

STATEMENT UNDER OATH  
OF  
ERNEST EUGENE WHITE

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  
Tuesday, March 28, 2006, at 2:59 p.m.

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

2

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

DAVE STUART

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Charleston, WV 25214

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P R O C E E D I N G S

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MR. STOLTZ:

My name is Richard Stoltz. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United State Department of Labor. With me is Bob Wilson from the Solicitor's Office, Mike Rutledge and Dave 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 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.

12 I would like to thank  
13 you in advance for your  
14 appearance here. We  
15 appreciate your assistance in  
16 this investigation. The  
17 willingness of the miners and  
18 mine operators to work with us  
19 is critical to our goal of  
20 making the nation's mines  
21 safer. We understand the  
22 difficulty for you in  
23 discussing the events that  
24 took place, and we greatly  
25 appreciate your efforts to

1 help us understand what  
2 happened.

3 This interview with  
4 Mr. Eugene White is being  
5 conducted under Section 103(a)  
6 of the Federal Mine Health &  
7 Safety Act of 1977 as part of  
8 an investigation by the Mine  
9 Safety and Health  
10 Administration and the West  
11 Virginia Office of Miners'  
12 Health, Safety & Training into  
13 the conditions, events and  
14 circumstances surrounding the  
15 fatalities that occurred at  
16 the Sago Mine owned by  
17 International Coal Group in  
18 Buckhannon, West Virginia, on  
19 January 2nd, 2006.

20 This interview is being  
21 conducted at the U.S.  
22 Bankruptcy Courthouse in  
23 Clarksburg, West Virginia on  
24 March 23rd, 2006 (sic).

25 Questioning will be



1           conducted by representatives  
2           of MSHA and the Office of  
3           Miners' Health, Safety &  
4           Training.

5                         Mr. White, the  
6           interview will begin by asking  
7           you a series of questions. If  
8           you do not understand a  
9           question, please ask me to  
10          rephrase it. Feel free at any  
11          time to clarify any statements  
12          that you make in response to  
13          the questions. After we have  
14          finished asking questions, you  
15          will also have an opportunity  
16          to make a statement and  
17          provide us with any other  
18          information that you believe  
19          may be important.

20                        If at any time after  
21          the interview you recall any  
22          additional information that  
23          you believe may be useful in  
24          the investigation, please  
25          contact Richard Gates at the

1 phone number and e-mail  
2 address, which will be  
3 provided to you.

4 Your statement is  
5 completely voluntary. You may  
6 refuse to answer any question  
7 and you may terminate your  
8 interview at any time. If you  
9 need a break for any reason,  
10 please let me know.

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

23 At this time, Mr.  
24 Rutledge, do you have anything  
25 that you would like to add on

1           behalf of the Office of  
2           Miners' Health, Safety &  
3           Training?

4                         MR. RUTLEDGE:

5                         Eugene, I have a quick  
6           statement here. That the  
7           Office of Miners' Health,  
8           Safety & Training is  
9           conducting this interview  
10          session jointly with MSHA, and  
11          is in agreement with the  
12          procedures outlined by Mr.  
13          Stoltz for the interviews that  
14          will be conducted today.  
15          However, the Director of the  
16          Office of Miners' Health,  
17          Safety & Training reserves the  
18          right, if necessary, to call  
19          or subpoena witnesses or to  
20          require the production of any  
21          record, document, photograph  
22          or other relevant materials  
23          necessary to conduct this  
24          investigation.

25                         We appreciate you being

1           here. You know, if you have  
2           any questions there are  
3           several people you can  
4           contact. Thank you.

5                     MR. STOLTZ:

6                     Mr. White, are you  
7           aware that you may have a  
8           personal representative  
9           present during the taking of  
10          this statement?

11                    MR. WHITE:

12                    Yes, sir.

13                    MR. STOLTZ:

14                    Do you have a  
15          representative present here  
16          today?

17                    MR. WHITE:

18                    No, sir.

19                    MR. STOLTZ:

20                    Do you have any  
21          questions regarding the manner  
22          in which this interview will  
23          be conducted?

24                    MR. WHITE:

25                    No, sir.

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MR. STOLTZ:

Okay. Will you please swear in Mr. White.

