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Transcript of the Testimony of Adam Jenkins

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STATEMENT UNDER OATH

OF

ADAM JENKINS

taken pursuant to Notice by Alicia R. Brant, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Saturday, June 12, 2010, beginning at 8:00 a.m.

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P R O C E E D I N G S

1
2 -----
3 ATTORNEY BABINGTON:

4 My name is Matt Babington. Today is June
5 12th, 2010. I'm with the Office of the Solicitor,
6 U.S. Department of Labor. With me is Tim Watkins, an
7 accident investigator with the Mine Safety and Health
8 Administration, an agency of the U.S. Department of
9 Labor. Also present are several people from the State
10 of West Virginia. I ask that they state their
11 appearance for the record.

12 MS. SPENCE:

13 I'm Beth Spence, with the Governor's
14 independent investigative team.

15 ATTORNEY BABINGTON:

16 Terry?

17 MR. FARLEY:

18 I'm sorry. Terry Farley, with the West
19 Virginia Office of Miners' Health, Safety and
20 Training.

21 ATTORNEY KOERBER:

22 And I'm Barry Koerber. I'm also with the
23 Office of Miners' Health, Safety and Training.

24 ATTORNEY BABINGTON:

25 Tim Watkins will be conducting the

1 initial questioning today. All members of the Mine
2 Safety and Health Accident Investigation Team and all
3 members of the State of West Virginia Accident
4 Investigation Team participating in the investigation
5 of the Upper Big Branch Mine explosion shall keep
6 confidential all information that is gathered from
7 each witness who voluntarily provides a statement
8 until the witness statements are officially released.
9 MSHA and the State of West Virginia shall keep this
10 information confidential so that other ongoing
11 enforcement activities are not prejudiced or
12 jeopardized by a premature release of information.
13 This confidentiality requirement shall not preclude
14 investigation members from sharing information with
15 each other or with other law enforcement officials.
16 Your participation in this interview constitutes your
17 agreement to keep this information confidential.

18 Government investigators and specialists
19 have been assigned to investigate the conditions,
20 events and circumstances surrounding the fatalities
21 that occurred at the Upper Big Branch Mine-South on
22 April 5th, 2010. The investigation is being conducted
23 by MSHA under Section 103(a) of the Federal Mine
24 Safety and Health Act and the West Virginia Office of
25 Miners' Health, Safety and Training. We appreciate

1 your assistance in this investigation.
2 You may have your personal attorney
3 present during the taking of this statement or another
4 personal representative, if MSHA has permitted it, and
5 you may consult with your attorney or representative
6 at any time. Your statement is completely voluntary.
7 You may refuse to answer any question and you may
8 terminate your interview at any time or request a
9 break at any time. For the record, do you have a
10 personal representative with you today?

11 MR. JENKINS:

12 No, I don't.

13 ATTORNEY BABINGTON:

14 Thank you. Your identity and the content
15 of this conversation will be made public at the
16 conclusion of the interview process and may be
17 included in the public report of the accident, unless
18 you request that your identity remain confidential or
19 your information would other jeopardize a potential
20 criminal investigation. If you request us to keep
21 your identity confidential, we will do so to the
22 extent permitted by law. That means that if a judge
23 orders us to reveal your name or if another law
24 requires us to reveal your name or if we need to
25 reveal your name for other law enforcement purposes,

1 we may do so. Also, there may be a need to use the
2 information that you provide to us or other
3 information we may ask you to provide in the future in
4 other investigations into and hearings about the
5 explosion. Do you understand?

6 MR. JENKINS:

7 Yes.

8 ATTORNEY BABINGTON:

9 Do you have any questions?

10 MR. JENKINS:

11 No.

12 ATTORNEY BABINGTON:

13 After the investigation is complete, MSHA
14 will issue a public report detailing the nature and
15 causes of the fatalities in the hope that greater
16 awareness about the causes of accidents can reduce
17 their occurrence in the future. Information obtained
18 through witness interviews is frequently included in
19 these reports. Since we'll be interviewing other
20 individuals, we request that you not discuss your
21 testimony with any personal aside from a personal
22 representative or counsel.

23 A court reporter will record your
24 interview. Please speak loudly and clearly. If you
25 do not understand a question asked, please ask the

1 interviewer to rephrase it. Please answer each
2 question as fully as you can, including any
3 information you've learned from someone else.

4 I'd like to thank you in advance for your
5 appearance here. We appreciate your assistance in
6 this investigation. Your cooperation is critical in
7 making the nation's mines safer.

8 After we have finished asking questions,
9 you'll have an opportunity to make a statement and
10 provide us with any other information you believe to
11 be important. If at any time after the interview you
12 recall any additional information that you believe
13 might be useful, please contact any of us or Norman
14 Page at the contact information provided in that
15 letter.

16 Finally, any statements given by miner
17 witnesses to MSHA are considered to be an exercise of
18 statutory rights and protected activity under Section
19 105(c) of the Mine Act. If you believe any discharge,
20 discrimination or other adverse action is taken
21 against you as a result of your cooperation with this
22 investigation, you're encouraged to immediately
23 contact MSHA and file a complaint under Section 105(c)
24 of the Act. Terry?

25 MR. FARLEY:

1 Mr. Jenkins, I want to advise you that
2 the West Virginia Coal Mine Health and Safety
3 Regulations also protect you against discrimination.
4 I want to give you some contact information, along
5 with my business card and the business card for
6 another fellow, who's one of our lead investigators,
7 should you experience any such treatment.

8 MR. JENKINS:

9 Thank you.

10 -----
11 ADAM JENKINS, HAVING FIRST BEEN DULY SWORN, TESTIFIED
12 AS FOLLOWS:

13 -----
14 EXAMINATION

15 BY MR. WATKINS:

16 Q. Good morning, Mr. Adam --- Mr. Jenkins. I got
17 just a couple background questions for you. If you
18 could please state your full name and spell your last
19 name, please?

20 A. Adam Dwayne Jenkins, J-E-N-K-I-N-S.

21 Q. And what is your address, home address and
22 telephone number, please?

23 A. Right now it's [REDACTED],

24 [REDACTED]

25 Q. Okay. And your phone number?

1 A. It's [REDACTED] .

2 Q. And are you appearing here today voluntarily?

3 A. Yes.

4 Q. How many years of mine experience do you have?

5 A. Five.

6 Q. Five years. Is all that time at UBB?

7 A. Yeah.

8 Q. Okay.

9 A. Yes.

10 Q. You started to work for them about 2005, somewhere
11 around ---?

12 A. Yeah. Yes.

13 Q. Okay. Where did you work at when you first ---
14 what was your first job assignment when you came to
15 UBB?

16 A. I was a red hat --- no. I'd say, I was a black
17 hat. I spent my first six months at Marsh Fork Eagle,
18 and worked on hoot owl. And then when we blow that
19 mine, that's when we come to UBB. So I started as a
20 black hat. And we were on LBB, driving the panels on
21 that side. I was a scoop man.

22 Q. And how long did you do that?

23 A. A little over a year.

24 Q. Marsh Fork, is that a Massey mine also?

25 A. Uh-huh (yes).

1 Q. So your mining experience has all been with
2 Massey?

3 A. Yes, every bit of it.

4 Q. You said you was at the UBB Portal --- I mean,
5 section?

6 A. The old LBB section.

7 Q. Okay. I've got a laser pointer here. I hope the
8 thing still works. Can you just kind of point that
9 out to us?

10 A. Yeah. These panels here, goes across here. We
11 drove toward Ellis side and then drove up through
12 here. Then we left here and we come right here and
13 drove this panel through here and then ---.

14 Q. The last one you referenced there would be the ---

15 A. The tailgate.

16 Q. --- tailgate for the active panel? Okay.

17 ATTORNEY BABINGTON:

18 And also, just for the record, those
19 initial panels you talked about driving are all kind
20 of situated near the Ellis Portal?

21 A. Yes, that's where all those are.

22 BY MR. WATKINS:

23 Q. Let's take a little time and go over what we got
24 labeled as Tailgate One North. This is the tailgate
25 for the active panel. What job did you perform when

1 you was on that crew?

2 A. I was a bolt man.

3 Q. A bolt man?

4 A. Uh-huh (yes).

5 Q. Okay. Then who all was on that crew with you?

6 A. Carl Grimmett, Bill Sullivan. They were the miner

7 men. Kenny Thompson and myself were the bolt men.

8 Shuttle car operators was --- let's see, Gary Davis,

9 Roger --- what's his last name? He's a preacher at

10 Clear Fork.

11 Q. Who was the boss?

12 A. We had several. We had several bosses, because

13 nobody would stay.

14 Q. How come?

15 A. Because --- I don't know. Let's see. Johnny

16 McKinney, he was one of the bosses. [REDACTED], a

17 guy who got fired for double dating, you know, a

18 couple years back. He was a boss on that section.

19 Who else?

20 Q. It may come to you as we go through this.

21 A. Chris Blanchard.

22 Q. That's okay. It's a long time ago.

23 A. Yeah.

24 Q. Okay. What were the conditions like when you were

25 driving up the tailgate?

1 A. They were nice. It was about six-foot high, six,
2 maybe seven. I'd take both coal seams and not the
3 middleman. It was nice, had good air. It wasn't bad.
4 There were good conditions. We run pretty good,
5 decent, you know, 300, 350 a shift. I mean, it was
6 average. We ran decent. Wasn't bad at all.

7 Q. How about the roof conditions?

8 A. They were pretty good until we got underneath
9 Gerald's Branch, then we had to start putting up cable
10 bolts.

11 Q. Do you know about where that's at on the map?

12 A. I think it was maybe about through here, through
13 here somewhere.

14 Q. So you got approximately --- what crosscut is
15 that?

16 ATTORNEY BABINGTON:

17 About Crosscut 80 on Tailgate One North?

18 MR. WATKINS:

19 Between 80 and 85?

20 A. Yeah, somewhere in through here.

21 BY MR. WATKINS:

22 Q. Okay.

23 A. And we had to put cable bolts through there
24 because there wasn't much cover. But other than that,
25 I mean, it wasn't bad.

1 Q. When you say not much cover, what are we talking
2 about?

3 A. I think there was probably maybe 500, maybe 600
4 foot of cover over us. Wasn't a whole lot.

5 Q. Did that condition continue for ---?

6 A. Uh-uh (no). No, just --- I think it went about
7 four breaks and it was fine, aside from when we drove
8 underneath that. After that it was fine.

