

1 **WEST VIRGINIA MINE SAFETY AND HEALTH**
2 **ADMINISTRATION**

3
4 **IN THE MATTER OF:**

5 **THE INVESTIGATION OF THE**
6 **APRIL 5, 2010 MINE EXPLOSION**
7 **AT UPPER BIG BRANCH MINE**

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11 The interview of JASON GAUTIER, taken upon
12 oral examination, before Lynne M. Rodriguez,
13 Registered Professional Reporter and Notary Public
14 in and for the State of West Virginia, Monday,
15 November 1, 2010, at 1:00 p.m., at the Mine
16 Academy, 1301 Airport Road, Beaver, West Virginia.

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21 **Eric Sherer**

22 **GOVERNOR'S INDEPENDENT INVESTIGATION PANEL**
23 **J. Davitt McAteer, Esq.**

24 **ALSO PRESENT:** **Norman Page, MSHA**
Sandin Phillipson, MSHA
John Godsey, MSHA
Tim Watkins, MSHA

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1 MR. KOERBER: My name is Barry
2 Koerber. I'm the Assistant Attorney
3 General. I'm assigned to represent the
4 West Virginia Office of Miners' Health,
5 Safety & Training. Today is November 1,
6 2010. We're here for an interview
7 pertaining to the investigation of the
8 mine explosion at the Upper Big Branch
9 mine on April 5, 2010.

10 With me is another member of the
11 Office of Miners' Health, Safety and
12 Training. He'll be our interviewer for
13 today, and I have asked that he identify
14 himself for the record.

15 MR. O'BRIEN: John O'Brien.

16 MR. KOERBER: We also have two
17 other investigation teams present to do a
18 combined interview so that you don't get
19 called in here three separate times. I
20 would ask that those individuals identify
21 themselves and who they are with.

22 MR. SHERER: I'm Eric Sherer with
23 MSHA.

24 MR. BAXTER: Derek Baxter with

1 the Office of the Solicitor, Department of
2 Labor.

3 MR. MCATEER: I'm Davitt McAteer
4 with the Governor's Independent
5 Investigative Team.

6 MR. KOERBER: We have a court
7 reporter present. She will be
8 transcribing everything that's said
9 today. We would ask that instead of
10 shaking your head "Yes" and "No," you
11 answer "Yes" and "No," so it makes it
12 easier for her.

13 I would also ask that you wait
14 until the interviewer has asked the
15 question before you begin to answer, and I
16 would request of the interviewers that
17 they wait till you have finished your
18 answer before they ask the next question
19 so people are not speaking over one
20 another. That's also beneficial to the
21 court reporter.

22 The court reporter agency is
23 Johnny Jackson & Associates. I have a
24 business card here that I'll give to you

1 in a little bit, in a few moments.

2 They're operating under a three day turn-
3 around, which means this transcript will
4 be ready this coming Friday, November
5 5th. Now she is certainly a very good
6 court reporter and she will take
7 everything down to the best of her
8 ability, and normally they're done very,
9 very, very well. However, if you would
10 like to read it to see whether or not
11 there's anything that she did wrong or
12 took something in wrong, you are free to
13 contact Johnny Jackson & Associates on
14 November 5th or any day thereafter to read
15 your transcript and make whatever changes
16 you deem necessary on an errata sheet.
17 That is not a requirement. You do not
18 have to do that but you have that
19 opportunity if you want.

20 To go about doing that, you would
21 call Johnny Jackson & Associates come this
22 Friday or sometime next week or the week
23 after, schedule an appointment and you
24 would go to their office in Charleston,

1 West Virginia, and they will put you in a
2 conference where you'll have privacy to
3 read this and make any changes you want.

4 The only thing I want to inform
5 you is you will not be able to take a copy
6 with you. At the end of the
7 investigation, we'll release all the
8 transcripts, one of which will, of course,
9 be your's, but all the others as well, and
10 at that point in time, you can just copy
11 it off the web or get a copy then.

12 If, for any reason whatsoever,
13 you need to take a break, just say so and
14 we'll stop and take a break. We request
15 that you not discuss the interview here
16 today with others after you leave the
17 room, and that's to protect the integrity
18 of the investigation and the interview
19 process. I believe Mr. Baxter has
20 something that he'd like to identify for
21 the record and I'd ask that he do that
22 now.

23 MR. BAXTER: Yes. Jason, before
24 the interview, I gave you a letter that

1 discuss the interview today. Do you have
2 any questions about it?