-----  
ERNEST EUGENE WHITE, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

-----  
BY MR. STOLTZ:

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

A. Ernest Eugene White, W-H-I-T-E.

Q. Please state your address and telephone number, please.

A. P.O. Box 41, Dorothy, West Virginia, 25060. Phone number is, area code, (304) 854-0454.

Q. Are you appearing here today voluntarily?

A. Yes, sir.

Q. What is your present position?

A. I'm a district inspector for the State of West Virginia Office of Miners' Health, Safety & Training.

1 Q. How long have you worked in  
2 that position?

3 A. Fifteen (15) years in October  
4 of this year.

5 Q. Who is your immediate  
6 supervisor?

7 A. Harry Linville.

8 Q. Do you work on --- as a mine  
9 --- in the mine rescue effort?

10 A. Yes, sir.

11 Q. Did you work on the day of the  
12 accident?

13 A. Yes, sir.

14 Q. Do you work on West Virginia's  
15 mine rescue team?

16 A. Yes, sir.

17 Q. How many years of experience  
18 do you have on West Virginia's mine  
19 rescue team?

20 A. I think it's right around 13.

21 Q. Thirteen (13) years? What is  
22 your position on the team?

23 A. Whatever they need.

24 Q. Did you work on the day of the  
25 accident?

1 A. Yes, sir.

2 Q. Who notified you of the  
3 accident?

4 A. Bill Tucker, one of the team  
5 members, called me at my home. I'm  
6 thinking it was between 10:00 and  
7 11:00 a.m., and asked me if I heard  
8 about the accident, and I told him  
9 no. About that time I got a beep on  
10 my phone, it was from Jim Hodge, who  
11 kind of works for me some. He was  
12 just notified to come to the mine  
13 site as a representative of the State  
14 Medical Examiner's Office, because he  
15 is a medical examiner.

16 And so at that time, I then  
17 told him I would have to call Mr.  
18 Conaway, Doug Conaway. And I called  
19 Doug on the phone, he was en route to  
20 the mine. That's when he informed me  
21 to proceed to the mine site.

22 Q. About what time did you arrive  
23 at the mine site then?

24 A. Right around 2:00 p.m.

25 Q. Okay. Who was at the mine

1 when you arrived?

2 A. When we arrived at the mines,  
3 me and Bill Tucker kind of followed  
4 each other. The first person that  
5 came to us was Mr. Conaway, Doug  
6 Conaway, the director.

7 Q. And Doug --- did Doug brief  
8 you, or ---?

9 A. He told us a little bit about  
10 what was going on, and then at that  
11 time, Mike Rutledge, our trainer, was  
12 in the process of setting up the  
13 truck, and we then proceeded to help  
14 set the truck up and get ready to ---  
15 get our apparatuses ready, and to get  
16 ready as a team.

17 Q. Okay. I guess, starting about  
18 at that time then, would you, I  
19 guess, please just in your own words  
20 go over what events --- what you did  
21 that day?

22 A. Okay. On the first day, like  
23 I said, we arrived at the mine site  
24 around 2:00 p.m. We got the truck  
25 ready, got everything set up in our



1 mine rescue truck. There was a lot  
2 of activity going on and teams  
3 arriving, team members arriving.

4 We stayed at the mine site up  
5 until, I'm thinking it was around ---  
6 I'm not for sure on the first day  
7 when we went in. I'm thinking it was  
8 right around 11:00. Yeah, around  
9 11:00 p.m. I traveled in with one of  
10 the Consol teams. I was at the ---  
11 the backup team that was Blacksburg  
12 (sic) Number Two, I think it was.  
13 And I was a backup team with them.

14 We were in the mine, I think  
15 around --- I know there's a little  
16 shop --- I'm not familiar with the  
17 mines that much, there was a little  
18 underground shop. I know we was in  
19 that area, I'm thinking it was on  
20 Number Four or Five belt, I'm not for  
21 sure, in the mainline track. We was  
22 there, we was moving --- I don't know  
23 the team that was advancing, but we  
24 was like a backup team advancing like  
25 1,000 foot at a time. We proceeded

1       advancing, was moving pretty quick,  
2       and I think around --- I'm not sure  
3       what break it was, the team advancing  
4       ran into an intake stopping that had  
5       been damaged, and they also run into  
6       some CO on the track. And they also  
7       had noticed some kind of a light they  
8       thought was a cap light in the belt  
9       entry. They were given permission to  
10      go up and check that light, or check  
11      that out. And they come to find out  
12      it was their CO backup system that  
13      kicked in.

