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**Transcript of the Testimony of David Leverknight**

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STATEMENT UNDER OATH  
OF  
DAVID LEVERKNIGHT

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 and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Thursday, June 3, 2010, beginning at 3:50 p.m.

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ATTORNEY WILSON:

Good afternoon. My name is Bob Wilson.

I am with the Office of the Solicitor, United States Department of Labor. Today is June 3rd, 2010. We're here to conduct an interview of David Leverknight.

Did I pronounce that right?

MR. LEVERKNIGHT:

Leverknight (corrects pronunciation).

ATTORNEY WILSON:

Leverknight. I knew it was one or the other.

MR. LEVERKNIGHT:

Yep.

ATTORNEY WILSON:

With me is Clete Stephan, an investigator with the Mine Safety and Health Administration. Also present are officials with the State of West Virginia, and I ask at this time that they state their appearance for the record.

MR. MCGINLEY:

I'm Patrick McGinley, independent investigation team.

MR. O'BRIEN:

1 I'm John O'Brien with the West Virginia  
2 Office of Miners' Health, Safety and Training.

3 ATTORNEY WILSON:

4 There are also several other members of  
5 the investigation teams in the room. All members of  
6 the Mine Safety and Health Administration Accident  
7 Investigation Team and all members of the State of  
8 West Virginia Accident Investigation Team  
9 participating in the investigation of the Upper Big  
10 Branch Mine explosion shall keep confidential all  
11 information that is gathered from each witness who  
12 voluntarily provides a statement until the witness  
13 statements are officially released. MSHA and the  
14 State of West Virginia shall keep this information  
15 confidential so that other ongoing enforcement  
16 activities are not prejudiced by a premature release  
17 of the information. This confidentiality requirement  
18 shall not preclude investigators from sharing  
19 information with each other or with other law  
20 enforcement officials. Everyone's participation in  
21 this interview constitutes their agreement to keep  
22 this information confidential.

23 Government investigators and specialists  
24 have been assigned to investigate the conditions,  
25 events and circumstances surrounding the fatalities



1 that occurred at the Upper Big Branch Mine-South on  
2 April 5th, 2010. The investigation is being conducted  
3 by MSHA pursuant to Section 103(a) of the Federal Mine  
4 Safety and Health Act and the West Virginia Office of  
5 Miners' Health, Safety and Training. We appreciate  
6 your assistance in this investigation.

7 After the investigation is complete, MSHA  
8 will issue a public report detailing the nature and  
9 causes of the fatalities in hope that greater  
10 awareness about the causes of accidents can reduce  
11 their occurrence in the future. Information obtained  
12 through witness interviews is frequently included in  
13 those reports. You should know that if you request  
14 confidentiality, confidentiality will only be granted  
15 on a case-by-case basis and your statement may be used  
16 in other enforcement proceedings.

17 You are entitled to have a personal  
18 representative present during this interview and you  
19 may consult with that representative at any time. Do  
20 you have a representative with you?

21 MR. LEVERKNIGHT:

22 No.

23 ATTORNEY WILSON:

24 All right. This is not an adversarial  
25 proceeding. Formal Cross Examination type questions

1 will not be permitted; however, clarifying questions  
2 will be permitted as appropriate. You may refuse to  
3 answer any question and you may request a break at any  
4 time. A court reporter will record the interview.  
5 Please speak loudly and clearly. If you do not  
6 understand a question asked, please ask that the  
7 question be rephrased. Please answer each question as  
8 fully as you can, including any information that you  
9 may have learned from someone else.

10 Again, I want to thank you for your  
11 assistance here today. We appreciate you coming in.  
12 Your cooperation is critical in making the nation's  
13 mines safer. After we have finished asking questions,  
14 you will have an opportunity to make a statement or  
15 provide us with any additional information that you  
16 believe to be relevant. If following the interview  
17 you think of something else that you think we should  
18 know about, please contact Norman Page, the lead  
19 investigator for MSHA. And his contact information is  
20 provided in the letter that was given to you. At this  
21 time, I will ask that the court reporter swear you in.

22 -----  
23 DAVID LEVERKNIGHT, HAVING FIRST BEEN DULY SWORN,  
24 TESTIFIED AS FOLLOWS:  
25 -----

1 ATTORNEY WILSON:

2 I'll turn it over to Clete Stephan to  
3 begin questioning.

4 EXAMINATION

5 BY MR. STEPHAN:

6 Q. Please state your full name and spell your last  
7 name for the record.

8 A. It's David J. Leverknight, L-E-V-E-R-K-N-I-G-H-T.

9 Q. Would you please state your home address and  
10 telephone number?

11 A. [REDACTED]

12 Q. And telephone number?

13 A. [REDACTED]

14 Q. Are you appearing here today voluntarily?

15 A. Yes.

16 Q. Are you currently employed by MSHA?

17 A. Yes.

18 Q. How long have you worked for MSHA?

19 A. Three and a half years.

20 Q. Where is your current duty station?

21 A. Ruff Creek Field Office, District 2 in  
22 Pennsylvania.

23 Q. How long have you worked at that location?

24 A. Three and a half years.

25 Q. And what is your present position?

1 A. I'm a coal mine inspector, underground coal mine  
2 inspector.

3 Q. How long have you been in that position?

4 A. Three and a half years.

5 Q. Who is your current supervisor?

6 A. Bob Newhouse.

7 Q. How long have you been a member of MSHA's Mine  
8 Emergency Unit?

9 A. Three years.

10 Q. Could you please explain the organizational  
11 structure of the Mine Emergency Unit?

12 A. Well, we have John Urosek, who's in charge of the  
13 mine emergency operations, and we have Virgil Brown,  
14 who is full-time mine rescue coordinator, I believe is  
15 his position or his title. And we have the Mine  
16 Emergency Unit leader, which was Chuck Barton. And  
17 then you have your regular team members.

