

1 **WEST VIRGINIA MINE HEALTH & SAFETY ADMINISTRATION**

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6 **IN RE:**

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

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13 **The interview of STEVEN GRATION taken upon**
14 **oral examination, pursuant to notice and pursuant**
15 **to the Federal Rules of Civil Procedure, before**
16 **Nichelle N. Drake, Professional Reporter and Notary**
17 **Public in and for the State of West Virginia,**
18 **Thursday, February 24, 2011, at the National Mine**
19 **Health & Safety Academy, 1301 Airport Road, Beaver,**
20 **West Virginia.**

21
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9 **Jim Beck**

10 **Also Present:**
11 **Leland Hess**

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1 MR. TUCKER: My name is Bill Tucker. I'm
2 the administrator with the Office of Miners' Health
3 Safety & Training. Today's date is February 24,
4 2011.

5 I'd ask for the other people around the
6 table to identify themselves.

7 MR. SCOTT: I'm John Scott with the State
8 of West Virginia.

9 MR. BABINGTON: Matt Babington, I'm an
10 attorney with the Department of Labor.

11 MR. CRIPPS: Dean Cripps with MSHA.

12 MR. MAGGARD: Jasey Maggard with MSHA.

13 MR. BECK: Jim Beck with the Governor's
14 Independent Team.

15 MR. SEARS: Chris Sears with Shuman,
16 McCuskey & Slicer on behalf of Mr. Gration.

17 MR. TUCKER: Mr. Gration, we have a court
18 reporter here today with Johnny Jackson &
19 Associates. They'll have your transcript ready for
20 you to view after three business days. I'll give
21 you a business card here in just a minute. You'll
22 need to contact them to set up an appointment to go
23 and look at that if you so choose. It's not
24 something you have to do. You have that option.

1 You and your attorney can go in. They'll give you
2 a sheet called an errata sheet if you want to make
3 any corrections you'll have an opportunity to do
4 that.

5 We can take a break any time that you want
6 and you just let us know, whatever reason you want
7 to do that. We ask that you don't discuss your
8 testimony with anyone outside the interview room
9 here today other than your attorney. That's just
10 to protect the integrity of the investigation. At
11 this time, I'll turn it over to Matt.

12 MR. BABINGTON: Mr. Gration, thank you for
13 coming in and talking to us. This is a letter from
14 Norman Page, MSHA's lead investigator to you,
15 basically explaining the background and protocols
16 for the interview. You were provided a similar
17 letter the first time you came in to talk to us,
18 just about the same substance of it.

19 MR. TUCKER: At this time, I'd like to ask
20 the court reporter to administer the oath.

21 STEVEN GRATION, DEPONENT, SWORN

22 MR. TUCKER: Thank you.

23 Would you state your full name and spell
24 your last, please.

1 THE WITNESS: Steven Gration,
2 G-R-A-T-I-O-N.

3 MR. TUCKER: Would you give us your
4 address and phone number?

5 THE WITNESS: [REDACTED]
6 [REDACTED]

7 MR. TUCKER: And do you have an attorney
8 here with you today?

9 THE WITNESS: Yes.

10 MR. TUCKER: And he's already identified
11 himself and you all represent Mr. Gration; is that
12 right?

13 MR. SEARS: That's correct.

14 MR. TUCKER: On April the 5th, what was
15 your job duties there at UBB?

16 THE WITNESS: Maintenance foreman in
17 charge of the shields, roof supports.

18 MR. TUCKER: Okay. So would you sometimes
19 do permissibility and fill out books?

20 THE WITNESS: Usually not permissibility.
21 I had in the past, but not at this time.

22 MR. TUCKER: Not regularly but sometimes
23 you did.

24 Okay. We have one other gentleman at the

1 table and I'd ask that he identify himself and the
2 firm he's with and who he represents.

