

STATEMENT UNDER OATH

OF

CHARLES DUNBAR

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. District  
Courthouse, 500 West Pike Street,  
Clarksburg, West Virginia, on  
Wednesday, February 22, 2006, at 8:55  
a.m.

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## 1 A P P E A R A N C E S

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A P P E A R A N C E S (continued)

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P R O C E E D I N G S

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MR. O'DONNELL:

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

1 Training to gather information  
2 to 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 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.

23 Information obtained  
24 through witness interviews is  
25 frequently included in these

1 reports. Your statement may  
2 also be used in other  
3 enforcement proceedings. I'd  
4 like to thank you in advance  
5 for your appearance here  
6 today. We appreciate your  
7 assistance in this  
8 investigation. The  
9 willingness of miners and mine  
10 operators to work with us is  
11 critical to our goal of making  
12 the nation's mines safer.

13 We understand the  
14 difficulty for you in  
15 discussing the events that  
16 took place, and we greatly  
17 appreciate your efforts to  
18 help us understand what  
19 happened.

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



1 Safety & Health Administration  
2 and the West Virginia Office  
3 of Miners' Health, Safety &  
4 Training into the conditions,  
5 events and circumstances  
6 surrounding the fatalities  
7 that occurred at the Sago Mine  
8 owned by International Coal  
9 Group in Buckhannon, West  
10 Virginia on January the 2nd,  
11 2006.

12 This interview is being  
13 conducted in the U.S. District  
14 Courthouse in Clarksburg, West  
15 Virginia on February 22nd,  
16 2006.

17 Questioning will be  
18 conducted by representatives  
19 of MSHA and the Office of  
20 Miners' Health, Safety &  
21 Training.

22 Mr. Dunbar, the  
23 interview will begin by my  
24 asking you a series of  
25 questions. If you do not

1 understand a question, please  
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  
7 asking questions, you also  
8 have an opportunity to make a  
9 statement and provide us with  
10 any other information that you  
11 believe may be important. If  
12 at any time after the  
13 interview you recall any  
14 additional information that  
15 you believe may be useful in  
16 the investigation, please  
17 contact Mr. Richard Gates at  
18 the phone number or e-mail  
19 address provided to you.

20 Your statement is  
21 completely voluntary. You may  
22 refuse to answer any question,  
23 and you may terminate your  
24 interview at any time. If you  
25 need a break for any reason,

1 please let me know.

2 A court reporter will  
3 record your interview and will  
4 later produce a written  
5 transcript of the interview.  
6 Please try and respond to all  
7 the questions verbally, since  
8 the court reporter cannot  
9 record non-verbal responses.  
10 Also, please try to keep your  
11 voice up. Copies of the  
12 written transcript will be  
13 available at a later time.

14 If any part of your  
15 statement is based not on your  
16 own firsthand knowledge but on  
17 information that you learned  
18 from someone else, please let  
19 us know. Please answer each  
20 question as fully as you can,  
21 including any information  
22 you've learned from someone  
23 else.

24 We may not ask the  
25 right question to learn the

1 information that you have, so  
2 do not feel limited by the  
3 precise question asked. If  
4 you have information about the  
5 subject area of the question,  
6 please provide us with that  
7 information.

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

13 MR. COLLINS:

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

1 or subpoena witnesses or  
2 require the production of any  
3 record, document, photograph,  
4 or other relevant material  
5 necessary to conduct this  
6 investigation.

7 After the interview  
8 session, if you have questions  
9 or would like to provide  
10 additional information, here's  
11 the phone number and address  
12 for Mr. Brian Mills. Thank  
13 you, Mr. Dunbar.

14 MR. O'DONNELL:

15 Mr. Dunbar, are you  
16 aware that you may have a  
17 personal representative  
18 present with you today?

19 MR. DUNBAR:

20 Yes.

21 MR. O'DONNELL:

22 Do you have a  
23 representative here today?

24 MR. DUNBAR:

25 I do.

1                   MR. O'DONNELL:

2                   And who would that be?

3                   MR. DUNBAR:

4                   Mr. Rajkovich, right  
5                   beside me.

6                   MR. O'DONNELL:

7                   Are you aware that your  
8                   representative may have a  
9                   conflict of interest in  
10                  representing you while being  
11                  provided by someone else such  
12                  as the company?

13                  MR. DUNBAR:

14                  I'm aware.

15                  MR. O'DONNELL:

16                  Have you been pressured  
17                  in any way to accept this  
18                  person as your representative?

19                  MR. DUNBAR:

20                  Not at all.

21                  MR. O'DONNELL:

22                  With this  
23                  understanding, do you still  
24                  choose this person as your  
25                  representative?

1                   MR. DUNBAR:

2                   Absolutely.

3                   ATTORNEY RAJKOVICH:

4                   Can I say something  
5                   real quickly?

6                   MR. O'DONNELL:

7                   Yes.

8                   ATTORNEY RAJKOVICH:

9                   First of all, Mr.  
10                  Dunbar's here in his  
11                  individual capacity, but he  
12                  has not been authorized by ICG  
13                  to speak on behalf of the  
14                  company. But from what he  
15                  knows on his own and for  
16                  facts, that's what he's here  
17                  to testify. And I'm assuming  
18                  everybody here is part of that  
19                  investigative team; is that  
20                  correct?

21                  MR. O'DONNELL:

22                  Yes, we are.

23                  ATTORNEY RAJKOVICH:

24                  Okay. Thank you.

25                  MR. STUART:

1                   How do you know he's  
2                   not been authorized by the  
3                   company?

4                   ATTORNEY RAJKOVICH:

5                   I know that.

6                   MR. O'DONNELL:

7                   Do you have any  
8                   questions regarding the manner  
9                   in which this interview will  
10                  be conducted?

11                  MR. DUNBAR:

12                  Not at this time, no.

13                  MR. O'DONNELL:

14                  Will you please swear  
15                  in Mr. Dunbar?

16                  -----

17                  CHARLES DUNBAR, HAVING FIRST BEEN  
18                  DULY SWORN, TESTIFIED AS FOLLOWS:

19                  -----

20                  BY MR. O'DONNELL:

21                  Q.           Please state your full name  
22                  and spell your last name.

23                  A.           It's Charles C. Dunbar,  
24                  D-U-N-B-A-R.

25                  Q.           And your address and phone



1 number, please?

2 A. Route 9, Box 458, Buckhannon,  
3 West Virginia. Area code  
4 304-473-0777.

5 Q. And are you appearing here  
6 voluntarily?

7 A. I am.

8 Q. How many years of mining  
9 experience do you have?

10 A. Approximately 28.

11 Q. And could you give us a brief  
12 description of your coal mine  
13 employment history, the short  
14 version?

15 A. Yeah. The short version,  
16 degree of mining engineer from West  
17 Virginia University. I have worked  
18 underground as a section foreman, as  
19 fire boss and as prep-plant foreman,  
20 on the section as a general laborer,  
21 belt man, equipment operator. The  
22 majority of my background is in  
23 mining engineering and ventilation.  
24 I do have considerable management  
25 experience, like I said, as a section

1 foreman, as chief engineer and as  
2 general manager.

3 Q. And what is your present  
4 position?

5 A. I am the general manager of  
6 the Buckhannon division of ICG.

7 Q. And the Buckhannon division,  
8 what does that encompass?

9 A. That encompasses three mines  
10 and two prep-plants.

11 Q. And how long have you been  
12 associated with the Sago Mine?

13 A. The actual Sago operation, as  
14 it stands now, since May of 2005.

15 Q. Since May of 2005?

16 A. Yes.

17 Q. Is that when ICG took over the  
18 company?

19 A. That's when I became employed  
20 by ICG.

21 Q. In May of 2000?

22 A. Yeah. 2005.

23 Q. Well, prior to that, was it  
24 Adger (sic)? What was the name of  
25 the company?

1 A. Anker.

2 Q. Anker. And were you employed  
3 by Anker Coal?

4 A. Yes, I was.

5 Q. And how long did you work for  
6 Anker Coal?

7 A. From May of '94 through April  
8 of '02.

9 Q. Okay. And I see there was a  
10 break here between 2002 and 2005.

11 A. Correct.

12 Q. And where would that have  
13 been?

14 A. I worked for Brooks Run Mining  
15 Company.

16 Q. And who is that owned by?

17 A. Alpha Natural Resources.

18 Q. Are they affiliated with Anker  
19 Coal in any way?

20 A. No. No, not at all.

21 Q. Or ICG?

22 A. No.

23 Q. So it was totally independent  
24 either one of these operations?

25 A. Correct.

1 Q. Okay. And what was your  
2 position with Anker when ICG took  
3 over?

4 A. With Anker? I never did work  
5 for Anker when ICG took over.

6 Q. Okay. When you worked for  
7 Anker in 2002, what was your  
8 position?

9 A. I was chief engineer.

10 Q. Okay. And as a general  
11 manager, you held that position on  
12 January the 2nd?

13 A. Yes.

14 Q. Have you held any other  
15 positions with Sago, at the Sago Mine  
16 or ICG?

17 A. No.

18 Q. Do you have any mining  
19 certificates?

20 A. I am a first-class mine  
21 foreman in the State of Virginia, the  
22 State of Utah. Fire boss in the  
23 State of Utah. I am a certified  
24 miner in the State of West Virginia,  
25 but don't hold any foreman

1 certificates at all in West Virginia.

