

01 EXAMINATION UNDER OATH
02 OF
03 MINNESS C. JUSTICE, JR.

04

05

06 Taken pursuant to Notice by Autumn D.

07 Furby-Pritt, a Court Reporter and

08 Notary Public in and for the State of

09 West Virginia, at Department of

10 Environmental Protection, 1101 George

11 Kostas Drive, Logan, West Virginia,

12 on Thursday, March 30, 2006, at

13 3:40 p.m.

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25 by the certifying agency.

01 A P P E A R A N C E S

02
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04 Special Investigations/Staff
05 Assistant
06 U.S. Department of Labor
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08 Coal Mine Safety and Health
09 District 6
10 100 Fae Ramsey Lane
11 Pikeville, KY 41501
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13 WILLIAM TUCKER
14 Assistant Inspector at Large
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16 Health, Safety & Training
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19
20 DANIEL M. BARISH, ESQUIRE
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3

01 A P P E A R A N C E S (cont.)
02
03 KENNETH A. MURRAY
04 District Manager

05 U.S. Department of Labor
06 Mine Safety and Health Administration
07 Coal Mine Safety and Health
08 District 6
09 100 Fae Ramsey Lane
10 Pikeville, KY 41501

11

12 ALSO PRESENT:

13 DENNIS A. BEITER

14 ANTHONY L. BURKE

15 CHARLES W. POGUE

16 JEFF WAGGETT

17 DERRICK TJERNLUND

18 C.A. PHILLIPS

19 EUGENE WHITE

20 STEVE COX

21 BETH SPENCE

22

23

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01 I N D E X

02

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01 P R O C E E D I N G S

02 -----

03 MR. WEBB:

04 Hello, Minness. My
05 name is Arlie Anthony Webb.
06 And I represent the Mine
07 Safety and Health
08 Administration, which is, as
09 you know, an agency of the
10 U.S. Department of Labor. I'm
11 a member of the MSHA accident

12 investigation team that's
13 charged with investigating the
14 accident that occurred at
15 Aracoma Coal Company,
16 Incorporated, Aracoma Alma
17 Mine Number One on January
18 19th, 2006.

19 This is a joint
20 investigation that MSHA's
21 conducting with the State of
22 West Virginia. I will be
23 asking the questions for MSHA
24 during the interview. With me
25 here today is Mr. Bill Tucker

7

01 with the West Virginia Office
02 of Miners' Health, Safety &
03 Training. He'll be asking the
04 questions for the State. Also
05 with us here today are other
06 members of MSHA's team and the
07 State's team.

08 MSHA's team includes
09 various subject matter experts
10 from throughout the United
11 States. At this time I'd like
12 to ask each member of MSHA's
13 team to identify themselves
14 for the record.

15 ATTORNEY BARISH:
16 Hello, Minness. My
17 name is Dan Barish. I'm an
18 attorney in the Arlington
19 Regional Solicitor's Office,
20 and I represent MSHA.

21 MR. BEITER:
22 I'm Denny Beiter. I
23 work for MSHA Tech Support in
24 Tridelfhia, West Virginia.

25 MR. BURKE:

8

01 Tony Burke, MSHA,
02 Whitesburg, Kentucky.

03 MR. POGUE:
04 Charlie Pogue with MSHA
05 in Hunker, Pennsylvania.

06 MR. MURRAY:
07 Kenny Murray, MSHA,
08 Pikeville, Kentucky.

09 MR. WAGGETT:
10 Jeff Waggett, MSHA,
11 Hunker, Pennsylvania.

12 MR. TJERNLUND:
13 Derrick Tjernlund,
14 MSHA, Tech Support in
15 Tridelfhia.

16 MR. WEBB:

17 Again, my name is
18 Anthony Webb, and I'm assigned
19 to the office in Pikeville,
20 Kentucky.

21 At this time, I would
22 like to ask Mr. Tucker to give
23 the State's opening statement
24 and identify the members of
25 the State's team.

9

01 MR. TUCKER:

02 I just need to read
03 this statement for the record.
04 The West Virginia Office of
05 Miners' Health, Safety &
06 Training is conducting this
07 interview session jointly with
08 MSHA. We're in agreement with
09 the procedures outlined by Mr.
10 Webb.

11 However, let me make it
12 clear that the Director
13 reserves the right, if
14 necessary, to call or subpoena
15 witnesses or require the
16 production of any record,
17 document, photograph or other
18 relevant materials necessary
19 to conduct this investigation.

20 Again, my name is Bill
21 Tucker. I'm with Miners'
22 Health, Safety & Training. I
23 work out of the Oak Hill
24 office.

25 MR. PHILLIPS:

10

01 Good afternoon,
02 Minness. My name is C.A.
03 Phillips. I'm the Deputy
04 Director with the Office of
05 Miners' Health, Safety &
06 Training in Charleston, West
07 Virginia.

08 MR. WHITE:

09 Eugene White, District
10 Inspector, Region Three,
11 Danville.

12 MR. COX:

13 Steve Cox, Region
14 Three, Danville.

15 MS. SPENCE:

16 Beth Spence, with the
17 Governor's Office.

18 MR. WEBB:

19 Thank you. This
20 investigation is being
21 conducted by MSHA and the

22 State of West Virginia to
23 gather information to
24 determine the cause of the
25 January 19th, 2006 accident at

11

01 Aracoma Alma Mine Number One,
02 and to help prevent this from
03 happening again in the future.
04 These interviews are an
05 important part of our
06 investigation.

07 After the investigation
08 is completed, MSHA will issue
09 a written report, detailing
10 the nature and causes of the
11 accident. Accident reports
12 are made available to the
13 public in the hope that a
14 greater awareness about the
15 causes of the accident will
16 reduce their occurrence in the
17 future.

18 Information obtained
19 through witness interviews is
20 frequently included in these
21 reports.

22 I want to thank you in
23 advance for your appearance
24 here today. We appreciate

25 your assistance in this

12

01 investigation. It's the
02 willingness of miners, mine
03 operators, and all agencies to
04 work with us that's critical
05 in our success of making the
06 nation's mines safer.

07 This interview with
08 Minness Justice is being
09 conducted under Section 103(a)
10 of the Federal Mine Safety &
11 Health Act of 1977, as a part
12 of an investigation by the
13 Mine Safety and Health
14 Administration into the
15 conditions, events and
16 circumstances surrounding the
17 fatalities that occurred at
18 the Aracoma Alma Mine Number
19 One located at Route 17 North,
20 Bandmill Hollow Road,
21 Stollings, West Virginia,
22 25646.