3 MR. PENCE: Chris Pence with Allen,
4 Guthrie & Thomas. I represent Performance Coal
5 Company.

6 MR. TUCKER: We have one other gentleman
7 in the back. I'd ask that he identify himself.

8 MR. HESS: Leland Hess with MSHA.

9 MR. BECK: Steve, we have -- There's laws
10 that would protect witnesses from coming in and
11 testifying in procedures like this. I'm sure we
12 gave you this information when you were interviewed
13 the first time; but if at any time -- I'll go ahead
14 and give you another copy of this. But any time
15 you felt like you was being discriminated against
16 for being here today, anything, let's say, that's
17 in your testimony, this is the appropriate people
18 that you would contact that would handle that
19 matter. And if you -- if something like that would
20 occur, you actually by law have 30 days from the
21 time it occurs to file a complaint; and you can do
22 that through an informal handwritten letter,
23 however you choose to do it.

24 Also I'll go ahead and give you one of my

1 cards. If something comes up after today, if you
2 have any information you would like to share with
3 us, we certainly would be interested in having it.
4 And I'll give you a card. This is a card for
5 Johnny Jackson & Associates. You can contact them
6 if you choose to look at your transcript.

7 MR. SEARS: Could we also have the
8 opportunity to look at the transcript of the first
9 interview at that time as well. I know that John
10 had made a similar request.

11 MR. BABINGTON: Yeah, we're going to work
12 out a protocol for that and discuss off the
13 record.

14 MR. TUCKER: A couple things we would like
15 to enter as exhibits. The first one is just a
16 subpoena you would have been served for your
17 appearance here today, and this is just an
18 affidavit of service showing where you were served
19 the subpoena.

20 THE WITNESS: Okay.

21 MR. TUCKER: Okay.

22 MR. BABINGTON: Bill, I'm going to mark
23 the subpoena, a copy of the subpoena, as Gration
24 Exhibit 1 and the affidavit of service as Gration

1 Exhibit 2.

2 (Exhibit Nos. 1 and 2 marked for
3 identification.)

4 MR. TUCKER: Okay. We'll go ahead and get
5 started with a few questions, and then we'll pass
6 you off to a couple other gentlemen here; and we'll
7 try to get on through this.

8 MR. BABINGTON: Bill, do you mind if I say
9 one more thing before we start?

10 MR. TUCKER: Sure.

11 MR. BABINGTON: We have a court reporter,
12 so there's going to be a transcript of the
13 interview. There's a couple things to keep in
14 mind. First is you're going to be asked yes or no
15 questions. As much as possible, answer yes or no
16 rather than uh-huh or uh-uh or shaking or nodding
17 your head. The second thing is please try to wait
18 for the interviewer to complete asking his question
19 before you start answering, and I'd ask that the
20 interviewers also to keep in mind to wait for the
21 witness to finish answering before you ask another
22 question. That way we don't have people talking
23 over each other. It makes for a cleaner
24 transcript. And lastly, if we end up using the

1 map, if you can be as descriptive as possible if
2 you're pointing to particular areas. You can get
3 habit of saying, you know, we were here and we were
4 here. If you can be descriptive of what you're
5 pointing at, that will help. And we'll also jump
6 in and help you if you get in the habit or
7 something.

8 Thank you, Bill.

9 MR. TUCKER: Thank you.

10 EXAMINATION

11 BY MR. TUCKER:

12 Q. Just reviewing over your transcript, I saw
13 a few things there that I'd kind of like to follow
14 up on with some questions. On your first
15 interview, you talked about on the Sunday night,
16 which being April the 5th on your shift, that you
17 noticed lot of thumping and bumping --

18 A. Yes.

19 Q. -- on the longwall. Was that more than
20 what was normal for you to hear?

21 A. No.

22 Q. So it was just normal top working in
23 behind the shields; is that what it was?

24 A. Yes, it's just -- I mean, it's the

1 longwall. Some days it's quiet. Some days it's
2 not.

