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**Transcript of the Testimony of Tracey Lambert**

**Date:** August 24, 2010

**Case:**

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STATEMENT UNDER OATH  
OF  
TRACEY LAMBERT

taken pursuant to Notice by Alison Salyards, 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 Tuesday, August 24, 2010, beginning at 3:53 p.m.

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

1  
2 -----  
3 ATTORNEY FERGUSON:

4 Mr. Lambert, my name is Dana Ferguson.

5 Today is August 24th, 2010. I'm an attorney with the  
6 Office of the Solicitor, U.S. Department of Labor.

7 With me is Erik Sherer, an accident investigator with  
8 the Mine Safety and Health Administration, MSHA, an  
9 agency of the U.S. Department of Labor. Also present  
10 are several people from the State of West Virginia. I  
11 ask that they state their appearance for the record at  
12 this time.

13 MR. FARLEY:

14 I'm Terry Farley, with the West Virginia  
15 Office of Miners' Health, Safety and Training.

16 MR. O'BRIEN:

17 John O'Brien, with the West Virginia  
18 Office of Miners' Health, Safety and Training.

19 ATTORNEY KOERBER:

20 Barry Koerber, Assistant Attorney  
21 General, assigned to represent the West Virginia  
22 Office of Miners' Health, Safety and Training.

23 MS. MONFORTON:

24 And I'm Celeste Monforton. I'm with the  
25 Governor's independent team.

1 -----

2 TRACEY LAMBERT, HAVING FIRST BEEN DULY SWORN,  
3 TESTIFIED AS FOLLOWS:

4 -----

5 ATTORNEY KOERBER:

6 Sir, would you please state your full  
7 name for the record and spell your last name?

8 A. My name is Tracey Nathaniel Lambert, Sr.,  
9 L-A-M-B-E-R-T.

10 ATTORNEY KOERBER:

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

13 A. My mailing address is [REDACTED]  
14 [REDACTED].

15 ATTORNEY KOERBER:

16 And as I've ---.

17 A. My home phone number is [REDACTED]

18 ATTORNEY KOERBER:

19 Do you have an attorney or a personal  
20 representative appearing with you here today?

21 A. Not today.

22 ATTORNEY KOERBER:

23 What was your job title as of April 5th,  
24 2010 at Upper Big Branch?

25 A. I was an underground electrician on Headgate 22.



1 ATTORNEY KOERBER:

2 I notice we have another attorney in the  
3 room. Would you please identify yourself?

4 ATTORNEY HARDY:

5 Yes.

6 ATTORNEY KOERBER:

7 And who you're with and who you're  
8 representing?

9 ATTORNEY HARDY:

10 Yes. I'm David J. Hardy from Allen  
11 Guthrie & Thomas, and I represent Performance Coal.

12 ATTORNEY KOERBER:

13 Mr. Lambert, are you appearing here today  
14 because you received a subpoena?

15 A. Yes.

16 ATTORNEY KOERBER:

17 And this is a copy of that subpoena that  
18 I'd like to have marked as Exhibit One. And although  
19 I do not have the return receipt card, it has not come  
20 back yet, I do have the United States Postal Service  
21 website printout for your particular ---

22 A. Right.

23 ATTORNEY KOERBER:

24 --- registered mail number showing  
25 delivery on August 20th, 2010, at 4:19 p.m., at [REDACTED]

1           ██████████ Do you dispute that time?

2           A. No.

3   ATTORNEY KOERBER:

4   This will be Exhibit One and this will be  
5   Exhibit Two.

6           (T. Lambert Exhibits One and Two marked  
7   for identification.)

8   ATTORNEY FERGUSON:

9   Uh-huh (yes).

10   ATTORNEY KOERBER:

11   And sir, as a subpoenaed witnesses,  
12       you're entitled to a witness fee of \$40 and mileage at  
13       the rate of 15 cents round trip from your house to  
14       here and back so long as you've driven in your  
15       personal vehicle. I have provided you previously with  
16       forms that you can fill out to receive that money.  
17       And did you fill those forms out?