3 MR. GAUTIER: No, I don't.

4 MR. BAXTER: It does say at the
5 bottom if, after the interview, you think
6 of any other information that you'd like
7 to share with us, you can contact Norman
8 Page of MSHA. It's got his contact
9 information there at the bottom.

10 MR. KOERBER: And on behalf of
11 the State of West Virginia, Office of
12 Miners' Safety, Health and Training, I
13 want to give you a little bit of contact
14 information as well.

15 West Virginia Code 22A-1-22 is
16 the discrimination statute, and it
17 protects coal miners from being
18 discriminated against for participating in
19 interviews such as this. If you find, at
20 some later time, that you have been
21 discriminated against because of your
22 participation here today, the memo here
23 that I'm going to give you contains the
24 address to the West Virginia Board of

1 Appeals, and that is the administrative
2 tribunal that hears discrimination cases
3 brought by coal miners. This is who you
4 would file your complaint with.

5 I want to caution you, though,
6 that you only have 30 days from the day of
7 the discriminatory action to file your
8 claim.

9 I'm also going to give you three
10 business cards, one of which is Mr. Terry
11 Farley's business card. He's not here
12 today but he is our lead interviewer, and
13 also Mr. Bill Tucker, who is the lead
14 underground investigator. Should you
15 think of something after this interview is
16 over that you would like to share with the
17 investigation team, please feel free to
18 contact either individual.

19 I'm also going to give you a
20 business card of Johnny Jackson &
21 Associates, and in the event you want to
22 read your transcript, this contains the
23 address and the telephone number. So let
24 me give this to you.

1 I'd ask the court reporter now to
2 swear in the witness.

3 COURT REPORTER: Sir, would you
4 raise your right hand?

5 (WITNESS, JASON GAUTIER, SWORN.)

6 EXAMINATION

7 BY MR. KOERBER:

8 Q. Would you please state your full name for
9 the record and spell your last name?

10 A. Jason Stephen Gautier, G-A-U-T-I-E-R.

11 Q. And would you please state your address
12 and telephone number?

13 A. [REDACTED]

15 Q. Do you have an attorney with you here
16 today?

17 A. No.

18 Q. Are you appearing here today as result of
19 receiving a subpoena in the past?

20 A. Yes.

21 Q. And would this be a copy of that subpoena?

22 A. Yes, it would.

23 Q. Okay. I note on the subpoena that you
24 were subpoenaed here for October 19, 2010 and today

1 is November 1st.

2 Is it your understanding that due to
3 scheduling conflicts, this subpoena due date was
4 changed and then I sent you a letter last week
5 dated October 25th, setting this interview for
6 today at 1:00?

7 A. Yes.

8 Q. I'd ask that the subpoena be Exhibit 1,
9 Gautier Exhibit 1, and this be Exhibit 2, which is
10 the October 25, 2010 letter.

11 (Gautier Exhibits 1 and 2
12 marked.)

13 MR. KOERBER: At this time, I'm
14 going to ask Mr. O'Brien to begin the
15 interview for the purposes of the Office
16 of Miners' Health, Safety and Training.

17 EXAMINATION

18 BY MR. O'BRIEN:

19 Q. First of all, Jason, thank you for coming
20 in and helping us out. We really appreciate that.

21 How many years of mining experience do you
22 have?

23 A. Sixteen years.

24 Q. Okay. And could you give us a brief

1 history of your mining experience?

2 A. Yes, I started in a little place called
3 Jim Branch, working for Chris Cline, Taz Mining,
4 and quit there, wanted to go to a bigger company.
5 Started Performance at March 8th of 1999. Left
6 Performance at 2004. Went to Kepler Processing to
7 get that mine going for them for Massey. Left
8 Kepler. They was in a longwall move at Logan's
9 Fork and went and set the longwall 2, 3 and 4 up at
10 Logan's Fork, then quit Massey all together and
11 September 30th of last year went to ICG.

12 Q. What miner's certifications do you have?

13 A. I got foreman's, EMT and a shop fire.

14 Q. And you say you left Massey organization
15 in last year?

16 A. September 30th of 2009.

17 Q. Okay. And you worked at UBB from when to
18 when again? I'm sorry.

19 A. 1999 to 2004.

20 Q. And what kind of jobs did you perform at
21 UBB?

22 A. I was a foreman. I drove head gates for
23 longwall.

24 Q. On a continuous miner?

1 A. On a continuous miner.

2 Q. All right. And who did you report, who
3 was your immediate supervisor? Who did you report
4 to?

5 A. Gary Calvert.

6 Q. Gary?

7 A. Calvert.

8 Q. Calvert?

9 A. Yes. Retired now.

10 Q. Okay. And if I may ask, why did you leave
11 UBB?

12 A. When I was there, and why I wanted to
13 leave UBB, there was a president of Bill Potter.
14 Me and this guy did not see eye to eye whatsoever.