3 Q. It wasn't anything out of the -- really
4 highly unusual or extra loud thumping or --

5 A. No.

6 Q. -- that you would say?

7 A. No.

8 Q. Okay. Would you -- Did you happen to be
9 on the tail towards the end of that shift?

10 A. Towards the beginning and the middle of
11 the shift probably two hours prior to the tail --
12 the end of the shift I was on the tail.

13 Q. Did you notice anybody else coming to the
14 tail while you were down there working? Was there
15 anybody else down there?

16 A. Fire boss.

17 Q. He just --

18 A. Section boss.

19 Q. He just came later? Was he there helping
20 you?

21 A. No. He was there doing his fire boss run,
22 and I had my red hat with me on the tail when I was
23 on the tail.

24 Q. And what again was you working on?

1 A. Roof supports.

2 Q. Okay. So you were out in the tail entry
3 itself?

4 A. No.

5 Q. No. You just -- When you say roof
6 supports, you mean on the --

7 A. Shields. Some people don't know what
8 shields are. They call them roof supports. I
9 didn't know exactly how to answer your question.

10 Q. No, that's fine. Now when Dean talks to
11 you after while, he's from out in Illinois, he'll
12 use terms probably you're not familiar with too.

13 So while you were down there working, did
14 you have any indication of how -- as far as the air
15 coming by you, did it seem to be normal, what you
16 would expect, less, more or --

17 A. Seemed to be as any other night up there.

18 Q. Okay. Did you have any way of being able
19 to tell which way once the air passed you and went
20 out into the tail entry, which way it was
21 traveling?

22 A. No.

23 Q. Anything that would indicate it was going
24 inby, outby or anything like that?

1 A. No.

2 Q. Okay. We understand they was working on
3 the hinge pin on the ranging arm on day shift on
4 April the 5th. Was you aware of that?

5 A. Yes.

6 Q. Is that a job that you ever done yourself?

7 A. Yes.

8 Q. On this particular longwall?

9 A. No.

10 Q. Okay. What about the bits? Do you
11 normally help set bits?

12 A. Not normally but we did the night before
13 this happened.

14 Q. Okay. Did you notice -- I understand the
15 cutting was pretty hard, cutting a lot of sandstone
16 down next to the tail?

17 A. Yes.

18 Q. When you went to bit up that night, did
19 you notice anything unusual or kind of out of the
20 way? Were the bits in worse shape than normal?

21 A. No, just the usual wear.

22 Q. Okay. What about the water sprays?

23 A. We checked them when we set bits, and I
24 think maybe we might have replaced one spray.

1 Q. Okay. Normally when you would help set
2 bits, would there normally be water sprays out?

3 A. No. It's just, you know, conditions.

4 Q. Sometimes it was. Sometimes it wasn't.

5 What's the most you ever saw out of one
6 time that you can recall?

7 A. Probably two.

8 Q. Do you know of any reason anybody would
9 say just take a spray out and leave it out? Was
10 there any reason that would make sense to do that?

11 A. Not that I know of.

12 MR. TUCKER: All right. I'm going to pass
13 you off to one of these other gentlemen there.

14 EXAMINATION

15 BY MR. CRIPPS:

16 Q. Steve, I want to talk a little bit about
17 your experience if we can first. Since you've been
18 employed with Massey, what all -- what jobs have
19 you performed on the longwall?

20 A. On the longwall, shield technician,
21 production electrician and maintenance foreman.

22 Q. The shield tech and the maintenance
23 foreman jobs, were those on third shift?

24 A. Yes and no. The maintenance foreman, I

1 was -- I've been a maintenance foreman on third
2 shift and on production.