18       A. Yes, sir.

19   ATTORNEY KOERBER:

20   And did you give them back to me?

21       A. Yes, sir.

22   ATTORNEY KOERBER:

23   Thank you.

24   ATTORNEY FERGUSON:

25   All members of the Mine Safety and Health

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

15 Government investigators and specialists

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

24 Your identity and the content of this

25 conversation will be made public at the conclusion of

1 the interview process and may be included in the  
2 public report of the accident, unless you request that  
3 your identity remain confidential or your information  
4 would otherwise jeopardize a potential criminal  
5 investigation. If you request us to keep your  
6 identity confidential, we will do so to the extent  
7 permitted by law. That means that if a judge orders  
8 us to reveal your name or if another law requires us  
9 to reveal your name or if we need to reveal your name  
10 for other law enforcement purposes, we may do so.  
11 Also, there may be a need to use the information you  
12 provide to us or other information we may ask you to  
13 provide in the future in other investigations into and  
14 hearings about the explosion. Do you understand this?

15 A. Yes.

16 ATTORNEY FERGUSON:

17 Do you have any questions?

18 A. No.

19 ATTORNEY FERGUSON:

20 After the investigation is complete, MSHA  
21 will issue a public report detailing the nature and  
22 causes of the fatalities in the hope that greater  
23 awareness about the causes of accidents can reduce  
24 their occurrence in the future. Information obtained  
25 through witness interviews is frequently included in

1       these reports.  Since we will be interviewing other  
2       individuals, we request that you not discuss your  
3       testimony with any person aside from a personal  
4       representative or counsel.

5       A court reporter will record your  
6       interview.  Please speak loudly and clearly.  If you  
7       do not understand a question asked, please ask it to  
8       be rephrased.  Please answer each question as fully as  
9       you can, including any information you've learned from  
10      someone else.  We would like to thank you in advance  
11      for your appearance here.  We appreciate your  
12      assistance in this investigation.  Your cooperation is  
13      critical in making the nation's mines safer.

14     MR. FARLEY:

15     Mr. Lambert, on behalf of the Office of  
16     Miners' Health, Safety and Training, I want to inform  
17     you that West Virginia Code 22A, Article One, Section  
18     22, offers protection to miners against potential  
19     discrimination for participating in these type  
20     interviews.  I'd like to pass along some information  
21     which includes the address for the West Virginia Board  
22     of Appeals, which hears complaints from miners  
23     concerning discrimination.  Should you experience any  
24     problems, you should contact the Board of Appeals at  
25     that address.  I would caution you that you need to

1 file a complaint within 30 days of the time the event  
2 occurs if you have a problem.

3 A. Okay.

4 MR. FARLEY:

5 Thank you.

6 EXAMINATION

7 BY MR. SHERER:

8 Q. The first thing I want to do, Mr. Lambert, is  
9 thank you for coming down here this afternoon. We're  
10 still investigating the explosion at Upper Big Branch.  
11 We've got a lot of questions left unanswered. We're  
12 doing this for two reasons. We think the families and  
13 the friends and the co-workers of the 29 miners  
14 deserve some answers as far as what happened to their  
15 friends and loved ones. The other reason is we want  
16 to prevent this type of accident from ever occurring  
17 again, and we need to understand the conditions and  
18 what led up to this explosion to do that. So we  
19 appreciate any information you can share with us.  
20 Roughly, how many years of mining experience do you  
21 have?

22 A. A little over nine years.

23 Q. Were all those nine years with the Massey  
24 organization?

25 A. Probably around seven-and-a-half maybe.

1 Q. When did you first start working up at Upper Big  
2 Branch?

3 A. It was in August --- I'm wanting to say August  
4 2003.

5 Q. Okay. So you've been up there probably seven  
6 years or so prior to the explosion?

7 A. Pretty close to it. I had a couple years I didn't  
8 work there, maybe not even that long.

9 Q. Okay.

10 A. I worked at a couple other places and then ---.

11 Q. Okay. Had you been at Upper Big Branch roughly  
12 the year prior to the explosion?

13 A. Oh, yeah.

14 Q. Okay. Where did you work in the mine, any  
15 particular area?

16 A. Well, I worked --- my job was --- I was the  
17 electrician on C Crew on Headgate 22.

18 Q. Okay. Now, what's C Crew, a certain shift or ---?

19 A. Well, my crew would rotate from dayshift to  
20 evening shift while A and B screw stayed straight days  
21 and straight evenings.

22 Q. Who was your boss?

23 A. My boss at the time was Brandon Bowling.

24 Q. Okay. What sort of boss was Mr. Bowling? Was he  
25 a good boss?

1 A. He was a good boss. He had an abrasive  
2 personality, though.

3 Q. Okay. Who all was on that C Crew with you?

4 A. Let's see. There's myself, Richard Gray, Bobbie  
5 Pauley, Dude Griffith and Arles Cozart, Kortaa Hall,  
6 Josh Massey. I can't remember them all. We've been  
7 apart so long.