2 Q. Okay. In your capacity as a  
3 general manager, do you have to sign  
4 or countersign any mine records or  
5 reports?

6 A. No.

7 Q. Okay. And who is your  
8 immediate supervisor?

9 A. Sam Kitts.

10 Q. And how long has Sam been your  
11 supervisor?

12 A. At ICG, since May of 2005.

13 Q. Okay. And have you worked for  
14 Sam prior to this?

15 A. Yes.

16 Q. In what capacity?

17 A. As the vice-president of  
18 engineering for Alpha --- for Brooks  
19 Run Mining Company.

20 Q. Okay. And did you work the  
21 day of the accident?

22 A. I wasn't scheduled to, but I  
23 did go in, yes.

24 Q. Okay. Can you tell us when  
25 you learned of the explosion?

1 A. I learned that something had  
2 happened at about 7:20 that morning.

3 Q. And who and when did they  
4 notify you?

5 A. Johnny Stemple called me at  
6 the house at 7:20.

7 Q. At 7:20?

8 A. Yes, approximately 7:20.

9 Q. Okay. And could you just tell  
10 us what he told you?

11 A. Mr. Stemple said that  
12 something had occurred at the mine,  
13 and he didn't know exactly what yet.  
14 He was not sure, and that they were  
15 still trying to figure that out, and  
16 he would call me back just as soon as  
17 he knew more information. And I  
18 ended up --- I got dressed and went  
19 on to the mine.

20 Q. Okay. About what time did you  
21 get at the mine then?

22 A. About eight o'clock.

23 Q. Eight o'clock that morning?

24 A. Yes.

25 Q. And what we're going to do

1       now, I'm just going to let you  
2       explain from the time that you got on  
3       the property, all of the events that  
4       you were involved in until you left  
5       the property, whatever time that was.  
6       A.       Okay. As I said, I arrived at  
7       approximately eight o'clock, went to  
8       the dispatcher's trailer and asked  
9       Bill Chisolm, who was --- you know,  
10      had worked that morning, what was  
11      going on, what he knew. And he  
12      explained to me that the One Left  
13      crew was on their way out at that  
14      time, they still hadn't been in  
15      contact with the Two Left crew at  
16      that time. They still hadn't been in  
17      contact with the Two Left crew at  
18      that time. And there were people  
19      underground that had went  
20      underground, Jeff Toler and others.  
21      And he didn't give me the complete  
22      list of who all was there at that  
23      point. And I stayed in the  
24      dispatcher's trailer for quite a  
25      while there that morning listening to

1 the communications underground. And  
2 in contact with Johnny on the phone  
3 again. Ty Coleman on the phone,  
4 trying to make sure that they were  
5 contacting all the people that they  
6 needed to be contacting, trying to  
7 coordinate. I was making calls to  
8 our chief engineer and to my boss to  
9 inform them what was going on. And  
10 when --- I don't recall exactly the  
11 last time I talked to John, Johnny  
12 Stemple. But he had still not gotten  
13 ahold of anyone at MSHA. And there  
14 were already EMS personnel that were  
15 arriving at the site. And one of the  
16 firefighters said that he knew Kenny  
17 Tenney was one of our MSHA  
18 inspectors.

19 Q. Uh-huh (yes).

20 A. He knew where he lived. And I  
21 sent him to go to Kenny's house,  
22 because Kenny lives very close to  
23 Sago. That gentleman --- I don't  
24 recall his name at all. But he came  
25 back, said that Kenny was not home.



1 And then, at that point, Johnny had  
2 called to let us know that he had  
3 gotten ahold of Jim Satterfield. He  
4 had issued the K Order.

5 Q. Uh-huh (yes).

6 A. And from that point, it's a  
7 big, huge blur. We made a lot of  
8 phone calls in trying to gather up  
9 the mine rescue teams, trying to get  
10 everybody within ICG notified. And  
11 people started arriving onsite. They  
12 set up the command center and started  
13 monitoring the gasses and started the  
14 rescue effort. Again, it's all a big  
15 --- you know, there's a lot of stuff  
16 in between. But it's pretty much a  
17 blur at this point.

18 Q. And how long did you stay  
19 there that day?

20 A. I was there 50 straight hours.

21 Q. So you left on January  
22 the ---?

23 A. Fourth.

24 Q. Fourth?

25 A. Uh-huh (yes).

1 Q. Okay. So you didn't notify  
2 MSHA?

3 A. No, I did not.

4 Q. Do you know who did, who it  
5 would be?

6 A. Johnny Stemple. Uh-huh (yes).

7 Q. And what about the State? Let  
8 me just get at this --- did you do  
9 any of the notification or did you  
10 delegate that to someone else?

11 A. That was already --- I didn't  
12 delegate. They already had that  
13 responsibility ---.

14 Q. That was already ---?

15 A. That was already in place.

16 Q. Okay. So when you went to the  
17 dispatchers to see Flea, Flea, I  
18 guess, was on then?

19 A. Uh-huh (yes).

20 Q. Did you notice the CO alert or  
21 alarms that morning?

22 A. He pointed out the system,  
23 yes. Uh-huh (yes).

24 Q. Okay. Now, you said that you  
25 were on the telephone with some of

1 the guys. What were some of the  
2 communications that were going on  
3 that morning?

4 A. I tried several times to get  
5 ahold of our chief engineer at his  
6 cell phone and his home phone and his  
7 pager and could not. So I called our  
8 engineering company that does our  
9 surveying directly ---

10 Q. Uh-huh (yes).

11 A. --- and got ahold of Mr. Gary  
12 Hartsog, who is the owner of Alpha  
13 Engineering. He was in Atlanta for  
14 the football game.

15 Q. Uh-huh (yes).

16 A. He told me that there were  
17 people in his office working on  
18 end-of-month closings. So I called  
19 Dave Prelaz, one of his engineers,  
20 directly. And got survey crews set  
21 up and additional mapping set up.

22 Q. Uh-huh (yes).

23 A. And Dave started to run the  
24 maps for us. And getting those  
25 issues resolved. And our chief

1 engineer, we finally got ahold of  
2 him. Don't know exactly what time.  
3 I don't recall. And then he took  
4 over the mapping, surveying and all  
5 of that coordination.

6 Q. Uh-huh (yes). But any of the  
7 in-mine communications?

8 A. In-mine, no. I didn't do any  
9 of the in-mine communication.

10 Q. Did you hear any?

11 A. I heard what was going on the  
12 radio.

13 Q. That's what I mean. What did  
14 you hear? What was the first  
15 communication that you heard on the  
16 radio?

17 A. First communication. The  
18 first communication that I heard ---  
19 that I think I recall was that the  
20 One Left crew was on their way out on  
21 the mantrip.

22 Q. Okay.

23 A. Uh-huh (yes).

24 Q. Who did you hear that from?

25 A. Don't recognize --- don't

1 remember the voice. You know, they  
2 didn't identify themselves, and I  
3 don't remember the voice.

4 Q. Okay. And what was it on?  
5 Was it on the trolley phone?

6 A. On the trolley, yeah.

7 Q. It was on the trolley phone,  
8 not the pager phone?

9 A. Don't recall.

10 Q. Okay.

11 A. I don't recall.

12 Q. But you did hear it?

13 A. Yeah, I did hear it.

14 Q. Okay. So someone said on the  
15 phone that the One Left crew was  
16 headed out?

17 A. Right.

18 Q. Did they say anything else?

19 A. No. Not that I recall.

20 Q. Okay. Then after that, did  
21 you hear any other communications  
22 over the mine phone system at all?

23 A. At that point, I went back to  
24 the mine office and was using the  
25 land --- the telephone over there to

1 make calls.