23 This interview is being
24 conducted at the State of West
25 Virginia's Department of

13

01 Environmental Protection
02 Office in Logan, West
03 Virginia. Today's date is
04 Thursday, March 30th, 2006,
05 and the time is approximately
06 3:45 p.m., Eastern Standard
07 Time.

08 Mr. Justice --- may I
09 call you Minness?

10 MR. JUSTICE:

11 Yes, you can.

12 MR. WEBB:

13 Thank you. Minness,
14 the interview will begin by
15 asking you a series of
16 questions. Please feel free
17 at any time to clarify any
18 statements that you make in
19 response to the questions.
20 After we finish asking the
21 questions, you'll also have an
22 opportunity to clarify any of
23 your answers.

24 You are permitted to
25 have a representative with you

01 during the interview, and you
02 may consult with your
03 representative at any time.

04 You may designate any person
05 to be your representative.

06 Following the questions
07 by MSHA and the State, your
08 representative, should you
09 decide to have one, would be
10 given the opportunity to ask
11 questions for clarification
12 purposes. Minness, your
13 statement is completely
14 voluntary. You may refuse to
15 answer any question and you
16 may end your interview at any
17 time.

18 If you do not
19 understand a question, please
20 let me know and I'll rephrase
21 it. If you need a break at
22 any time for any reason, just
23 let us know.

24 You may request the
25 opportunity to make a

15

01 confidential statement which
02 we will withhold from the
03 public to the extent allowed
04 by law. Should you desire to
05 give a confidential statement,

06 you should let me know before
07 we begin your interview so
08 that we can properly consider
09 your request. Do you wish to
10 have a confidential interview?

11 MR. JUSTICE:

12 No, that's not
13 necessary.

14 MR. WEBB:

15 Thank you. We have a
16 court reporter with us here
17 today and she will be
18 producing a written transcript
19 of this interview. I'd like
20 to ask that you state all your
21 answers verbally, as the court
22 reporter can't record gestures
23 like nodding or shaking your
24 head. I'd also like to ask
25 that you speak loudly so that

16

01 the court reporter can
02 accurately record your
03 responses and that the other
04 team members can hear you.

05 Neither the transcript
06 of the interview nor the
07 content of the interview will
08 be released to the public or

09 the media until MSHA's final
10 accident investigation report
11 is issued, or until required
12 by court order or until a
13 public hearing is held.

14 If any part of your
15 statement is based not on your
16 own firsthand knowledge but on
17 information you may have
18 learned from someone else,
19 please let us know that.

20 Please answer each question as
21 fully as you can, including
22 any information that you may
23 have learned from someone
24 else.

25 Now, Minness, I might

17

01 not ask the right question, so
02 don't feel limited by the
03 precise nature of the question
04 that I ask. Please let us
05 know what you know so we can
06 get that on the record.

07 Do you have any
08 questions about the manner in
09 which this interview will be
10 conducted?

11 MR. JUSTICE:

12 No.

13 MR. WEBB:

14 Okay. Thank you. At
15 this time, I'd like to ask the
16 court reporter to administer
17 the oath.

18 -----

19 MINNESS C. JUSTICE, JR., HAVING FIRST
20 BEEN DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 -----

23 BY MR. WEBB:

24 Q. Minness, would you please
25 state your full name for the record?

18

01 A. Minness C. Justice, Jr.

02 Q. And would you spell your first
03 and last name for us?

04 A. M-I-N-N-E-S-S J-U-S-T-I-C-E.

05 Q. What's your home address?

06 A. [REDACTED]

[REDACTED]

11 Q. Are you appearing voluntarily
12 at this interview?

13 A. Yes, I am.

14 Q. Has anyone made any promises
15 to you for giving your statement, or
16 offered you any rewards in exchange
17 for giving your statement?

18 A. No.

19 Q. Has anyone threatened you or
20 warned you not to provide a
21 statement?

22 A. No.

23 Q. Do you understand that you may
24 refuse to answer any question and
25 that you may terminate your interview

19

01 at any time?

02 A. Yes, I do.

03 Q. Do you have a representative
04 with you?

05 A. No.

06 Q. Do you wish to have a
07 representative?

08 A. No.

09 Q. So you wish to continue
10 without a representative?

11 A. Yes.

12 Q. Thank you. Minness, are you
13 currently employed by MSHA?

14 A. Yes.

15 Q. What's your duty office or

16 station?

17 A. Logan.

18 Q. Is that Logan, West Virginia?

19 A. West Virginia.

20 Q. Is that the office you were

21 assigned to at the time of the

22 accident?

23 A. Yes.

24 Q. And how long have you worked

25 at that location?

20

01 A. Since '94, roughly around '94.

02 Q. Have you worked in any other

03 MSHA districts or offices?

04 A. Yes. I worked out of District

05 Six, out of the Pikesville field

06 office.

07 Q. And how long total have you

08 worked for MSHA?

09 A. Since 1992.

10 Q. And what's your current job

11 title?

12 A. Electrical specialist/CMI.

13 Q. How long have you held that

14 position?

15 A. Electrical specialist for four

16 years.

17 Q. Who's your immediate

18 supervisor?

19 A. Jake Blevins.

20 Q. Was he your supervisor on the
21 day of the accident?

22 A. Yes.

23 Q. And how many total years of
24 mining experience do you have?

25 A. Thirty-two (32).

21

01 Q. Do you have any state
02 certifications, such as fire boss,
03 mine foreman, or so forth?

04 A. Yes. Mine foreman papers,
05 belt examiner's. I'm a certified
06 electrician.

07 Q. And how long have you had
08 those?

09 A. Basically, since 1981.

10 Q. What type of mining background
11 would you say you have, like regular
12 production, maintenance, electrical,
13 what?

14 A. A variety of all things. I've
15 been superintendent, chief
16 electricians, equipment operators.

17 Q. And all of that underground?

18 A. Yes.

19 Q. Were you assigned to the
20 Aracoma Alma Mine at the time of the

21 accident?

22 A. Yes.

23 Q. Okay. And how long had you

24 been assigned to it?

25 A. About three months.

22

01 Q. When was the last time you had

02 been to the mine prior to the fire?

03 A. I'm thinking it was the 12th

04 of January. I'm not 100 percent sure

05 on that.

06 Q. Okay. Let's go back now to

07 the day of the accident. Were you

08 working on January the 19th?

09 A. On the 19th, I had had a tooth

10 extracted and I was on sick leave.

11 Q. Okay. Kind of tell us when

12 and how you heard about the accident.