8 Q. Okay. Where are you working now?

9 A. I'm working at Hunter Peerless, at Elk Run.

10 Q. Okay. That's another Massey operation, isn't it?

11 A. Yes.

12 Q. Okay. Now, were you guys scheduled to work on the  
13 5th?

14 A. No. We had our --- it was our scheduled days off.  
15 You know, it wasn't uncommon for them to ask us to  
16 work if they needed us.

17 Q. What's the last shift that you worked prior to the  
18 April 5th explosion?

19 A. Good Friday.

20 Q. So you worked on Friday?

21 A. Uh-huh (yes).

22 Q. Did you work on Saturday?

23 A. No.

24 Q. Okay.

25 A. No, I took my --- took some vacation time.



1 Q. Okay. That last Friday you worked, do you recall  
2 anything unusual?

3 A. The most unusual thing about that day was the ---  
4 where our intake had our power entry in it as well, we  
5 had high voltage signs at the end of the power center  
6 and you could tell a difference in the air from a good  
7 day, you know, to whatever, but you know, the sign  
8 would swing back and forth, and that particular day it  
9 wasn't.

10 Q. Okay. And that indicates?

11 A. To me it just indicated we just had poor air that  
12 day.

13 Q. Poor air. And had the sign been swinging or you  
14 had good air prior to that Friday?

15 A. Yeah.

16 Q. Okay.

17 A. Yes. Something had changed in the mines. I don't  
18 know what did.

19 Q. Did that sign swinging or the air quantity change,  
20 was that something you regularly noticed?

21 A. Oh, yeah. I watched that sign every day.

22 Q. Okay.

23 A. That was just --- you know, that would tell me  
24 just --- it was for me something that I knew would be  
25 different about the air.

1 A. Okay. Now, when you got on the section, were you  
2 working evenings on Friday?

3 A. I was on the evening shift that day, yes.

4 Q. When you got on the section that Friday evening,  
5 did you immediately start running coal or did you have  
6 to work on trying to get the ventilation up?

7 A. No. The boss went around and checked the faces  
8 and then whatever changes he needed to make to the  
9 ventilation he did.

10 Q. Do you know if he went outby to do anything?

11 A. No. No. We generally didn't go outby to work on  
12 the ventilation outby. That was left up to the ---  
13 that was left up to our outby people. We was so far  
14 up in there and the track wasn't real close to the  
15 section.

16 Q. Was that a long walk?

17 A. It was a pretty good walk, yeah.

18 Q. Do you recall anybody complaining at that shift on  
19 Friday evening that they didn't have enough air, maybe  
20 the miner men, to run coal or ---?

21 A. Everybody said that every day just about it seemed  
22 like, but we always --- we always seemed to. You  
23 know, the boss said we had it, and I took his word for  
24 it.

25 Q. Okay. Was it hot up on this section?

1 A. Oh, yeah.

2 Q. Do you recall what you did that Friday afternoon?

3 A. I can't. I can't remember.

4 Q. Okay. Does anything stand out about what you did  
5 that Friday. Does --- even the least little thing?

6 A. No, nothing unusual. You know, I did my daily  
7 routine, taking care of equipment, helping ventilate  
8 when, you know, they needed it and stuff like that.  
9 Nothing out of the ordinary, no.

10 Q. Okay. Did you ever smell anything when you were  
11 on this headgate section that smelled like kerosene or  
12 maybe gasoline?

13 A. No.

14 Q. Did you carry a methane detector with you?

15 A. Yes.

16 Q. What's the highest level of methane that you ever  
17 read on it?

18 A. On the headgate panel?

19 Q. Yeah.

20 A. It was like 1.5.

21 Q. 1.5?

22 A. Uh-huh (yes).

23 Q. Do you recall roughly when you ran into that?

24 A. I don't remember when it was, but we was over in  
25 the Number Three entry. That's where we got it.

1 Q. What was going on when you encountered that  
2 percent-and-a-half of methane? Was that an entry that  
3 the miner was in?

4 A. He was in that entry, yeah, and he saw --- the  
5 miner man said he saw the methane monitor readout  
6 going up, so he shut her down, and we re-ventilated  
7 and got it out --- got the gas out.