15 Q. And at UBB, you said you were a foreman.
16 Was a strictly on the development sections?

17 A. Yes.

18 Q. Did you do any out-by work?

19 A. I fire bossed belts and, you know, more or
20 less that's about all.

21 Q. Primarily a production foreman?

22 A. Production foreman.

23 Q. Okay. When you were at UBB, were there
24 any mine-wide concerns about methane?

1 A. Never.

2 Q. Did you ever detect any methane at UBB?

3 A. No.

4 Q. Were you ever given any special
5 instructions or training dealing with methane?

6 A. No.

7 Q. Are you aware of any methane ignitions
8 that possibly happened at UBB while you were there
9 or before you --

10 A. No, the only ignition that I know is when
11 the longwall, I guess when it was there prior to,
12 it gased off for some reason and it was down two or
13 three days.

14 Q. And it was it gased off, but --

15 A. I don't know if it was gas. They was shut
16 down two or three days. Nobody was allowed in the
17 coal mines two or three days.

18 Q. That was before you arrived?

19 A. Yes. I was working evening shift at the
20 time and they gassed off on day shift.

21 Q. Okay. So you were working at UBB at this
22 time?

23 A. Yes, it was probably 2002 or so.

24 Q. What was it an outburst or an ignition?

1 A. Just an outburst. The foreman, Hogan
2 Williams, killed the line before -- you know, when
3 he detected it, he killed the line.

4 Q. Was any information about that outburst
5 relayed to the general work force at UBB?

6 A. No.

7 Q. Did any special instructions or procedures
8 come out of that outburst or come from that event?

9 A. No.

10 Q. Are you aware of any other methane
11 inundations or outbursts other than that one in
12 2004?

13 A. No, I'm not.

14 Q. As a production foreman, did you always
15 get all the materials and the manpower you needed
16 to mine coal safely?

17 A. We had the materials. Manpower, no.

18 Q. What specific problems did you encounter
19 as a production foreman, if any?

20 A. I never really encountered really none.

21 Q. Did you have any ventilation problems?

22 A. No. When I was there, when I left there
23 in 2004, we was on the back side driving up to
24 where they was at now and had plenty of everything,

1 because the work force there was different compared
2 to what it is now.

3 Q. Okay. And what section would that have
4 been in 2004? Would it have been what is now the
5 existing tailgate?

6 A. Yes. It's right there at that angle
7 turn. We drove to the glory hole. When I quit, I
8 was at the glory hole. I watched the pilot hole
9 come through the --

10 That was my last day at performance.

11 Q. If you would, point out on the map just
12 for our benefit.

13 A. I was here. We come up, we was driving
14 straight ahead. They stopped us, we backed up and
15 we turned the angle. I drove straight to the glory
16 hole, cut all this right here and I quit before I
17 got transferred to Kepler.

18 Q. So none of the current longwall
19 development, you didn't perform any of the current
20 longwall development?

21 A. No, nowhere near that.

22 Q. Okay. What other sections were you
23 foreman on or was it primarily those two sections?

24 A. When I was here, I was on head gate 11,

1 12, 14, 15, 16, 17, 18, 19 and 20?

2 Q. Pretty much the gate development?

3 A. The gate development.

4 MR. O'BRIEN: Eric? Thank you.

5 (Deposition Exhibit 3 marked.)

6 EXAMINATION

7 BY MR. SHERER:

8 Q. Thanks, John. Again, Mr. Gautier, I
9 appreciate you coming down.

10 Can I get you to take one of these markers
11 and just mark up where you were developed to when
12 you left UBB?

13 A. Right there. (Indicating.)

14 Q. Okay. Thank you. And the witness has
15 marked a line across the northern most set of
16 entries going north with an orange marker.

17 MR. BAXTER: We'll mark this map
18 as Gautier Exhibit 3.

19 (Gautier Exhibit 3 marked.)

20 Q. Just some general questions. You
21 mentioned that the ventilation was pretty good when
22 you were working at UBB?

23 A. Yes.

24 Q. Who was in charge of ventilation when you

1 were there?

2 A. Wendell Williams.

3 Q. And what position was Mr. Williams in?

4 A. He was the mine foreman.

5 Q. Okay. Did he spend a lot of time on
6 ventilation?

7 A. Every day. He had block superintendents
8 and a main superintendent that was there to -- Each
9 gate section had a superintendent and plus your
10 main superintendent.