2 Q. Okay.

3 A. And I was out for --- I was  
4 out for probably over an hour, hour  
5 and a half, I'd say, over there  
6 trying to do that.

7 Q. Did you hear any of the  
8 communication between the underground  
9 and the surface from Jeff Toler or  
10 Mr. Wilfong or ---

11 A. No. I ---.

12 Q. --- any of those gentlemen  
13 that were attempting to ---?

14 A. No. Didn't hear anything.

15 Q. Okay. So yours --- and then  
16 after that --- so that was the only  
17 communication you heard?

18 A. Right.

19 Q. And then you left the  
20 dispatchers.

21 A. Uh-huh (yes).

22 Q. And where did you set up?

23 A. I was in what used to be the  
24 small engineering office, right  
25 across from Jeff Toler's office there

1 in the mine office.

2 Q. Okay.

3 A. Using the phone.

4 Q. Okay. And you say that other  
5 people had dispatched EMS and ---?

6 A. Yes.

7 Q. The mine rescue teams?

8 A. They had --- Johnny Stemple  
9 and Ty Coleman had started contacting  
10 the mine rescue people. And EMS was  
11 already showing up. So I don't know  
12 who made that initial contact.

13 Q. Okay. So EMS was already  
14 showing up. And that was about what  
15 time?

16 A. Again, there were already  
17 volunteer firefighters there shortly  
18 after 8:00.

19 Q. Okay.

20 A. Uh-huh (yes).

21 Q. And do you recall when the  
22 first mine rescue teams arrived and  
23 who it was?

24 A. Don't recall the times at all.

25 Q. Afternoon?

1 A. No. It wasn't afternoon that  
2 I can remember. But again, I don't  
3 recall exactly.

4 Q. Before noon?

5 A. I don't recall.

6 Q. Okay.

7 A. Sorry.

8 Q. What about --- do you know  
9 which teams were the first to  
10 respond?

11 A. I don't know that for a fact.

12 Q. Okay.

13 A. I just know that our local ---  
14 Ty or someone told me that our local  
15 mine rescue were onsite.

16 Q. Okay. Do you have any --- do  
17 you recall when the command center  
18 --- when MSHA, the state, and ICG  
19 established the command center and  
20 where it was located?

21 A. It was located in Jeff Toler's  
22 office, the superintendent's office.

23 Q. Okay.

24 A. And the exact time, I don't  
25 remember too well.



1 Q. Afternoon?

2 A. Probably. I don't recall.

3 Q. Before dark?

4 A. Oh, yes.

5 Q. That's what I mean. I'm  
6 trying to get some kind of idea. And  
7 who was located in the command  
8 center?

9 A. Myself, Ty Coleman, Mr.  
10 Collins was there.

11 Q. Okay.

12 A. There were numerous other  
13 people, and I had no idea who they  
14 were, from MSHA and the State. At  
15 that point, there was several people  
16 I had never met.

17 Q. Okay. Who was the person that  
18 was in charge from ICG?

19 A. I was for a time. Then when  
20 Sam showed up, Sam was the senior  
21 manager.

22 Q. So you were the lead for how  
23 long? When did Sam get there?

24 A. Sam was there after noon.

25 Q. After noon?

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

2 Q. Okay. So the primary players  
3 --- the primary people responsible  
4 for ICG was yourself, Sam Kitts ---

5 A. Uh-huh (yes).

6 Q. --- and Ty Coleman?

7 A. Ty Coleman. Uh-huh (yes).

8 Q. And was there anyone else  
9 involved?

10 A. Tim Martin, corporate director  
11 of safety. He was there later that  
12 evening.

13 Q. Okay.

14 A. Uh-huh (yes).

15 Q. Okay. So now we're back to  
16 --- now, did you have any involvement  
17 or decision making in the drilling of  
18 the boreholes?

19 A. Just from an overview  
20 standpoint.

21 Q. What about the selection of  
22 the drilling company? How did that  
23 work?

24 A. We started using just our  
25 local contacts. And we talked to

1 Senator Mike Ross. And he's big into  
2 oil and gas, and he has a lot of  
3 contacts. He helped us out with  
4 those.

5 Q. Were there any drilling  
6 companies that contacted you offering  
7 their services?

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

9 Q. And what --- how did you deal  
10 with that? What was the ---?

11 A. Mr. Kitts dealt with them  
12 moreso than myself. And the company  
13 that drilled the hole at Quecreek,  
14 they offered their services. They  
15 came in and talked to Sam. Sam  
16 explained the situation, where we  
17 were, the terrain. And they  
18 determined that they couldn't help us  
19 at that time, because we were already  
20 well on our way to doing --- you  
21 know, drilling the size hole that we  
22 thought we needed.

23 Q. So they said they couldn't  
24 help you?

25 A. Right.

1 Q. Okay.

2 A. Uh-huh (yes).

3 Q. So there were logistical  
4 problems before you started drilling?

5 A. Well, logistical from the  
6 standpoint that, you know, we were  
7 dozing the pad and it was down in ---  
8 it was on a hillside down in some  
9 trees. And their rig was very large.  
10 And we already had a rig that was  
11 going to do, I think, about the same  
12 size hole. And so we went forward  
13 with those folks.

14 Q. Okay.

15 A. Uh-huh (yes).

16 Q. What was the name of that  
17 company again, the drilling company?

18 A. I'm sorry. I can't recall  
19 their name. But they were from  
20 Virginia.

21 Q. And what about the surveying  
22 of the hole?

23 A. What about the surveying?

24 Q. Did you encounter any problems  
25 with that?

1 A. We did encounter difficulties  
2 because of the weather.

3 Q. Uh-huh (yes).

4 A. The GPS units would not read  
5 because of the cloud cover. And we  
6 ended up --- the surveying crews sat  
7 on the Sago permanent points. And  
8 they went to another mine that had  
9 been closed and sat on those  
10 permanent points to get a better idea  
11 of the accuracy. And then they sat  
12 --- they went to the site and sat and  
13 waited, basically, for a break in the  
14 clouds to get the point exactly  
15 located.

16 Q. And about how long did that  
17 take?

18 A. I don't know exactly. I don't  
19 recall.

20 Q. Okay. About what time did you  
21 start the road to the Second Left  
22 borehole?

23 A. Don't know.

24 Q. Who decided to drill in Second  
25 Left?

1       A.       Don't remember that --- who  
2       all was in the room when that was  
3       being discussed.  Myself and Sam  
4       Kitts were there.  Joe Myers, our  
5       engineer was there.

6       Q.       Uh-huh (yes).

7       A.       Don't recall who made the  
8       exact decision.

9       Q.       So was it like a joint  
10      decision?

11      A.       It was a joint decision, yeah.

12      Q.       Okay.

13      A.       Uh-huh (yes).

14      Q.       The location was at the  
15      tailpiece of Second Left; right?  Was  
16      there some reason why you couldn't  
17      drill it further into the section,  
18      into one of the working places?  I  
19      mean ---.

20      A.       What I recall is what the ---  
21      where the pad was located, there was  
22      a small drain.  It was on a hillside,  
23      but the drain dropped off a little  
24      bit farther inby.  And they felt that  
25      that would be the best location for

1 the drill to set up on right there.

2 Q. Okay.

3 A. Uh-huh (yes).

4 Q. After the drill hole went in,  
5 what was done then?

6 A. When the drill went in, they  
7 stopped the rig and got everything  
8 quiet and pounded on the steel and  
9 waited for a response. And I don't  
10 know exactly how long they waited,  
11 but they did wait several minutes for  
12 a response. Didn't get a response.  
13 And then the reports that we got back  
14 were that they started pulling the  
15 steel out and then they dropped a  
16 camera down the hole and looked  
17 around. And the first time the  
18 camera went down, it got mud on it  
19 and we had to clean it off and drop  
20 it again. They looked around, saw no  
21 damage, no smoke, no activity.

22 Q. Any methane or CO levels?

23 A. There was methane and CO ---  
24 or I'm sorry. I recall the CO  
25 readings. I don't recall the other

1 readings.