13 A. It was eight o'clock and my

14 phone rang. And Vicki Mullins had

15 called, because she's an inspector in

16 the Logan office. And she was very

17 excited, very concerned. She was

18 telling me that they had a fire at

19 the Aracoma Mine, that she couldn't

20 get ahold of anybody in the Logan

21 office. She couldn't get ahold of a

22 supervisor. She couldn't get ahold

23 of anybody in Mount Hope.

24 She called me and was wanting
25 to know what we're going to do, what

23

01 should we do. This is eight o'clock
02 that night.

03 Q. Okay. And that was about what
04 time when you got that call?

05 A. It was eight o'clock, exactly,
06 when she called.

07 Q. And what did you do when you
08 learned about the accident?

09 A. I asked her if there was
10 anybody that she had gotten ahold of
11 besides myself. She said no. And I
12 said, well, Vicki, you're in Logan.
13 I said, go to the mines and issue a
14 (K) Order, I'll go to the office and
15 get my stuff. I'll meet you there
16 and we'll take it from there.

17 Q. Did you talk to a supervisor
18 or anything?

19 A. No.

20 Q. So you did go to the mine on
21 the 19th?

22 A. I drove to the Logan field
23 office first and I secured my gear,
24 vehicle, and spoke with Curtis Vance,
25 who had been notified by someone, I

01 don't know. And I told him I was
02 going to go directly to the mines.
03 He was going to try to continue the
04 chain of command, calling people.

05 Q. Do you remember about what
06 time you got to the mine?

07 A. At probably --- about 15 'til
08 9:00.

09 Q. Can you describe for us what
10 you saw and what you did upon your
11 arrival at the mine?

12 A. When I arrived at the mine,
13 the State Police was positioned at
14 the entrance to the secondary road
15 going up to the mine site. And when
16 I arrived on the mine site, there was
17 numerous fire trucks, ambulances, all
18 kinds of emergency personnel.

19 I parked my vehicle and took
20 my --- took the computer and gear and
21 went up into the office to locate
22 Vicki. She and I talked about who
23 was coming, did you make
24 arrangements? Did you get the right
25 people contacted? And she said, yes.

01 We set our computer up.

02 We basically discussed what

03 was going on. She informed me of
04 some of the things that were
05 happening. I talked to a few of the
06 mine managers on what was going on.

07 I asked for one of the mine
08 managers to call Jesse Jude, who's an
09 electrical person over the CO
10 systems. And I said, call and ask if
11 he can --- the State Police will let
12 him through the barricades down there
13 and get him up here, I'll need him to
14 go down and check the CO systems with
15 me.

16 Q. How would you describe the
17 activities going on around the mine?

18 Was it ---?

19 A. Chaotic, out of control.

20 Q. Do you know if there were
21 people underground at that time?

22 A. I was told by Vicki there were
23 people underground at that time.

24 Q. What did you learn initially
25 about the ongoing situation at the

26

01 mine? What was going on underground?

02 A. Hearsay. People just said
03 that there were some production
04 foremen and some key people with

05 Massey were trying to locate the
06 people that were missing.

07 Q. Were you given any specific
08 duties or tasks to perform?

09 A. To my knowledge, I was the
10 second MSHA person to arrive on
11 scene. And I just basically assumed
12 some things that needed to be done
13 and took care of those things.

14 Q. And what would that have been,
15 just ---?

16 A. I wanted to get the chief
17 electrician of the CO systems on the
18 site. And I wanted to go to the
19 dispatcher's office and look at the
20 records on the CO systems.

21 Q. How long were you at the mine?

22 A. I arrived about 15 'til 9:00
23 on Thursday, and I didn't leave 'til
24 Saturday, late Saturday.

25 Q. I believe just a couple

27

01 questions ago you were talking about
02 you had spoke to some of the mine
03 managers. Do you remember which
04 managers those were?

05 A. No, I don't recall.

06 Q. When you left, did somebody
07 take over your duties?

08 A. You mean when I left Saturday?
09 Q. Yes.
10 A. I'm assuming they did. I
11 don't know.
12 Q. So when you first arrived, I
13 believe you told me you were the
14 second MSHA person there, so the only
15 other MSHA person that was onsite
16 when you got there would have been
17 Vicki Mullins; is that correct?
18 A. I think that's correct.
19 Q. And what was Vicki doing?
20 A. She had issued a (K) Order.
21 And she was trying to ensure that
22 everyone understood that this is a
23 (K) Order situation, no one was to
24 enter the mine. She was basically
25 trying to take care of business.

01 Q. Had she already issued the (K)
02 Order when you got there?
03 A. Verbally, yes.
04 Q. Okay. Did you go down into
05 the box cut?
06 A. Yes, I did.
07 Q. Do you remember about what
08 time that might have been?
09 A. Jesse Jude arrived around

10 9:20. And he and I went to the box
11 cut --- to the dispatcher's office.

12 Q. Did you go underground?

13 A. No.

14 Q. When you were in the box cut,
15 did you go into the dispatcher's
16 office?

17 A. Yes.

18 Q. Did you take a look at the CO
19 system computer that was in there?

20 A. Yes. I pulled the system up
21 on the computer and pulled the
22 printouts out, and asked for the
23 daily logbook.

24 Q. Would either one of those
25 have been what I would call a

29

01 CO-monitoring system record book?

02 A. Exactly. Yes, it would.

03 Q. That would be the daily
04 logbook?

05 A. Right.

06 Q. Okay. What did you do with
07 that book?

08 A. After I checked the physical
09 record logbook that the individual
10 writes in when they address the COs,
11 I checked that book. I pulled the
12 printer information off, took the

13 last two days out of the printer.
14 And I put that in the record book.
15 And I asked Jesse Jude if I could
16 keep this until I could transfer it
17 to someone else. And he said he
18 didn't see a problem with me holding
19 on to it.

20 Q. Okay. Now, the material you
21 got from Jesse, would that have been
22 the CO record book and some ---

23 A. Printouts.

24 Q. --- pages from the printout?

25 A. Yes.

30

01 Q. And those pages from the
02 printout would have been for ---?

03 A. I went back to the 18th. I
04 made notes on those records, too, in
05 my notebook.

06 Q. Oh, you did?

07 A. Yes.

08 Q. Okay. Did you have an
09 occasion to notice if there were any
10 entries in that CO logbook for the
11 19th?

12 A. At 9:30 that morning there was
13 a low-level alarm at 9:30 a.m. And
14 at 2:30 there was a high alarm on ---

15 I'd have to look at my notes, but
16 it's the two sensors at the mother
17 drive headgate.

18 Q. Okay. So there was a --- both
19 the low level and the high were both
20 at the ---?

21 A. No. This was on the computer
22 printout. It was not recorded in the
23 logbook.

24 Q. Okay. Was there anything
25 recorded about that in the logbook?

31

01 A. The last entry in the logbook
02 was at 5:36, which was the initial
03 --- the fire.

04 Q. This notebook that you're
05 talking about, was that your
06 inspection notebook or ---?

07 A. My notepad.

08 Q. Okay. And were those notes
09 turned in, or do you still have
10 possession of those?

11 A. Numerous people have asked for
12 them. There's copies of them in the
13 system. I still have the originals,
14 I think.

