 off. And I had to go back into it.
18 And I printed off all this stuff
19 right here.

20 Q. Oh, so you went back in to
21 print this?

22 A. I had to print all that stuff
23 off right there. Because it had
24 information on it like --- it tells
25 every time the CO was checked.

1 Q. Uh-huh (yes).

2 A. Every time ---.

3 Q. So we're looking at page 12.
4 Then you would say --- what would the
5 date that you took it off scan, off
6 the system, out?

7 A. I'd say First 11th. No, that
8 can't be right. Might have put it
9 back on then. I'm not sure. The
10 only thing I know, when I come back
11 after my shift, I went home and I
12 come back.

13 Q. Would you say it was the next
14 day?

15 A. The next day, it was turned
16 off.

17 Q. Okay. That's what I was
18 getting at.

19 A. But I had to reboot it. I had
20 to go into it when you guys asked me
21 to and retrieve this from it.

22 Q. Whenever you were doing any of
23 your --- that day, did you keep a log
24 of everything that you did?

25 A. No.

1 Q. Other than the check-in,
2 checkout, but I mean, from ---.

3 A. Early that morning?

4 Q. Yeah. Did you keep a personal
5 log or notebook or anything like
6 that?

7 A. I got to find it. Of what
8 happened?

9 Q. Yes.

10 A. As far as my work?

11 Q. Yeah. A record of what you
12 did.

13 A. Yeah. It should be there.

14 Q. Where would that be?

15 A. That should be on the yellow
16 sheet of paper inside the
17 dispatcher's office.

18 Q. Okay. Would we be able to get
19 a copy of that?

20 A. I don't see why not.

21 Q. Okay.

22 A. Got to find it first, but it's
23 there.

24 Q. Okay. Very good.

25 A. But I never had time when all

1 this was going on.

2 Q. That would help us out a lot.

3 A. To go --- you know, to go from
4 this to this to this to this. But
5 later on that afternoon, I did make
6 one.

7 Q. Good. Okay. That'll be good.
8 During an evacuation, according to
9 the fire evacuation plan, who is the
10 responsible person?

11 A. Doing the evacuation?

12 Q. Yes. Who's the person
13 responsible for the evacuation of the
14 mine?

15 A. Dispatcher.

16 Q. Flea, do you have any idea
17 when they de-energized all the power
18 underground?

19 A. I know the first rescue team
20 went in there. Right in behind them.
21 It might have been day two. I'm
22 really not sure. Because they went
23 in there and saw a red light on one
24 of the COs, and so they still had
25 power on it. And they was wondering

1 if there's battery backup.

2 Q. But I mean the mine --- the
3 main mine power. That was the
4 backup.

5 A. It would have to have been the
6 same day. The main mine power.

7 Q. Okay.

8 A. It would had to have been the
9 same day. Because I shut the belts
10 off and they went and started from
11 the outside and went in. Started
12 with the stacker belt. At that time,
13 we only had power on the Number One
14 and Number Two belt.

15 Q. Is there a map or a schematic
16 of each belt flight and the details
17 of the monitoring system? Is it
18 posted anywhere at the mine?

19 A. Yeah.

20 Q. Where is it posted at?

21 A. Should be over in that
22 hallway.

23 Q. Over in the other building,
24 across from your dispatcher?

25 A. Yeah. As soon as you walk

1 through the door right to Dick's
2 office.

3 Q. Uh-huh (yes).

4 A. It's a big board over there.
5 Every time you add a belt or take one
6 off.

7 Q. Okay.

8 A. You take off a copy of it.

9 Q. And do you know if the system
10 operates for four hours when the
11 power's off?

12 A. Yes.

13 Q. Okay. COs?

14 A. Yes, they do.

15 Q. Have you ever been able to
16 determine that by having mine power
17 off and still be able to watch your
18 monitor?

19 A. Yeah.

20 Q. You have done that?

21 A. Uh-huh (yes).

22 Q. Okay.

23 A. Because it was down all that
24 time, and we got it back up on.

25 Q. Do you know what the automatic

1 kill feature is?