11 Q. Okay.

12 A. And that's all did he was ventilation
13 every day, intakes and returns.

14 Q. What about rock dust, was there any crews
15 that did just rock dust when you were at UBB?

16 A. No, just out-by. Now if you was on a
17 miner section, they took care of the returns and
18 intakes, but longwall, no.

19 Q. Okay. How did they do the out-by?

20 A. They used tracks, I guess, pods.

21 Q. Okay. Track dusters?

22 A. Yes.

23 Q. How many crews did that, do you know?

24 A. Hoot owl mostly.

1 Q. Okay, just one crew?

2 A. Yes.

3 Q. Do you know if that crew just did rock
4 dust or did they do anything else?

5 A. I would say they did other things too.

6 Q. Okay. Now you mentioned that the mine was
7 shut down for a few days because of a methane
8 outburst on the longwall.

9 Have you heard anything about an ignition
10 in the longwall sometime around '97 or '98?

11 A. I heard something about it but, you know,
12 I never really asked nothing about it because they
13 was on the other side of the mountain.

14 Q. Okay.

15 A. They was on the north side and you had the
16 north side and the south side of the mountain.

17 Q. Okay. Now we think there was a methane
18 outburst in both 2003 and 2004. Does that sound
19 about right?

20 A. That's about right.

21 Q. Did you ever go in to see where either of
22 those methane outbursts occurred?

23 A. No.

24 Q. Did you talk to anybody that did that?

1 A. No.

2 Q. Okay. Have you ever seen a pop off at
3 UBB?

4 A. No.

5 Q. Thank you. Now you said you went to some
6 of the other Massey operations or worked on setting
7 up longwalls.

8 A. Yes.

9 Q. Did you have an opportunity to come back
10 to UBB?

11 A. If I would have stayed with Massey, yes, I
12 could have come back to UBB, and I was asked
13 several times did I want to come back to the UBB.

14 Q. Uh-huh.

15 A. Because they had men quitting, they needed
16 experienced men on the wall, and I wouldn't come.

17 Q. Can I ask why you wouldn't come?

18 A. I like where I'm at. I'm all about the
19 days off and that would probably be the only
20 reason, and another reason is they got a guy
21 working there as president that I don't care too
22 much for.

23 Q. Okay.

24 A. Chris Blanchard.

1 Q. Sounds reasonable to me. That's all the
2 questions I've got, Mr. Gautier.

3 EXAMINATION

4 BY MR. MCATEER:

5 Q. Mr. Gautier, thank you for coming as
6 well. You testified that the work force today is
7 different from the work force that was there when
8 you were there.

9 A. Yes.

10 Q. How can you describe that difference, if
11 you can?

12 A. Well, Massey, back then, you got the baby
13 boomers, I guess. I call them the older guys that
14 take care of business. And nowadays, Massey puts
15 these guys through college, they get out of college
16 and they know everything.

17 Q. I've run across some of those people. And
18 you testified that you knew Mr. Blanchard. How did
19 you know Mr. Blanchard?

20 A. I've been in meetings with him.

21 Q. Uh-huh.

22 A. I know of him and, you know, I've been in
23 safety meetings and production meetings.

24 Q. Sure. You testified that you were not on

1 the same page with Mr. Blanchard on some matters.

2 Can you mention what those are?

3 A. Well, some people, you know, they say S-1/
4 P-2. Well, sometimes, in his eyes, I've see P-1's
5 and S-2's.

6 Q. I got you. By that, you're suggesting
7 production first and safety second?

8 A. Yes.

9 Q. Now you said you did some pre-shifting
10 examinations on the belts?

11 A. Yes.

12 Q. And describe how you would deal with the
13 problems that you might encounter when you
14 pre-shifted, if you saw something wrong.

15 A. Well, if you have hot roller, I would
16 unstick the roller or, you know, turn the belt off,
17 knock the roller off.

18 Q. Uh-huh.

19 A. If you had float dust around the tail
20 piece, I would shovel it; use water or shovel and
21 get it out of there on a tail piece.

22 Q. All right. Did you ever write anything
23 down in the pre-shift examination book that needed
24 to be corrected?

1 A. I don't recall.

2 Q. Okay.

3 A. I'm sure I did.

4 Q. Okay. If you were examining pre-shift
5 examination books and you saw nothing wrong for a
6 lengthy period of time, day after day, what would
7 you think?