15 Q. Okay. We'd like to get a copy
16 of those if we could. The printout
17 that you got from Jesse, do you still

18 have that?

19 A. No.

20 Q. What happened to that?

21 A. I carried that logbook around
22 until Friday morning, probably around
23 10 or 11 o'clock Friday morning. And
24 at that point in time, I discussed it
25 with Ray Saunders, a supervisor for

32

01 Mount Hope, and explained to him what
02 the logbook detailed. And he said,
03 well, we need to discuss this with
04 Luther and Jesse. And I said, okay.

05 So within the hour he motions
06 me to come in and we go into a room,
07 and I show the logbook to Jesse and
08 Luther, explain to them what the
09 readings are, what it actually means.

10 And Jesse says, well, we need to keep
11 this. And at that point, I had Phil
12 Stanley, who is the shop steward in
13 the Logan office was in the meeting
14 with me. And Phil was with me when I
15 transferred this information to Jesse
16 Cole.

17 Q. That computer printout, was
18 that on like regular notebook paper
19 or was it ---?

20 A. Printer paper.
21 Q. Was it larger paper or
22 continuous feed with the holes
23 inside?
24 A. No, it was not continuous
25 feed.

33

01 Q. Was it just like regular ---

02 A. Regular ---.

03 Q. --- 8 and a half by 11?

04 A. Right.

05 Q. Did you notice when you got

06 the printout if --- reading across

07 the page, if some of the right-hand

08 margin was cut off, words missing or

09 endings of words?

10 A. I did not notice that, and I

11 looked at it closely.

12 Q. And just to make sure we're

13 clear on the printout and the notes,

14 we would like to have the originals.

15 A. I can do that.

16 Q. Okay.

17 ATTORNEY BARISH:

18 We can give you a copy.

19 A. I have a copy.

20 ATTORNEY BARISH:

21 Oh, okay.

22 BY MR. WEBB:

23 Q. And to clarify something for
24 me, the logbook and the printout are
25 two different things; am I correct?

34

01 A. Correct.

02 Q. So you had the printout. Was
03 that what you were telling me that
04 you turned over to Mr. ---?

05 A. I had the logbook, ---

06 Q. Uh-huh (yes).

07 A. --- the written logbook, ---

08 Q. Yes.

09 A. --- where maintenance on the
10 COs are taken care of daily. And the
11 computer printout for the last two
12 days. They were together. I
13 combined them together.

14 Q. And where did they end up, the
15 originals?

16 A. The last I saw them, I
17 transferred them to Jesse and Ray
18 Saunders. I did see that logbook
19 laying on a table on a bench
20 downstairs 20 or 30 hours later, but
21 I assumed that --- I assumed that it
22 was someone who had laid it there
23 nearby. I didn't retrieve it. But I
24 did see that book laying on the bench

25 25 or 30 hours later.

35

01 Q. Do you know if the printout
02 showed the concentration of maximum
03 CO ---

04 A. Yes, it did.

05 Q. --- on it? Do you remember
06 what the number was?

07 A. 107 parts per million. I have
08 all the COs listed that were maxed
09 out on the four-foot belts and the
10 mother drive and Seven belt.

11 Q. Okay. And that's ---?

12 A. I made copies of those in my
13 notes.

14 Q. Okay. And that list is in
15 your notes?

16 A. It's in my notes.

17 Q. And that's part of what you'll
18 be getting for us?

19 A. Yes.

20 Q. Okay. Do you know when the
21 power was turned off into the mine?

22 A. No.

23 Q. Was it off when you arrived?

24 A. I don't have any idea.

25 Q. Did you have any occasion to

36

01 speak to anyone who may have come out

02 of the mine on the 19th?

03 A. No, I don't recall speaking to
04 anyone.

05 Q. Okay. Did you talk to Mike
06 Plumley about the fire on the 19th?

07 A. No, I did not.

08 Q. Were you present for any
09 debriefings of employees or mine
10 rescue teams?

11 A. No, I was not.

12 Q. Were you in the command center
13 during any part of the rescue or
14 recovery operations?

15 A. I entered the command center
16 at a time when the management
17 personnel from underground came
18 outside. And they were trying to
19 discuss what they were going to do.
20 And they had the maps on the tables.

21 And I tried to make a point that
22 their maps were wrong, the flow of
23 air on their maps was not accurate,
24 but it's their show.

25 Q. Can you kind of give me like a

37

01 little brief overview of what your
02 job was or what you did from the time
03 you went into the command center

04 until you left it?

05 A. Well, are you talking about

06 the command center behind closed

07 doors, or just the overall mining

08 building where we were all working?

09 Q. Well, I guess probably it

10 would be better for me to kind of

11 back up a little bit and kind of

12 introduce that subject. Was there a

13 command center set up when you first

14 arrived?

15 A. No.

16 Q. Do you remember, during the

17 time you were there, was a command

18 center actually set up?

19 A. At one --- yeah, at a point in

20 time.

21 Q. Do you remember when?

22 A. No. I can't be specific on

23 that time.

24 Q. But once the MSHA command

25 center was set up, this is the one

38

01 that ---? Is this the command center

02 that you were actually in for a

03 while?

04 A. This was the --- yes, it was

05 Massey people, State people, Federal

06 people.

07 Q. Okay. And that's the one that
08 I'd like for you to kind of describe
09 for me what you did, from the time
10 you were in that command center.

11 A. I was only in that command
12 center for probably five minutes.
13 And no one was really concerned about
14 the information I had. They were too
15 busy with trying to, you know, secure
16 the gentlemen, the two miners. I
17 understood that, so ---.

18 Q. We were talking just a few
19 minutes ago about you were telling
20 some of the folks that the maps were
21 wrong, about the air direction and so
22 forth. How did you know that those
23 maps were wrong?

24 A. During the course of the
25 inspection.

39

01 Q. And do you remember who it was
02 you told that the maps were wrong?

03 A. No one in specific. There
04 were several people there and
05 everybody was making their points and
06 we need to do this, we need to do
07 that. And this is going this way.