9 Q. Was there any water associated with that anywhere
10 in the mine?

11 A. No. We didn't hit --- no, there wasn't a whole
12 lot of water on that panel. I think that --- matter
13 of fact, they hit some water somewhere back in here.
14 They hit some water back in here, but ---.

15 Q. You're indicating back on the headgate side, back
16 about five breaks?

17 A. Yeah. That was it. That was a good panel.

18 Q. How far did you drive the tailgate?

19 A. I think I left right around 100 Break, and that's
20 when I went to Three section, which --- let's see.
21 Here on this map it ---.

22 A. This panel. That's the Ellis Three section.
23 Drove these panels through here. That was --- and
24 Four section was over here. But that's --- they was
25 finished here, and they done moved these guys to right

1 here. They were driving this panel here.

2 Q. What they call the barrier section?

3 A. Barrier section, yeah, because they had switched
4 the names. About November they wanted everybody ---
5 every section to have a name, and this here was called
6 --- the Three section was called the portal section.
7 They just had pulled us off this panel, but we left
8 equipment up there idle, and they had moved us to
9 right in here because we were going to start driving
10 for this longwall panel over here.

11 Q. Back up toward the Ellis Portal?

12 A. Yeah.

13 Q. Okay. They were already putting the belt
14 structure and stuff in.

15 ATTORNEY BABINGTON:

16 And just for the record, this portal
17 section is what he referred to. That's just --- so
18 there would be a section ---

19 A. Yeah.

20 ATTORNEY BABINGTON:

21 --- just inby the UBB Portal?

22 A. Yes. That's on the other side of the hill.

23 ATTORNEY BABINGTON:

24 Okay.

25 A. Yeah, there was good conditions over there. It

1 was low, these three panels right there.

2 ATTORNEY BABINGTON:

3 The portal section?

4 A. Yeah. This panel, this panel and this panel here
5 was about 35, 40 inches high, maybe a little lower in
6 places, maybe down to 32.

7 BY MR. WATKINS:

8 Q. Did you have any problem with ventilation or ---?

9 A. No. Actually, we had good ventilation with being
10 low because we had a fan right here to --- for this
11 section and this section. I mean, we had great air.

12 ATTORNEY BABINGTON:

13 So the fan was located right at UBB
14 Portal?

15 A. Yeah. There was a fan on this side and a fan on
16 this side. And then fan that was on the left-hand
17 side it was sitting in the office on the left-hand
18 side. That fan there controlled --- there it goes
19 again, controlled the air in this panel and this over
20 here.

21 ATTORNEY BABINGTON:

22 Okay. Is there a --- so if this is the
23 portal, these are the --- this is the portal section
24 right here?

25 A. That's the portal section. That's the ---

1 ATTORNEY BABINGTON:

2 Was there a name for this?

3 A. --- barrier.

4 ATTORNEY BABINGTON:

5 Barrier section?

6 A. Uh-huh (yes).

7 ATTORNEY BABINGTON:

8 And then this was what?

9 A. That was called --- I think they started calling
10 that the barrier section after they moved all the guys
11 up to here.

12 ATTORNEY BABINGTON:

13 Okay. So do you mind if we refer to this
14 as Headgate 17?

15 MR. WATKINS:

16 Let's refer to it as the barrier section.

17 ATTORNEY BABINGTON:

18 Okay. So this is normally referred to as
19 the barrier section?

20 A. Yeah.

21 ATTORNEY BABINGTON:

22 So this area we'll just say is the room
23 and panel section just out the UBB Portal section.

24 A. And all the guys that was working up here, that
25 was called LBB construction crew.

1 ATTORNEY BABINGTON:

2 Okay. And that's up by Ellis Portal?

3 A. Yeah. Now, that was the guy --- that was my
4 normal crew that was up here.

5 BY MR. WATKINS:

6 Q. So your normal crew was the construction crew?

7 A. Uh-huh (yes). Yeah, because they pulled us off
8 Three section and had us --- well, they laid off the
9 contractors three days before this had happened, and
10 Gary May had asked me if I'd care to come back up and
11 dispatch until he could hire a dispatcher. I said,
12 that's fine. He said, because I don't need 13 people
13 on a construction crew putting in belt structure. I
14 said, that's fine. And it was, you know, 12-hour
15 shifts. I didn't have a problem with that at all, so
16 I was dispatching again. And that's very unexpected.
17 Just a normal day.

18 Q. When you were with the construction crew, did you
19 install overcasts and doors and that stuff?

20 A. I think they were hanging belt structure. Yeah,
21 they was putting belt structure and stuff like that
22 and getting ready to, you know, to start driving that
23 panel. I think they had cut out a hole maybe or
24 something over there, but I think that's about all
25 they had done. They just had started on it.

1 Q. Okay. Did you ever work on the overcasts or any
2 equipment doors or anything ---?

3 A. Not over there.

4 Q. How about anywhere?

5 A. Oh, yeah. On overcasts, yeah. I worked on some.
6 It was right there.

7 Q. Down by the barrier section?

8 A. Yeah.

9 Q. Did you ever work on any up towards the longwall
10 or up that direction?

11 A. No, never did.

12 Q. Did you ever hear anyone talk about the equipment
13 doors and stuff that they had out facing Break 78
14 inby, as far as having a problem with the doors
15 staying closed or ---?

16 A. Uh-uh (no).

17 Q. Anything like that?

18 A. No. No.

19 MR. WATKINS:

20 We'll let Terry jump in a little bit.

21 EXAMINATION

22 BY MR. FARLEY:

23 Q. Adam, back up on a couple things to make sure I
24 got you right. You talked about [REDACTED] being fired for
25 double dating. [REDACTED], what was the last name?
[REDACTED]

1 A. [REDACTED] .

2 Q. [REDACTED] ?

3 A. Yeah. And he was caught double dating right
4 there, right in that area right there.

5 Q. Do you recall when that occurred?

6 A. I think that was --- I remember it was in the
7 fall. I think it was fall, probably 2007.

8 Q. Now, when you say double dating, you mean putting
9 your date, time and initials at a location before that
10 time arrives?

11 A. Yeah.

12 Q. Okay.

13 A. Yeah. Clarence Dishman is the one that caught
14 him.

15 Q. All right.

16 ATTORNEY BABINGTON:

17 Just as a clarifying --- the area you
18 pointed to where you said he's double dating was near
19 that portal section?

20 A. Uh-huh (yes). Yeah. Well, that was before it was
21 open. That would have been drove in by then. All
22 that right there was still pure coal.

23 ATTORNEY BABINGTON:

24 Okay.

25 A. The only thing that was there was this line here

1 that went across here, this black line and that portal
2 right there. That's all that was there.

3 ATTORNEY BABINGTON:

4 Okay.

5 MR. WATKINS:

6 The main basically?

7 A. Uh-huh (yes).

8 MR. WATKINS:

9 The main, okay.

10 BY MR. FARLEY:

11 Q. One more thing here. Gary May asked you to be
12 dispatcher temporarily. I'm sorry, I didn't catch
13 when he asked you to take over.

14 A. It was three days before the explosion happened.

15 MR. FARLEY:

16 Okay. Thank you.

17 EXAMINATION

18 BY MS. SPENCE:

19 Q. And how many days did you actually work
20 dispatching before the explosion?

21 A. Three.

22 Q. So you worked Thursday?

23 A. I worked --- I think I worked Thursday, Friday

24 ---. Actually, it would have been my fourth day

25 because I worked Thursday, Friday, Saturday. I was

1 off Sunday for Easter, and then I come back Monday,
2 and that's when it happened.

3 RE-EXAMINATION

4 BY MR. WATKINS:

5 Q. When you was working underground, did anyone ever
6 complain about any type of hazards, mine hazards,
7 health conditions, as far as ---?

8 A. Well, where we portalled on this side, right here,
9 we was always outside before everybody else so we
10 never seen nobody. So basically for two years we
11 didn't see nobody but us. The only people that would
12 have been close to us would have been the barrier
13 section because these other guys was another hour in
14 behind us. They were on ten-hour shifts because the
15 ride was so long. So we never seen those guys. And
16 eventually they still get --- and I knew them from
17 when we was all portalling from over here the --- the
18 guys that passed away on the headgate side, because I
19 used to talk to them in the mornings. When we was on
20 dayshift, we'd start at the same time. And they were
21 straight days and we were swing shifts, so I seen them
22 two weeks out of the month. And when I moved into
23 Ellis Portal, I hadn't seen them guys probably ---
24 well, I know it had been probably six months. I
25 hadn't seen them at all.

1 ATTORNEY BABINGTON:

2 Sorry. Just to clarify for one second.

3 You said that because you were working there the ---

4 back when you were working on the portal section ---

5 A. Yeah.

6 ATTORNEY BABINGTON:

7 --- you got in and out faster ---

8 A. Oh, yeah.

9 ATTORNEY BABINGTON:

10 --- than the other people?

11 A. Yeah.

12 ATTORNEY BABINGTON:

13 And you said including then the people at

14 the old barrier section ---

15 A. Yeah.

16 ATTORNEY BABINGTON:

17 --- got in just after you?

18 A. Yeah.

19 ATTORNEY BABINGTON:

20 And then the crew that was on ten-hour

21 shifts is the Headgate 22 section?

22 A. Yeah.

23 BY MR. WATKINS:

24 Q. You never heard anyone talk about any hazardous

25 conditions in the mine or anything like that?

1 A. I know that they come in and done some ventilation
2 changes. And MSHA, a couple weeks before this
3 happened, come in and approved it, said it was okay
4 and they --- other than that, that's the only thing I
5 knew about that, about the ventilation. But that's
6 the only hazardous condition I can think of that you
7 could even be referring to. Other than that, like
8 water, stuff like coming out of the top, nothing.
9 Methane, we never hit methane over here. Never.
10 Never hit methane over here. Never hit methane.

11 ATTORNEY BABINGTON:

12 In the portal section.

13 A. Portal or barrier, never hit methane. Now, what
14 happened up here, I don't know if they ever hit it up
15 here or not. Now, when we was on the tailgate side
16 down here, we never hit methane. Never did. I mean,
17 I'm a firm believer in safety. I take my gas readings
18 before I go into a cut and I bolt a place. I do it
19 every time. And I've never hit methane, never, on the
20 tailgate side. I mean, other than that, I don't have
21 a clue about anything else that happened up here. But
22 I know I never hit methane on this tailgate side when
23 we drove it.