3 Q. When you was on production, what crew was
4 you on?

5 A. I don't know what crew it was. Timmy
6 Davis was my boss, one of them that got killed.

7 Q. How long was you on that crew?

8 A. Me and him was together for probably three
9 or four years.

10 Q. So you was actually on the production crew
11 with Timmy and when they was loading coal?

12 A. Previously but not in the last six months
13 before the explosion.

14 Q. That's -- When did you go onto third
15 shift?

16 A. Probably six months before the explosion.

17 Q. Okay. Any other jobs you've done on
18 longwalls at other mines?

19 A. No, just maintenance chief and just
20 electrical programer.

21 Q. Never a jack setter or shear operator?

22 A. I mean, when you're on production, you do
23 that fill-in, let people eat and stuff. I can do
24 anything on that.

1 Q. Okay. You're on the crew -- Larry Brown
2 is your boss on your crew; is that correct?

3 A. Yes.

4 Q. Who does your job on the other crew?

5 A. Nobody.

6 Q. So you're the only --

7 A. I'm with both crews. I'm not on a
8 particular crew. I have my own crew.

9 Q. So what's your work schedule?

10 A. Mine was five days a week, but my men were
11 six and seven days -- six days a week, but just
12 somebody was there seven days a week. Not, just
13 not all of us was there at the same time.

14 Q. But on the days that you didn't work
15 there, wasn't a --

16 A. A foreman, no. There was a shield tech,
17 but no foreman.

18 Q. Do you carry a methane spotter --

19 A. Yes.

20 Q. -- with you on your job?

21 Where did you charge that spotter at?

22 A. Sometimes at the mines and sometimes at
23 home.

24 Q. Okay. Do you know where that spotter is

1 now?

2 A. No.

3 Q. Did you turn it in when you left the mine?

4 A. Yes.

5 Q. Do you know who you turned it into?

6 A. Jack Roles.

7 Q. Okay. Did you have just one spotter
8 assigned to you?

9 A. Yes.

10 Q. And the reason I ask I looked through some
11 calibration records, and I seen a couple different
12 spotters, serial numbers that --

13 A. I had one that messed up, and they gave me
14 another one; but I just had one in my possession.

15 Q. But you had had one assigned to you
16 previously?

17 A. Yes.

18 Q. What type of spotter was it?

19 A. Solaris.

20 Q. Where did you calibrate it at?

21 A. At the mines.

22 Q. Which portal?

23 A. UBB.

24 Q. Is that where you normally portaled?

1 A. Yes.

2 Q. The shield electricians, do you know what I'm
3 talking about when I say shield electricians?

4 A. Yes.

5 Q. I'm trying to figure out how to word this
6 question. I understand some shield electricians you
7 can do a batch prime to pull the shields lower,
8 advance and set the shields.

9 A. Yes.

10 Q. Did that function work on these shields?

11 A. Yes.

12 Q. Do you know if anybody ever used it?

13 A. A couple probably.

14 Q. When -- Had you worked production on this
15 particular face?

16 A. Yes.

17 Q. And by this particular face, I'm talking
18 about the face at UBB when the explosion occurred?

19 A. Yes.

20 Q. You had been on the production crew?

21 A. Yes.

22 Q. Do you recall if the jack setters used
23 that prime or did they pull every shield
24 individually?

1 A. It depended on the jack setter. We had
2 some that wasn't very experienced and some that
3 were and the more experienced ones used it.

4 Q. Okay. The ones that used it, explain to
5 me how that function worked.

6 A. You just -- you go to the CIU and set a --
7 have a sequence of buttons to push to set the prime
8 up; and then once you do, you just go so far away
9 and push one button and it would cause three or
10 four shields to come in.