08 And I made a point that those

09 maps are not accurate, but I was
10 overshadowed. And I'm just an
11 inspector, I was not a supervisor, so
12 I sort of left the room.

13 Q. Okay. In your opinion, who
14 was in charge that evening, at the
15 mine, from the company's standpoint?

16 A. The person that I thought was
17 --- commanded the most respect from
18 people around him and listened to him
19 more than anyone else was Chris
20 Adkins.

21 Q. Did you hear anybody mention
22 any problems with fighting the fire?

23 A. No, not specifically. No.

24 Q. The 1200 map at the mine, was
25 it correct?

40

01 A. No, it was not.

02 Q. Can you kind of describe that
03 a little bit for me?

04 A. There was a --- basically, the
05 overall picture of the ventilation
06 system at the mine was far from being
07 adequate. Eight and Nine headgates
08 had not been established EPs. No
09 stoppings had been put in to isolate
10 the gob from the rest of the mine.
11 Belt air, on the four-foot belt going

12 to the Number Two section was showing
13 the air going down the belt. And in
14 actuality, it was coming up the belt.
15 There were just a lot of little
16 things at the mine that just didn't
17 --- just weren't right.

18 Q. Going back to one of the
19 previous questions. Who was in
20 charge for the company before the
21 management team returned from
22 underground back to the surface?

23 A. I have no idea.

24 Q. Do you remember which one of
25 the maps at the mine would have been

41

01 the 1200 map?

02 A. I considered it to be the one
03 in the mine foreman's office, Dusty
04 Dotson's office.

05 Q. And where was that office?

06 A. If you're familiar with the
07 building, it's the closest one to the
08 road. When you come up the stairs,
09 the first door on the left, as you
10 come in.

11 Q. Is that the office that's
12 nearest the big Plexiglas container
13 that has the mine plans and so forth

14 in it?

15 A. No. It's on the other end of
16 the building.

17 Q. On the other end. Okay. So
18 as you come up those stairs to the
19 second floor, it would be the first
20 office on the ---

21 A. Left.

22 Q. --- left? Okay. Thank you.

23 Who was the first MSHA supervisor to
24 arrive at the mine?

25 A. The first person I saw was

42

01 Bill Gillenwater.

02 Q. Do you remember when he got
03 there?

04 A. No, I don't.

05 Q. Okay. Going back to the 1200
06 map, do you know how that map was
07 kept up-to-date?

08 A. Daily notations on the map was
09 how it appeared to me.

10 Q. Do you remember who kept it
11 up-to-date or whose responsibility
12 that was?

13 A. I'm assuming it was the mine
14 foreman's responsibility.

15 Q. Was it kept up-to-date?

16 A. It was not accurate, no.

17 Q. In what way wasn't it
18 accurate?

19 A. Airflows were --- direction of
20 airflow was marked incorrectly.
21 Ventilation of seals was marked
22 incorrectly.

23 Q. Did you hear if any mine
24 rescue teams were specifically
25 assigned to fight the fire while you

43

01 were onsite?

02 A. Yes.

03 Q. Do you remember which teams it
04 might have been?

05 A. For about 16 or 18 hours, I
06 was basically in charge of handing
07 out the maps to the mine rescue
08 captains in the box cut. I don't
09 remember specific teams, but I do
10 remember those gentlemen talking
11 about, we did this, we did that.

12 Q. Do you remember about what
13 time that might have been?

14 A. No, I do not.

15 Q. When did you, you, first learn
16 that there were missing miners?

17 A. Vicki Mullins told me that on
18 the phone at eight o'clock that

19 evening, Thursday evening, that there
20 were two men unaccounted for.

21 Q. During the time that you were
22 at the mine, did anybody discuss with
23 you what they thought may have
24 started the fire?

25 A. No.

44

01 Q. You said you spent quite a bit
02 of time in the box cut. Do you
03 remember if there were any ambulances
04 that came into the box cut, or if
05 anyone was treated for injuries when
06 they came out of the mine?

07 A. I did not see any, no.

08 Q. You don't remember if anyone
09 was taken to the hospital?

10 A. No, I do not.

11 Q. Going back to the 1200 map,
12 was it a single map?

13 A. It was a single map with
14 different areas of the mine stapled
15 on overtop of the original. As the
16 sections advanced, as things
17 developed, they would make a smaller
18 map of that and staple it onto the
19 map.

20 Q. So it was actually composed
21 of ---

22 A. Right.

23 Q. --- several map pieces? Did

24 it have rubber bands on it?

25 A. I cannot say for sure. I'm

45

01 thinking that it did, but I cannot be

02 positive.

03 Q. Do you remember what the

04 general dimensions of that map was?

05 A. Scale-wise?

06 Q. In feet, just the dimensions

07 of the map itself. Like one foot by

08 one foot or, you know ---?

09 A. No. The map was probably two

10 and a half or three foot, probably

11 three or four foot wide, and maybe

12 three feet tall. It did not entail

13 the entire mine from the Threeway ---

14 basically, from the Threeway box cut

15 up, the map going toward the tipple

16 was not on it.

17 Q. Do you remember what scale

18 that map was?

19 A. No. No, I don't remember.

20 Q. Did you hear anybody talking

21 about problems with the longwall

22 mother belt drives, like mechanical

23 problems or maintenance problems,

24 while you were there?

25 A. When you say someone, are you

46

01 talking about management personnel,

02 hourly, anybody?

03 Q. Just anyone.

04 A. I heard hearsay that people

05 were having --- they were having

06 problems with it earlier.

07 Q. Do you remember what was said?

08 A. No. Just --- no.

09 Q. Did you see anyone enter the

10 mine while you were there on the

11 19th?

12 A. Other than mine rescue teams,

13 no.

14 Q. Do you remember seeing any

15 Aracoma management people going in

16 the mine?

17 A. I did not witness any of those

18 people going in the mine. I saw them

19 coming out.

20 Q. Do you remember who it might

21 have been?

22 A. The only person I remember

23 coming out was Johnny Roberts. And

24 someone said that he had been

25 underground for 24 hours or

47

01 something.

02 Q. Who is Johnny Roberts?

03 A. He's an official with MSHA. I
04 mean --- excuse me, with Massey. I
05 don't really recall where his
06 location's at.

07 Q. Would that have been Johnny
08 Robertson?

09 A. Robertson, yeah.

10 Q. Okay. Do you remember if he
11 had a handheld gas detector with him?

12 A. I don't recall.

13 Q. Do you know what might have
14 happened to the 1200 map or any
15 stapled portions of it? Was it
16 removed from the wall, used by a mine
17 rescue team, anything like that?