2 Q. What were the CO readings?

3 A. They were high, but I don't  
4 recall exactly what they were.

5 Q. High over 1,000, under 1,000?

6 A. Yeah. I recall 1,300 parts  
7 per million.

8 Q. Okay.

9 A. That may not be exactly right.

10 Q. Based on everything that you  
11 knew at that time, what did you think  
12 happened in the mine?

13 A. I didn't know. Just that we'd  
14 had an explosion of some kind.

15 Q. Oh, you knew you had an  
16 explosion?

17 A. Uh-huh (yes).

18 Q. And did you have any idea  
19 where it might be?

20 A. No. No. Did not.

21 Q. So what information was used  
22 to make the decision to send the  
23 teams into the mine? I mean, what  
24 information did you --- I know you  
25 didn't send them in right away;



1 right?

2 A. Right.

3 Q. And what ---.

4 A. We wanted to.

5 Q. Well, what was the reason why  
6 you didn't?

7 A. CO coming out of the ports.  
8 That was an MSHA determination. They  
9 wanted to get a history of the gas  
10 readings to see if we had a fire.

11 Q. And how long did that take?

12 A. 'Til after 5:00 that evening.

13 Q. After 5:00?

14 A. Uh-huh (yes).

15 Q. So after that information,  
16 after the trend was established, then  
17 who made the decision to send the  
18 teams in? Is that what information  
19 was used? It was waiting 'til that  
20 trend was established and then the  
21 teams went in?

22 A. As I recall, yes.

23 Q. About what time did the teams  
24 go in, if you can remember?

25 A. First team went in at 5:00 ---

1 I don't know. It was between 5:00  
2 and 6:00. I don't recall the exact  
3 time.

4 Q. Okay. All right.

5 A. And that whole day was a blur.

6 Q. Who was in charge of the mine  
7 rescue efforts for ICG?

8 A. For ICG. That would have been  
9 Mr. Coleman. Ty Coleman. And with  
10 the assistance from Tim Martin on the  
11 phone.

12 Q. And what about yourself and  
13 Sam?

14 A. We didn't have direct  
15 responsibility over that, no. We  
16 were on the edges.

17 Q. Okay.

18 A. Uh-huh (yes).

19 Q. Do you know --- were you  
20 involved in the decision to  
21 systematically explore the mine,  
22 starting from the portal? And do you  
23 know why that decision was made?

24 A. Mine rescue protocol.

25 Q. Now, mine rescue protocol?

1 A. Uh-huh (yes).

2 Q. Who established that?

3 A. That's just a --- that's  
4 established procedures that you  
5 explore 1,000 feet and then move to a  
6 fresh air basin.

7 Q. So it was a group decision by  
8 the command center?

9 A. No. MSHA was pretty much  
10 dictating, at that point, what we  
11 were doing.

12 Q. But I mean, didn't --- as the  
13 way the command center operates,  
14 isn't it typical that all parties,  
15 state, federal and ICG management  
16 jointly decide on decisions that are  
17 made for rescue and recovery?

18 A. Correct. It's supposed to be  
19 a joint decision, yes.

20 Q. And you say that it was not a  
21 joint decision?

22 A. It was to a point. But we had  
23 to submit a written plan and get  
24 approval before we could do ---

25 Q. Right.

1 A. --- what we were intending to  
2 do.

3 Q. So what you did was, your  
4 group suggested --- your group  
5 formulated a plan, and other parties,  
6 the state and federal, reviewed  
7 that ---

8 A. Correct.

9 Q. --- and you jointly decided  
10 --- there was an agreement?

11 A. Yes.

12 Q. So the command center made the  
13 decision, then? It would be ---?

14 A. Correct.

15 Q. Okay.

16 A. Uh-huh (yes).

17 Q. So the command center's joint  
18 decision was to systematically  
19 explore the mine starting at the  
20 portal?

21 A. Uh-huh (yes).

22 Q. Okay. What about the decision  
23 to establish power to parts of the  
24 mine to pump water during the  
25 exploration? Why did that have to be

1 done?

2 A. Otherwise, we could have  
3 blocked the entrance to the mine.

4 Q. Do you know if One Right or  
5 Second Right were explored as the  
6 teams progressed into the mine?

7 A. They were not.

8 Q. They were not?

9 A. No.

10 Q. Why was that decision made?

11 A. Because we had firsthand  
12 information from the folks that had  
13 come out ---

14 Q. Okay.

15 A. --- that had been into block  
16 58. And there was no reason to  
17 explore those.

18 Q. Okay. So again, the decision  
19 was made by command center ---

20 A. Uh-huh (yes).

21 Q. --- that there was not ---  
22 that was not an issue, to bypass One  
23 Right and Second Right and travel  
24 further into the mine?

25 A. Right.

1 Q. Do you know whether One Left  
2 was explored as the teams progressed  
3 into the mine?

4 A. Yes.

5 Q. And what was that? Why was  
6 One Left --- One Left was not  
7 explored?

8 A. No. It was explored,  
9 partially.

10 Q. Partially?

11 A. Yes. And I was out of the  
12 command center for a few hours to  
13 take a break when that was going on.

14 Q. Okay.

15 A. So I was --- there are gaps in  
16 when I was there.

17 Q. Okay. Just what you know.

18 A. Yeah. And I wasn't there for  
19 --- when we got to the mouth of One  
20 Left, I was out trying to take a  
21 break.

22 Q. So One Left was --- you say,  
23 to the best of your knowledge, was  
24 partially explored?

25 A. I think.

1 Q. Okay.

2 A. I don't know that to be  
3 correct.

4 Q. Would that be the same reason,  
5 why it wasn't completely explored, is  
6 because of information that you had?

7 A. And again, I don't know.

8 Q. Okay.

9 A. I wasn't in the command center  
10 at that time.

11 Q. Okay. Do you know if the Old  
12 Second Left and the seal location  
13 were explored as teams progressed  
14 into the mine?

15 A. Yes.

16 Q. It was?

17 A. Partially.

18 Q. Partially?

19 A. Uh-huh (yes).

20 Q. Okay.

21 A. Very partially.

22 Q. Okay. And after the empty  
23 mantrip was found at Second Left,  
24 even though communications was  
25 extended beyond what we would call

1 acceptable mine rescue protocol, ---

2 A. Uh-huh (yes).

3 Q. --- were you in agreement that  
4 --- was the command center in  
5 agreement that communication could be  
6 extended?

7 A. Yes.

8 Q. Okay. And why did you guys  
9 --- why did you make that decision?

10 A. We were relying on the mine  
11 rescue captains. They were under  
12 there. They knew what they had. And  
13 they were fully aware of what they  
14 could and couldn't do.

15 Q. Okay. So the command  
16 center, ---

17 A. Uh-huh (yes).

18 Q. --- the decision making  
19 parties, the company, the state and  
20 the federal, jointly agreed to  
21 explore, rescue, recover, that  
22 method?

23 A. Correct.

24 Q. Okay. When you were in the  
25 command center and the misinformation



1       came out, could you describe to us  
2       the best that you can recall what  
3       happened?

4       A.       I was standing in the hallway  
5       at that point and taking a break from  
6       inside the command center. I was  
7       standing in the doorway. And we  
8       heard the transmission come across  
9       the mine phone that there was 12  
10      alive. And the place pretty much  
11      broke up in pandemonium at that  
12      point. And there was a lot of  
13      confusion, a lot of noise. And a  
14      gentleman from Consol that was on the  
15      phone with the mine rescue teams, he  
16      was trying to get clarification. He  
17      was trying to figure out what exactly  
18      was going on. There was a time lag  
19      between that initial communication  
20      and when they started to get  
21      information where 12 alive was not  
22      correct. Didn't look at my watch at  
23      those times --- at that point. I  
24      don't know the exact timeline. And  
25      we finally got everybody calmed down

1 to the point where they could  
2 understand what was going on a little  
3 bit more underground and the  
4 communication came back that we only  
5 had one alive, then, at that point.

6 Q. I know you can't --- you say  
7 you don't remember the times, exact  
8 times.

9 A. Uh-huh (yes). Right.

10 Q. But time period, would you say  
11 a half an hour, 15 minutes?

12 A. It's very difficult to say  
13 because there was so much going on.

14 Q. Uh-huh (yes).

15 A. And again, I just didn't look  
16 at my watch. I mean, time was kind  
17 of moving kind of at a standstill at  
18 that point.

19 Q. Was it that it didn't get  
20 straightened out until, I guess, they  
21 carried Mr. McCloy to the fresh air  
22 base? Is that when it came back, or  
23 did you get the word before that?