14                Shortly after that we were  
15      told to exit the mines. We was  
16      commanded through the command center  
17      to leave the mines immediately. Once  
18      we got on the surface, we didn't know  
19      for sure what --- why they had us  
20      come out. I think a lot of it was to  
21      do with the backup light on the CO  
22      system. And at that time, there was  
23      a lot of discussion in the command  
24      center about --- they was in  
25      preparations of drilling the borehole

1 through at the section tailpiece on  
2 Two Left section. I think it was Two  
3 Left section. They were in the  
4 process of getting that close to  
5 drilling through, and then there was  
6 also some discussion in the command  
7 center about use of the robot.

8 At that time --- not too long  
9 after that, me and Bill Tucker left  
10 the mine site and went to our room to  
11 get some sleep. And that was on the  
12 first day.

13 Q. Okay. When you come out of  
14 the mine, did you all participate in  
15 the command center activities, or  
16 just kind of eavesdropped?

17 A. I was in and out of the  
18 command center a lot prior to going  
19 underground the first time. And we  
20 did voice some opinions as we came  
21 out. Certain issues or whatever was  
22 going, we was trying to find out what  
23 was going on, but yeah, we was in the  
24 command center a lot, eavesdropping,  
25 listening, whatever --- however you

1 want to call it.

2 Q. Okay. Then you said one you  
3 were out, then you left the mine  
4 property?

5 A. Yes, sir.

6 Q. And went back to the hotel and  
7 got some sleep?

8 A. Yes, sir.

9 Q. I guess, starting with the  
10 second day, would you want to tell us  
11 of your events the next day?

12 A. Okay. I'm trying to think.  
13 We slept very little that night. I  
14 mean, it's hard to sleep when you ---  
15 you know, you got people unaccounted  
16 for and you're trying --- I think we  
17 arrived --- once we got up and went  
18 and ate a bite, I think we arrived  
19 back at the mine, it would be on  
20 January 3rd, I think it is. I think  
21 we got back at the mine close to 2:00  
22 p.m. And we, I think at some point  
23 off and on during that afternoon we  
24 were like backups for some other  
25 teams, plus we was in and out of our

1 truck.

2           And then I'm thinking it was  
3 right around --- I'm not sure on the  
4 time, but it was sometime in the late  
5 afternoon, like seven or eight  
6 o'clock. They were making  
7 preparations --- I think they had  
8 found one of the victims, and they  
9 were making preparations for me to go  
10 with the Viper team to retrieve the  
11 victim and bring him to the surface.  
12 And shortly before this was done, we  
13 had already gathered up the equipment  
14 that we thought we would need to take  
15 with us. We were getting ready to do  
16 that, and at some point the team that  
17 was in the mine exploring had found,  
18 I think the mantrip --- they done  
19 explored the seal area, and I think  
20 they had found the mantrip.

21           And the orders were changed  
22 that we was going to make a push to  
23 go to the face area of the Two Left  
24 section. So me traveling with the  
25 Viper team to retrieve the victim

1 was, you know, stopped. I was then  
2 to travel with --- I was going to go  
3 in with the --- I'm not sure what  
4 team it was. There was a couple  
5 teams underground. We went in, me  
6 and Bill Tucker was one of the teams.  
7 I'm not sure what team it was, but I  
8 ended up at the fresh air base with  
9 the Tri-State team, I think is what  
10 they're called. It's association  
11 team. Mr. Tucker, Bill Tucker  
12 traveled with the other team to do  
13 that final push from --- it's  
14 somewhere around the mouth of Two  
15 Left section. They was going to make  
16 that final push --- well, we was  
17 directly in front of the sealed area,  
18 I know that, not too far from it.

19 Bill Tucker and them was going  
20 to make that final push, and they got  
21 ready to take out, and we realized  
22 that we didn't have enough people in  
23 the fresh air base to cover the whole  
24 team that they were sending, so we  
25 stopped, and they had to leave one of

1 the guys with us. They took out, we  
2 sat around the fresh air base for a  
3 while, and at --- I don't know what  
4 time it was, but the call came over  
5 the radio, because we're there  
6 together as a group, that they ---  
7 the words that I heard, and I think  
8 most of the team members heard was,  
9 we found them alive. As soon as we  
10 heard that, and I'm talking about  
11 people at the fresh air base, we  
12 started jumping up and down screaming  
13 and laughing, and you know, we were  
14 excited.