18 A. No, not that I'm aware of.

19 Q. When did you learn that the
20 two missing miners had been found?

21 A. Saturday afternoon.

22 Q. Were you at the mine when you
23 learned this?

24 A. No.

25 Q. How did you find out about it?

48

01 A. I think my wife told me.

02 Q. Did she say how she had heard

03 about it?

04 A. No, she didn't. She did not
05 say.

06 Q. That 1200 map, did it have any
07 special features or anything on it
08 that you wouldn't normally see on a
09 mine map? Anything that would set it
10 apart from any other map at the mine?

11 A. Rephrase that again.

12 Q. The 1200 map that we're
13 talking about, that was kept in the
14 first office to the left on the
15 second floor, did it have any special
16 features or anything special about it
17 that would set it apart from, say,
18 any other map that you might see?

19 A. Other than the different areas
20 had been stapled on to it, the
21 additional parts had been stapled on
22 to it, and a lot of notations written
23 on the map.

24 Q. And once again, just to make
25 sure that I'm clear on this, do you

49

01 remember what may have happened to
02 that 1200 map?

03 A. I don't recall. I know
04 several hours into the event, the map
05 was still on the wall in Mr. Dotson's

06 office. I can't give you specific
07 times, but I know at least eight or
08 ten hours after the event started, I
09 did see that map still on the wall.

10 Q. But you don't really know if
11 anyone removed it or if it was ---?

12 A. No. No.

13 Q. To the best of your knowledge,
14 when you left on Saturday, was it
15 still on the wall?

16 A. To the best of my knowledge.

17 Q. Well, let me ask, when was the
18 last time you saw the 1200 map?

19 A. Estimated time, several hours
20 after I arrived at nine o'clock. I
21 was eating some lunch in there with
22 some other gentlemen and the map was
23 still on the wall. I don't know
24 specifically the time, but we were
25 probably looking at five or six

50

01 o'clock a.m. Friday morning.

02 Q. This 1200 map that you
03 recognized as the 75/1200 map ---?

04 A. This map, I asked them to show
05 me the 1200 map. Every office had a
06 map. They had an escapeway map in
07 the big conference room where the men

08 come to to get coffee, donuts,
09 whatever. That was their escapeway
10 map. And Pepè Lester had a map.
11 Everybody had a map.

12 And I said, where is your 1200
13 map? Where is the mine foreman's
14 map? And Dusty said, that's mine, my
15 room. So that's the map I assumed to
16 be the 1200 map.

17 Q. Okay. So you asked Dusty
18 Dotson?

19 A. Right.

20 Q. And that's the map that he
21 indicated to you as being the 1200
22 map?

23 A. Correct. Now, these
24 determinations about the 1200 map
25 were made during my regular

51

01 inspections. These were not made
02 during the night of the event.

03 Q. Okay. Which office is Dusty
04 Dotson's office?

05 A. His is the first one at the
06 top of the stairs on the left ---

07 Q. This is the office ---?

08 A. --- with the entrance next to
09 the highway.

10 Q. So this is the office we spoke

11 of earlier?

12 A. Right.

13 Q. Okay. Where was the mine's
14 electrical maps usually kept?

15 A. We had a --- that was the map
16 in the conference room, had the
17 electrical notations marked on that.

18 Jimmy Wells, the chief electrician,
19 he had a rollout ---. He had a map
20 that he made his notations on. He
21 was the chief electrician.

22 Q. What about escapeway maps?

23 Were they posted anywhere?

24 A. The map in the conference room
25 that had the electrical marked on

52

01 that, that was told to me to be the
02 escapeway map, which we had one in
03 the conference room downstairs under
04 glass, which was not up-to-date.

05 Q. Okay. To make sure that I'm
06 clear on this, you talked about a
07 conference room downstairs and a
08 conference room upstairs. The
09 conference room upstairs, is that the
10 only office upstairs that actually
11 has two separate doors to one office?

12 A. Correct, the bigger office.

13 Q. And what about the conference
14 room downstairs?

15 A. The one where they use ---
16 they use this one downstairs to talk
17 to the men prior to going
18 underground, to have safety talks.
19 They have the large table with the
20 map under the Plexiglas.

21 Q. The electrical map that we've
22 been talking about, was it in place
23 on the 19th?

24 A. On the 19th, I did not
25 look --- I did not look for an

53

01 electrical map. I didn't really pay
02 that much attention to it, if
03 anything had been removed.

04 Q. Do you have any idea of what
05 may have happened to it?

06 A. No.

07 Q. To the best of your knowledge,
08 who was the top person at Aracoma for
09 maintenance?

10 A. Robert Ellis was the gentleman
11 in charge of Aracoma. As told to me,
12 he was the man in charge of everyone
13 there.

14 Q. What about ventilation-wise,
15 who would have been the top person?

16 A. I would assume those duties
17 would have been between the
18 superintendent, Pepè Lester, and the
19 mine foreman, Dusty Dotson.

20 Q. And roof control?

21 A. I don't have a clue who was
22 over roof control.

23 Q. How about production? Who
24 would have been the top person at the
25 mine for production?

54

01 A. My assumption would be Pepè
02 Lester, the superintendent.

03 Q. And safety?

04 A. Charles Conn.

05 Q. Was there a person at the mine
06 who was specifically in charge of the
07 miner sections?

08 A. I recall Terry Shadd being
09 over the Two section --- miner
10 section. And if my memory is
11 correct, Fred Horton was over Three
12 section.

13 Q. And what about the longwall
14 section?

15 A. Ronny or Ron Morrison. Ron
16 Morrison, the longwall coordinator.

17 I think that's his name. I'm not 100

18 percent sure.

19 Q. And would that be Rod

20 Morrison?

21 A. Rod Morrison.

22 Q. What about setup or move

23 crews?

24 A. I was always told that a

25 gentleman by the name of Shiner was

55

01 the construction boss. I don't know

02 his name.

03 Q. And the top person at the mine

04 for conveyor belts?

05 A. Jeff Perry. It was told to me

06 Jeff was over all the belts.

07 Q. Did each shift have a separate

08 foreman for that mine?

09 A. Yes.

10 Q. Do you remember who those

11 were?

12 A. The dayshift was Dusty Dotson.

13 The second shift was Fred Horton.

14 And the third shift, I know his name

15 but I can't think of it right now.

16 An older gentleman. Because I had a

17 discussion with him and his belt

18 people on examinations. It's in my

19 notes, but I can't recall his name.