8 Q. Okay. Were you able to just re-hang curtain and  
9 get it flushed out or did you have to put in like  
10 diagonal curtains?

11 A. No, we didn't have to put in nothing fancy. We  
12 just had to tighten up on some curtain.

13 Q. Okay. Was it a common thing on this section to  
14 run into more than one percent methane?

15 A. No. We just --- we had just started getting into  
16 the gas up in this area, around where --- you know,  
17 where production stopped that day.

18 Q. Okay. Now, you say you just started getting into  
19 it. Had it only been a break or so of where the faces  
20 were on Friday or two breaks or three breaks?

21 A. I don't remember. I don't --- I couldn't tell you  
22 right off hand.

23 Q. Sure. Yeah.

24 A. That was the first place we had hit any gas, up  
25 there in the face.

1 Q. Okay.

2 A. That was the first time that I remember.

3 Q. Sure. Do you think that was within a week or so  
4 of the explosion?

5 A. No, I don't believe.

6 Q. Was it ---?

7 A. It might have been a week or two ---

8 Q. A week or two, okay.

9 A. --- maybe. I ain't sure.

10 Q. Okay. That's what we're looking for, just a rough  
11 idea of what was going on. Did you happen to work on  
12 the methane monitor on those miners?

13 A. Yeah, I've worked on them before.

14 Q. Do you recall the last time you had to do any  
15 repair or maintenance of those methane monitors?

16 A. I didn't have to do any maintenance for them. I  
17 had to calibrate the miner one day at MSHA's request.

18 Q. Do you recall about how long before the explosion  
19 you had to do that?

20 A. Not right off, no. It was Kevin Lyle. He was the  
21 inspector at the time.

22 Q. Okay. Do you think it had been within the month  
23 prior to the explosion?

24 A. At least.

25 Q. Okay. Was it working?

1 A. Oh, yeah, it worked fine.

2 Q. Okay. Who normally calibrated the methane  
3 monitors on this section?

4 A. Well, the hoot owl crew usually calibrated them.  
5 But if they got out off whack a little bit, you know,  
6 us section electricians would have to do it.

7 Q. Okay. Did you have any particular equipment you  
8 had to check the permissibility of?

9 A. I had to check most of the --- well, actually,  
10 being on C Crew, I took care of all the equipment.  
11 You know, just depending on what day the  
12 permissibility fell on our P.M. sheets, that's the  
13 equipment I took care of.

14 Q. So one week you might get ---?

15 A. One week --- well, every week --- you know, just  
16 depending on the day of the week. There was some  
17 weeks I took care of both miners, as far as --- well,  
18 I didn't --- the hoot owl electricians took care of  
19 the permissibility on the miners. I should say that.  
20 But the --- I took care of the other face equipment,  
21 like the bolt machines, the shuttle cars, the scoops,  
22 scoop chargers. I don e weekly check on the power  
23 centers or on the section power center.

24 Q. Had you been having any problem with  
25 permissibility on any of that equipment?

1 A. No. Uh-uh (no). Not that I'm aware of.

2 Q. So the equipment was in pretty good shape?

3 A. I believe it was.

4 Q. What about the trailing cable for the equipment?

5 A. Now, you always had something going on with the  
6 trailing cable, you know. If an operator --- say like  
7 a buggy operator cut the cable, you know, we'd have to  
8 make splices and whatnot. As far as the cables went,  
9 I believe they was in pretty good shape, too.

10 Q. How many breaks outby the last open crosscut would  
11 you normally keep the power center?

12 A. That depended really on the move, on move night.  
13 Most of the time it's just usually about one. Well,  
14 actually two, two breaks outby the face.

15 Q. So you keep it pretty close up to the face?

16 A. Uh-huh (yes). Yeah, because we had a hard time  
17 mining up in there. Our belt moves didn't happen  
18 regularly, so you know, we --- it was usually about  
19 two breaks from the face.

20 Q. Now, when you say you had a hard time mining,  
21 particularly what ---?

22 A. The roof. The roof was bad. The roof was bad up  
23 there.

24 Q. Okay.

25 A. You know, there'd be some days you wouldn't have

1 any problems with it, and then there were days that  
2 the miner man would go into a cut and come back out of  
3 it, and as soon as he come out of it, it would fall.