24 BY MR. WATKINS:

25 Q. Were you ever back on the longwall after it

1 started running?

2 A. I went back in here one time. I helped them set
3 pumps. I was back there one day. And we carried
4 those pumps a long way.

5 Q. When you say back in here, you're talking about
6 back to the panel ---

7 A. Yeah.

8 Q. --- in a crossover or ---? Do you remember where
9 you went to?

10 A. No. I was talking about when we carried them ---
11 it was air pumps.

12 Q. Yeah.

13 A. And we carried one, it was like 90 breaks. It
14 took us all day to carry one air pump.

15 Q. Do you remember when that was?

16 A. Not right off. I'm thinking maybe October of last
17 year.

18 Q. Okay.

19 A. Maybe September, October.

20 Q. Okay. So the panel was fairly new at that time?

21 A. Yeah. It wasn't until --- I think they were ---
22 yeah. Yeah, right about here. That's about right.

23 Q. Okay.

24 A. It was probably in November because that's when
25 production started slowing down, because that's when I

1 was dispatching. When I came to work on one of those
2 days that I wasn't dispatching, I came in and helped
3 them set those pumps. It was Christmas vacation. I
4 remember when it was.

5 Q. Okay.

6 A. Yeah, because I worked through Christmas vacation.

7 Q. Okay. How many times did you work dispatching for
8 them?

9 A. Twice.

10 Q. Twice?

11 A. Yeah. One time was from July to December, and
12 then this time was for three days.

13 Q. Okay. You had me confused there a little bit.
14 You were talking about dispatching here?

15 A. Uh-huh (yes).

16 Q. Okay.

17 A. That's why he asked me to come out and do it
18 again, because he thought I did a pretty good job at
19 it because I always kept --- I always try to keep all
20 my T's and --- you know, I always --- I try to keep
21 everything straight. It's like --- you know, knowing
22 where everybody is at all times, keeping track of all
23 the mantrips. That's a lot of mantrips to keep track
24 of, a lot.

25 Q. I know you said you didn't remember where you took

1 the pump.

2 A. I know it was back in here somewhere.

3 Q. In the crossover?

4 A. Yeah.

5 Q. Do you remember how much water was --- did you set
6 the pump or just carried it back there?

7 A. Just carried it back here. There was guys coming
8 on the next shift. They were setting pumps. I don't
9 know how deep it was. He told us I didn't have to get
10 in the water, so ---. He said, I don't have waders.
11 He said, just help us carry the pump down there.

12 Q. Who's he?

13 A. What was his name? He's a fairly young guy. I
14 can picture his face in my head. I just can't think
15 of his name. They call him jaybird. I can't remember
16 his real name, though.

17 Q. Was he a boss?

18 A. Uh-huh (yes). Yeah, he was a boss. He was a good
19 boss.

20 Q. Was it Jason Whitehead?

21 A. No. I know --- it wasn't Jason Whitehead. I know
22 him.

23 Q. Okay. So you mentioned you dispatched for them
24 from July to December?

25 A. Uh-huh (yes).

1 Q. Why did they ask you in July if you'd come and
2 dispatch? Did somebody quit or ---?

3 A. What was that? They had --- I think we started
4 --- we got in some --- I guess it was some bad
5 conditions, not really bad conditions, just slow,
6 because there was a lot belt man, down to one miner
7 man, and then we had three bolt men. One underneath
8 the three bolt men underground. So they asked me to
9 come outside and try dispatching and see if I liked
10 it. So I come outside and tried it. They said, well,
11 you did a find job. They said, we'll keep you out
12 here. And I was the highest paid dispatcher on Route
13 3. So they kept me out there.

14 And I stayed out there for --- until I got tired
15 of it. I told them, I said, I've had enough of it. I
16 said, I'm ready to go back underground. I gained 25
17 pounds and said that's enough. I got to go back. I
18 said, I haven't changed my eating habits. I'm just
19 --- you know, I'm not getting no exercise or nothing,
20 so I got to go. They said, okay, so they put me back
21 underground.

22 Q. What kind of instructions or training did they
23 give you when you took that dispatcher job?

24 A. They went over the COs, the monitors. What else
25 did they go over? The beltlines, the track, which I

1 already knew the track. Ventilation, to know where
2 all the intake phones were. It was marked on a map.
3 And Charlie Someski, when he walked the airways, he
4 called me to let me know that they were working. What
5 else? When I was on evening shift I had to sweep and
6 mop and clean the restroom, stuff like that. But
7 other than that, just make sure I had logs. If they
8 had a problem, you know, who to contact up there, who
9 could fix it or --- so I can get somebody there fast.
10 Watched the water tanks, the levels on the water
11 tanks. And how to do the POs, you know, order stuff.
12 I did that on evening shift because Greg Clay done
13 it on dayshift. And take longwall reports on the
14 evening shift every half hour. On dayshift, Greg clay
15 takes them and faxes them straight into corporate. So
16 it was --- actually, it was a pretty easy job. It's
17 not bad. A lot of people didn't like it because they
18 didn't like to deal with all the mantrips and all the
19 --- you know, all the reports. Because when you're on
20 dayshift, you just got to --- the section has to call
21 out three times a day to let you know their production
22 reports. And evening shift they call out twice. So
23 it's --- the longwall calls every half hour. If it's
24 down for more than 45 minutes, you're calling the
25 president at three o'clock in the morning, waking him

1 up, letting him know what's wrong with it.

2 Q. Whose direction was that? Was that the
3 president's direction that you call him?

4 A. I think he's the one that told me to call him.

5 Q. He told you?

6 A. Yeah. He told me --- he just said --- and every
7 time I did call him, he was polite about it. You
8 know, he'd thank me. You know, thank you for calling
9 me and letting me know what was going on, you know.

10 Q. Now, did you ever get calls from him asking to
11 relay information underground, to the guys
12 underground?

13 A. From him?

14 Q. Yeah.

15 A. No. He just --- he'd call and --- well, he'd ---
16 yeah, like to do certain jobs or something, you know,
17 some stuff he'd want done or stuff that him and Jack
18 Roles had discussed and wanting to know if it was
19 already done. And I'd call the section to find out,
20 then --- or call the longwall and find out, and ---
21 you know, relay messages back and forth, stuff like
22 that. But that didn't happen too often because I
23 guess usually Jack Roles called him when he got
24 outside because he worked straight days. And I guess
25 he'd call him to let him know, you know, what all he

1 got done or whatever, him or Hillbilly or Darryl
2 Bailey, one of the three, because they usually took
3 care of all the stuff on the outby side of the
4 longwall, like setting timbers and jacks and stuff
5 like that, cribs.

6 Q. At either time when you were dispatching, from
7 July to December or the time three or four days prior
8 to the accident, do you ever recall the wall being
9 down for any reason?

10 A. Just like setting bits, maintenance. Like the ---
11 what do they call it, like the jack committing suicide
12 or something. They have to put hydraulic hoses or
13 something on it for monorail, something about the
14 monorail or something, had to replace the monorail,
15 the emulsion tank going empty, whatever that is. I
16 never actually got to go up there and see it. I
17 always wanted to, but never got a chance to. I just
18 heard it's real loud and noisy and dusty.

19 Q. Do you ever recall it being down for ventilation
20 reasons?

21 A. I think it was there for --- what was it, a couple
22 weeks before? That's when MSHA come in and approved
23 the plan, because I --- like I guess Everett Hager was
24 over there. Him and MSHA was over there, because I
25 knew it was down because of ventilation. And they had

1 to wait a couple days or something. Had to go back
2 and change it, and then MSHA had to come in and look
3 at it, approve it and say it was okay, and then they
4 started running again. That's about all I know.

5 ATTORNEY BABINGTON:

6 Let's take a quick five-minute break.

7 A. Okay. That's fine.

8 SHORT BREAK TAKEN

9 BY MR. WATKINS:

10 Q. Before the break we was talking about the mine
11 being shut down --- or the longwall being shut down
12 for ventilation reasons. I think you were stating
13 maybe a couple weeks prior to that.

14 A. I'm thinking that's what it was. I'm thinking it
15 was a couple weeks. I can't remember. Usually I try
16 to keep --- I didn't know nothing about it, so I tried
17 to stay away from it. Because that's what --- during
18 the day Greg Clay took care of it. In the evenings I
19 just took reports. And then I faxed them in to the
20 main office and Chris Blanchard and Chris Adkins and,
21 of course Don Blankenship, I think, in the evenings.
22 Whatever they told me, the boss, whatever he'd tell
23 me, I'd write it down on a piece of paper and send it
24 in for the half-hour report.

25 Q. Did they ever call you back, wanting to know why

1 it was down other than what was in the report?

2 A. Only on the weekends. Chris Adkins would call on
3 the weekends. But other than that, I think he let
4 Chris Blanchard take care of, you know, most of it.
5 He'd call and ask, you know, how is the longwall
6 doing. Are they having a decent shift or, you know,
7 what's going on? He called me three or four times,
8 how was the inspection?

9 Q. Did they ever call back that you know of and give
10 advice to the guys underground, telling them to get
11 back into coal or anything like that?

12 A. No. You know, they'd call and ask what was going
13 on basically, you know. They wouldn't try to, you
14 now, force them to do anything they didn't want to do,
15 so ---.

16 Q. Let's go to that April 5th.

17 MS. SPENCE:

18 Before we go there, I have a couple of
19 questions.

20 RE-EXAMINATION

21 BY MS. SPENCE:

22 Q. I wanted to ask --- I wanted you to clarify, if
23 you could, the July to December. Was that 2009 when
24 you worked with Chris Blanchard?

25 A. Yes.

1 Q. And I'm going to ask you to repeat for me, because
2 I'm slow, about the production reports that you called
3 out. Did you say that you called them out every half
4 hour?