11 Q. Any of the jack setters on the running
12 crews ever mention to you that they did not work?

13 A. Some of them would have problems with some
14 shields and then we would address the problems and
15 fix them.

16 Q. So to your knowledge on April 5th, the
17 shield electrics were functioning?

18 A. Yes.

19 MR. CRIPPS: Okay. You can go ahead and
20 ask some. Go ahead, Jim.

21 EXAMINATION

22 BY MR. BECK:

23 Q. The shields, do any of the shields have
24 sprays, water sprays on them?

1 A. They had shield sprays on the tips.

2 Q. All the shields?

3 A. Every shield had sprays.

4 Q. Did they work?

5 A. Yes.

6 Q. Were they used?

7 A. They was used -- they worked as you
8 advanced the shields. When they come into the
9 face, they sprayed water.

10 Q. So you were on the midnight shift, right?

11 A. Yes.

12 Q. The portal at UBB?

13 A. Yes.

14 Q. Was there a rock dust crew on the midnight
15 shift?

16 A. I don't recall.

17 Q. Did you ever see anybody with, you know, a
18 tank duster or anything of that nature?

19 A. Yes. We would see people in the out --
20 supply yard loading it. Where they might have rock
21 dusted at, I don't know.

22 Q. And did you ever with your detector pick
23 up any methane on the longwall?

24 A. Nothing more than point one maybe.

1 MR. BECK: That's all I have.

2 EXAMINATION

3 BY MR. SCOTT:

4 Q. Who did you -- Who was your immediate --
5 Who gave you work orders or lists of stuff to do
6 that particular shift?

7 A. Danny Laverty.

8 Q. He would leave them outside for you to
9 pick up?

10 A. Yes.

11 Q. And did you have a sheet like you filled
12 out and turned back in at the end of the shift to
13 show what you got done or didn't do or --

14 A. Yes.

15 Q. Did you turn that back into Danny or
16 just --

17 A. Either to him or on his desk.

18 Q. When you -- you said every shield had a
19 water spray?

20 A. Yes.

21 Q. Shield spray.

22 A. Built into the shields.

23 Q. Built into the shields.

24 A. Some shields had water sprays mounted on

1 for dust suppression that sprayed all the time.

2 Q. How were they -- Were they spaced out --

3 A. Every two shields.

4 Q. Every two shields.

5 EXAMINATION

6 BY MR. MAGGARD:

7 Q. You said you -- I want to ask you, you
8 said you was on the tail side the night before the
9 explosion, which was midnight shift -- midnight
10 shift on April 5th, right?

11 A. Yes.

12 Q. What part of the tail was you on, how far
13 down?

14 A. All the way to the tail.

15 Q. All the way to 176?

16 A. 176.

17 Q. What was you doing down there?

18 A. Working on different shields, checking
19 leaks and bypasses, training some -- the red hat.
20 He was still learning some procedures,
21 troubleshooting and helping him learn
22 troubleshooting.

23 Q. Was it just you and him together that
24 night?

1 A. Yes.

2 Q. And what was his name?

3 A. Blake Accord.

4 Q. And when you was down there in that area,
5 did you have your detector with you that night?

6 A. Yes.

7 Q. Did you have it turned on?

8 A. Yes.

9 Q. Did -- Where was you -- Where else had you
10 worked across the face? What other -- Did you have
11 to change any CIUs? What -- Other than leaks, did
12 you have to do any other additional work that
13 night?

14 A. We changed some electrical parts like
15 transducers, cables, but no CIUs that night that I
16 recall.

17 Q. Do you recall any spare parts like spare
18 CIUs being across the face or anything like that?

19 A. I don't recall. The production crews
20 usually set some in different spots to keep them
21 from walking to get them.

22 Q. If you change a CIU out during your shift,
23 do you bring the old CIU off or do you leave it
24 and --

1 A. Bring it --

2 Q. -- let the shear bring it out?

3 A. We carry it off and take it outside.

4 Q. Do you do any -- You said you've done some
5 exams in the past. Do you do -- do you do any
6 exams at all on -- in say the last couple the
7 months. Do you do any exams at all on the face?

8 A. Prior to the explosion?

9 Q. Right.

10 A. Probably a few. If the electricians are
11 really busy, I'll try to help them out.

12 Q. And what types of exams are those?

13 A. Maybe an electrical exam of the tail
14 drive. I've helped them do that a few times.

15 Q. But basically electrical exams --

16 A. Yes.

17 Q. -- is that right?

18 A. Yes.

19 Q. Had you done any other work recently other
20 than -- I know you said you set bits on the shear
21 that shift. Had you done any other work other than
22 shield tech work recently?