8 A. Well, your fire bosses ain't doing
9 nothing. They're not pre-shifting.

10 Q. Okay.

11 A. Because there's nothing that goes not
12 observed every day.

13 Q. Now you testified that you understood
14 there to be a rock dust crew that did track dusting
15 or had a track mounted duster in the pods on the
16 hoot owl. Were you familiar with those
17 individuals?

18 A. No.

19 Q. Okay. I'm sorry, you testified also that
20 you cut up to the glory hole and cut the glory
21 hole. What was the purpose of the glory hole?

22 A. The purpose of the glory hole, the
23 longwall they knew was going to Logan's Fork and
24 they wanted to transfer coal from the upper seam to

1 the bigger belts to get the coal to Marfork.

2 Q. Sure. Were there any problems encountered
3 when you cut the glory hole in terms of
4 ventilation?

5 A. No.

6 Q. Okay. Now you testified that the
7 ventilation under which Mr. Wills was good and then
8 you said something about the supervisors.

9 Could you describe that block super and
10 each case having a super and they worked on
11 ventilation, how did that work?

12 A. Well, the mine foreman would be Wendell.
13 You know, he did ventilation changes or anything
14 that needed to be done inside the mines on the
15 ventilation. Then you had a block super. Gary
16 Calvert was my block super, and he took care of
17 from the sections to supplies, everything you
18 needed. If you needed something, that's who you
19 went to. You didn't run to the mine foreman
20 because the mine was growing and you had to have
21 somebody completely out-by taking care of, you
22 know, when you shut everything off and everything
23 else.

24 Q. Uh-huh.

1 A. EP points, more or less.

2 Q. EP meaning points --

3 A. Yes, for air, I guess what they let up in
4 the back entries.

5 Q. Okay.

6 A. And he would go up in here and constantly,
7 he made sure the water was getting pumped in behind
8 the longwall.

9 Q. Was that sort of a constant problem?

10 A. Yes. You had to keep pumps running.

11 Q. And if there was any ventilation problems,
12 would it be taken to Mr. Williams?

13 A. Yes.

14 Q. How would you compare Mr. Williams'
15 ventilation knowledge to Mr. Blanchard's?

16 A. A guy that's been in the work force
17 compared to a college boy.

18 Q. I got you.

19 A. Learn that thing on paper compared to
20 hands-on, a lot different.

21 Q. Uh-huh. Were you familiar with Route 3
22 Engineering?

23 A. Yes.

24 Q. Did you have any contact with those folks?

1 A. Only when we needed an up to date map on
2 the sections.

3 Q. Do you remember any individuals?

4 A. No.

5 Q. Okay.

6 A. I didn't really deal with them, I just
7 contacted them.

8 Q. Sure. You've been in the business now 16
9 years or so?

10 A. Yes.

11 Q. Do you have any thoughts on what went
12 wrong here?

13 A. Well, when my dad called me and told me it
14 exploded, all I asked him where the shear was. I
15 was a foreman on the longwall two years at Logan's
16 fork And I just wanted to know if it happened,
17 where the shear was, and I told him if it exploded,
18 the shear would be on the tail.

19 Q. How did you come to that conclusion?

20 A. Because you got one airway pushing across
21 the face, you got one return out there on the back
22 end. If they got water and your methane builds up
23 on the back end, when that cow flips open, that
24 shear operator, that tail shear operator starts

1 cutting bottom, cutting sandstone bottom, it's a
2 fire ball, you know. If you've got any methane on
3 the tail side, anything blocking your return side,
4 something could possibly happen at any given time.

5 Q. Sure, sure. How was the rock dusting at
6 the time that you worked there?

7 A. At UBB or Logan's Fork?

8 Q. UBB.

9 A. It was good.

10 Q. Okay.

11 A. Compared to when I was there, it was, like
12 I said, a different work force there, and now the
13 guys that's at the coal mines now was a lot
14 younger. You know, they've been working
15 shorthanded. They cut corners any way possible
16 they could.

17 Q. Does that include rock dust, in your mind?

18 A. I would say it got neglected.

19 Q. Uh-huh. Now when you're talking about the
20 shear flipping, are you talking about the shuffle?

21 A. The shuffle, yes.

22 Q. Okay. And could you describe for the
23 record what that is?

24 A. Well, what it is, is when your shear

1 operators cut out and you're going to push your
2 line and get your line straight again, they cut out
3 and they shuffle back to get another push, but then
4 they'll cut become out again to get your complete
5 longwall, the face completely straight to start
6 back through the head.