5 A. When I was on evening shift.

6 Q. Evening shift?

7 A. Yeah.

8 Q. And that was the longwall?

9 A. Yes.

10 Q. And you said that ---?

11 A. But I was on dayshift when this happened.

12 Q. Okay. And on dayshift you said who called you
13 now?

14 A. Greg Clay.

15 MS. SPENCE:

16 That's all I have. Thank you.

17 RE-EXAMINATION

18 BY MR. FARLEY:

19 Q. When the production reports were called out to you
20 as dispatcher on the evening or to Greg Clay on the
21 dayshift, from any section, from the longwall or the
22 miner section, whatever, was there a specific
23 designated form that you took the information on?

24 A. Yes.

25 Q. Was that a form that you signed when you took the

1 information or just a document that ---?

2 A. He told me --- he give me its footage, how many
3 shuttle cars he ran and then how much downtime there
4 was for each piece of equipment if something did go
5 down, and then there was a place for any additional
6 information on this side of it. And then once that
7 was filled out, then I would fax it in.

8 Q. Now, after you faxed the form to the various
9 people, what did you do with it?

10 A. At the end of the shift, he let us throw them
11 away, most of them. I mean, we'd, you know, pile them
12 up and wait just in case, you know, the mine foreman
13 wanted to see them. But other than that, you know,
14 they'd lay up there two or three days, they didn't
15 look at them or didn't take them, then --- because at
16 the end of the --- you had to make a pamphlet every
17 day. And you'd lay it on his desk. It tells the
18 final footage and everything, how much coal was ran
19 for that whole day. And then there was a bunch of
20 other papers that had to go with it, I can't remember
21 what those were for. But the section --- each section
22 had a form that they filled out. And then you made
23 five or six of them. You'd give one to the chief
24 electrician, another one to the other chief
25 electrician, one to the section boss --- or one for

1 the section bosses, one for the mine foreman, one for
2 the superintendent, and then you'd take the original
3 and you found the cab with that, and put those with
4 the part of the paper that we filled out and faxed in.
5 But that one, you just take it, you know, just keep it
6 for a couple days. If nobody wants to come out and
7 look at it, you just throw it in the trash.

8 Q. Do you have specific directions from anybody
9 concerning the way ---?

10 A. No. No. Uh-uh (no). We just got rid of them.
11 Hardly nobody ever asked for them, so we --- not that
12 part of it. Now, the other part of it, we had to keep
13 it. That was the main form for the tonnage and stuff
14 and everything that had --- because it was the same
15 thing, just the other paper was shortened down
16 basically. And the other one, that was all stuck in
17 the black filing cabinet in Greg Clay's office. There
18 was three drawers ---.

19 Q. So Greg clay would have kept some of them?

20 A. Yeah, over in his office. That would have been
21 every day. All of them would have been in that
22 cabinet ---

23 Q. Okay.

24 A. --- for every day, for the whole year. And at the
25 end of the year they're stuck in a storage box

1 somewhere or stuck in the back of a file cabinet
2 somewhere. I don't know what they do with them after
3 that, after one year.

4 Q. Let me make sure I didn't misunderstand that.
5 That would be production reports?

6 A. Yes, production reports. Yeah.

7 Q. Okay. All right. So production reports for April
8 the 1st or April the 5th that were called out to Greg
9 Clay should still exist?

10 A. Yeah, they should still exist. Yeah.

11 Q. Okay. Based on your experience and the way ---?

12 A. Yeah. Yeah, because --- yeah, because the
13 original copy --- once you make the five copies, the
14 original copy goes in a file cabinet.

15 Q. Okay.

16 A. Just in case like if there's a paper missing, the
17 fax machine doesn't send out --- where's this --- I'm
18 missing this page here, you know. Go run me off
19 another whole copy of it. So you're pulling it out,
20 run it to the copy machine, making a whole copy, okay,
21 it's here. Give it to them and that's it. You just
22 keep it and just hang onto it.

23 Q. Was it necessary for foremen to sign this document
24 after they came out of the mine, as far as this
25 information that Greg Clay was collecting is

1 concerned?

2 A. I don't know if I seen initials on that piece of
3 paper or not. I know they had to fill it out, but I
4 don't know if their signature was on there or not.

5 Q. Okay.

6 A. But that was just for --- that paper there was
7 just for --- there was --- the longwall had one paper
8 for each shift, and the continuous miner section, they
9 had like six or seven papers for each shift ---

10 Q. Okay.

11 A. --- for each section. There was a big difference.

12 Q. Okay. So based on your understanding of the
13 procedure at 3:00 p.m. on April 5, 2010, Greg Clay
14 should have had in his possession documents that would
15 have shown the production and downtime for that shift?

16 A. For the longwall?

17 Q. Yes, sir.

18 A. Yes, he should have had it on his computer.

19 Q. Okay.

20 A. Yeah.

21 Q. Now, would he have had a paper document?

22 A. No, not on dayshift, because everything was on the
23 computer.

24 Q. Okay. All right. I got you now.

25 A. Because he typed everything up on a computer and

1 faxed them straight into the corporate office and
2 everywhere else they had to go.

3 Q. Okay.

4 RE-EXAMINATION

5 BY MR. WATKINS:

6 Q. Did you take any personal notes?

7 A. When?

8 Q. While you were dispatching.

9 A. On what?

10 Q. Just anything coming through. Did you take any
11 handwritten notes, personal notes?

12 A. No. I never was big on that. I know a lot of
13 people do. I don't.

14 Q. So on April 5th --- what shift was you working on
15 April 5th?

16 A. I was on dayshift.

17 Q. You was on dayshift?

18 A. Yes.

19 Q. Was Mr. Clay still on dayshift at that time?

20 A. Yes. Me and him was in the office together when
21 it happened. When the explosion happened, we was in
22 the office together. Me, him and Gary May was in the
23 office.

24 Q. Okay. If you just can take me through your day,
25 April the 5th, you know, what time you got there.

1 A. I got there 6:00 a.m. It's a --- you know, just a
2 typical day basically. You know, you got your ---
3 everybody goes to the sections, people go to the
4 longwall. Of course I can't see them because they're
5 portalling from Ellis side. Everybody goes in. And
6 through the whole day --- you know, usually I'm
7 downstairs, so I don't know what happens with the
8 longwall. But the people from the portal section,
9 barrier section, the construction crew and the
10 headgate and the tailgate, they'll call me and give me
11 their production reports. And other than talking to
12 them, you know, there wasn't nothing --- it was a
13 typical day, just like the day before --- or two days
14 before, you know. It wasn't nothing no different.
15 And at three o'clock Woodsey called me from 78 Break,
16 asked for a road outside.

17 And right after I talked to him, the guys from the
18 LBB construction crew, they called us, they called for
19 the road, too, but I couldn't understand them. They
20 called me on the leaky feeder system. I told them, I
21 said, well, I said, I gave Woodsey the road to LBB
22 Switch --- or Ellis Switch. And I said call me there,
23 you call me at Ellis Switch, too, because they were
24 both coming up our side. And he said, okay. And a
25 couple minutes later that's when it happened. All the

1 dust started --- just a white smoke started pouring
2 out the portals, and it sounded like thunder. It was
3 constant. And I didn't know what happened. And Gary
4 May, he said, oh, Lord, he said, something's bad
5 happened. He said to get ahold of everybody and tell
6 them to get outside now. And I hollered and hollered
7 and hollered for over a half hour. Finally, the
8 barrier section, they heard me, and they called and
9 said, what's going on. I said, get outside now. I
10 said, something bad's happened. So they said, okay,
11 we're coming out. And the LBB construction crew, they
12 never made it to the Ellis Switch. I guess the force
13 in the mantrip --- they had went back out the other
14 direction. They went out Ellis side instead of coming
15 all the way back up to our portal.

16 And Gary May, he went up the intake, thinking
17 there was maybe a stopping blowed into the neutral and
18 made the air circulate back around. So he went up the
19 intake. He said, I'm going to call you at every phone
20 that I come to. I said, okay. so he called me at
21 every intake phone, and then he hit the track at ---
22 where was it at? I'm thinking it was past 128 Break.
23 It's right before --- no, that's not 128. It's right
24 here. There's a phone. It's right here. There's a
25 set of doors right here, and there's a phone right in

1 this area. And he called me from there and he told
2 me, he said, I'm going to --- he said, I'm going to
3 the next phone, and that was at 40 Break, which is
4 right up here.

5 ATTORNEY BABINGTON:

6 Sorry. So that was about 130 Break on
7 Three North belt?

8 A. Yeah, 128 break. That would be ---.

9 ATTORNEY BABINGTON:

10 On Three North belt?

11 MR. FARLEY:

12 Can we mark these on the map, please?

13 MR. WATKINS:

14 Yeah.

15 A. And he told me he was going to be going to the
16 next phone. And that's where he met up with Rick
17 Foster and Berman Cornett, and who else was on the
18 mantrip? Jim Walker. They were all on the mantrip
19 going up the track entry. And when he got to 40
20 Break, he told me, he said, I could see headlights out
21 in front of me. He said, I'm going to the headlights.
22 And they were all together. They all met up at 128
23 Break, and then they called me back at 40 Break, and
24 that's where he told me he can see headlights.
25 There's a spur at 42. He told me, he said, I can see

1 headlights out in front of me. So he went up there.
2 And then I didn't hear from nobody for a long time. I
3 know it was a good hour. And then they --- it says
4 something about he had seen some --- met up with one
5 of the guys that was walking down the track or
6 something. I can't remember exactly how that went.
7 And then --- I don't know. It's been a while since it
8 happened. My mind started to go blank, I guess.

9 BY MR. WATKINS:

10 Q. Where are you thinking this --- let's back up here
11 just for a minute. Gary May was with you in the
12 office at UBB; correct?

13 A. Yes, here.

14 Q. Just take a highlighter here and can mark all this
15 map.

16 ATTORNEY BABINGTON:

17 You can circle the office and mark that
18 office.

19 A. Right there.

20 ATTORNEY BABINGTON:

21 Draw a line out and label that office, if
22 you could.

23 WITNESS COMPLIES

24 MR. FARLEY:

25 He was on foot, wasn't he?

1 A. Yes.

2 BY MR. WATKINS:

3 Q. When this happened he traveled on foot ---.

4 A. Up the intake.

5 Q. Just go ahead and mark his --- the route you think
6 he went.

7 A. Okay.

8 WITNESS COMPLIES

9 ATTORNEY BABINGTON:

10 For the record, we're using a pink

11 highlighter to mark this --- mark Gary May's travel.