23 A. Yes. Depending on if they had a big job,
24 I would help them do that me and my guys. We were

1 told to make sure that their stuff got done. That
2 was priority. They changed the shear cable out
3 prior to this. Two or three weeks we helped on
4 that.

5 Q. And what was your role with the shear
6 cable?

7 A. Mostly helped them put it in place and put
8 everything back together.

9 Q. Okay. And was you responsible for any
10 hook-ups, splicing, anything like that?

11 A. No.

12 Q. Okay.

13 MR. BABINGTON: I'm sorry. Was that a
14 no?

15 THE WITNESS: No.

16 Q. Okay. Setting bits on a shear, was that a
17 normal thing that you done or was that something
18 that may happen once a month?

19 A. Once a month.

20 Q. Okay.

21 EXAMINATION

22 BY MR. SCOTT:

23 Q. I've got one thing. Did you ever work on
24 the phone system down the line or was that somebody

1 else's?

2 A. I have in the past.

3 Q. Did they normally keep spare parts down
4 the line for that?

5 A. No.

6 Q. A phone or a terminator or cables or
7 anything?

8 A. No, not to my knowledge.

9 Q. Did they keep that on the head or did they
10 keep stuff --

11 A. Tool car.

12 Q. Tool car. Did you have much trouble out
13 of that system?

14 A. No.

15 Q. Pretty good system?

16 A. Yeah.

17 EXAMINATION

18 BY MR. MAGGARD:

19 Q. Had you used any of the phones across the
20 face during the midnight shift?

21 A. Yes, a couple -- one at the tail. The
22 midnight foreman had called and asked if I was
23 about done because they was running behind, to see
24 if we could help them.

1 Q. You said the one at the tail. Do you
2 recall what shield that was at?

3 A. 173.

4 MR. TUCKER: We'll go off the record.

5 (Off the record.)

6 MR. TUCKER: Back on the record.

7 BY MR. MAGGARD:

8 Q. Just a few more questions. That detector
9 that you had, did you have your name on it?

10 A. No.

11 Q. Any initials?

12 A. No.

13 Q. Are you positive? I mean, it's been a
14 long time ago.

15 A. Not that I recall. I don't remember doing
16 it.

17 Q. Okay. And you said that the other one had
18 been replaced. Do you have any idea how long
19 before the --

20 A. I don't.

21 Q. -- accident that you had problems out of
22 the spotter that you had to get a new one?

23 A. I really don't. I don't remember when.

24 Q. Okay. Have you ever -- When you find

1 something wrong with shields, is there times that
2 you don't get the work done prior to the beginning
3 of the shift? I mean, you've got 176 of them.

4 A. Yeah. There's some nights you just --
5 you've got so much. You might have a big job and
6 something that's not really major. You have to
7 wait until the next night.

8 Q. And do you have a -- do you report that to
9 anybody that I couldn't fix --

10 A. Yes.

11 Q. How do you do that?

12 A. The electricians coming on on the next
13 shift ask if I had anything that didn't get done;
14 and if they'll get a chance, they'll do it to help
15 me out; and then they'll leave me a list the next
16 night if they have something.

17 Q. And how does all that list -- Who keeps
18 track of all the stuff that's going on per shift?
19 I mean, how does that --

20 A. I just get --

21 Q. That seems like that'd be kind of tough.

22 A. I just get notes when I get to work.

23 Q. Do you do a call-out in the morning or do
24 you --

1 A. No, just --

2 Q. -- meet with anybody outside like --

3 A. Danny Laverty.

4 Q. -- Danny and talk to him and tell him what
5 you did the night before?

6 A. Yes.

7 Q. Okay.

8 MR. BABINGTON: Try not to talk overtop of
9 each other. Okay?

10 THE WITNESS: Sorry.

11 MR. MAGGARD: I've got a bad habit of that
12 too.

13 MR. BABINGTON: And, actually, Jasey, I
14 think you gave him two options and he said yes to
15 it. If you could try to ask that question again --

16 MR. MAGGARD: I can't remember what I
17 asked.

18 MR. BABINGTON: I think it was did you
19 call it out --

20 Q. Did you call it out or did you --

21 A. Carried it out.

22 Q. Carried it out. Did you write that on a
23 sheet of paper or did you just -- How did you do
24 that?

1 plan requires. I guess the question I'm asking is
2 that where they were always located?