4 Q. Oh, jeez. How high was the average height up on  
5 this section?

6 A. Average height, about eight feet, I guess.

7 Q. Was the coal eight foot thick or were you  
8 taking ---?

9 A. No. We was taking middle man.

10 Q. Okay. What was the floor like on this section?  
11 Did you ever notice any floor heave?

12 A. No, it never really did heave. It always --- you  
13 know, it'd come out on us, you know, just by the  
14 normal moving of the equipment.

15 Q. Just break up on you?

16 A. Yeah. Yeah. It wouldn't hoove on us none.

17 Q. If it broke up, would the equipment tend to get  
18 stuck in it?

19 A. Uh-huh (yes). Well, it wouldn't really get stuck.  
20 They'd just have a hard time getting around the  
21 section?

22 A. Deep holes?

23 A. No, not real deep.

24 Q. Okay.

25 A. Not real deep, I don't believe.



1 Q. Was it a clay floor or a sandy floor?

2 A. A little bit of both, just depending on what side  
3 of the section you was on.

4 Q. Okay. Now, when you were working on the section,  
5 did anybody ever call in on the mine phone and say  
6 there were inspectors on the property or did anybody  
7 ever tell you that?

8 A. I never paid no attention to it. Usually I was up  
9 in the face. You know, I never really was around the  
10 phone a whole lot.

11 Q. Okay. Do you think the ventilation on this  
12 section was adequate?

13 A. My personal opinion, no.

14 Q. Okay. Do you know if anybody was making changes  
15 to the ventilation while you guys were on the section?

16 A. Folks said they did. I don't know whether they  
17 did or not.

18 Q. Okay.

19 A. You know, there were a lot of people that said,  
20 yeah, they had, they changed the air on us or  
21 whatever, but to my knowledge, no.

22 Q. Okay.

23 A. But that's just what everybody, you know, other  
24 people on the crews were saying.

25 Q. Sure. But you did notice some significant changes

1 in ventilation from shift to shift?

2 A. Sometimes.

3 Q. Did you ever notice any change while you were ---  
4 during a shift?

5 A. No. I didn't, no.

6 Q. Okay. Did you ever have any situation where the  
7 miners would be cutting and then maybe all of a sudden  
8 dust out, the ventilation just wouldn't carry the dust  
9 out of the face?

10 A. Now, there was a few times that I didn't think it  
11 was coming out quick enough, yeah.

12 Q. Okay. Tell me about the --- we understand there  
13 was a lot of equipment doors in this mine. Were those  
14 doors --- did you ever come up on them and find any of  
15 them open?

16 A. Yeah. But they wouldn't be wide open. You know,  
17 they'd be like --- where some of them would be on the  
18 grade, you know, if the door wasn't working right,  
19 sometimes it would drift back a little bit, wouldn't  
20 be totally shut.

21 Q. Okay. Do you ever notice a lot of air going  
22 around where those doors were open or cracked open?

23 A. Yeah. You can feel some air coming back through  
24 them.

25 Q. Were those doors ever bummed up or banged up?

1 A. Oh, yeah, them doors --- some of them were beat up  
2 pretty good, not you know --- not to the point that  
3 they wouldn't work, but you know, you could tell where  
4 equipment had hit them.

5 Q. Sure. When they got fairly beat up, did they  
6 replace the doors or fix them?

7 A. They'd fix them. Not until they was totally  
8 useless would they replace them.

9 Q. Oh, okay. I want to thank you for your answers.  
10 That's all the questions I've got for you right now.

11 EXAMINATION

12 BY MR. FARLEY:

13 Q. Mr. Lambert, just a couple, three things to  
14 clarify and make sure I understood you correctly.  
15 Your last shift worked at UBB was Friday ---?

16 A. Good Friday.

17 Q. Good Friday, April the 2nd?

18 A. Yeah.

19 Q. And you took off the next day, ---

20 A. Yeah.

21 Q. --- took a vacation for Saturday?

22 A. I took vacation for five days.

23 Q. Okay. All right. Now, you were pretty clear  
24 about the sign at the power center on April 2nd, about  
25 it being still.

1 A. Uh-huh (yes).

2 Q. How was it the day before?

3 A. It was moving pretty good.

4 Q. Okay.

5 A. It wasn't --- you know, you could tell --- I could  
6 tell the difference in it, you know, because I paid  
7 attention to it.