12 A. Okay. Right here, 128. Right here, that's
13 where ---. And he traveled this on foot. And it took
14 them long on the track to catch up to him.

15 MR. FARLEY:

16 Those individuals were following him?

17 A. They went in after he did.

18 MR. FARLEY:

19 Okay.

20 BY MR. WATKINS:

21 Q. Are you talking about ---?

22 A. Because they went up the track entry to see if
23 they could see what happened.

24 MR. FARLEY:

25 Foster, Cornett and Walker?

1 A. Yes.

2 BY MR. WATKINS:

3 Q. Okay.

4 A. And yeah, he was over there. Because they went up
5 here. It took them that long to catch him. They left
6 within, I'm guessing, 12, 15 minutes in behind him.

7 MR. FARLEY:

8 In the mantrip?

9 A. Yeah, they was in a mantrip. And then when he got
10 here, he told me, he said, I'll call you at the next
11 phone, which he called me at 40 Break. He called me
12 there. That's where he told me he said he could see
13 headlights out in front of him. I guess he could see
14 them up to about right here, where they were, at 62
15 Break. Okay. So he said he could see the headlights,
16 so they went up there. And it was a long time. I
17 never did hear from nobody. And then that's when
18 everybody --- Greg Clay started making phone calls.
19 That's when he started --- Greg Clay started calling
20 MSHA, the State, and telling them that they thought we
21 had a mine disaster. And that's when every --- after
22 that, that's just when it went haywire. That's when
23 everybody started pulling in and the helicopters
24 landing everywhere. I mean, it went crazy.

25 BY MR. WATKINS:

1 Q. From the 128 up to 40 Break, did they get in a
2 mantrip? Did they get in the mantrip and take the
3 mantrip, once they caught up ---?

4 A. Yeah. They got --- yeah. Yeah.

5 Q. Okay.

6 A. Yeah, because I have --- on my dispatcher's log I
7 kept track of every phone that he called me at, so
8 that way I knew exactly where he was at all times,
9 because he was on foot. That was --- because they
10 told me --- as Greg Clay and Jim Walker both told me,
11 they said, keep notes of everything that's going on
12 from here out until the time you leave, and that's
13 when I started keeping notes of everything.

14 ATTORNEY BABINGTON:

15 Adam, do you mind labeling these two
16 circles here, at 128? If you could label that as
17 that's where he met up with the others?

18 A. Okay.

19 ATTORNEY BABINGTON:

20 That was where you said he met up with
21 Cornett Walker and Foster?

22 A. Yeah.

23 WITNESS COMPLIES

24 ATTORNEY BABINGTON:

25 And if you could label this circle as

1 well. I guess that was --- you said that was --- what
2 was notable there was that's where he called and saw
3 the headlights?

4 A. Yeah.

5 ATTORNEY BABINGTON:

6 Thank you.

7 BY MR. WATKINS:

8 Q. Do you remember after he called and told you that
9 he saw headlights, when the next time was that you
10 spoke with him?

11 A. No, because I think then all of them went out this
12 side. And just like I said, it was a long time before
13 I seen anybody after that. Well, besides --- let's
14 see here. I guess --- well, okay. The barrier
15 section --- well, Jim and then was getting ready at
16 the mantrip, that's when the barrier section, they
17 come out, then they went in.

18 Q. Okay.

19 A. No. Uh-uh (no). That ain't how it worked. They
20 met him right here. They went past and they come out
21 and they went on in.

22 Q. Okay.

23 A. That's how it was. Yeah, that's how it was.

24 Q. So Walker and Cornett passed by the portal
25 section ---

1 A. Yes.

2 Q. --- and then the other guys came out?

3 A. Yes.

4 ATTORNEY BABINGTON:

5 Tim, you said the portal section. Do you
6 mean the barrier section?

7 A. Barrier section.

8 MR. WATKINS:

9 Barrier section.

10 A. Barrier section.

11 MR. WATKINS:

12 I'm sorry. Barrier section.

13 A. Yeah.

14 BY MR. WATKINS:

15 Q. Okay. AS far as you know, are they the only folks
16 that entered the mine after that from ---?

17 A. That was it. That was all. That was it. As far
18 as my knowledge, nobody --- that was the only people
19 that went in that mine, besides mine rescue teams,
20 from this side.

21 Q. Well, you wouldn't know about the other side,
22 though?

23 A. Can't see it.

24 Q. Did you hear anything on ---?

25 A. No. There was no communication. Everything was

1 done. I had communication to --- where was it at, on
2 the leaky feeder. The leaky feeder, I think I lost it
3 at 40 Break. That's as far as --- it might have been
4 farther back than that, but I mean, I lost everything,
5 the screens, the CO monitors, everything. The only
6 COs I had that showed up was from here to here. That
7 was it. And then it showed up they was all red. The
8 COs read somewhere between --- what was it, 101 to 400
9 or somewhere right around that nature. This was ---
10 this is the only one that showed, just a little line
11 on Five belt, the COs, then bam, it went blank. That
12 was it.

13 ATTORNEY BABINGTON:

14 So approximately to --- you're pointing
15 to an area about 90 Break?

16 A. Yeah. Right up here, yeah. There was one down
17 here, one up here at 78 Break, because I remember it
18 was right here. There was like one here, one here,
19 came down this beltline here.

20 ATTORNEY BABINGTON:

21 So about 90 Break on Six North, about Ten
22 Break on tailgate entries ---

23 A. Yeah.

24 ATTORNEY BABINGTON:

25 --- at 78 Break ---

1 A. Yeah.

2 ATTORNEY BABINGTON:

3 --- and then leading all the way down to
4 about --- you're pointing to about 15 Break?

5 A. That all happened at the same time. That's when
6 all that dust started gushing out here and the COs
7 went all crazy all at the same time. It all happened
8 within seconds of each other. So I turned around and
9 the COs started going off, and then the dust started
10 coming out the portals, because you could see it from
11 the window that quick, and then the computer screen
12 went blank that quick. I'm telling you what, the CO
13 monitor system that every mine --- every coal mine has
14 that same system, don't they? That system sucks.
15 I'll tell you right now. The leaky feeder system, it
16 sucks. It's no good. The tracking device system, it
17 sucks. I'll tell you right now, Corey Davis' CO ---
18 his thing went off three days after he was perished.
19 Three days afterwards it showed up outside on the
20 computer screen.

21 BY MR. WATKINS:

22 Q. Was there any change in the fan?

23 A. Yeah. It stopped and ran backwards for about 10
24 seconds, 15 seconds. Sure did. I've never seen it
25 before. I mean, that's how much force was coming out

1 of that mine. That was horrific. Whatever happened
2 underneath that --- under that mountain, it was bad.

3 MR. WATKINS:

4 Okay.

5 A. I've heard stories about that overcast being
6 twisted up, power centers, kVA boxes being moved,
7 track twisted up like pretzels. So that's bad. I
8 mean, anything that will do stuff like that, I mean,
9 it's bad. I could speculate all I want to, you know,
10 that they hit a methane pocket, anything --- like
11 float dust. I don't know. Did they hit an old
12 abandoned gas well that wasn't marked? I don't know.
13 But I know the only thing that was running was the
14 longwall. I know for a fact that's all they was
15 running. Because these guys were on their way to the
16 mantrip, these guys right here --- where was the
17 tailgate guys? Oh, the tailgate guys were down here.

18 ATTORNEY BABINGTON:

19 When you say down here, down by the 78

20 Break?

21 A. Yeah. That's the guys that they found here. That
22 was the tailgate guys. The headgate guys were about
23 --- a couple of them were still walking on the
24 mantrip. They wasn't all on the mantrip yet. These
25 guys here were still on the section, but they were

1 coming off. These guys here, they wasn't even doing
2 any production. They was --- belt hanger, stuff like
3 that. That's it. I mean, all they was running was
4 the longwall. That's it.

5 ATTORNEY BABINGTON:

6 Those different groups you were saying,
7 the Headgate 22, they were heading back to the
8 mantrip?

9 A. Yeah. They were coming outside.

10 ATTORNEY BABINGTON:

11 And I guess the LBB construction crew
12 outby Ellis Portal, in the barrier section, they were
13 heading out ---?

14 A. These guys were getting ready to ---.

15 ATTORNEY BABINGTON:

16 The barrier section?

17 A. Yeah. These guys was trying to come back out
18 because, you know, they were still --- this was my
19 crew.

20 ATTORNEY BABINGTON:

21 Yeah. That's the LBB crew.

22 A. Yeah. And they were trying --- you know, it was
23 the end of their shift. They were trying to come back
24 this way, the headgate and the longwall portal from
25 over here.

1 MR. WATKINS:

2 From Ellis?

3 A. From Ellis. The tailgate, barrier section and LBB
4 construction crews still portalled from over here. So
5 they were --- but he called me from here and he called
6 me from right about here, I guess. He was busted up,
7 but he could hear me, but I could barely hear him. I
8 told him to call me back from the phone here. I told
9 him to call me from the phone here, and that's when it
10 happened, bam, explosion.

11 ATTORNEY BABINGTON:

12 Again, just to clarify, the Tailgate One

13 North guys called you at 78 Break and said ---?

14 A. At exactly three o'clock.

15 ATTORNEY BABINGTON:

16 Okay. And the LBB crew called you just

17 inby Ellis Portal?

18 A. Yeah, like 301, 302, yes. I mean, it was within
19 minutes of each other. But I remember they had called
20 me at exactly three o'clock.

21 ATTORNEY BABINGTON:

22 The tailgate entry?

23 A. Yeah. If I had my log, you know, I could tell you
24 exactly what time they called me. It was either two
25 minutes before or two minutes after, a minute. It was

1 real close. Because as soon as he got done --- as
2 soon as Woodsey got done talking to me or as soon as
3 he got done talking to the other ones, up at the phone
4 and hollered at me, too, so ---.

5 BY MR. WATKINS:

6 Q. Would this be the normal time for these shifts to
7 be coming off?

8 A. Yes. Yes. It was. Like I said, everything was
9 normal. Everything ---.

10 Q. I mean, did they hot seat or anything like that?

11 A. Not really. These guys don't hot seat. These
12 guys don't hot seat.

13 Q. You was referring to the barrier section and
14 construction crew?

15 A. Yeah. And I'm not --- I don't think they hot
16 seated, the Headgate 22 or the --- the longwall, they
17 might hot seat. I'm not for sure if they do or not.