15           Shortly thereafter, and I mean  
16 within a couple of minutes, the call  
17 came over that we need help now. So  
18 we immediately donned our apparatuses  
19 and I think later we started looking  
20 at the map, it was probably a half a  
21 mile. We done a fast walk, if not  
22 run under apparatus from the fresh  
23 air base to the Number Three face of  
24 the Two Left section. And we  
25 traveled up the track entry, like I

1 say, at a fast --- a fast, fast walk.

2 We went by the mantrip, and we  
3 did stop just for a second to --- we  
4 seen a rescuer or a SCSR rescuer, and  
5 we're running up there thinking that  
6 we're going up to bring out live  
7 people, that there's some injured  
8 persons, and we're going to get them  
9 and bring them out. And as we're  
10 going --- running up through there,  
11 we're looking for things that we  
12 think we may be able to use to help  
13 us to bring those folks out.

14 And we get up to the section,  
15 and I put the --- I told the captain  
16 of the Tri-State team to be in the  
17 lead. We tried to do it somewhat  
18 like a mine rescue team. I just  
19 didn't want all of us to take off  
20 running. We tried to do it in some  
21 kind of order, and I told him --- I  
22 said, to him whoever the captain is,  
23 you get in the lead and you lead us.  
24 Go straight up the track and then  
25 we'll go to the last open break and



1 cut across, because we already knew  
2 they was somewhere at Number Three  
3 entry in the last open break.

4 As we're running up through  
5 there, again, we're scanning the  
6 crosscuts, just looking along ---  
7 just looking to see if we see  
8 something we need like stretchers.  
9 We get up to the curtain, and I can  
10 remember pulling the curtain back,  
11 and then that's when I realize that  
12 it's not what we thought. I just  
13 remember that. If you want me to go  
14 on through what I seen, I can tell  
15 you.

16 Q. Well, I guess once you reached  
17 that point, could you tell us, you  
18 know, did you jump in at the time,  
19 was the team members assessing the  
20 various ---?

21 A. I don't know what order it was  
22 when I went through the curtain, but  
23 I remember opening the curtain up,  
24 and actually there were detectors  
25 going off, there was people --- you

1        could hear people talking loud. I  
2        could hear Mr. McCloy breathing, that  
3        loud breath. I think I may have  
4        stood there for a second or two, I  
5        don't know. But I remember as soon  
6        as I looked in, I started looking to  
7        my left, and I can see the victims,  
8        and then I scanned on around, and I  
9        could see the rest of the victims,  
10       and then I automatically --- I  
11       started going to them. Some of them  
12       I physically touched, some of them I  
13       did not, because it appeared to me  
14       --- it was obvious from what I was  
15       seeing that they were deceased.

16                There was, I think three guys  
17       preparing Mr. McCloy on a stretcher.  
18       I could see that they were doing  
19       that. So we were --- and I don't  
20       know who all did it, but I know I  
21       did. I went to at least four or five  
22       of them trying to holler at them,  
23       tell them to wake up. I even put my  
24       hands on them, shaking them. Some of  
25       them I did not do that way. I

1 remember that they took time to place  
2 curtain on the mine floor for them to  
3 sit on, that they had fixed  
4 themselves --- what we coal miners a  
5 bed to sit on. You know, coal miners  
6 just don't sit on the mine floor,  
7 they always lay something out. And  
8 that's one of the things that stuck  
9 out in my mind is, they had done  
10 that.

11 The victims that --- like I  
12 said, some of them I did physically  
13 --- I didn't do an assessment as far  
14 as for a pulse. What I done was I  
15 touched them and I shook them, trying  
16 to get some kind of a response, and I  
17 didn't get any.

18 Q. You mentioned that you seen  
19 --- you remember seeing three people  
20 preparing McCloy?

21 A. Yes, sir.

22 Q. Did other people then assist  
23 with that, you know, --- can you  
24 recall?

25 A. I can't remember who done

1        what.    I just --- I know what I done.  
2        You know, I've had people ask me what  
3        was in the --- I can't remember what  
4        was in the barricade, or even behind  
5        the curtain.    I don't know what the  
6        other guys done.    I'm sure they did,  
7        I think we all did.    I'm pretty sure  
8        we did.    I'm thinking there was  
9        probably somebody that went behind me  
10       and done the same thing I just done.