24 A. We got the word before that.

25 Q. Did you?

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

2 Q. So my guess is the  
3 communication stretch, with the  
4 radios ---

5 A. Right.

6 Q. --- became less extended and  
7 communication became better?

8 A. Uh-huh (yes).

9 Q. When the word came through,  
10 then, in your opinion?

11 A. I can only guess that that's  
12 what occurred, yes.

13 Q. Yeah. Okay. And the  
14 communications' system, it was tied  
15 into other places, other than the  
16 command center; is that right? The  
17 pager phone system would be able ---  
18 was able to be heard by how many  
19 other places?

20 A. There were other pagers in the  
21 mine office. And I don't know  
22 whether there were any others outside  
23 of that or not. I wasn't outside of  
24 the office very much, so I don't  
25 know.

1 Q. Okay. Well, there would be  
2 one over in the dispatcher's ---.

3 A. Correct. Uh-huh (yes).

4 Q. And the 24-foot trailer, had  
5 that been set up yet, or is that  
6 something that's always there? I'm  
7 not familiar with your operation.

8 A. What we call the office  
9 trailer that's there now?

10 Q. Yes.

11 A. No, that wasn't there.

12 Q. That wasn't there?

13 A. That wasn't there, no.

14 Q. Okay. I wasn't sure.

15 A. No.

16 Q. So there wouldn't have been a  
17 phone there?

18 A. No.

19 Q. Just in the mine office and  
20 the dispatcher's area. How do you  
21 think the information got to the  
22 families that --- without --- you  
23 know, how did it get out of that  
24 command center?

25 A. There were ---.

1 Q. Do you have any idea?

2 A. There were 100 cell phones.  
3 And that's just a guess.

4 Q. Yeah. What do you think  
5 happened on January the 2nd?

6 ATTORNEY RAJKOVICH:

7 Let's take a little  
8 break. Can we take a break?

9 MR. O'DONNELL:

10 Sure.

11 SHORT BREAK TAKEN

12 MR. O'DONNELL:

13 Mr. Collins, do you  
14 have any follow-up questions?

15 BY MR. COLLINS:

16 Q. If I may, Mr. Dunbar, first  
17 I'd like to just make sure my notes  
18 are right on what's been covered  
19 some. But I have a question or two  
20 about that. But on the morning of  
21 the event, were you contacted --- you  
22 said you were contacted by Johnny  
23 Stemple?

24 A. Correct.

25 Q. Did anyone else from the mine

1 contact you?

2 A. No.

3 Q. Do you know if they attempted  
4 to?

5 A. No.

6 Q. No, you don't know if they  
7 attempted to or no, you ---?

8 A. I don't know if anyone else  
9 attempted to or not. I had no calls  
10 on my cell phone.

11 Q. Did the Anker Sago Mine or  
12 International Coal Group Anker Sago  
13 Mine, do they have a mine emergency  
14 plan that you're aware of?

15 A. Yes.

16 Q. And is it located in the  
17 dispatcher's office, that you know  
18 of?

19 A. It's supposed to be. I'm not  
20 sure where it was that morning.

21 Q. And as part of that plan, is  
22 it --- are you familiar with the  
23 plan?

24 A. Somewhat, yes.

25 Q. And as part of that plan, is

1       it to notify officials in an event  
2       like this?

3       A.       Correct.    Yes.

4       Q.       And is your name on that?

5       A.       The copy that was at the mine,  
6       I'm not sure if I'm on there or not.  
7       I don't know.    But I would have been  
8       on the list that Johnny Stemple had  
9       with him, as our assistant safety  
10      director.

11      Q.       Is your cell phone number the  
12      number that's given to the mine or  
13      Johnny Stemple for emergencies?

14      A.       Both of my numbers.   My home  
15      and cell are both there, yes.

16      Q.       Both numbers.    But you don't  
17      know if they attempted to contact  
18      you?

19      A.       No, I don't.    No.

20      Q.       And I think you said Johnny  
21      Stemple contacted you at 7:20?

22      A.       Yes.    Approximately.

23      Q.       Could you tell me again what  
24      Johnny told you when he called you?

25      A.       Johnny said that there had

1       been some type of event at Sago and  
2       he wasn't sure exactly what had  
3       happened. They had --- he said they  
4       were in contact with the One Left  
5       crew but could not get in touch with  
6       the Two Left crew, and that he was  
7       attempting to contact the state and  
8       federal officials at that point. And  
9       I told him to call me back just as  
10      soon as he knew what had happened or  
11      had any more information.

12      Q.       And I think you said you left  
13      for the mine?

14      A.       Correct.

15      Q.       And you live real close to the  
16      mine?

17      A.       Yes, sir. Uh-huh (yes).

18      Q.       So you arrived at the mine at  
19      about eight o'clock?

20      A.       Right. Uh-huh (yes).

21      Q.       Then also, you talked about  
22      who was in charge of this command  
23      center.

24      A.       Uh-huh (yes).

25      Q.       And in particular, about who



1 was in charge of the command center  
2 for ICG.

3 A. Uh-huh (yes).

4 Q. Okay. And I think your answer  
5 was that you were sometime?

6 A. At times, yes. Ty Coleman was  
7 in there a lot of the time that I was  
8 there. And Ty was the official ICG  
9 rep.

10 Q. And that started out with Mr.  
11 Coleman being in charge?

12 A. Correct.

13 Q. I think you said you worked 50  
14 hours straight?

15 A. Yes, sir.

16 Q. Do you know how long Ty ---  
17 Mr. Coleman worked?

18 A. He was there close to that  
19 same length of time. I don't know  
20 exactly.

21 Q. Then a little bit of a  
22 question about what time the teams  
23 arrived.

24 A. Uh-huh (yes).

25 Q. What time did you say you

1 believed the first mine rescue team  
2 arrived?

3 A. I really don't recall the  
4 time. I just --- someone, and I  
5 don't remember who exactly, too, said  
6 that the mine rescue teams had shown  
7 up on the property. And there was a  
8 lot going on. I wasn't taking notes.  
9 Didn't write a lot of stuff down. So  
10 I really can't answer to an exact  
11 time. I just don't know.

12 Q. Okay. The command center is  
13 set up. And you know, there is  
14 people there from ICG, Anker, there's  
15 people there from the state and  
16 federal.

17 A. Yeah.

18 Q. Certain people sitting at the  
19 table, but a lot of other people,  
20 also.

21 A. Right.

22 Q. But you said that when  
23 something was going to occur, or a  
24 decision was made, then that was made  
25 in that command center?

1 A. Yes.

2 Q. And everyone pretty well knew  
3 what was going to be made there?

4 A. Yes.

5 Q. Then were there any other ---  
6 other than the command center, were  
7 there other offices where --- or  
8 locations where state and federal  
9 people were discussing this event or  
10 making decisions at this event?

11 A. Yes, there were. And there  
12 were people in each office in the ---  
13 in my office building. ICG, state  
14 and federal people, yes.

15 Q. Then not --- I just want to  
16 clarify something on these phones  
17 that --- I know the question was  
18 asked about this pager phone that  
19 came in to the command center.

20 A. Right.

21 Q. Then I think you said that  
22 pager phone was also like in the mine  
23 foreman's office, where the foremen  
24 do their book work?

25 A. There was one in there, yes.

1 But I don't ---.

2 Q. I know we later took that out.

3 A. Correct. Yes, sir.

4 Q. But it was in there for a  
5 while?

6 A. Yes, it was.

7 Q. Would it have been in the  
8 chief electrician's office?

9 A. Yes, sir.

10 Q. Would it have been in the  
11 dispatcher's office?

12 A. Yes, sir.

13 Q. It was also --- I'll say,  
14 there was one installed in the state  
15 mine rescue ---.

16 A. Okay. I wasn't aware of that  
17 one.

18 Q. Yeah. There was quite a bit  
19 of communication on the surface, you  
20 know, because that's ---.

21 A. And there was one in the mine  
22 foreman's office, also.

23 Q. You arrived at the mine about  
24 eight o'clock, Chuck ---

25 A. Yes.

1 Q. --- Mr. Dunbar. And you've  
2 said that you went to the  
3 dispatcher's office.

4 A. Yes.

5 Q. And you heard the One Left  
6 crew, I think you said, coming  
7 outside on the rail?

8 A. Correct. That wasn't exactly  
9 right. That was sometime after that  
10 when we heard the first  
11 communication. I don't really recall  
12 the time.