20 Q. When we were talking about the

21 1200 map, did you make Dusty Dotson
22 aware that the map in his office,
23 identified as the 1200 map, was not
24 correct?

25 A. I made Dusty Dotson aware of

56

01 it and Dwayne Francisco, Pepè Lester,
02 and Gary Goff. I asked for a meeting
03 with their engineers.

04 Q. Did you talk to them about
05 ventilation controls, airflow
06 directions?

07 A. Yes. I had all their bleeders
08 under citations.

09 Q. Did you talk to them about
10 anything else regarding the 1200 map?

11 A. Yes. We had a discussion
12 concerning, in the event we ever had
13 an explosion or a mine fire, we had
14 to have an accurate 1200 map to give
15 mine rescue teams.

16 Q. And what was their response to
17 that?

18 A. We're going to get it done.
19 We'll get the engineers here, we'll
20 get the revision in, we'll get it all
21 corrected.

22 Q. Did they give you any kind of

23 a time frame?

24 A. Dwayne said he would have

25 Kenny Williams talk with me within a

57

01 week. He gave me his number at the

02 office and I called him as soon as I

03 returned to the office and set up a

04 date for them to come to the mine.

05 Q. I believe you told me you saw

06 the 1200 map at one time during

07 January 19th or 20th?

08 A. Yeah.

09 Q. Were there ---

10 A. Yes.

11 Q. --- errors still on the map?

12 A. I didn't look at the map in

13 detail. I just noticed it being on

14 the wall.

15 Q. Do you know who ordered the

16 Two section to be evacuated?

17 A. I do not.

18 Q. What about the longwall?

19 A. I do not.

20 Q. Do you know if that occurred

21 during the time you were there at the

22 mine?

23 A. No. I was under the

24 assumption that that occurred around

25 six o'clock that evening.

01 Q. Have you been back to the mine
02 since the fire?

03 A. I went to the mine on occasion
04 to modify the (K) Order, but I don't
05 remember the date.

06 Q. Do you remember if the 1200
07 map that you discussed with the mine
08 management, if it was ever corrected?

09 A. We had a meeting with the
10 engineers, Simon --- and I can't
11 think of his last name. He's the
12 engineer for that mine. And Dusty
13 Dotson was present, Pepè Lester. And
14 they brought the maps in, put the
15 maps on the table. And I showed them
16 the things that are wrong on your
17 maps and what's going on underground,
18 actually. And I told them they had
19 to get their revision done, get it in
20 to Mount Hope. I'd call Mount Hope
21 and have this --- try to expedite it,
22 but I had to have that revision in
23 within the next couple of weeks.

24 Q. Okay. And was that before or
25 after January 19th?

01 A. That was before.

02 Q. Do you remember about how long
03 before the 19th?
04 A. I've got the notes of those
05 meetings, but I don't have them with
06 me, but the date's on the ---.
07 Q. Okay. But the notes we've
08 asked for, that's in there?
09 A. Yeah. Part of that, yes.
10 Q. When you got to the mine on
11 the 19th, do you know if the Two
12 section crew had already come
13 outside?
14 A. I was under the impression
15 that they had already come outside.
16 Q. And I believe you told me you
17 got to the mine at about ---?
18 A. Fifteen (15) 'til 9:00.
19 Q. Fifteen (15) 'til 9:00. P.M.?
20 A. P.M.
21 Q. Had you heard anything about
22 who it was that first discovered that
23 there was a fire?
24 A. Hearsay from --- I can't
25 specify who, but my understanding was

60

01 that Bryan Cabell or Cabell (changes
02 pronunciation) was the person that
03 was on hand at the first event.

04 MR. WEBB:

05 Okay. Bill?

06 MR. TUCKER:

07 I have one question.

08 BY MR. TUCKER:

09 Q. You mentioned that you was
10 under the assumption that the
11 evacuation occurred around six
12 o'clock. Could you elaborate on that
13 a little bit as to how you came upon
14 that?

15 A. I just heard general
16 conversation that they had called the
17 section at six o'clock and told them
18 to come outside. I don't know who
19 told me that, it was just what I
20 heard.

21 Q. So you heard somebody give
22 that time, that they called the
23 section around 6:00?

24 A. Around six o'clock.

25 MR. TUCKER:

61

01 Okay.

02 BY MR. WEBB:

03 Q. Minness, have you heard
04 anything about what may have caused
05 the fire?

06 A. From what source, just idle

07 gossip?

08 Q. Just any source. Have you
09 heard anything about what may have
10 caused it?

11 A. I had some people from that
12 mine call me and talk to me about
13 this event. Some of their kids play
14 on the basketball team that I
15 sponsor. Donald Bragg's son played
16 for my major league football program
17 at Man, so I knew Don very well.

18 Some of this information,
19 people called and tried to give me.
20 And I told Mr. Barish that --- I told
21 them not to tell me anything, that I
22 would give their name and number to
23 Mr. Barish, in the event they told me
24 something that they may say we
25 conspired to come up with a story.

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01 And I just told them, don't tell me
02 anything. If you got something to
03 say, I'll give your name to him and
04 let him handle it. Because I didn't
05 really want to know.

06 MR. WEBB:

07 Okay. Would it be okay
08 if we took a short break?

09 A. Sure.

10 SHORT BREAK TAKEN

11 MR. WEBB:

12 Minness, I have a map
13 to show you. And I want you
14 to understand that it's a
15 reprint of an original, so
16 it's not going to be the same
17 size as the original map was.
18 This map was in an office on
19 the second floor of the mine
20 office at Aracoma. And it had
21 another map stapled on top of
22 it, a section of a map, in the
23 lower part of the map. And
24 then it had another small map
25 over here depicting Two

63

01 section, the extent of Two
02 section.

03 And for the purposes of
04 the interview, I'm going to
05 put a sticker on this map that
06 identifies it as Exhibit A
07 Minness Justice.
08 (Minness Justice A
09 marked for
10 identification.)

11 BY MR. WEBB:

12 Q. What I'd like to know is, does
13 this map look familiar to you?

14 A. Yes. It looks familiar.

15 Q. Would you explain to me which
16 office ---? Have you seen this map
17 before?

18 A. I can't recall. I saw
19 numerous maps at that mine.

20 Q. Now, on this map, down in the
21 bottom center portion of it, was an
22 enlargement of Three section. And
23 then over on the --- if you're
24 looking at the map, over on the far
25 right, in the upper corner, was an

64

01 enlargement of Two section.