7 Q. Okay.

8 A. And that was a good crew. I mean, that's
9 the crew I bossed two years.

10 Q. The crew that was on the wall?

11 A. Yes.

12 Q. So you knew them individually?

13 A. Uh-huh.

14 Q. What if I was to tell you that they
15 weren't on the tail gate of the longwall, they had
16 come back toward the middle, what would you think?

17 A. The shear was to the middle?

18 Q. The shear is at the end, the crew is
19 towards the middle.

20 A. I would say they was running. Too
21 experienced. Shear operator, Gary Quarles, too
22 experienced. He knows what's going on.

23 Q. Uh-huh.

24 A. Too many red buttons on that line to kill

1 the line. Do I know what happened? No. I mean, I
2 read an article that says the shear was shut off 92
3 seconds.

4 Q. What does that suggest to you?

5 A. That the line was shut off and they was
6 running. They knew something was wrong and they
7 was going, they was moving.

8 MR. MCATEER: Okay. That's all
9 the questions I have at this time.

10 MR. SHERER: I've got a few
11 more.

12 EXAMINATION

13 BY MR. SHERER:

14 Q. The first one was just a point of
15 clarification. You mentioned EP points. Are those
16 what we would commonly call Evaluation Points?

17 A. Yes.

18 Q. You mentioned not having enough manpower.
19 Could you explain that?

20 A. Massey has always had the problem of
21 getting men, and when you do get men, they send
22 them here, they send them there, you know, trying
23 to fill crews up and you're always shorthanded.

24 Q. Okay. Sure. Did you stay in contact with

1 folks working at UBB after you left?

2 A. Yes.

3 Q. Did you hear anybody talking about
4 problems they had at UBB prior to the explosion?

5 A. Yes.

6 Q. Anything in particular?

7 A. Gary Quarles and Nick Parkowski, they just
8 told me, I was eating with them at Hooters, told me
9 something was bad going to happen.

10 Q. And when was that?

11 A. Three days prior to it blowing up. It
12 blowed up on a Monday and I talked to them on a
13 Friday.

14 Q. Did they mention anything specific or just
15 something bad?

16 A. Just something bad. You know, I never
17 really got into it with them. They just pretty
18 much didn't like the management and the way it was
19 getting ran while they was at Performance.

20 Q. We're extremely sorry about the loss of
21 your friends and co-workers. That's why we're
22 doing this investigation, to try to prevent this in
23 the future. The friends and co-workers and the
24 families are those 29 miners deserve some closure.

1 A. Oh, yes.

2 Q. Let me tell you what we know about the
3 longwall and you volunteer your opinion. I'm going
4 to ask you to help us out with what we do know. We
5 know that the shear was cut out on the tail.
6 You've probably seen the photo in the paper where
7 the tail drum was out in the tailgate.

8 A. Yes.

9 Q. About three or four feet. The pan line
10 was -- there was nothing on the pan line near the
11 tail. There was nothing near the head but there
12 was, toward the middle of the face, there was some
13 little coal and some bigger chunks of sandstone, so
14 they had probably been doing the shuffle prior to
15 the explosion.

16 We know that the manual disconnects on the
17 high voltage for the shear had been pulled; the
18 water, both the water levels had been pulled so the
19 water was cut off on the face. Like Davitt was
20 telling you, the crew, the shear operators and one
21 of the electricians --

22 A. Maybe Nick.

23 Q. Nick, and the foreman were about mid face,
24 about shale 100 or so. The rest of the crew were

1 up near the head gate. The head gate operator had
2 actually come back around the face. We know that
3 the longwall had been down most of the day and they
4 had had problems with the hinge pin and the range
5 arm. They called out about 2:30 and said that
6 they're up and running, and that's the last that we
7 know that anybody had any contact with them.

8 The explosion, of course, occurred just a
9 few minutes after 3:00, and we understand that
10 normally they stayed on the face until after 3:30.

11 A. On the longwall?

12 Q. Yes.

13 A. We always did.

14 Q. Yes. The other crew was just slightly
15 in-by the portal itself when the explosion
16 occurred, and we don't think they would have been
17 coming off because it was near quitting time.

18 Does that suggest anything to you?

19 A. Like I said, that crew on the face was the
20 most experienced crew probably that longwall had.
21 They knew something was wrong because you had a
22 electrician of Grover Skeens that has worked 20
23 plus years on a longwall itself.

24 Q. Sure.

1 A. And probably Gary probably had 10, 15
2 years on the wall, Joel Price had 10 years plus on
3 the wall. Nick Parkowski was just up and coming.
4 He was green, learning everything. He was going to
5 be Massey's, I guess, key boy. He was a college
6 boy.