2 A. The automatic kill feature?

3 Let me think. Have to be on the
4 alarm.

5 Q. Okay.

6 A. Automatic kill feature. I'm
7 not very sure what you're ---.

8 Q. It disconnects all the
9 batteries when the fans go down.
10 You've got a button to do that with?

11 A. No. They done it from the
12 UPS.

13 Q. What's UPS?

14 A. UPS is up above the computer.

15 Q. Yeah.

16 A. It will send a signal to all
17 your monitors posted in the mine.

18 Q. Uh-huh (yes).

19 A. They unplug that so that they
20 would have no juice inside the mines,
21 in other words, on any of the COs,
22 while the rescue teams was
23 underground.

24 Q. But does it automatically do
25 that when the fan goes down?

1 A. No.

2 Q. It doesn't?

3 A. Not that I know of, no.

4 Q. Okay.

5 A. Not that I know of.

6 Q. The only time it should stay
7 running is if you have mine power
8 out, fan on. Fan goes down ---.

9 A. Because you're on two
10 separate.

11 Q. Yeah.

12 A. But there's nothing on that
13 mine fan, except for ---.

14 Q. All right. You've been a
15 dispatcher when the fan's gone down?

16 A. Right.

17 Q. Okay.

18 A. The alarm comes on.

19 Q. What happens to your monitor
20 system?

21 A. The belt monitor system?

22 Q. Uh-huh (yes). The fan goes
23 down.

24 A. It wasn't down very --- I
25 mean, it wasn't down very long to

1 change the COs. But that was ---
2 that never happened at Sago.

3 Q. Okay.

4 A. No. But I get what you're
5 trying to say. Yeah. They would
6 start reading. They'd have to.

7 Q. Yeah. Okay. How often do
8 they --- when the computer time and
9 the real time are checked and
10 adjusted --- do you know how we were
11 talking about the mercury time?

12 A. Yeah.

13 Q. How often do they check those
14 out and set them?

15 A. Still haven't.

16 Q. Have you ever seen it happen?

17 A. How they set it?

18 Q. Yeah.

19 A. I don't know how they counted
20 for that. Well, the mercury's your
21 actual time. So what they done was
22 just took the actual time of that day
23 and seen what it was compared to what
24 this one would have been.

25 Q. Uh-huh (yes).

1 A. And I don't know. I don't
2 know how they done it exactly. They
3 just told me that it came to the
4 second.

5 Q. Can you select your monitoring
6 functions separately? Like belts on
7 with the AMS off?

8 A. Oh, yes, sir. We can.

9 Q. You can?

10 A. I set those up. We had a guy
11 from Pyott-Boone come in, had to give
12 me a class on it. It was a 12-hour
13 --- after he walked in the mines and
14 seen what was here, then he come out
15 there and sat down and made me do it.

16 MR. O'DONNELL:

17 Mr. Collins, do you
18 have any follow-up questions?

19 MR. COLLINS:

20 Yes, for me, please.

21 And I hope it'll be short.

22 BY MR. COLLINS:

23 Q. I'd like to revisit the
24 question that I asked you about, what
25 time did Jamison and Terry Helms

1 enter the mine.

2 A. Okay.

3 Q. And I think you said four
4 o'clock.

5 A. Well, I had to be there by
6 4:00. It was right around 4:00.

7 Q. Right around 4:00 when they
8 went into the mine?

9 A. Because I had to have, what is
10 it, John, two or four-by-four? I
11 don't know how that worked. That's
12 why I had to be ---.

13 Q. On the dispatcher log, it says
14 4:35, Two Left, dispatched from Two
15 Left.

16 A. Uh-huh (yes).

17 Q. Dispatched to outside.

18 A. Yeah. That's what he said
19 that he was going to bring up, but he
20 was talking First Right. And that's
21 why I'm thinking that --- because,
22 now, the left --- the next time, when
23 I see Fred Jamison, he was saying,
24 Flea, I'm out. He was in the
25 dispatcher shanty.