11                You know, I talked to Bill  
12        Tucker.    One of the ways I've dealt  
13        with this was to talk about it.    And  
14        I remember talking to Bill, and he  
15        said --- and Bill's a good friend of  
16        mine, and Bill said, well, don't you  
17        remember me telling you --- because  
18        he said I was over one of the  
19        victims, I was just standing there  
20        hollering for them to get up.    But  
21        I'm sure we all did.

22                And once they got Mr. McCloy  
23        ready to exit the mine, we stopped  
24        and we done a fast, fast walk from  
25        the curtained area back to the end of

1 the track, and I think that's  
2 probably at stopping --- it's in the  
3 40s. Once we got him to that area  
4 where the atmosphere was safe enough,  
5 we took the rescuer off of him, and  
6 put a BG-4 positive pressure  
7 apparatus on him, and then proceeded  
8 to the mantrip with him. That's the  
9 only time we stopped with Mr. McCloy  
10 once we left the face. And it's the  
11 hardest I've been in my life, was  
12 that trip from that barricade area  
13 back to the end of the track. I  
14 honestly thought I was going to have  
15 a heart attack.

16 I don't know --- but anyway,  
17 once we got him loaded on the  
18 mantrip, I don't know how I ended up  
19 in the mantrip, but I did. And I  
20 don't know why I was on it, but I  
21 did. I ended up in the backend of  
22 the mantrip, and I remember one of  
23 the other --- some other mine rescue  
24 team member --- I can remember saying  
25 something about him being a paramedic

1 or an EMT or something. I know that  
2 Jeff Bennett, one of my co-workers  
3 was in the front with Mr. McCloy, and  
4 another mine rescue team member, who  
5 was a --- I know he was an EMT or  
6 paramedic, I don't know which. And I  
7 can remember the one gentleman in the  
8 back, and I still to this day don't  
9 know who he was, but I can remember a  
10 couple times him looking at me, sir,  
11 are you okay? Because I guess I ---  
12 actually, I don't know how I ended up  
13 in the manbus, but once we started  
14 out and we're on our way out with  
15 him, and --- we're getting close to  
16 the surface, and then run into a  
17 motor coming in with a supply car,  
18 and there's all kinds of people on  
19 it.

20 Well, they're blocking us from  
21 getting to the outside, and it just  
22 so happened we kind of met at a  
23 switching spot. Well, we had to  
24 switch the manbus out, because their  
25 motor supply car wouldn't clear. And

1 we were kind of upset with them,  
2 because they're in our way, we got an  
3 injured person, we need to get him to  
4 outside. There was a lot of  
5 hollering, and ---. Finally, we get  
6 it switched out, and as they're going  
7 by, I don't know if it was me or  
8 somebody, hollered and said, you  
9 know, is there a doctor on there,  
10 we've got an injured person. And one  
11 guy got off the motor, I don't know  
12 who he was. And he came over, and  
13 we're still in the switch, and he  
14 came over and said, you know, I'm a  
15 doctor, and --- we said, well, we got  
16 an injured person here, we need to  
17 get him outside. And he came around  
18 on the back side of where there  
19 wasn't --- where he couldn't enter  
20 into the trip, and he kind of leans  
21 up on the trip and he's just talking  
22 to us.

23 And I don't know, we stayed  
24 there a minute or two. This doctor  
25 never did reach inside the mantrip

1 and make contact with Mr. McCloy. We  
2 get him on outside. We take --- we  
3 took --- we go on out, and we're not  
4 too far from the doors, so what I do,  
5 instead of getting back in the  
6 mantrip, I just --- maybe we are ---  
7 now wait a minute. I get back in the  
8 trip and we get up there to where the  
9 airlock doors are, and we thought,  
10 well, surely they're going to have  
11 the doors open for us, they know  
12 we're coming, they'll be waiting on  
13 us. Well, they didn't. So I jump  
14 out of the mantrip, I run ahead of  
15 the mantrip, because we don't want to  
16 stop with him, and I swing the doors  
17 open, and the guy that was in the  
18 back with me, falls in behind the  
19 trip, and he closes them so we could  
20 keep moving.