7 Q. Uh-huh.

8 A. Rex Mullins, years on the wall.

9 Q. Sure.

10 A. I mean, that was a legit crew up there.

11 Q. We certainly appreciate your help here.
12 One final thing, do you know of a practice of
13 shutting off the water when they get to the tail?

14 A. On a drum spray?

15 Q. Uh-huh.

16 A. No, because when I was bossing, they would
17 cut out and, you know, they complain all the time,
18 and Gary Fisher, they would tell you, they would
19 shuffle with the water.

20 MR. SHERER: Uh-huh. Okay.

21 Thank you.

22 EXAMINATION

23 BY MR. MCATEER:

24 Q. Why would you shuffle without water?

1 A. Sometimes when you throw that cow around,
2 when you split your cows, your operators get wet.

3 Q. Okay. And it's your thinking that Gary
4 would have suggested that you keep the water on?

5 A. Yes. That's too experienced a crew.

6 Q. What does the turning off of the water and
7 the power suggest to you?

8 A. I'd say if there was methane there, it was
9 a good chance of they're in the shuffle, they're
10 going to be cutting sandstone. If there's methane
11 there, it's going to pop.

12 Q. How would the operator know to turn the
13 power off and cut the water off?

14 A. How would they know?

15 Q. How would they know?

16 A. They've been trained, I mean, at safety
17 talks.

18 Q. Sure. Okay. And Eric has mentioned to
19 you that the head gate operator had come back to
20 the face. What does that suggest to you?

21 A. Probably making sure all the men -- if
22 they was coming off a line, he was going to make
23 sure every one of them would be off the line.

24 Q. Okay.

1 A. Because he's right there at the head
2 drive.

3 MR. MCATEER: Sure. Okay. Thank
4 you, sir. That's all the questions I
5 have.

6 EXAMINATION

7 BY MR. SHERER:

8 Q. One last question. If there was an
9 ignition or a fire at the shear down at the tail
10 gate, do you think they would have shut the power
11 and pulled the water?

12 A. Yes.

13 MR. SHERER: Okay. Thank you.

14 MR. MCATEER: No further
15 questions

16 MR. KOERBER: Just for the
17 record, the subpoena is Exhibit 1. The
18 October 25, 2010 letter is exhibit 2. We
19 have marked on a map during the course of
20 the interview, which would be Exhibit 3.
21 It is the map that shows both the UBB
22 Montcoal portal and the Ellis portal and
23 is the map that shows the working sections
24 from the UBB side as well as the longwall

1 and the head gate 22 sections from the
2 Ellis portal.

3 MR. BAXTER: Barry, could we go
4 off the record for just a minute?

5 MR. KOERBER: Yes. Off the
6 record, please.

7 (Off the record.)

8 MR. KOERBER: Any other
9 questions?

10 MR. SHERER: Yes, I have just a
11 few here.

12 EXAMINATION

13 BY MR. SHERER:

14 Q. We were discussing the longwall a few
15 minutes ago and you mentioned, I think we were
16 talking about or Davitt was talking about they had
17 pulled the power and turned off the water, and you
18 mentioned something like that's what they had done
19 in their safety talks or they talked about in their
20 safety talks.

21 Can you explain that, please?

22 A. Well, we gave safety talks if anything
23 would happen and we had to kill the line, and the
24 head gate man, you know, you got an intercom system

1 on the line. They talk directly to the head gate;
2 pull the water, kill the power.

3 Q. Uh-huh.

4 A. He would do it right there at the box
5 because he's sitting right there.

6 Q. Sure. Now we understand that that
7 control system can also be used to shut off the
8 pan line.

9 A. Yes.

10 Q. Do you know if the head gate operator
11 pretty much just shuts the water off when the pan
12 line shuts down, have you ever heard of that?

13 A. Sometimes he would.

14 Q. Okay.

15 A. Because all that water emulsion right
16 there.

17 Q. Sure. Why would you shut the water off if
18 there was a fire ignition on the shear? Wouldn't
19 you try to keep the sprays going?

20 A. Yes. I'd try to keep power on it, you
21 know, try to kill it, because once you kill the
22 power and the water, it just --

23 Q. Thank you. When you were associated with
24 the longwall at any of the Massey operations, did

1 anybody ever say mine coal even if you didn't have
2 enough ventilation or if you had methane, or
3 anything like that?

4 A. When I was bossing the longwall, they had
5 a longwall coordinator, Jack Roles. He would
6 absolutely shut you down if you didn't, everything
7 wasn't to a T.