13 Q. Do you know if Anker or ICG  
14 has a program or a plan to  
15 investigate accidents at the mine?

16 A. Yes, sir, we do. Uh-huh  
17 (yes).

18 Q. And that would include  
19 explosions and fires?

20 A. That would include anything,  
21 yes. Uh-huh (yes).

22 MR. COLLINS:

23 I believe that's all we  
24 have right now, Mr. Dunbar.

25 BY MR. COLLINS:

1 Q. One follow-up question, if I  
2 may, please.

3 A. Uh-huh (yes).

4 Q. I think you stated that you  
5 wasn't writing during this event,  
6 particularly on January the 2nd,  
7 wasn't writing a lot of stuff down?

8 A. Correct. Uh-huh (yes).

9 Q. Were you writing some stuff  
10 down?

11 A. About the only personal notes  
12 that I have is when Johnny called me  
13 that morning, and I looked at my  
14 watch at the time. And wrote down  
15 what he said. And from there, there  
16 is nothing else until I sat down way  
17 after the fact and tried to put a few  
18 thoughts together.

19 Q. And you did write down what  
20 Johnny told you on the phone that  
21 morning?

22 A. Partially, yes.

23 Q. And you still have those  
24 notes?

25 A. I think so, yes.

1 Q. Do you know if ICG had anyone  
2 in charge of taking notes of  
3 occurrences on January 2nd?

4 A. Only in the command center,  
5 yes.

6 Q. Do you know if the agency has  
7 been provided a copy of that?

8 A. They have, as far as I know.

9 MR. COLLINS:

10 Okay. Thank you.

11 A. Uh-huh (yes).

12 BY MR. O'DONNELL:

13 Q. Okay. And I was just informed  
14 we don't have that log. Could you  
15 please provide that log for us?

16 ATTORNEY RAJKOVICH:

17 We'll take that under  
18 advisement.

19 MR. O'DONNELL:

20 Okay. Do we have to  
21 request it through the  
22 channels ---?

23 ATTORNEY RAJKOVICH:

24 Yes. In writing. We  
25 had requested ---.

1 BY MR. O'DONNELL:

2 Q. Mr. Dunbar, do you have any  
3 idea why the company has declined to  
4 provide the information to us that we  
5 requested?

6 A. No. I have no idea.

7 Q. Okay.

8 ATTORNEY RAJKOVICH:

9 I'm his counsel.

10 MR. O'DONNELL:

11 What?

12 ATTORNEY RAJKOVICH:

13 I'm his counsel. I  
14 don't know.

15 BY MR. O'DONNELL:

16 Q. You mentioned the name Mike  
17 Ross.

18 A. Yes.

19 Q. And who is he?

20 A. He used to be a senator for  
21 our area.

22 Q. Okay. And just go back over  
23 how that involvement was with the ---  
24 did he contact you or ---?

25 A. No. No. Some of our mine



1 site personnel know Senator Ross on a  
2 personal basis.

3 Q. Okay.

4 A. And they know that he is into  
5 oil and gas drilling and he has  
6 access to a lot of rigs. He doesn't  
7 own any himself anymore that I'm  
8 aware of.

9 Q. Okay.

10 A. But he still has a lot of  
11 contacts in the industry. And we  
12 used him ---.

13 Q. And that's how he was  
14 contacted?

15 A. Correct. Yes.

16 Q. Okay. Do you know who  
17 contacted him?

18 A. I think our manager of mines,  
19 Raymond Coleman was the first to  
20 contact Senator Ross.

21 Q. Okay.

22 A. Uh-huh (yes).

23 Q. You said earlier that you're a  
24 degreed mining engineer?

25 A. Correct.

1 Q. You have extensive experience,  
2 practical experience, and  
3 professional experience as a coal  
4 miner, as a manager, with 28 years of  
5 mining experience?

6 A. Yes.

7 Q. You've seen a lot of different  
8 situations in a coal mine.

9 A. Correct.

10 Q. You're a professional that you  
11 told us you were.

12 A. Uh-huh (yes). Uh-huh (yes).

13 Q. And also, you said that you're  
14 here on your own behalf.

15 A. Correct.

16 Q. You're not here as a  
17 representative of ICG.

18 A. Right.

19 Q. You're here representing  
20 yourself.

21 A. Uh-huh (yes).

22 Q. And as a professional mining  
23 person - - -

24 A. Uh-huh (yes).

25 Q. - - - and an experienced coal

1 miner, what do you think happened?

2 A. Don't know yet.

3 Q. Well, what do you think?

4 A. I don't know.

5 Q. Don't you have an opinion?

6 A. I don't know all the facts.

7 Q. Do you think --- well, you  
8 know there was an explosion?

9 A. I think there was, yes.

10 Q. And you think it was dust or  
11 methane?

12 A. Don't know.

13 Q. Because all we want to do is  
14 find out. If anybody would ---  
15 especially with as much experience as  
16 you have, has any kind of idea what  
17 happened ---.

18 ATTORNEY RAJKOVICH:

19 What's your guys'  
20 opinion so far?

21 MR. O'DONNELL:

22 We haven't concluded  
23 yet, either. But we do know  
24 it was an explosion.

25 A. Uh-huh (yes).

1                   ATTORNEY WILLIAMS:

2                   And we're here  
3                   gathering information, that's  
4                   our role, from people like  
5                   yourself. So that's why ---.

6           A.       Right.

7           BY MR. O'DONNELL:

8           Q.       If you can give us a clue ---.

9           A.       I know the same things you  
10           guys know at this point. That's all.

11          Q.       How familiar are you with the  
12          Old Two Left main seals?

13          A.       The seals themselves? Not  
14          very familiar at all.

15          Q.       Okay. Were you involved in  
16          any of the building?

17          A.       No.

18          Q.       Did you observe any of the  
19          building?

20          A.       No.

21          Q.       Did you --- let's see. Did  
22          you ever see the seals?

23          A.       No. I did not.

24          Q.       Do you know --- okay. Were  
25          you involved in any of the planning,

1       submittal of the plans for those  
2       seals?

3       A.       No.

4       Q.       Do you know what an Omega seal  
5       is?

6       A.       Yes.

7       Q.       And I don't mean that as ---  
8       are you familiar with the Omega seal?

9       A.       Yes, I am. Uh-huh (yes).

10      Q.       And how are you familiar with  
11      the Omega seal?

12      A.       Just in plans in the past that  
13      I've been associated with, we've had  
14      Omega seals and constructed Omega  
15      seals at other companies, other  
16      locations.

17      Q.       Okay.

18      A.       Uh-huh (yes).

19      Q.       And those plans that you ---  
20      now, how did the ventilation --- I  
21      mean, who submits the plan?

22      A.       For ICG?

23      Q.       Yes.

24      A.       Our safety department and  
25      engineering department.

1 Q. And that would be ---?

2 A. That would be Joe Myers in  
3 engineering and either Ty Coleman or  
4 Johnny Stemple in the safety  
5 department.

6 Q. And whenever they apply, say,  
7 they already had an approval for a  
8 Packsetter seal ---

9 A. Correct.

10 Q. --- at that mine that had been  
11 installed earlier.

12 A. Uh-huh (yes).

13 Q. Do you know why they changed  
14 from a Packsetter seal, which was  
15 already an approved seal that you had  
16 in the mine, to a different type  
17 seal?

18 A. I wasn't part of that  
19 conversation or part of that  
20 decision. That was a mine site ---

21 Q. Okay.

22 A. --- situation.

23 Q. So you have no involvement in  
24 submitting plans?

25 A. No, I don't.

1 Q. Recommending - - - ?

2 A. No.

3 Q. No recommendations? So  
4 really, what are your primary duties,  
5 then?

6 A. As the general manager - - -

7 Q. Yes.

8 A. - - - I kind of coordinate the  
9 entire circus down there. I have  
10 people under me that are responsible  
11 for the activities and duties that  
12 you just described.

13 Q. Okay. So like what is it,  
14 then? I mean, do you - - - is it a  
15 review of production, is it a review  
16 of mining projections?

17 A. My general focus is the  
18 day-to-day safety and production  
19 activities of the company. And the  
20 prep plan. The prep plans in the  
21 mines, rather.

22 Q. Okay.

23 A. I review, on a daily basis,  
24 you know, how we're doing, accidents,  
25 production, maintenance items, any

1 issues like that. The day-to-day  
2 workings of the operations, I leave  
3 to the managers at the sites.