18 Q. This would have been the normal time for headgate
19 and tailgate crews ---?

20 A. Yeah. Everything was normal. I mean, everything
21 --- everything was normal. That's ---. It's just one
22 of them things you wish you could pinch yourself and
23 it would all be over with or never happened.

24 RE-EXAMINATION

25 BY MR. FARLEY:

1 Q. When Greg Clay receives or received production
2 reports from underground, did he jot them down on a
3 piece of paper or did he immediately type them into
4 his computer?

5 A. Sometimes he jotted them down, not often. Like if
6 he was busy like writing a --- like had a truck come
7 in and he had to fill out a receiving form, then he'd
8 take it real quick. And then once he got down with
9 the receiving, then he'd turn on the computer screen
10 and fax it in.

11 Q. But he would always --- his reports that he faxed
12 or e-mailed to others would have been sent in a timely
13 manner?

14 A. Oh, yes. Yeah.

15 Q. He didn't wait a couple hours?

16 A. No. Uh-uh (no). Uh-uh (no).

17 Q. Okay.

18 A. That would have been his ass if he'd have done
19 that.

20 Q. I understand. Now, at the time of the explosion
21 at UBB where you were, who was on the surface there in
22 the office area that you can recall? Just give me
23 names.

24 A. In the office?

25 Q. Everywhere.

1 A. Gary May, Greg Clay, of course myself, Jim Walker,
2 Berman Cornett, Rick Foster had just got outside. And
3 who else up there? The supply crews, the motor crews,
4 they had just got outside. Let's see here. Ralph
5 Plumley and --- that's the track crew. They come out
6 the other side. I remember that. I'm trying to
7 remember the names of the fire bosses that come out
8 our side. I can't remember who was fire bossing that
9 day.

10 Q. Okay.

11 A. I can't remember who was fire bossing.

12 Q. If it comes to you as the interview
13 progresses, ---

14 A. Yeah.

15 Q. --- just tell me. Or if it comes to you later and
16 you want ---.

17 A. Lacey Stewart was one of them, yeah. They call
18 him Droopy.

19 Q. Okay. Do you have any idea who was at the Ellis
20 Portal at that time?

21 A. At the Ellis Portal? Not a clue.

22 Q. Okay. That's all right.

23 A. Can't see it. I told you it's a bad setup.

24 Q. Now, you've indicated that the 22 Tailgate crew
25 called you at exactly 3:00 p.m.

1 A. Yes, exactly.

2 Q. What timepiece were you using to determine that it
3 was exactly 3:00 p.m.?

4 A. The watch behind me or the clock behind me.

5 Q. The clock in the office?

6 A. Yes.

7 Q. Which office?

8 A. I was --- I was in Greg Clay's office.

9 Q. Greg Clay's office?

10 A. Yes. Well, there's two parts to his office.

11 Because when I'm upstairs, he was at his desk and I
12 was sitting in the --- well, the monitor room. You've
13 been up there?

14 Q. Yes.

15 A. Okay. You know where the room is like for the
16 COs, the monitor room?

17 Q. I think so.

18 A. Okay. That's the room I was sitting in ---

19 Q. Okay.

20 A. --- when it happened.

21 Q. Now, this clock you looked at, is it like a
22 battery-powered electric clock hanging on the wall?

23 A. It's the one that was on the computer screen
24 behind me.

25 Q. Okay. You looked at the time on the computer

1 screen behind you?

2 A. Yeah. Yeah.

3 Q. Okay. Now, which computer screen was it?

4 A. The one that's got --- that shows the water pumps.

5 Q. Okay.

6 A. That one. And the beltlines for the one that goes

7 --- the silo at the bottom of the hill, ---

8 Q. Okay.

9 A. --- that screen there.

10 Q. Okay.

11 A. It shows the time right there in the middle of it.

12 Q. Okay. Now, did you look at the time again when
13 the explosion occurred, when stuff --- smoke started
14 coming out of the drift?

15 A. Yeah. It was like --- it was 3:03?

16 Q. Okay. All right. You said that Gary May very
17 quickly began heading underground?

18 A. Yeah.

19 Q. How long did it take him to get underground, if
20 you can approximate?

21 A. It wasn't long.

22 Q. Okay.

23 A. It wasn't long at all.

24 Q. Okay. Also, you said it sounded like thunder; is
25 that correct?

1 A. Yeah. It sounded like claps of thunder.

2 Q. How long did the thunder last or what sounded like
3 thunder?

4 A. Five minutes maybe. Maybe five --- maybe five to
5 seven minutes. Because as soon as it stopped, that's
6 when he went under. As soon as the noise changed,
7 everything went back to normal, that's when he went
8 underground.

9 Q. The noise, do you think it was coming from
10 underground or was it the fan or some combination?

11 A. There was some resistance on the fan where it
12 actually stopped and was running in reverse.

13 Q. Okay. All right.

14 A. Because there was --- that fan is an exhausting
15 fan. It pushes air in the mine. And that white smoke
16 was coming out that fan at the time it happened.

17 Q. Okay. Now, you said that later on, when Mr. May
18 had made it to 40 Crosscut and called out to tell you
19 that he could see headlights in the distance, ---

20 A. Uh-huh (yes).

21 Q. --- you told me that Greg Clay began calling MSHA,
22 State and ---?

23 A. Yeah, because he got --- Greg Clay got on the
24 phone with Gary May and they were talking.

25 Q. Okay. Did you look at the time then? Were you

1 still in the same place?

2 A. Actually, I think I ran to the bathroom. When he
3 started talking to Greg --- because he said, let me
4 talk to Greg. So he got on the phone with Greg, and I
5 went to the bathroom. When I come back, Greg was
6 already on the phone with --- I think he was on the
7 phone with MSHA, I think.

8 Q. Okay. All right.

9 A. I don't know exactly what time that would have
10 been.

11 Q. Give or take a little bit?

12 A. Yeah. I'd say it was within --- let's see here,
13 5, 10, 15, 20. Twenty (20), maybe 25 minutes, 25 to
14 maybe a half hour.

15 Q. Okay. All right. But immediately after it
16 happened at 3:03, Greg --- oh, excuse me. Mr. May
17 said something bad has happened; correct?

18 A. Yes. That's where he told him, yeah.

19 Q. Okay. Now, we know about when Greg Clay began
20 calling MSHA. At what point did he begin calling the
21 corporate office?

22 A. He called --- I don't know. I know that he called
23 State --- or called Federal and called State, and then
24 he called --- actually, I don't know if he called
25 corporate or not because one of them other guys could

1 have called corporate.

2 Q. Yeah. Sure. Okay.

3 A. I don't know, because they were --- you know, they
4 were upstairs, too.

5 Q. Sure. All right.

6 A. And there was somebody in Gary May's office. I
7 can't --- they all might have been in Gary May's
8 office. I can't remember.

9 Q. Well, we're just trying to figure out who was
10 called and when. And you know, you can tell us about
11 where you were, and maybe other people will tell us
12 about the rest of it.

13 A. Yeah.

14 Q. Prior to the explosion, did you see Chris
15 Blanchard or Jason Whitehead?

16 A. Prior?

17 Q. Yes, sir.

18 A. Uh-uh (no). That day, no.

19 Q. Yes, sir.

20 A. No.

21 Q. You said you were taking notes --- you began
22 taking notes after May 11th.

23 A. Uh-huh (yes). His location, where he was in the
24 mines.

25 Q. Did you note times on these notes ---

1 A. Yes.

2 Q. --- when you talked to him?

3 A. Yes.

4 Q. What happened to your notes?

5 A. They were locked up in a file cabinet upstairs.

6 Q. Okay.

7 A. I don't know what happened to them. I don't have
8 a clue.

9 Q. Did anyone in particular request your notes?

10 A. I don't know. I don't know if Massey's lawyers
11 got them or they locked them up in that file cabinet
12 upstairs.

13 Q. Okay. How many pages of notes did you take ---
14 well, let me say, on what kind of paper did you make
15 those notes?

16 A. I don't know. I just remember the piece of paper.
17 I don't know if it was --- it might have been a legal
18 notepad. It might have been a half page, maybe one
19 page.

20 Q. Okay. One page of notes?

21 A. Yeah. It ain't much.

22 Q. All right. So you were just keeping track of Mr.
23 May as he ---?

24 A. Yeah, because he was on foot, and that really
25 concerned me. I was really bothered by that.

1 Q. Sure. Of course. When there's an emergency or a
2 serious injury or something like that, what would be
3 the normal procedure there for notification in terms
4 of calling corporate or State and Federal agents? Who
5 would routinely make those calls?

6 A. Me.

7 Q. As the dispatcher?

8 A. Yes, because --- or the people on the shift. If
9 it was a maintenance shift, like if somebody gets
10 hurt, I call Federal, I call State, call corporate,
11 then I call the mine foreman, the superintendent, then
12 I call Chris Blanchard. I mean, that's my routine
13 every time.

14 Q. Okay. Who is the contact at corporate?

15 A. There's just a number to call.

16 Q. Does anyone answer the numbers?

17 A. Sometimes.

18 Q. Do you remember the number?

19 A. No.

20 Q. Okay.

21 A. There's a sheet hanging on the wall with contact
22 numbers, a list of contact numbers that you're
23 supposed to call in case of an emergency, and you
24 start from the top and you go to the bottom. And MSHA
25 is the first one on the list.

1 Q. Okay.

2 A. MSHA, state and then there's --- and then it goes
3 on down from there, the mine superintendent, then the
4 mine foreman, if they're not present.

5 Q. Okay.

6 RE-EXAMINATION

7 BY MS. SPENCE:

8 Q. Okay. I've got a couple. Before three o'clock on
9 that day, April 5th, do you know when the longwall
10 shearer started up?

11 A. No. Greg Clay would. I wouldn't know. Because
12 he would have all those notes. I wouldn't. His
13 computer would have all those notes.

14 Q. Do you know what machinery was running at the time
15 of the explosion?

16 A. Just the longwall. So the shearer on the longwall
17 was the only thing that was running. That's it.

18 Q. That was all?

19 A. That was all.

20 Q. Okay. Did you hear of anything else that happened
21 that day, like maybe a roof fall or anything like
22 that?

23 A. Uh-uh (no). No. Like I said, it was just a
24 common day.

25 Q. Okay. How long --- you said that you tried to

1 call into the mine for about a half hour. How long,
2 altogether, were you trying to call people out; do you
3 recall?