8 Q. Did Mr. Roles come in and check
9 ventilation quantities?

10 A. Yes.

11 Q. Check for methane, things like that?

12 A. Yes, he did.

13 Q. Okay.

14 A. He come up the tail gate, go out the head
15 gate. He had go in behind the wall. He was
16 everywhere, every day.

17 Q. Okay. Was Mr. Roles pretty conscientious
18 about that?

19 A. Yes.

20 Q. Have you had any contact with Mr. Roles?

21 A. No, I have not.

22 MR. SHERER: Thank you.

23 EXAMINATION

24 BY MR. O'BRIEN:

1 Q. I have one clarification for me, mainly.
2 Did I hear you say to cut the power off, the water
3 went off also? Did that happen automatically?

4 A. They had valves they had to twist.

5 Q. The head gate operator, he was kind of
6 programmed when the power went off, to cut the
7 water off?

8 A. Yes. Like when they was setting bits or
9 something, let's say, to me, they might have been
10 setting up to set bits on the tail, you know,
11 because they'll clean up really, really good to get
12 up there to pull the jacks forward. If the bottom
13 is hard, they'll set a drum of bits to come back
14 through the head.

15 MR. O'BRIEN: Thank you.

16 EXAMINATION

17 BY MR. MCATEER:

18 Q. Do you remember anything about your
19 conversation at Hooters on that Friday, anything
20 specific that would help us understanding of what
21 went on here, what was going on?

22 A. All they told me was something bad would
23 happen at Performance Coal.

24 Q. Okay. But nothing --

1 A. They didn't come out, you know. Outside
2 of work, I don't like to talk about coal mining to
3 anybody.

4 Q. Sure. But you tend to fall into it
5 anyway?

6 A. You get trapped up in --
7 Sometimes if I'm in Wal-Mart and see
8 somebody, socialize, I kind of dodge them.

9 MR. MCATEER: Thank you, sir. No
10 other questions.

11 MR. KOERBER: Sir, we're over 250
12 people that have been interviewed and
13 we're letting everybody know that at the
14 end of the interviews, there may be a need
15 to recall certain people to ask clarifying
16 questions. That may or may not include
17 you, but I just want you to be aware that
18 that possibility exists, and at this time
19 point in time, I would like you give you
20 an opportunity, everything has been asking
21 you questions, if there's anything that
22 you would like to add that you think the
23 panel needs to know for purposes of this
24 investigation, I would like to give you an

1 opportunity to let us know.

2 If there's any statement you'd
3 like to make, if there's any comments
4 you'd like to make, if there's any
5 clarifications of anything that you said
6 earlier that you'd like to make, the floor
7 is yours. You can comment on anything you
8 would like to.

9 MR. GAUTIER: No, I'm good.

10 MR. KOERBER: Okay. Thank you
11 very much for coming today and we'll go
12 off the record.

13 (Interview ended at 1:48 p.m.)

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1 (Record re-opened after Interview
2 of Raghuveer Thadisina.)

3 MR. KOERBER: We're back on the
4 record of the earlier interview at 1:00,
5 which was Mr. Jason Gautier.

6 MR. AKERS: My name is Rob Akers,
7 again with Allen, Guthrie & Thomas on
8 behalf of Massey, and we'd just like to
9 note our objection to not being permitted
10 to the interview of Jason Gautier.

11 MR. KOERBER: Just for the
12 record, he had not worked at UBB for
13 several years, which is the reason why you
14 were excluded.

15 MR. AKERS: Right, and that was
16 our understanding. I think he may have
17 been a former agent of Massey, which was
18 --

19 MR. KOERBER: Potentially.

20 MR. AKERS: Which is why we
21 wanted to, but our objection is noted.

22 MR. KOERBER: Off the record
23 there as well. Are you finished?

24 MR. AKERS: Yes.

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MR. KOERBER: Off the record
there as well.
(End of Interview.)

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lynne Rodriguez, a Notary Public and
3 Registered Professional Reporter within and for the
4 State aforesaid, duly commissioned and qualified,
5 do hereby certify that the deposition of was duly
6 taken by me and before me at the time and place
7 specified in the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither attorney
14 or counsel for, nor related to or employed by, any
15 of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 2nd day of June,
21 2020.

22 Given under my hand and seal this 2nd day of
23 November, 2010.

24

Lynne M. Rodriguez, RPR
Notary Public

Jason Gautier

ERRATA

Pgs. 30, 33 Nick Parkowski should read Nick McCroskey

Confirmed by Celeste Monforton, conversation w/Gary Quarels, Sr., 5/3/2011
Mr. Quarles also thought that they met on Saturday night, not Friday.

Erik Sherer
5/4/2011