21 And once we get through the  
22 doors, then I ride on top with the  
23 operator of the ride. We get to the  
24 surface --- and I'm probably  
25 exaggerating. It looked like a



1 hundred people standing around, but  
2 all --- I remember all these people  
3 standing around and this line of  
4 ambulances. When we pull out there,  
5 nobody makes a move to come toward  
6 us. And so I jump off the trip and I  
7 say, hey, we've got an injured miner  
8 here. We need help. Then they came  
9 over, and they help us get him into  
10 an ambulance. And then they leave,  
11 and ---. I don't know where I went  
12 for a little while. I don't know  
13 what I did. But later on I ended up  
14 back in my Jeep, the State vehicle.  
15 I don't know how many cigarettes I  
16 smoked, I smoked several, and then I  
17 ended up in our mine rescue truck  
18 with Mike and the other team members.  
19 That's where we ended up at.

20 Q. Okay. I guess I got a few  
21 follow-up questions to just go over  
22 with you then, you know, for  
23 clarification. When you said you  
24 were in the fresh air base, and you  
25 heard from the --- I guess the hard

1 line, the statement come out from the  
2 hard line that they had --- they were  
3 all alive, or how did you put that?

4 A. No, it came through --- that  
5 statement came from the --- somebody  
6 inby in the exploration. It was  
7 being relayed through different  
8 folks. No, it didn't come over the  
9 hard line.

10 Q. Okay. And I guess the hard  
11 line I'm thinking of would be the  
12 mine rescue line that my  
13 understanding was laid from the fresh  
14 air base to the Two Left track, a  
15 couple breaks inby?

16 A. No, it wasn't that. It was a  
17 radio.

18 Q. It was a radio?

19 A. Yes.

20 Q. Okay. And what was the  
21 statement you all heard there?

22 A. I heard --- this is what I  
23 heard, is we found them alive.  
24 That's what I heard.

25 Q. Okay.

1 A. That's what the guy relayed.

2 That's what he said.

3 Q. Okay.

4 A. He relayed it to the other guy  
5 who was calling --- going to make the  
6 call outside.

7 Q. Okay.

8 A. And we're all excited. I  
9 mean, it's a good thing. And then,  
10 like I said, within a matter of a  
11 minute or two minutes, the excitement  
12 goes in, let's hurry up, we need  
13 help.

14 Q. Okay. Then you all  
15 immediately --- did you all request  
16 then to go assist them from the  
17 command center?

18 A. I don't think we did. We know  
19 what we need to do, and we done it.

20 Q. Okay.

21 A. We donned our apparatuses in  
22 the fresh air base, and we --- like I  
23 said, took a fast walk if not run all  
24 the way to the face.

25 Q. Okay. I guess coming ---

1 coming out of the --- your way back,  
2 you came back to the Two Left switch  
3 again, and that's where you said you  
4 were ready to have the big one, you  
5 thought, if I remember correctly.

6 A. No, I was all the way down to  
7 break 43, where we had the mantrip  
8 parked. We didn't take our  
9 apparatuses off until we got ---

10 Q. To break 43.

11 A. --- when we knew we was in  
12 fresh air.

13 Q. Okay. At any time between  
14 there, did you all stop with ---?

15 A. No, sir.

16 Q. When did Mr. McCloy get an  
17 apparatus on him at any time, a BG-4  
18 or anything?

19 A. En route?

20 Q. Yes.

21 A. Not until we got him to fresh  
22 air.

23 Q. And where was that then?

24 A. If I'm --- I think we done it,  
25 it was out of the --- it would be

1 down --- they had had a curtain  
2 across break --- I think it's break  
3 43. And then right on the other  
4 side, that's where we broke the  
5 rails. I forgot to tell you about  
6 that. When we first went in that  
7 night, the second night, we had to  
8 stop and break the rails and unload  
9 supplies.

10 There's mantrips there, and I  
11 think that is where we stopped, you  
12 know. I may be wrong, but I thought  
13 that's where we stopped at with him.

14 Q. Okay.

15 A. But no, we never did, as I  
16 remember, because trust me, I thought  
17 we was going --- I was afraid we was  
18 going to drop him, that's how tired I  
19 was. And all the other guys were.