1 Q. Uh-huh (yes).

2 A. And he was giving his report.

3 Q. What time was that?

4 A. So what --- right before the
5 crews went in.

6 Q. Okay.

7 A. Because he walked down on one
8 belt and then the crews was going in.

9 Q. So when Fred ---.

10 A. But now, he didn't say
11 anything about that trip. That's
12 what I'm saying, John. If it would
13 have been down the First Right, they
14 would have explained about the crew.

15 Q. When they called you from Two
16 Left asking for permission to come
17 outside at 4:35, you don't know that
18 he left right then or ---?

19 A. Right.

20 Q. The only thing you know ---
21 the next thing you know, he got
22 outside shortly before day shift went
23 in?

24 A. In First Left?

25 Q. No. Two Left to outside.

1 A. Oh, the mantrip. Yeah. He
2 just told me to tell --- see Jamison
3 was on that.

4 Q. Uh-huh (yes).

5 A. From Two Left out. But he
6 just said, tell Terry that his lunch
7 was down near the First Left switch.

8 Q. And how long does it take to
9 come from One Left to the outside
10 normally?

11 A. Normally? I'd say half an
12 hour. Half an hour, 20 minutes.
13 It's 25 to half an hour.

14 Q. Okay. Do you know what time
15 Terry Helms called outside?

16 A. No. But it will --- should be
17 there. I mean, he called. And the
18 last person we talked to was the fire
19 boss. He called out his report.
20 That should be documented.

21 Q. And I need to revisit a little
22 bit about the conversation we had
23 about when you called Chuck Dunbar
24 and Raymond Coleman.

25 A. Uh-huh (yes).

1 Q. You said that you --- or did
2 you say that they had their phones on
3 pager?

4 A. No. I forget where it is.
5 There's a --- actually, how the
6 computer's set up. Okay. When I go
7 on pager, they've all got their
8 little pager on their side. And I
9 can put on there, First Left, 120
10 feet, so many tons. And it's --- and
11 then it goes to like Dunbar, Raymond,
12 and the buzzers on the side, that's
13 pagers. So no matter where they're
14 at, they'll know what that shift's
15 doing, done. Like at half time and
16 at the end of the shift. So that's
17 one way I tried.

18 Q. You tried that this time?

19 A. Yeah. And ---.

20 Q. What did you type in?

21 A. That we needed them to get in
22 touch with the mines. And not only
23 their pagers. Some of them just had
24 their cell phones. But where Johnny
25 was helping, then he had their home

1 phones. Because on a normal given
2 day, if they told me to get in touch
3 with the guys there, hey, John ought
4 to be calling the main office.
5 That's where everybody's at. Dunbar,
6 Raymond, Johnny Stemple.

7 Q. So the numbers on this
8 emergency list is cell phones?

9 A. Cell phones, pager numbers.
10 Now, there might be some home phones,
11 but that couldn't rouse anybody up.

12 Q. So you had Johnny Stemple's
13 home phone?

14 A. Yeah. I called Johnny and I
15 figured, get ahold of safety.

16 Q. Okay. The check in and out
17 system that you were maintaining
18 during rescue attempt where it was
19 written down on a piece of paper ---

20 A. Right.

21 Q. --- of the people and teams
22 that went underground and came out.

23 A. Right.

24 Q. That's a separate system than
25 we use every day?

1 A. I guarantee you.

2 Q. The system that we use every
3 day, what is that?

4 A. Check-in, checkout, tags.

5 Q. On the board? On the board?

6 A. Yes, sir.

7 Q. And that's a metal tag?

8 A. Yes, shift in and out.

9 Q. And who's responsible for that
10 check in and out system?

11 A. I am. I mean, you've got to
12 know your guy's going home, because
13 they could be home eating, you know,
14 and this shows that they're still
15 underground.

16 Q. So like at the end of your
17 shift, do you check them?

18 A. Yeah. You've got to know your
19 guys.

20 Q. Okay. Then one more thing I
21 need to revisit. When you called
22 Johnny Stemple, did you say something
23 about Johnny said to wait and see
24 what had happened?