02 A. I cannot be sure that this is
03 the map that I looked at. I remember
04 Three section as being marked up and
05 developed down quite a ways. This
06 has not been developed down at all.
07 The small scale was developed down.
08 And then we had additional section
09 prints and headgate entry prints
10 stapled to it. But if my
11 recollection is correct, the Three
12 section on the map that I looked at
13 had been developed down this way, had
14 been colored in on the original map.

15 Q. The smaller map that was down
16 in the lower center section did show
17 a more extensive works of the Three
18 section map. It was stapled to this
19 map. And then the other map that was
20 stapled over on the right-hand side
21 of it did show an enlarged area
22 depicting the Two section, when it
23 was in the mine office.

24 A. I cannot be 100 percent sure,
25 but I do not think this is the map

65

01 that I saw in Dusty Dotson's office.

02 But I cannot be 100 percent sure.

03 Q. All right. Let's take a look
04 at ---.

05 MR. WEBB:

06 Now, this Exhibit A,
07 Minness A Justice is also
08 identified by MSHA, document
09 Number D-2. Let's take a look
10 at another map. This one is
11 identified as MSHA, document
12 D-5. And for the purposes of
13 the interview, we will call
14 that Exhibit B Minness
15 Justice.

16 (Minness Justice B

17 marked for
18 identification.)
19 BY MR. WEBB:
20 Q. Do you recognize this map?
21 A. No.
22 Q. And again, this is a copy, so
23 it's not going to be the same size as
24 the map that was on the wall. This
25 was also taken from a wall on the

66

01 second floor of the mine office.
02 A. Most of the maps that I saw
03 were larger and the section --- half
04 of the Melville portal going to Rum
05 Creek side were not shown on the map.
06 This may be the same map, full scale,
07 but the map that I recall seeing did
08 not include most of Two belt and One
09 belt.
10 Q. Okay. Now, this map that
11 we've identified as Exhibit B was a
12 map that had the rubber bands on it
13 to depict the belt conveyors.
14 A. When I spoke a while ago, this
15 was --- I remember --- on Three
16 section, this was what I was talking
17 about when I said it was developed
18 farther down. And then you say it
19 was stapled, but this was what I was

20 referring to. The map that I recall
21 three months ago, my recollection is
22 this was driven down almost ready to
23 tie in.

24 Q. So do you recognize this map?

25 A. I cannot be 100 percent sure

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01 that this was the map that I looked
02 at. It's been three months ago and I
03 looked at several maps. They brought
04 new maps for me to look at when we
05 did the revision, tried to get the
06 revision. I had maps out of our
07 uniform mine file all over my desk.
08 I looked at several maps trying to
09 get the ---. I cannot positively
10 identify this as the one I looked at.

11 MR. WEBB:

12 Let's take another
13 short break.

14 SHORT BREAK TAKEN

15 MR. WEBB:

16 We've got a photograph
17 I'd like for you to look at.
18 We're going to mark that as
19 Exhibit C Minness Justice.
20 (Minness Justice
21 Exhibit C marked for

22 identification.)

23 BY MR. WEBB:

24 Q. And I'd like to ask you if
25 that photograph looks familiar, the

68

01 map in that photograph?

02 A. Yes, it does.

03 Q. How would you describe the map
04 in that photograph?

05 A. This is the map that I looked
06 at on several occasions in Dusty
07 Dotson's office at the Alma Mine.

08 Q. Is this the map that Dusty
09 identified to you as being the 1200
10 map?

11 A. If this is the map --- the
12 picture of the map that was on the
13 wall in his office, yes, it is. And
14 it appears to be that map.

15 Q. Now that you've seen a picture
16 of the map with the additional maps
17 stapled on top and the one off to the
18 right, ---

19 A. Right.

20 Q. --- does that map match either
21 of the exhibits that we looked at
22 before?

23 A. Does it match without the
24 attachments?

25 Q. Without the attachments.

69

01 A. And that's this top map.

02 Q. Okay. So the photograph that
03 we've identified as Exhibit C matches
04 the copy of the map that we've
05 identified as Exhibit A, ---

06 A. Correct.

07 Q. --- without the additional
08 stapled-on sections?

09 A. Correct.

10 MR. WEBB:

11 Bill, do you have any
12 additional questions?

13 MR. TUCKER:

14 I don't. Thank you.

15 BY MR. WEBB:

16 Q. Okay. I just want to make
17 sure I'm clear on something. This
18 photograph depicts a mine map with
19 some additional stapled-on areas
20 showing sections in greater detail.
21 And I believe you identified this map
22 as the one that was in Dusty Dotson's
23 office?

24 A. Yes.

25 Q. Okay. And then that Exhibit C

70

01 does match Exhibit A, with the
02 exception of the stapled-on maps?

03 A. Yes.

04 MR. WEBB:

05 All right. Minness,
06 on behalf of MSHA and the
07 entire accident investigation
08 team, we want to thank you for
09 appearing today, answering our
10 questions and sharing your
11 experience at the mine with
12 us. Your cooperation is very
13 important to us as we work to
14 try to determine the cause of
15 the accident and how to
16 prevent these accidents in the
17 future.

18 If you wish, you can
19 clarify any answer that you've
20 already given during the
21 interview at this time.

22 A. I don't think it's needed. I
23 don't recall answering anything
24 incorrectly.

25 MR. WEBB:

01 Okay. Thank you. We
02 would ask that you not discuss
03 your interview today with any

04 person who may have already
05 been interviewed or who may be
06 asked to give a statement in
07 the future. This helps to
08 ensure that we get everybody's
09 independent memory of what
10 happened, of the events
11 surrounding the accident.

12 After questioning other
13 witnesses or obtaining
14 additional information, we may
15 ask you back for some further
16 questions.

17 If at some later point,
18 you have some additional
19 information that you would
20 like to bring to our
21 attention, we'd like to ask
22 you to either contact Kenny
23 Murray, our accident team
24 leader, or myself. And here's
25 a couple of business cards.

72

01 And I believe Mr.
02 Tucker has a comment.

03 MR. TUCKER:

04 I'd just also like to
05 thank you for coming in today,

06 Minness. And if you have any
07 further information or need to
08 contact us, there's my card.
09 I work out of the Oak Hill
10 office. And this is C. A.
11 Phillips' card. He's the
12 Deputy Director out of the
13 Charleston office.

14 MR. WEBB:

15 And before we close, if
16 I could, if I could just get
17 you to sign and date these
18 maps for us.

19 A. Anywhere?

20 MR. WEBB:

21 Anywhere is fine.

22 WITNESS COMPLIES

23 MR. WEBB:

24 All right. And again,
25 I just want to thank you very

73

01 much.

02 A. All right.

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04 EXAMINATION CONCLUDED AT 4:48 P.M.

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