3 A. When I was on the face, yes.

4 Q. When they were cutting from the tail gate
5 towards the head gate, where would those --

6 A. They would be in the same position.

7 Q. So --

8 A. The jack setter -- the prime you asked
9 about earlier, they change -- it's changed from
10 coming from the tail to the head than it is from
11 head to tail. It changes -- It causes the shield
12 to come in further back.

13 Q. But for the inexperienced jack setters
14 that didn't use the prime, how would they then pull
15 the shields?

16 A. The shear cuts so far and stop and the
17 jack setters go back, pull the shields in and then
18 get back in place and they'd cut more.

19 Q. When the shear is cutting, the tail gate
20 operator, would he also be out by the head gate
21 drum?

22 A. Yes.

23 Q. Did you ever see him standing middle of
24 the shear?

1 A. No. We were asked and I declined.

2 Q. Okay. Do you feel -- You don't have to
3 answer this if you don't want, but would you feel
4 threatened by that and the fact that you were here
5 on investigation and somebody asked to interview
6 you?

7 A. No.

8 Q. Do you mind telling us who asked to
9 interview you?

10 A. No.

11 Q. You'd rather not?

12 A. I'd rather not.

13 MR. TUCKER: That's fine. That's all I've
14 got.

15 EXAMINATION

16 BY MR. MAGGARD:

17 Q. When you set bits on the midnight shift,
18 which drum did you set bits on?

19 A. Tail drum.

20 Q. And who set on the head drum?

21 A. Mike Medley.

22 MR. TUCKER: Just to follow up on that
23 line of questioning, if anything is done that you
24 feel threatened or intimidated about cooperating in

1 the investigation, that's what the information I
2 gave you as far as discrimination that's for your
3 protection.

4 THE WITNESS: Okay.

5 BY MR. MAGGARD:

6 Q. I've got another question. Did you have a
7 chance to turn the water on before you left that
8 day?

9 A. I don't recall. We were -- we finished
10 the shear up, me and my partner and we went and put
11 our tools up and got parts up for the next night
12 and they were still at the shear, the other
13 electricians.

14 Q. But you don't -- you're not positive that
15 you turned the water on?

16 A. I know I didn't, no.

17 MR. MAGGARD: Okay. Thank you.

18 MR. TUCKER: Okay. I guess that's all we
19 have, Steve, and we greatly appreciate you coming.
20 We would like to give you the opportunity if you
21 have a statement to make, anything you would like
22 to add, something maybe we haven't asked that you
23 think would be pertinent you'd like to share with
24 us, we'll give you the opportunity to make a

1 statement at this time.

2 THE WITNESS: I just like a lot of my
3 other coworkers would just like answers. We lost a
4 lot of good friends.

5 MR. TUCKER: We appreciate it. We'll go
6 off the record.

7 (The interview of STEVEN GRATION was
8 concluded.)

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1 STATE OF WEST VIRGINIA, To-wit:

2 I, Nichelle N. Drake, a Notary Public and
3 Professional Reporter within and for the State
4 aforesaid, duly commissioned and qualified, do
5 hereby certify that the interview of STEVEN GRATION
6 was duly taken by me and before me at the time and
7 place 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
14 attorney or counsel for, nor related to or employed
15 by, any 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 19th day of July
21 2019.

21 Given under my hand and seal this 25th day of
22 February 2011.

23 _____
24 Nichelle N. Drake
Professional Reporter
Notary Public