25 A. Johnny was wanting to wait,

1 O'Donnell?

2 BY MR. O'DONNELL:

3 Q. Back to Stemple. So did you
4 --- both of you coordinate between
5 each other the notification process,
6 is that what you're saying?

7 A. Yes. Yes.

8 Q. And did he tell you what time
9 that the agencies were notified, or
10 if they, in fact, had been notified?

11 A. He told me that they, in fact,
12 had been.

13 Q. And what time was that?

14 A. I'm not sure, sir.

15 Q. Do you have any idea when he
16 said that they notified --- I mean,
17 anything?

18 A. I wouldn't want to guess on
19 that.

20 Q. Okay.

21 A. He called me every time that
22 he said he got ahold of somebody. He
23 called back to say that the Barbour
24 County team was --- was coming on the
25 scene.

1 Q. Uh-huh (yes).

2 A. That their backup was coming
3 on the scene. And every time he got
4 ahold of somebody, he let me know.
5 But it was just everything coming
6 down at once.

7 Q. Okay. Did anyone go back in
8 the mine after Wilfong and that crew,
9 Toler, come out?

10 A. No, sir.

11 Q. No?

12 A. The next ones in was the
13 rescue team.

14 MR. O'DONNELL:

15 Okay. Let's take one
16 more quick break and then
17 we'll get into some training
18 questions.

19 SHORT BREAK TAKEN

20 BY MR. O'DONNELL:

21 Q. All right. Bill, we have to
22 go back just one more time and try to
23 get a better idea of whenever Toler,
24 Wilfong, Schoonover entered the mine
25 and started doing some work.

1 A. Okay.

2 Q. Okay. So how soon after the
3 explosion did they reenter the mine?

4 A. Ten minutes, 15. Just enough
5 to get their belt and ---.

6 Q. Okay. And they went into the
7 mine?

8 A. Yeah.

9 Q. And they encountered One Left
10 crew; right?

11 A. Right.

12 Q. When was the first time that
13 you had any communication with them
14 on the pager phone?

15 A. It was with Dick. And he told
16 me --- the first thing he said to do
17 was run the emergency team, get the
18 medical team there and get mine
19 rescue.

20 Q. Okay. Where was he at when he
21 called you?

22 A. Now, that, I'm not sure. I'm
23 thinking Four head. That's what I
24 keep on thinking to myself. But I
25 never did --- I didn't get that out

1 of him.

2 Q. Would that have been after the
3 One Left crew was taken out?

4 A. One Left crew. Right.

5 Q. They were already out of the
6 mine?

7 A. They was on the way out.

8 Q. Okay.

9 A. He was going further. They
10 was coming out. Jeff and Dick was
11 advancing along with Al and keeping
12 the fresh air going.

13 Q. Okay.

14 A. With Vern. First Left crew
15 was walking out.

16 Q. How much time had passed
17 between that conversation and when
18 they first went in?

19 A. When they first went in there?

20 Q. Yeah. You said ten minutes
21 after - - - .

22 A. Yeah. Just enough to get out
23 of the mantrip. And Al was going
24 through his stuff back there, safety
25 - - - .

1 Q. Okay. And then they got in,
2 they called?

3 A. And they got inside and they
4 called back out.

5 Q. Yeah.

6 A. When they saw First Right
7 crew?

8 Q. Yeah.

9 A. Ten minutes.

10 Q. Okay. And then the next ---.

11 A. Maybe 15 minutes at the most.

12 Q. Ten, 15 more minutes. And
13 then the next conversation that you
14 had with someone in the mine?

15 A. It was Dick.

16 Q. And where was he at that time,
17 the next time?

18 A. I don't know.

19 Q. What did he talk to you about?

20 A. He was sitting --- he just ---
21 he told me twice to get the rescue
22 teams there.

23 Q. Uh-huh (yes). And that he was
24 putting curtain up?

25 A. Yeah. That he was hanging

1 curtain up.

2 Q. Did you talk to Owen Jones at
3 all after Wilfong and the rescue
4 attempt began? Do you know what the
5 --- Schoonover and those guys, when
6 they went in there, did you have any
7 conversation with Owen Jones after
8 that?