20 Q. I imagine.

21 A. It took six to carry, one to  
22 hold the rescuer off of him. We  
23 didn't want it laying on him. And  
24 plus the --- and I think the captain  
25 of the Consol team is the one that

1       kept the mouthpiece in his mouth,  
2       because it kept falling out to where  
3       he had stiffened up a little bit, he  
4       wasn't getting --- so you had to kind  
5       of hold it in there. But I don't  
6       remember stopping him at all until we  
7       got down to where we put a BG-4 on  
8       him. And I'm quite sure. I think  
9       that was in fresh air. I would  
10       almost imagine it was. I don't think  
11       we'd stop anywhere else and put it on  
12       him.

13       Q.       Okay. And if I recall then,  
14       once you all got Mr. McCloy in the  
15       mantrip, you said you ended up in the  
16       back of the mantrip, and he was in  
17       the front?

18       A.       Yes, sir.

19       Q.       And you proceeded out, and you  
20       went to the track and had to make a  
21       switch out, or had to switch?

22       A.       Yes, sir.

23       Q.       And then you got out of the  
24       trip, did I hear you correctly,  
25       after ---?

1 A. When we switched out?

2 Q. Yes.

3 A. Yes, sir. I got out and  
4 hollered if there was --- was there a  
5 doctor on that motor. They was ---  
6 they had like a track motor, battery  
7 motor with a supply cart pushing in  
8 the mines, and there was all kinds of  
9 individuals on that. I didn't know  
10 what they were doing. We didn't make  
11 any statement to them while they were  
12 all rushing in the mines. I didn't  
13 know that they didn't know that the  
14 others were deceased. We didn't say  
15 nothing to them about that, we just  
16 told them we have one, and we needed  
17 assistance, if there was a doctor  
18 there.

19 And that's when --- like I  
20 said, the one gentleman came over. I  
21 don't know that he could even see him  
22 the way Mr. McCloy was laying in the  
23 front end of the mantrip with the one  
24 individual on the front of him, and  
25 then Jeff Bennett, one of our team

1 members from the state was kind of  
2 leaned over and pulled an apparatus  
3 off of him so it wouldn't lay on him.  
4 I don't know if this doctor even  
5 could actually see. I don't know.  
6 But I know he did not --- he did not  
7 reach inside that trip and do any  
8 type of hands-on treatment to Mr.  
9 McCloy.

10 Q. I guess when you got out of  
11 the trip and then proceeded alongside  
12 the trip, then went to the front end  
13 of it, and asked about the doctor,  
14 was there any doctors there?

15 A. At the switch?

16 Q. Yes.

17 A. Yeah, there's one individual  
18 that got off the motor and came over  
19 and said he was a doctor. And he  
20 didn't come around to the side where  
21 you enter into the end of the ride,  
22 he came around to the off side where  
23 there's no way you can get in.  
24 There's a little opening that he  
25 could possibly see in. I don't know



1 if he could see or not. And then we  
2 wasn't there but a minute or two and  
3 we left, because we told them, we  
4 need to get him outside. And that's  
5 when we proceeded on out. We got to  
6 the airlock doors, I got back out of  
7 the ride, I opened them and then kept  
8 the ride moving. I never did stop  
9 with him until we got to the surface.

10 MR. STOLTZ:

11 Mike, do you got some  
12 questions?

13 BY MR. RUTLEDGE:

14 Q. Eugene, you said on the way  
15 into --- after they called for help  
16 and you were on your way to the face  
17 of Two Left, and you come up on the  
18 mantrip that was sitting up on Two  
19 Left and that you noticed some  
20 rescuers on there.

21 A. One.

22 Q. Okay.

23 A. We actually picked it up and  
24 took it with us.

25 Q. Okay. That was my question.

1 Did you pick that up ---

2 A. Yes, sir.

3 Q. --- and take that with you? I  
4 realize this may sound a little odd,  
5 but in carrying Mr. McCloy out, did  
6 you notice what kind of boots he had  
7 on?