8 Q. Was that usually a pretty good indicator about how  
9 things were going to go?

10 A. Uh-huh (yes).

11 Q. Okay. On your last shift there on April the 2nd,  
12 any electrical problems during the shift with the  
13 power center or any equipment?

14 A. Right off the top of my head, I can't tell you  
15 whether there was or not.

16 Q. Okay. Now, was it occasionally necessary for the  
17 22 Headgate boss on your section or any other members  
18 of his crew to have to go outby the section to make  
19 adjustments to improve ventilation?

20 A. Like I said, they hardly ever called us to go off  
21 and do it that I can remember.

22 Q. Uh-huh (yes).

23 A. And about the most he'd do is chase down a scoop  
24 man and see where his supplies were.

25 Q. Okay.

1 A. That's about it.

2 Q Can you recall any members of your crew making  
3 complaints to the section foreman about ventilation?

4 A. Yes.

5 Q. How often did that usually occur?

6 A. Sometimes it just depended on the day, you know.  
7 Sometimes the miner men will complain if they wasn't  
8 getting enough air, you know. The bolting men would  
9 do the same.

10 Q. What was the response usually?

11 A. It just really depended on what mood he was in  
12 that day, you know. But you know, it got fixed, as  
13 far as I know.

14 Q. Okay. Where are you working now?

15 A. I work at Hunter Peerless, at Elk Run.

16 Q. Okay.

17 EXAMINATION

18 BY MS. MONFORTON:

19 Q. Mr. Lambert, you indicated that you recalled a few  
20 doors that seemed pretty good beat up.

21 A. Uh-huh (yes).

22 Q. Can you identify any or any in particular?

23 A. Not right off the bat. It was usually the doors  
24 around 78 Break.

25 Q. There's the doors.

1 A. It would usually be the last two sets of doors.  
2 And one time they did have a motor go through them and  
3 they replaced them that time. But you know, they had  
4 --- they were beat up sometimes.

5 Q. The days before the explosion, the weeks before  
6 the explosion, anything in particular about those  
7 doors? Were they in the --- they were in the beat-up  
8 condition or ---?

9 A. Same. They were in the same condition they always  
10 were. There wasn't --- they had some new doors that  
11 they was planning on putting in, but they never got  
12 done.

13 Q. Would you say that it was common knowledge amount  
14 upper management to there were ventilation problems on  
15 Headgate 22?

16 A. Oh, I'd say. Yeah.

17 Q. Who do you think --- when you think of upper  
18 management, who do you think was aware of that  
19 problem?

20 A. Chris Blanchard, because you know the men would  
21 complain to him when they seen him. You know,  
22 everybody in upper management knew about it.

23 Q. Thank you.

24 RE-EXAMINATION

25 BY MR. SHERER:

1 Q. Did you ever notice any bubbles coming out of  
2 puddles on that section?

3 A. Yeah.

4 Q. Did you notice if that got any more pronounced the  
5 week or two prior to the explosion?

6 A. No.

7 Q. Okay. You mentioned that the miner operator  
8 thought it was getting dusty. Did they turn the  
9 scrubbers on when that happened?

10 A. Well, before --- at one time I think we had a deep  
11 cut plan up there so they'd run the scrubbers all the  
12 time. Now, after that --- after --- I think we lost  
13 our deep cut plan, they didn't run them, unless they  
14 was told, you know. Because they had come up another  
15 time. They was going to give us an extended cut, not  
16 a deep cut plan, and MSHA had come up and they allowed  
17 them to run their scrubbers while they was taking dust  
18 samples.

19 Q. One last question. In your opinion, what do you  
20 think caused this explosion?

21 A. My opinion is that something come out of the gob  
22 on the longwall, ---

23 Q. Okay.

24 A. --- you know, because it wasn't --- that's the  
25 only thing it could have been, in my opinion, because

1 I worked on the longwall two years the first time I  
2 worked at Performance Coal. Heck, I was on the face  
3 the first time that they had to be gassed off the  
4 mines. I was on the face that day.