4 A. After I got ahold --- it took me about 15 minutes
5 to get ahold of the barrier section. Actually, I
6 probably hollered for a good hour, hour-and-a-half. I
7 was still hollering when Chris Adkins showed up in his
8 helicopter. When he come upstairs, I was still
9 hollering on the phone. And I hollered and hollered
10 and hollered just, you know, praying and hoping that
11 somebody would answer me, and it never happened.

12 Q. Did somebody relieve you as dispatcher at some
13 point during that evening?

14 A. Yeah, but I couldn't tell you who it was because I
15 was so disoriented when I left. I don't even remember
16 driving home.

17 Q. How long were you --- do you recall how long you
18 were there a the dispatcher's position?

19 A. I was there 17 hours that day.

20 Q. As the dispatcher?

21 A. Oh, as dispatcher? Twelve (12). Well, before I
22 was relieved, there was no need of a dispatcher there
23 because the mine was (k) ordered.

24 Q. So you were the dispatcher until it was (k)
25 ordered?

1 A. Yeah.

2 Q. Do you know who the first rescue teams were to
3 arrive at the mine?

4 A. I think it was Massey's. Yeah, it was Massey's.

5 Q. Do you know which Massey?

6 A. It was Massey, then MSHA.

7 Q. Do you know which Massey team?

8 A. The Route 3, right at the bottom of the hill. I
9 mean, it's --- that's a given. Them guys live close.
10 It was Massey, then MSHA, then State, then I think it
11 was Magnum, if that sounds right, and then ICG. I
12 think Patriot had one team there, I think. I think
13 they did. I think there was a total of --- in and
14 out, there was 11 mine rescue teams --- the rescue
15 teams that come in and out of there, 11 teams.

16 Q. Do you know when the first ones arrived?

17 A. It was already starting to get dark. I'm guessing
18 about 6:00, when the first mine rescue team showed up.
19 That sounds about right, 6:00, 6:30, somewhere about
20 there. Because MSHA doesn't show --- MSHA, I guess, I
21 don't know who it would have been, officials. They
22 showed up before the mine rescue team did because they
23 were already there, because I remember when they
24 pulled up because they come straight upstairs.

25 Q. Okay. Was the tracking system installed and

1 working on that day?

2 A. Yes.

3 Q. And did it work?

4 A. Yes.

5 Q. And what was the dispatcher's --- what were the
6 dispatcher's duties with regard to the tracking
7 system?

8 A. Well, actually, the tracking system, it doesn't
9 alarm unless somebody hits --- unless they push the
10 button on it, it doesn't alarm.

11 RE-EXAMINATION

12 BY MR. WATKINS:

13 Q. Just a couple of quick questions before we get
14 into activities after the rescue teams got there. Do
15 you know why Mr. May went on foot instead of taking a
16 ride?

17 A. I guess because he didn't want to wait. That man
18 walks everywhere he goes anyways. I mean, he just ---
19 like I said, you know, he went from here to here
20 before they caught him.

21 Q. Was one available; do you know?

22 A. I think there was. Yeah, there should have been.

23 Q. He just wanted to ---?

24 A. Yeah, because --- I think he thought there might
25 have been something wrong right here with inside the

1 fan, like a blowed stopping out or something, because
2 --- you know, them stoppings have been there for a
3 long time anyways. That's the first thing --- I
4 remember him thinking --- he said, I think a stopping
5 might have went over here inside the fan. I'm going
6 to go check it out. And then he proceeded on foot to
7 go inby --- into the mine and just kept going and
8 going and going and going.

9 Q. I think Mr. Farley asked you about the notes and
10 you said they were put in a cabinet?

11 A. Yeah.

12 Q. Who put them in the cabinet?

13 A. I put them in the cabinet.

14 Q. You put them in the cabinet?

15 A. Yes.

16 Q. Okay.

17 A. Yeah.

18 Q. Is that cabinet locked or ---?

19 A. Yes. Yes, it was locked.

20 Q. Okay. Who all has a key?

21 A. Greg Clay. He's the only one who's got a key to
22 it.

23 Q. Beside yourself?

24 A. No. I ain't got a key to it either.

25 Q. You got a key off of Mr. Clay to put them in

1 there, and then you gave the key back to him?

2 A. Yeah. Well, he unlocked it, I put them in there.

3 Because when I left after my shift, after the state

4 and federal guy that I talked to and Massey, after

5 that 17-hour interrogation, I guess that's what you

6 want to call it, because they hammered me and I was

7 out of my mind, you know, but they kept questioning

8 me. They wanted answers where everybody was and

9 everybody accounted for and stuff like that. And they

10 told me, they said, keep this thing, keep it locked

11 up, don't lose it. So that's what I done with it.

12 And I kept it locked up in a cabinet until my last

13 day. But after that, I don't know.

14 Q. Okay. When the rescue teams started arriving and

15 they started going underground, do you remember who

16 was in the command center --- who was directing them?

17 Who would tell them where to go to and ---?

18 A. It was Chris Adkins.

19 Q. Chris?

20 A. Yeah. And Jamie Ferguson. Didn't the mine rescue

21 team get lost or something, they took a wrong turn or

22 something? I think so. And that's when Jamie

23 Ferguson took it over. He said, I'll take it --- he

24 took it over, and that's when he started guiding them

25 in, because that man --- if anybody knew this mine, it

1 was Jamie Ferguson. That man knows this mine like the
2 back of his hand. Everywhere he goes he walks. He
3 never takes a ride, never. That man, --- and the fire
4 bosses were scared of him because, you know, if they
5 tried to take a break or lay down and take a nap or
6 something, turn around and Jamie is standing right
7 there behind them, because that man never took a ride.
8 He'd walked in, tell us, I'm going in, that's it.
9 He'd check in and go. And when he'd come out, I'm
10 back out. That's it.

11 Q. Do you remember which one got lost, which team it
12 was?

13 A. That was one of Massey's teams, I think.

14 Q. One of the first teams under?

15 A. Yeah. They took a wrong turn or something, and
16 that's when Jamie took it over. That's just what I
17 heard. You know, that's just --- that's just a rumor.
18 I don't know if it's true or not, but that's what I
19 heard. I know Jamie did end up leaving, though, but
20 that's what I heard. That's why he ended up leaving,
21 somewhere up in here. Because I know it was past 78
22 Break.

23 Q. Oh, just past 78?

24 A. Yeah.

25 Q. Did you hear any conversations on the mine phone

1 in regards to maybe Chris Blanchard and Jason
2 Whitehead going into the mine, being in the mine, ---
3 A. No.

4 Q. --- going in?

5 A. Uh-uh (no). You mean that day?

6 Q. Yeah, after ---.

7 A. No. Uh-uh (no). No. If they would have, they
8 would have had to go in from this side because I would
9 have never seen them.

10 Q. Right.

11 A. Yeah.

12 ATTORNEY BABINGTON:

13 When you say this side, you're pointing
14 to Ellis Portal?

15 A. Ellis Portal, yeah. I'm doing it again. I'm
16 pointing. Yeah. No, actually I did see Chris
17 Blanchard that day, because he come over here. I was
18 here, in the office. It was later on that evening.

19 BY MR. WATKINS:

20 Q. Before or after the explosion?

21 A. After the explosion I seen him. He was --- he
22 come up there. I seen him walk through. I remember
23 seeing him.

24 ATTORNEY BABINGTON:

25 Do you recall what time that was?

1 A. No. I don't have a clue. I just remember seeing
2 him.

3 BY MR. WATKINS:

4 Q. Did you have any conversations with him?

5 A. No. No.

6 ATTORNEY BABINGTON:

7 Did he look like he had been underground?

8 A. Uh-uh (no). No, he was clean. No, because he had
9 blue jeans and a striped shirt on like he always wears
10 every day and tennis shoes. That was --- no, it
11 didn't look like he was underground at all. And I
12 didn't see Jason Whitehead until I think the next
13 morning, I think is when I seen him.

14 MR. FARLEY:

15 And when you saw Blanchard after the
16 explosion, was this like 3:30 or like 6:30 or ---?

17 A. I don't know what time it was when I seen him. It
18 wasn't too much longer after the explosion.

19 MR. FARLEY:

20 Is it possible that he could have left
21 the UBB Portal after you saw him?

22 A. You mean and went underground?

23 MR. FARLEY:

24 Uh-huh (yes).

25 A. No. No. Unless he went on foot. I think I would

1 have seen him. And nobody went underground. When
2 that happened, they had --- they took the bosses off
3 of evening shift that was on our shift and they put
4 them at the portal. And they were told, do not let
5 nobody in this mine. If anybody comes out, do not let
6 them go back in. And they stood at the portal would
7 not let --- they had one at each portal, fire bosses
8 and bosses. They would not let them go back in the
9 mine until they knew exactly what happened. If you
10 came out, you did not go back in. And then they took
11 a list --- they had a list of every name of every guy
12 that came out of the mine on both sides. I do know
13 that did happen. I remember that.

14 BY MR. WATKINS:

15 Q. But Blanchard could have left and went to Ellis
16 Portal and went in and you not know it?

17 A. I couldn't have seen him.

18 Q. That's what I meant.

19 A. Yeah.

20 Q. I mean, you wouldn't have known if he would have
21 left?

22 A. No.

23 Q. You'd have only known if he went in UBB Portal?

24 A. I wouldn't know. Yeah, if he would have went in
25 UBB Portal, I would have seen him, ---

1 Q. Okay.

2 A. --- because I was standing there at the window. I
3 mean, I ---

4 Q. Okay.

5 A. --- for a long time. Because I was on Greg Clay's
6 phone when I was hollering for everybody. I was
7 standing right there at his phone and I just kept
8 hollering and hollering and hollering.