8 A. No. I'm going to tell you,  
9 the only thing --- carrying Mr.  
10 McCloy out, I was on the right-hand  
11 side in the back, close to his head.  
12 And what I was doing, and we all were  
13 doing it, we were talking to him all  
14 the way out. Hang in there, we're  
15 going to get you out. And I put  
16 myself, my eyes on his hand, and I  
17 noticed he had a wedding band on, and  
18 I'm thinking about this young man.  
19 And I watch his hand all the way out  
20 to see if he moved any, and that's  
21 what I did. I was watching to see if  
22 I could see any movements. But I did  
23 notice his wedding band on his hand.  
24 He never did move his hand that I  
25 could see.

1                   And at one point when --- and  
2 we did switch out some, as far as  
3 we'd scream out, I can't --- you  
4 know, I need help, I need somebody to  
5 take my place, and we kept doing  
6 that. I ended up on the backend on  
7 the left-hand side, because I'm left-  
8 handed, it's easier for me to carry  
9 with my left hand. At some point I  
10 ended up on the left-hand side in the  
11 back of his head. I never did notice  
12 anything about his face.

13 Q.           So he was being carried out  
14 feet first?

15 A.           No. Yeah. Yeah, he was.

16 Q.           Okay. Because you said ---

17 A.           Yes, sir, he was.

18 Q.           --- back of his head.

19 A.           His feet was in the front. I  
20 was at his head, because I was --- as  
21 a matter of fact, the captain of the  
22 Consol team was in between. He never  
23 did change his position, because  
24 basically what he was doing was just  
25 holding the mouthpiece in and the

1 rescuers. He wasn't having the load  
2 that we were carrying. Yeah, his  
3 head was --- I was at the back of his  
4 head. He was going out feet first.

5 Q. And you couldn't say if he had  
6 on ---

7 A. I can't ---.

8 Q. --- rubber boots, leather  
9 boots or any boots?

10 A. No. I can't tell you --- no,  
11 I can't. I don't even know --- I  
12 don't think they had a blanket on  
13 him, but I could remember his hands  
14 as plain as day and his wedding band  
15 on his left hand.

16 Q. You don't know what happened  
17 to that self-rescuer that you picked  
18 up on the way in, do you?

19 A. I have no idea. It was took  
20 to the curtain. What happened then  
21 there, I don't know.

22 MR. RUTLEDGE:

23 That's all I have.

24 BY MR. STOLTZ:

25 Q. Well, I'm going to diverge and

1 just ask you a couple other quick  
2 questions, maybe only one. Did you  
3 happen to, at any time, ever inspect  
4 the old seals at the Two --- in the  
5 Sago Mine? When I say old seals, I'm  
6 referring to the old Second Left  
7 seals, the seals that blew out, prior  
8 to the accident.

9 A. January 6th --- January the  
10 2nd, 2006 was the first time I had  
11 ever been in that mine.

12 Q. Okay. That's out of your  
13 district, I guess.

14 A. It's out of my area, yes, sir.

15 MR. RUTLEDGE:

16 Okay.

17 BY MR. WILSON:

18 Q. Just one question. When you  
19 were at the fresh air base and you  
20 heard that communication come across,  
21 we found them alive, you don't know  
22 the individual who made that  
23 statement to him?

24 A. I have no idea.

25 MR. STOLTZ:

1                   Okay. Do you have any  
2 additional --- or anything  
3 else that you'd like to say  
4 that might be relevant to this  
5 investigation?

6 A.               No, I think I've ---.

7                   MR. STOLTZ:

8                   Okay. On behalf of  
9 MSHA, I want to thank you for  
10 appearing and answering  
11 questions today. Your  
12 cooperation is very important  
13 to the investigation as we  
14 work to determine the cause of  
15 the accident.

16                  We ask that you not  
17 discuss your testimony with  
18 any person who may have  
19 already been interviewed or  
20 who may be interviewed in the  
21 near future. This will ensure  
22 that we obtain everyone's  
23 independent recollection of  
24 events surrounding the  
25 accident. After questioning

1 other witnesses we may call  
2 you if we have any follow-up  
3 questions that we feel that we  
4 may need to be --- to ask you.

5 If at any time you have  
6 any --- have additional  
7 information regarding the  
8 accident that you would like  
9 to provide to us, please  
10 contact us at the contact  
11 information that will be  
12 provided to you.

13 Again, I want to thank  
14 you for your cooperation in  
15 this matter.

16 \* \* \* \* \*

17 SWORN STATEMENT CONCLUDED

18 AT 3:37 P.M.

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