9 A. No. He was --- he told Dick
10 that he was going to see if they
11 could get up on Second Left.

12 Q. Yeah.

13 A. And he told Dick that. But he
14 never made it.

15 Q. But I mean, I know --- we know
16 he didn't make it. But he was still
17 in the mine?

18 A. Owen Jones was.

19 Q. Yes.

20 A. Yeah, at the time that Dick
21 and them was in there.

22 Q. Right.

23 A. Correct.

24 Q. Do you know if he had moved to
25 a phone or anything and called out to

1 see if it had worked?

2 A. If Dick had?

3 Q. If Owen Jones did.

4 A. Not that I know. No.

5 Q. So you don't recall any
6 conversations that you had with Owen
7 after the explosion or ---?

8 A. Well, after the explosion, I
9 mean, the first thing that come on
10 there was --- he said that --- he
11 told Dick, he said that there's been
12 some kind of explosion or fall.

13 Q. I mean after that.

14 A. Not until I seen him out, no.

15 Q. Okay.

16 A. But Dick --- I mean, Dick and
17 them did. You know what I mean?

18 Q. So ---.

19 A. But I can't ---.

20 Q. So from the time that they
21 went in 'til the time that they got
22 out, they were in the mine putting
23 curtain up, trying to advance, try to
24 get into the mine. How much time do
25 you think passed from the time that

1 they went in 'til the time they got
2 out? Was it ---?

3 ATTORNEY YUHAS:

4 Let's clarify that a
5 little bit. From the time
6 they got in, two different
7 groups came in at two
8 different times.

9 BY MR. O'DONNELL:

10 Q. Right. When they first ---
11 when Toler, Schoonover, Wilfong ---.

12 A. From the time they first went
13 in ---.

14 Q. When they first went in until
15 the last time they came out.

16 A. I'd say an hour.

17 Q. Okay.

18 A. Maybe a little bit more,
19 because it took the guys an hour.

20 Q. Okay. So it was ---.

21 A. Because there wasn't much they
22 could do. I mean, everybody was out
23 except for them guys.

24 OFF RECORD DISCUSSION

25 BY MR. O'DONNELL:

1 Q. When they first called out ---
2 when he first called out and said he
3 was putting curtains up, okay, he
4 told you to call rescue teams at that
5 time?

6 A. He told --- yeah, when he went
7 in.

8 Q. And how much time had passed
9 between the time he went in until he
10 told you to call rescue teams?

11 A. He saw those guys, like I
12 said. It was 15 minutes, I'd say.

13 Q. Okay.

14 A. At the most.

15 Q. Were they setting curtains at
16 a later time than that? I mean, had
17 they put curtains up yet?

18 A. Yes, they had.

19 Q. Okay. All right. Thank you.
20 And let me ask you just some training
21 questions and we'll finish this up.
22 When was the last time you had annual
23 retraining?

24 A. The past year. I don't know
25 the exact date.

1 Q. In 2005, do you remember when?

2 A. No.

3 Q. Do you remember having it?

4 A. Yeah.

5 Q. Oh, okay.

6 A. Yeah, I just don't ---. Just
7 don't know, you know, exact.

8 Q. Okay. Do you have your annual
9 retraining separate from the
10 underground guys?

11 A. Yeah.

12 Q. You have it separate? Okay.

13 A. Well, I have it with the
14 underground guys. Sorry about that.

15 Q. Like your whole eight hours of
16 training is with the underground
17 guys?

18 A. Yep.

19 Q. Okay. Have you ever worked
20 underground at Sago Mine?

21 A. No.

22 Q. Okay. And who was your
23 trainer for the annual retraining?

24 A. See, you got me. I don't know
25 if it was Al or if it was --- let me

1 think a minute. I think it was Al
2 Schoonover. I'm not sure.