9 RE-EXAMINATION

10 BY MR. FARLEY:

11 Q. You indicated that you were questioned after the
12 explosion.

13 A. Uh-huh (yes).

14 Q. Who questioned you?

15 A. State, Federal and Massey. They were all together
16 when I was questioned.

17 Q. Anybody you can identify?

18 A. Oh, I never seen them before in my life.

19 Q. Okay. Anybody from the Massey group you can
20 identify?

21 A. No, didn't never see them before. Never seen none
22 of them.

23 Q. Okay.

24 A. First time, last time.

25 Q. Now, when you were answering questions ---

1 A. Uh-huh (yes).

2 Q. --- about the location of people underground, ---

3 A. Uh-huh (yes).

4 Q. --- now, obviously you knew where the mantrips had
5 gone to; right?

6 A. Yes.

7 Q. Now, were you able to answer any of their
8 questions concerning the location of the people based
9 on the tracking system?

10 A. No. Nope. Once again, that thing is a joke.

11 Q. Well, let me ask you some questions. When --- was
12 the tracking system working to the extent that you
13 could know people were passing a certain location?

14 A. Yes. Yes. Yeah.

15 Q. Okay. So is it fair to say that if individuals
16 had passed a certain location into a certain section
17 and did not pass back by that location, you could
18 deduct that they were on that section?

19 A. Yes.

20 Q. Okay. So is it fair to say that the tracking
21 system was working to that extent?

22 A. Yes. Up until the explosion, yes.

23 Q. Of course. All right. Had the tracking system
24 remained functional?

25 A. Yes. I see what --- yeah. Yeah.

1 Q. You would have been able to track their
2 location; ---

3 A. Yes.

4 Q. --- correct?

5 A. Uh-huh (yes).

6 Q. All right.

7 A. Up until where the last one is set up.

8 Q. Okay.

9 A. If they went inby the last box that's set up, ---

10 Q. Okay.

11 A. --- then, ---

12 Q. Right.

13 A. --- you know, I couldn't track them after that.

14 Q. Until they pass by there again?

15 A. Yeah, until they come past there again, yes.

16 Q. Okay. Do you remember who gave the fire bosses
17 the orders to guard the portals and not let anybody
18 underground?

19 A. That was Gary May.

20 Q. Okay.

21 A. That was right before he went underground.

22 Q. Okay.

23 A. Yeah, because I remember him telling me --- he
24 told Sam --- that was Sam Purdue. He told him and ---
25 that was him and Hammer. I can't remember Hammer's

1 real name.

2 Q. Okay.

3 A. But he told them, he said, stay at the portal in
4 the track entry. And he said, when everybody ---
5 whoever comes outside, don't let nobody go back in.
6 He said, and if the section is going on, he said, just
7 tell them to wait out here until we can figure out
8 what's going on.

9 Q. Sure. Now, earlier, when we were talking about
10 making emergency calls to the state and federal
11 agencies and corporate, when you say --- when we say
12 corporate, do we mean the corporate office that's
13 located at Julian, off Corridor G? Is that where the
14 call goes, off Corridor G. Is that where the call
15 goes, possibly?

16 A. Or Marfork. Well, I guess it wouldn't be --- not
17 corporate, it would be Marfork, to the main office.
18 That's our main office.

19 Q. Okay. But you call a West Virginia location; is
20 that correct?

21 A. Yes. Yes.

22 Q. All right. Now, after you --- April 5th, you were
23 dispatcher. You started at 6:00. What time did you
24 finish dispatching? What time did you cease
25 dispatching, three o'clock, is that fair?

1 A. Well, I don't know because I stayed on.

2 Q. What time did you cease dispatching? What time
3 did you stop?

4 A. Well, I guess --- well, I guess it would have had
5 to have been three o'clock because the mine rescue
6 teams, ---

7 Q. Okay.

8 A. --- they had to wait until --- for MSHA to approve
9 for them to go in because they had to go through
10 debriefing and all that stuff before they was able to
11 go in. And I think I was already gone before they
12 went in, yeah, the first group.

13 Q. Okay. You stopped dispatching or you left the
14 mine before the first mine rescue team went in?

15 A. I think I left the mine before the first --- I was
16 there 17 hours.

17 Q. Okay. You mean from the time of your arrival?

18 A. Uh-huh (yes). Yeah, I can't remember what time
19 the first team went in.

20 Q. What time did you arrive?

21 A. I got there at 6:00 a.m. I worked 17 hours ---.

22 Q. That puts you at 1:00 a.m.; right?

23 A. Yeah.

24 Q. Okay.

25 MR. FARLEY:

1 All right. That's it.

2 RE-EXAMINATION

3 BY MS. SPENCE:

4 Q. Approximately what time did Chris Adkins arrive;
5 do you know?

6 A. He arrived in his helicopter, him and Elizabeth,
7 they were together, the woman that's over safety.

8 Q. Right.

9 A. They arrived together, I'm guessing, within a half
10 hour, no more than 45 minutes.

11 Q. Did you receive any instruction personally from
12 Don Blankenship, Chris Adkins or Chris Blanchard about
13 what to do, who to call?

14 A. Not myself, no. That would have been Greg Clay.
15 They talked to him. They didn't talk to me.

16 Q. And Greg Clay instructed --- gave you instructions
17 about what to do or someone else?

18 A. On what?

19 Q. On anything that you did that evening, after the
20 explosion?

21 A. Oh, after the explosion? I just helped out, you
22 know, just whatever I could do, you know. They
23 started bringing food and stuff in, and you know, I
24 started helping with that, carrying boxes and stuff up
25 the steps, taking mine rescue teams water, just ---

1 you know, I just helped out just --- I did every
2 little thing that I could do to help out.

3 Q. But in the immediate aftermath of the explosion,
4 when calls were being made, who told you what to do?
5 Who gave you your assignment?

6 A. That's what --- my assignment was --- Chris
7 Adkins. My assignment was to go sit and wait and I
8 can go home when they were done with me. After the
9 State, MSHA and Massey was done with me, then I got to
10 go home. And I ended up being there 17 hours.

11 RE-EXAMINATION

12 BY MR. WATKINS:

13 Q. I just got one question. And it's kind of
14 continuing a little bit. Okay? When you were
15 assigned the dispatching duty, were you ever
16 instructed to call underground and notify people when
17 MSHA or the State inspector was ---?

18 A. No. No. No. I was never instructed to do it,
19 unless they asked me if they were --- do we have any
20 company. They didn't tell me not to tell them that we
21 didn't have no company. Yeah, we got company. If
22 they asked me. If I was told not to tell them, I
23 wouldn't tell them. I almost got in trouble one time
24 because Kevin --- he's the Federal guy. He come up
25 there, and I said, what are you doing, buddy? He

1 said, not much. I said, do you got any other people
2 with you? He said, yeah, I got 13 people with me.
3 And that was right before the reports was called. And
4 they called outside and said, do you got any company?
5 I said, yeah, there's 13 of them out here. The place
6 about flipped.

7 Q. You wasn't given instructions to do that?

8 A. No.

9 Q. Okay.

10 MR. WATKINS:

11 Beth, do you have any?

12 EXAMINATION

13 BY ATTORNEY BABINGTON:

14 Q. I just had one. This might have already been ---
15 you might have already answered this. Was Gary May
16 bare-faced when he went underground?

17 A. Was he what?

18 Q. Bare-faced?

19 A. What do you mean bare-faced?

20 Q. Did he have apparatus with him or on him or ---?

21 A. He had his self-rescuer on his side, yeah.

22 ATTORNEY BABINGTON:

23 Anything else? Okay. We marked up one

24 map. We'll label that as Jenkins One. And that

25 map --- it's a 500 map, and that's part of the record.

1 (Jenkins Exhibit One marked for
2 identification.)

3 ATTORNEY BABINGTON:

4 On behalf of MSHA and the Office of
5 Miners' Health, Safety and Training, I want to thank
6 you for appearing and answering questions today. Your
7 cooperation is very important in the investigation as
8 we work to determine the cause of the accident. We
9 request that you not discuss your testimony with any
10 person, aside from a personal representative or
11 counsel. After questioning other witnesses, we may
12 call you if we have any follow-up questions. If at
13 any time you have additional information regarding the
14 accident that you'd like to provide to us, please
15 contact us at the contact information previously
16 provided to you.

17 If you wish, you may now go back over any
18 answer you've given during this interview. You may
19 also make any statement that you'd like to make at
20 this time.

21 A. What if I've already discussed this with other
22 people?

23 ATTORNEY BABINGTON:

24 Have you discussed what we discussed here
25 today with anyone else?

1 A. Certain things, yeah. You know, people asked me
2 questions. And I'm an honest person. I give straight
3 answers.

4 ATTORNEY BABINGTON:

5 Who have you talked with at this point?

6 A. I mean, just people outside of work.

7 ATTORNEY BABINGTON:

8 Oh, I see what you're saying.

9 A. Nobody from work, no.

10 ATTORNEY BABINGTON:

11 Okay.

12 A. I'm just saying people, you know, publicly.

13 ATTORNEY BABINGTON:

14 Not necessarily that you've been

15 interviewed, but you've discussed the events with

16 other people?

17 A. Yeah.

18 ATTORNEY BABINGTON:

19 Okay. We're --- I think what we're

20 requesting is that with the information you've given

21 with us today ---.

22 A. I haven't seen nobody that I worked with from UBB.

23 ATTORNEY BABINGTON:

24 Right.

25 A. Because like I said, within a couple days of it

1 happening, after I worked with the recovery with
2 everybody, I was gone. They shipped me to Mammoth. I
3 had to go to Mammoth. That's where they put me.

4 ATTORNEY BABINGTON:

5 Right.

6 A. So I went away from all the riffraff because
7 everybody --- I know a lot of people that live on
8 Route Three, and everybody --- I don't want the, you
9 know, sob story, you know, patting me on the back.
10 Just let me go and do my job and take care of my
11 family.

12 ATTORNEY BABINGTON:

13 Right. Well, thank you. And again, I
14 want to thank you for your cooperation in this matter.

15 A. You're welcome.

16

17 * * * * *

18 STATEMENT UNDER OATH CONCLUDED AT 10:00 A.M.

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1 STATE OF WEST VIRGINIA)

2)

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4 CERTIFICATE

5 I, Alicia R. Brant, a Notary Public in and
6 for the State of West Virginia, do hereby certify:

7 That the witness whose testimony appears in
8 the foregoing deposition, was duly sworn by me on said
9 date and that the transcribed deposition of said
10 witness is a true record of the testimony given by
11 said witness;

12 That the proceeding is herein recorded fully
13 and accurately;

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



22 *Alicia R. Brant*

23

24

25