5 Q. That was back in 2004?

6 A. Uh-huh (yes).

7 ATTORNEY FERGUSON:

8 Yes?

9 A. Yes. Sorry.

10 MR. SHERER:

11 Thank you.

12 BY MR. SHERER:

13 Q. Let me ask you a couple questions about that.

14 A. Okay.

15 Q. You say you were on the face when that outburst  
16 occurred?

17 A. Uh-huh (yes).

18 Q. Can you describe that to us? What do you  
19 remember?

20 A. Well, the shearer went down on us. The britby had  
21 tangled up and pulled the junction box off the side of  
22 the shearer. And I was going off the line to go get I  
23 think some torches and a welding lead, and I got down  
24 the face and I could see that some of the shields were  
25 squatting, you know, lower than the rest and you could



1 hear it hissing a little bit. And then the closer I  
2 got to it, the louder it got. And I ran into my  
3 electrician chief, Howie --- I think --- what was  
4 Howie's name? He works for MSHA now. Howie --- I  
5 think it's Jeffries, ---

6 Q. Okay.

7 A. --- I might be wrong. But there was a line of  
8 shields probably about six or eight long that were ---  
9 the emulsion fluid was coming out of the back of the  
10 jacks, which means, you know, the pressure was too  
11 great. And I said, Howie, what's going on? He said,  
12 it's time to get the heck up out of here, boy. And we  
13 got off the face and evacuated that day.

14 Q. Did you actually get close to where the methane  
15 was coming out of that crack?

16 A. Oh, I had to pass by it to go off the face. All  
17 of us did.

18 Q. Do you remember if there was any water and/or mud  
19 or anything coming out along with the gas?

20 A. No.

21 Q. Just dry ---

22 A. Just gas.

23 Q. --- gas coming out?

24 A. Uh-huh (yes).

25 Q. Okay. What did it sound like?

1 A. Well, at first it sounded like a flat tire on your  
2 truck. You know, you get out there beside your truck  
3 when you first get the flat, and it's hissing real  
4 little. And then after that, it just sounded  
5 comparable to a jet airplane, I guess.

6 Q. Okay.

7 A. It was just a roar.

8 Q. So the noise got louder?

9 A. Uh-huh (yes).

10 Q. And you say there was some number of shields that  
11 the pressure release had activated on?

12 A. Uh-huh (yes).

13 ATTORNEY FERGUSON:

14 Yes?

15 A. Yes. Sorry.

16 BY MR. SHERER:

17 Q. Do you recall roughly how many of those shields  
18 there were?

19 A. I'm wanting to say it was at least six. I can't  
20 remember.

21 Q. Okay.

22 A. It's been that long.

23 Q. Do you recall if those shields were near the head,  
24 near the mid-face?

25 A. It was between --- it was close to mid-face then,

1 I believe. It wasn't exactly at mid-face, but it was  
2 close to it.

3 Q. Okay. Thank you. I appreciate that information.

4 ATTORNEY FERGUSON:

5 Terry? No?

6 MR. FARLEY:

7 No.

8 ATTORNEY FERGUSON:

9 Celeste?

10 MS. MONFORTON:

11 No.

12 ATTORNEY FERGUSON:

13 On behalf of MSHA and the Office of  
14 Miners' Health, Safety and Training, I want to thank  
15 you for appearing and answering questions today. Your  
16 cooperation is very important to the investigation as  
17 we work to determine the cause of this accident. We  
18 request that you not discuss your testimony with any  
19 person aside from your personal representative. After  
20 questioning other witnesses, we may call you if we  
21 have follow-up questions. If at any time you have  
22 additional information regarding the accident that you  
23 would like to provide to us, please contact us at the  
24 information previously provided to you in your letter.  
25 If you wish, you may now go back over any

1 answer you've given during this interview. You may  
2 also make a statement if you would like to make a  
3 statement at this time.

4 A. I'd just like for you all to get down and find out  
5 exactly what happened there. That's the only thing  
6 I'm worried about, because I lost a lot of good  
7 friends that day.

8 MR. SHERER:

9 Sure.

10 ATTORNEY FERGUSON:

11 Mr. Lambert, thank you very much for  
12 coming in.

13 A. Thank you all .

14 \* \* \* \* \*

15 STATEMENT UNDER OATH CONCLUDED AT 4:30 P.M.

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CERTIFICATE

I, Alison Salyards, a Notary Public in and for the State of West Virginia, do hereby certify: That the witness whose testimony appears in the foregoing deposition, was duly sworn by me on said date and that the transcribed deposition of said witness is a true record of the testimony given by said witness; That the proceeding is herein recorded fully and accurately; That I am neither attorney nor counsel for, nor related to any of the parties to the action in which these depositions were taken, and further that I am not a relative of any attorney or counsel employed by the parties hereto, or financially interested in this action.



*Alison Salyards*