3 Q. Okay.

4 A. I can't even think of who they
5 had over there at Spruce, know what I
6 mean?

7 Q. Uh-huh (yes).

8 A. Spruce Fork. So I would have
9 took it over there. I'm just trying
10 to think who the heck it would have
11 been.

12 Q. Okay. We went over this.
13 We've gone over that part. Part of
14 your training, did you go over any of
15 the procedures that you're to follow
16 in case of an explosion?

17 A. Yes, sir.

18 Q. The mine emergency evacuation
19 plan and all that?

20 A. Yes, sir. Where the fire taps
21 are located at.

22 Q. Uh-huh (yes).

23 A. Where the barrels are located
24 at.

25 Q. What about the emergency

1 firefighting material? Emergency
2 materials in the mine? Do you know
3 where they're located?

4 A. Yes. Yes, sir.

5 Q. Where would that be?

6 A. Well, you're talking about the
7 hoses or what they mark with?

8 Q. No.

9 A. The firefighting equipment?
10 As far as the barrels and the hose?

11 Q. The boards, rock dust, the
12 nails, hammers?

13 A. Down at the head of the
14 section.

15 Q. The head of the section?

16 A. Well, I mean, there should be
17 one right there at --- down by Six
18 head.

19 Q. Okay.

20 A. Now as far as the emergency
21 sleds, I don't know.

22 Q. The section sleds, yeah. I'm
23 not asking about that. I'm asking
24 about the 2,000 board feet.

25 A. You lost me.

1 Q. Okay. Did you get hands-on
2 SCSR training?

3 A. Yeah.

4 Q. What would they give it to you
5 for?

6 A. Because I wanted to take it.

7 Q. Oh, okay. Do you ever get any
8 specific surface training?

9 A. Dispatcher? You mean like
10 dispatcher or ---?

11 Q. Doing your annual retraining
12 just for surface in addition to the
13 underground training.

14 A. Yeah. Yeah, I did.

15 Q. Where, and what was it?

16 A. I can't remember if it was
17 John, but, I mean, as far as going
18 over the computer and stuff like that
19 you mean? Training in the field that
20 I do?

21 Q. Hazards related to working on
22 the surface.

23 A. Test training?

24 Q. No. It's annual retraining.
25 But well, you had first aid and all

1 that, I take it?

2 A. Uh-huh (yes).

3 Q. And SCSR training and --- I
4 guess they even went over the
5 ventilation plan and roof control
6 plan with you?

7 A. No. I was keeping up my gas
8 card, though, which I have here.

9 Q. You do?

10 A. No. I said I was keeping it
11 up.

12 Q. Okay.

13 A. When you get certified for it,
14 how you make your checks.

15 Q. Uh-huh (yes).

16 A. You still should know that.

17 MR. O'DONNELL:

18 John, do you have any
19 follow-up?

20 MR. COLLINS:

21 No, we don't, thank
22 you.

23 MR. O'DONNELL:

24 All right. Let me find
25 this closing statement. Here

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we are.

On behalf of MSHA, I want to thank you for appearing and answering questions today. Your cooperation is very important to the investigation as we work to determine the cause of the accident. We ask that you not discuss your testimony with any person who may have already been interviewed or who may be interviewed in the future. This will ensure that we obtain everybody's independent recollection of the events surrounding the accident. After questioning other witnesses, we may call you if we have any other follow-up questions that we feel we need to ask you. If at any time you have additional information regarding the accident that

1 you'd like to provide us,
2 please contact us at the
3 contact information that was
4 --- that will be provided to
5 you.

6 The Mine Act provides
7 certain protections to miners
8 who provide information to
9 MSHA and, as a result, are
10 treated adversarially. If at
11 any time you believe that you
12 have been treated unfairly
13 because of your cooperation in
14 this investigation, you should
15 immediately notify MSHA. If
16 you wish, you may now go back
17 over any answer that you gave
18 during the interview and make
19 a statement at this time, if
20 you'd like.

21 A. No.

22 MR. O'DONNELL:

23 Again, I want to thank
24 you for your cooperation in
25 this matter. Thanks a lot.

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SWORN STATEMENT
CONCLUDED AT 2:26 P.M.
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