4 Q. Okay.

5 A. And then, if they have any  
6 issues that need brought to my  
7 attention, they'll review them with  
8 me on a phone call or at a staff  
9 meeting.

10 Q. Okay.

11 A. Okay.

12 Q. So the way the structure is,  
13 you're the general manager?

14 A. Yes.

15 Q. And Sam Kitts is your  
16 supervisor?

17 A. Correct.

18 Q. He is --- and what's his  
19 title?

20 A. Vice-president of operations  
21 for West Virginia and Maryland.

22 Q. And who is his supervisor?

23 A. Ben Hatfield.

24 Q. And Ben Hatfield's position  
25 is?



1 A. President and CEO of ICG.

2 Q. Okay. And then --- now, under  
3 you, who do you supervise?

4 A. I have a manager of mines.

5 Q. And who would that be?

6 A. Raymond Coleman.

7 Q. Okay.

8 A. And then Raymond supervises  
9 the mine superintendents.

10 Q. Okay.

11 A. Okay.

12 Q. And how many superintendents  
13 do you have? How many mines?

14 A. Three.

15 Q. Three mines.

16 A. Three until the end of the  
17 year. Then they split our division  
18 up at the end of the year. So  
19 starting January 1, we just had Sago  
20 and a new mine that's currently under  
21 construction.

22 Q. Okay.

23 A. Okay.

24 Q. Had that taken place?

25 A. That split?

1 Q. Yes.

2 A. Uh-huh (yes).

3 Q. Oh, it did?

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

5 ATTORNEY WILLIAMS:

6 Excuse me. That's  
7 still the Buckhannon division?

8 A. The Buckhannon division now is  
9 just Sago and the new mine and the  
10 prep plant.

11 BY MR. O'DONNELL:

12 Q. Okay.

13 A. Uh-huh (yes).

14 Q. And then so that would be Jeff  
15 Toler?

16 A. Toler (corrects  
17 pronunciation).

18 Q. Toler.

19 A. Toler is the mine  
20 superintendent.

21 Q. Okay. He's the mine  
22 superintendent.

23 A. Uh-huh (yes).

24 Q. And then under him is ---?

25 A. General mine foreman and the

1 maintenance superintendent, the mine  
2 site safety director.

3 Q. So that's Carl Crumrine?

4 A. Carl Crumrine.

5 Q. He is?

6 A. General mine foreman.

7 Q. He's right under ---?

8 A. Jeff.

9 Q. Jeff.

10 A. Uh-huh (yes).

11 Q. And now, who is under ---

12 A. Carl?

13 Q. --- Carl?

14 A. The production and third shift  
15 foreman.

16 Q. Okay.

17 A. And the shift foreman.

18 Q. And who's in charge of safety?

19 A. Al Schoonover is the mine site  
20 safety director.

21 Q. Okay.

22 A. Okay? And he reports to the  
23 mine superintendent. But there is a  
24 dotted line responsibility back to Ty  
25 Coleman.

1 Q. Okay.

2 A. He's our manager of safety.

3 Q. And he is the manager of

4 safety for ---?

5 A. The division.

6 Q. The division?

7 A. Right.

8 Q. And who is his supervisor?

9 A. I am.

10 Q. You are?

11 A. Uh-huh (yes).

12 Q. Okay. Is there anyone that

13 Mr. Schoonover supervises?

14 A. No.

15 Q. So he is the onsite safety ---

16 A. Safety director.

17 Q. --- supervisor; correct?

18 A. Supervisor. Yes. Uh-huh

19 (yes).

20 Q. Okay.

21 A. Uh-huh (yes).

22 Q. Just need a short break.

23 A. Uh-huh (yes).

24 Q. We'll have to --- I was just

25 going to see if we have any follow-up

1 questions here.

2 A. Okay.

3 SHORT BREAK TAKEN

4 BY MR. O'DONNELL:

5 Q. Let's go back on the record.  
6 Now, Mr. Dunbar, you said that you  
7 had some notes that you took.

8 A. Yes.

9 Q. Personal notes. Would it be  
10 possible that we could have a copy of  
11 those?

12 A. Sure.

13 Q. Thank you.

14 ATTORNEY RAJKOVICH:

15 We'll take that under  
16 advisement before we turn  
17 anything over.

18 MR. O'DONNELL:

19 Okay.

20 ATTORNEY WILLIAMS:

21 Obviously, you want to  
22 talk to your counsel about  
23 that.

24 A. Okay.

25 ATTORNEY O'DONNELL:

1                   That's right.

2                   ATTORNEY WILLIAMS:

3                   And you'll let us know?

4           A.           Yes. They are not very  
5           extensive, if you want them.

6           BY MR. O'DONNELL:

7           Q.           Okay. That's fine.

8           A.           Uh-huh (yes).

9           Q.           Now, during the interview, I  
10           know that you weren't clear on a lot  
11           of the times.

12          A.           Correct.

13          Q.           And I can understand why it  
14           was --- there was a lot of things  
15           happening. But because there was a  
16           log that was kept by your company, it  
17           would really help us putting together  
18           that timeline of events that occurred  
19           that day.

20          A.           Uh-huh (yes).

21          Q.           So again, I would request,  
22           again, that we would really like to  
23           have that log and we would appreciate  
24           it if you could give us that  
25           information. Do you also have a

1 business card?

2 A. I do, but it's in the truck.  
3 I'm sorry. I can get you one,  
4 though, yes.

5 Q. Okay. We would like to just  
6 put it into the record as an exhibit.  
7 Would that be ---?

8 (Dunbar Exhibit One  
9 marked for  
10 identification.)

11 A. That's fine. That's fine.

12 BY MR. O'DONNELL:

13 Q. Okay. Thank you.

14 A. Uh-huh (yes).

15 MR. O'DONNELL:

16 Mr. Collins?

17 MR. COLLINS:

18 I have just a couple,  
19 briefly.

20 BY MR. COLLINS:

21 Q. Mr. Dunbar, do you --- on the  
22 day of this event, you know, there's  
23 been some discussion about when mine  
24 rescue teams arrived and when we got  
25 ready and when we went underground.

1 In your involvement in the command  
2 center and other places during this  
3 day, do you recall mine rescue teams  
4 coming up to you saying, we're ready  
5 to go but we're not allowed to go?

6 A. No. No one did that to me  
7 personally. They did not.

8 Q. Or in the command center when  
9 you were in there, people ---?

10 A. No.

11 Q. Do you know of any miner or  
12 groups of miners that expressed to  
13 you a concern to want to enter the  
14 mine?

15 A. No, sir.

16 Q. Or came to the command center  
17 and said, we can --- we want to go in  
18 the mine?

19 A. No, they did not.

20 Q. Then a little bit --- a  
21 question on this --- I think you said  
22 earlier that the company does  
23 investigate accidents and fires and  
24 explosions and stuff.

25 A. Uh-huh (yes).



1 Q. So are you part of that  
2 investigation team?

3 A. I wouldn't want to be, no,  
4 sir.

5 Q. But are you a part of the  
6 investigation team for ICG on this  
7 accident?

8 A. Yes, I am.

9 Q. What have you been doing to  
10 determine what occurred at the mine  
11 on January 2nd in this accident?

12 ATTORNEY RAJKOVICH:

13 I instruct him not to  
14 answer that.

15 MR. STUART:

16 Do you want to take  
17 your attorney's advice there,  
18 Mr. Dunbar?

19 A. Yes.

20 BY MR. COLLINS:

21 Q. On the day of the event, is it  
22 your opinion as soon as the group  
23 felt like a mine rescue team was  
24 available and is in line with  
25 procedures - - - you've mentioned mine

1 rescue procedures, things like that,  
2 do you think that they entered the  
3 mine?

4 A. Yes.

5 Q. Do you know who else is on the  
6 Anker ICG Sago Mine investigation  
7 team investigating this accident or  
8 event?

9 A. Do you want a list? Okay.  
10 John, what was your question again,  
11 please?

12 Q. Okay. The question was, we  
13 were talking about the investigation  
14 being conducted by ICG Anker Sago.

15 A. Uh-huh (yes).

16 Q. Employees there and maybe the  
17 procedure of how that was done. And  
18 I asked the question that, did you  
19 know other people employed by Anker  
20 ICG that were participating in this  
21 investigation?

22 A. Yes.

23 Q. And you responded?

24 A. Okay. The company folks that  
25 are participating are my boss, Sam

1 Kitts, myself, Ty Coleman, Johnny  
2 Stemple, Joe Myers, Kermit Melvin and  
3 Jeff Toler at the mine site, Larry  
4 Dean, Dick Wilfong. That's pretty  
5 much it.

6 Q. There may be someone else that  
7 you ---?

8 A. Yeah.

9 Q. Okay. Is this the  
10 investigation that's required under  
11 MSHA law that the operator is  
12 required to investigate this? Is  
13 that ---? If you know.

14 A. I don't really --- I don't  
15 know the exact answer to that.

16 MR. STUART:

17 You all want a break?

18 ATTORNEY RAJKOVICH:

19 Not yet. Anyone?

20 OFF RECORD DISCUSSION

21 A. It's our own internal  
22 investigation at this point, too,  
23 also.

24 BY MR. COLLINS:

25 Q. So are you aware that ---.

1 Well, I might not. One follow-up,  
2 Mr. Dunbar, on the log --- or on the  
3 day of the event.

4 A. Uh-huh (yes).

5 Q. Other than the command center  
6 notes, do you know if ICG Anker Sago  
7 Mine kept a log of the events?

8 A. Not that I know of.

9 ATTORNEY RAJKOVICH:

10 And again, he can't  
11 answer that. Just what he  
12 knows personally.

13 A. Not that I'm aware of.

14 BY MR. COLLINS:

15 Q. And an example, just to  
16 clarify, I know you don't know much,  
17 but it would have been like mine ---  
18 times the mine rescue teams arrived,  
19 stuff like that is what I was looking  
20 for.

21 A. Okay.

22 Q. Times that they went in.

23 A. Not that I'm aware of.

24 Q. Then as a follow-up on the  
25 investigation and team members, are

1       there also people contracted or  
2       temporary employees participating in  
3       the investigation on behalf of ICG?

4                   ATTORNEY RAJKOVICH:

5                   I instruct you not to  
6                   answer that.

7                   MR. COLLINS:

8                   Thank you, Mr. Dunbar.

9       BY MR. O'DONNELL:

10       Q.        As part of your investigation  
11       team, have you retained the services  
12       of any consultants, specialists ---?

13                   ATTORNEY RAJKOVICH:

14                   Same question.

15                   MR. O'DONNELL:

16                   What?

17                   ATTORNEY RAJKOVICH:

18                   Same question.

19                   MR. O'DONNELL:

20                   Well, what's the  
21       answer?

22                   ATTORNEY RAJKOVICH:

23                   The answer's, we're not  
24       answering.

25                   MR. O'DONNELL:

1 Why?

2 ATTORNEY RAJKOVICH:

3 Okay.

4 MR. O'DONNELL:

5 Why?

6 ATTORNEY RAJKOVICH:

7 You've asked him if  
8 they've retained anything. He  
9 can't speak for the company.

10 BY MR. O'DONNELL:

11 Q. No. I mean personally, as a  
12 person who's been working at the ---  
13 on the mine site, is there anybody  
14 there that's not an employee of ICG  
15 but somebody that you retained and  
16 you've talked to daily in regard to  
17 the investigation?

18 ATTORNEY RAJKOVICH:

19 Instruct him not to  
20 answer.

21 MR. O'DONNELL:

22 Why?

23 ATTORNEY RAJKOVICH:

24 I'm just instructing  
25 him not to answer.

1                   MR. O'DONNELL:

2                   Is there a reason why?

3                   ATTORNEY RAJKOVICH:

4                   Yeah. You're asking a  
5                   company question. And he  
6                   can't respond on behalf of the  
7                   company.

8                   MR. O'DONNELL:

9                   No. I'm asking him as  
10                  a person who's been working at  
11                  the coal company and walking  
12                  around - - - .

13                  ATTORNEY RAJKOVICH:

14                  I'm instructing him not  
15                  to answer.

16                  MR. O'DONNELL:

17                  Why?

18                  ATTORNEY RAJKOVICH:

19                  I've told you.

20                  MR. O'DONNELL:

21                  I mean, what's the  
22                  reason?

23                  ATTORNEY RAJKOVICH:

24                  I've told you.

25                  MR. O'DONNELL:

1                                   Okay.

2   BY MR. O'DONNELL:

3   Q.           Okay.   So you refuse?

4   A.           Yeah.

5   Q.           Okay.   Just trying to find out  
6   what these guys are looking at,  
7   that's all.

8   A.           Uh-huh (yes).

9   Q.           Do you know what they're  
10   looking at?

11                               ATTORNEY RAJKOVICH:

12                               What are you guys  
13   looking at?

14                               MR. O'DONNELL:

15                               I'm asking the  
16   questions.

17                               MR. RAJKOVICH:

18                               Okay.   I understand.

19   A.           They're looking at a lot of  
20   different things but ---

21   BY MR. O'DONNELL:

22   Q.           Like what?

23   A.           --- I'm not sure exactly.

24   Q.           So there is someone there?

25   A.           There are lots of people



1       there.    From you all and from us.

2       Q.        But I mean, there's someone  
3       there that you've retained to ---.

4       A.        I haven't retained anybody.

5                        ATTORNEY RAJKOVICH:

6                        Let's stop that line of  
7       questioning and move on.

8       Okay?

9                        MR. STUART:

10                      Yeah.  Don't ask him if  
11       they retained them in his  
12       investigation.  Just ask him  
13       if he's seen anybody there  
14       that he knows or at least has  
15       reason to believe works for  
16       the company.

17                      ATTORNEY RAJKOVICH:

18                      Don't answer.

19                      MR. O'DONNELL:

20                      I don't get it.

21                      MR. STUART:

22                      Why do you say yes or  
23       no, then don't answer?

24                      ATTORNEY RAJKOVICH:

25                      Because I'm calling the

1 shots here.

2 MR. O'DONNELL:

3 On behalf of MSHA, I  
4 want to thank you for  
5 appearing and answering  
6 questions today. Your  
7 cooperation is very important  
8 to the investigation as we  
9 work to determine the cause of  
10 the accident. We ask that you  
11 not discuss your testimony  
12 with any person who may have  
13 already been interviewed or  
14 may be interviewed in the  
15 future. This will ensure that  
16 we obtain everyone's  
17 independent recollection of  
18 the events surrounding the  
19 accident. After questioning  
20 other witnesses, we may call  
21 you if we have any follow-up  
22 questions that we feel that we  
23 need to ask you. If at any  
24 time you have additional  
25 information regarding the

1 accident that you would like  
2 to provide to us, please  
3 contact us at the contact  
4 information that we previously  
5 provided to you. And I'll  
6 give you the card for Gates.

7 A. Okay.

8 MR. O'DONNELL:

9 Mr. Gates (sic), the  
10 Mine Act provides certain  
11 protections to miners who  
12 provide information to MSHA  
13 and, as a result, are treated  
14 adversely. If at any time you  
15 believe that you've been  
16 treated unfairly because of  
17 your cooperation in this  
18 investigation, you should  
19 immediately notify MSHA. If  
20 you wish, you may now go back  
21 over any answer that you've  
22 given during this interview  
23 and make a statement if you'd  
24 like to.

25 A. No. I'm fine.

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MR. O'DONNELL:

Again, Mr. Dunbar, I  
would like to thank you for  
appearing today. Thank you.

\* \* \* \* \*

SWORN STATEMENT

CONCLUDED AT 10:30 A.M.

\* \* \* \* \*

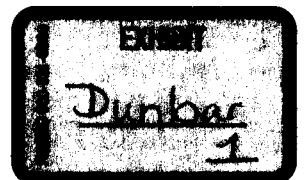


**Charles C. Dunbar, PE**  
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T 43



1-2-06

①

7:23 am - Johnny Stempse called and left message on cell phone to call him back

7:25 am - Returned call - Busy

7:35 am - Called Johnny. He told me there had been some kind of "incident" at Sago

(cont ->)

1-2-06 Cont

②

Lots of smoke and dust. Some stopping damage. Not sure what happened.

7:55 am - Arrived @ Sago Mine. Checked mine office; went to dispatcher's office. Bill Chisholm informed me Jeff Teter, Al Schwaner, Dick Wifery and Vernon Hester were inside.

Still no contact with 2 left crew. 1 left crew and others sitting out of mine.

③

8:19 a - Called Raymond - No answer

8:25 - Called Sam Kitz. Told him what we know at that time. Told him to head this way.

8:40 Called Joe Meyers left message @ home cell, pager.

8:50 a - Call Joe Meyers left message on home cell, pager again

④

Over bar

EXHIBIT

2

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