18 Q. Are there separate stations or groups?

19 A. Yes, we have a Beckley station, Pittsburgh  
20 station, and a Price, Utah station.

21 Q. And who's in charge of each of those stations?

22 A. I'm considered a trainer for the Pittsburgh  
23 station. We have Jerry Cook, and I believe, Andy  
24 Sparks are the two trainers for the Beckley station.  
25 And I don't know for sure who's the trainer in the

1 Price, Utah. That station was just put on recently  
2 and I'm not sure who the trainer is.

3 Q. Do you have any specialized training or  
4 certifications?

5 A. In mine rescue?

6 Q. In mining, period?

7 A. I have Assistant Mine Foreman papers in  
8 Pennsylvania.

9 Q. Have you ever worked directly for Massey?

10 A. No.

11 Q. Have you ever work as a contractor for Massey?

12 A. No.

13 Q. Could you please go through your general mining  
14 experience for us, starting from your first mining  
15 job?

16 A. Yeah, I've been in --- I was in the mining  
17 industry for 17 years for industry, the first seven  
18 years in Somerset County, Pennsylvania, working in low  
19 coal, pillar mining, advance mining. No longwalls up  
20 there. It was between 36, 42 inches of height. All  
21 kind of haulages, bridge units, shuttle cars, ram  
22 cars, things like that.

23 And then one other year in another mine in  
24 Somerset County about 36 inches of height that was no  
25 pillaring or anything, just advance mining with bridge

1 units for the haulage. And then I had nine years in  
2 Washington County for Consol in a longwall mine, five  
3 years laying track and the other four and a half years  
4 or so fire bossing.

5 Q. Who were the two mines before the Consol Mines?

6 A. Lion Mining Company, Grove Number One Mine was the  
7 first one, and then Pierpont Mining, Number Ten. I  
8 think the mine was called just Number Ten Mine. That  
9 was the two in Somerset County. Total of about 17  
10 years.

11 Q. Okay. Thinking in terms of this April 5th  
12 accident at Upper Big Branch, how were you notified of  
13 the accident?

14 A. I was called at home by Virgil Brown.

15 Q. Okay. Do you know when you were notified?

16 A. 4:30 in the evening.

17 Q. And when did you arrive at the mine?

18 A. I got to the mine about 20 after 9:00.

19 Q. Who did you report to when you arrived at the  
20 mine?

21 A. There was no one there as far as the mine rescue  
22 team, the MSHA mine rescue team. There was no one  
23 there. The only two guys that were there were  
24 underground, so when I arrived there, Josh Brady also  
25 arrived there from the Morgantown Office. He's on the

1 Pittsburgh team, also. We just started benching  
2 machines to get ourselves some machines ready so we  
3 could be backup for the two guys that were  
4 underground.

5 Q. Do you know who was in charge at the mine site for  
6 the company when you arrived?

7 A. No idea.

8 Q. Do you know who was in charge of the mine site for  
9 the State when you arrived?

10 A. No idea of that, either.

11 Q. All right. Do you know who was in charge at the  
12 mine site for MSHA when you arrived?

13 A. I believe Bob Hartman --- Hardman, Hartman.

14 Q. Do you know what surface activities were occurring  
15 when you arrived?

16 A. Just right where we were, and we were at the  
17 portal where the warehouse and everything is, right  
18 there, there was just mine rescue teams getting their  
19 apparatuses ready and getting ready to go underground.  
20 That was pretty much it. We were trying to get our  
21 apparatuses ready, still in the process of trying to  
22 get power to some of the trucks, you know, to get  
23 everything running.

24 Q. Do you know what underground activities were  
25 occurring when you arrived?

1 A. All I knew was when I got there, I asked a couple  
2 of the guys that were some of the Massey team members  
3 that were out, had their machines ready, and they said  
4 they were the next teams to go in. I asked them who  
5 was underground. They said they weren't sure what  
6 teams were underground, but they knew they were  
7 underground. There was teams underground. They  
8 didn't know how many or where they were at or anything  
9 like that.

10 So we knew there was two MSHA guys underground.

11 We knew we had to get back up for them, so we went  
12 back out to the truck and started getting machines  
13 ready so we could be their backup. And we were  
14 planning on going in with the next two teams that went  
15 in the mine.

16 Q. Who are the MSHA guys that you're referring to?

17 A. Myself and Josh Brady.

18 Q. And who were the MSHA guys that were underground  
19 at that time?

20 A. Jerry Cook and Mike Hicks. They were the two that  
21 actually drove our trucks down from Beckley from the  
22 Mine Academy. They drove them down. As soon as they  
23 got there, they got out of the trucks, got their  
24 machines and went in the mine.

25 Q. And when was a decision made for you to go



1 underground for rescue efforts?

2 A. I didn't end up going underground, you know ---.

3 We were scheduled to go in with --- we were going to  
4 go in with the next two teams. Then we had two more  
5 men show up, Fred Martin and Otis --- I don't even  
6 know Otis's last name. They showed up. We had  
7 machines ready for them. We left the --- they were  
8 going to go in with the next two teams, and they did  
9 actually go underground with the next two teams.

10 Josh and I were still outside backup. We were  
11 still getting things put together in the trucks,  
12 getting power, all that, getting more machines ready.  
13 And by the time we were going to head in with the next  
14 teams, that was when they had pulled them out due to  
15 the methane readings that they were getting in there,  
16 methane, CO, whatever they had. So we never actually  
17 went underground that night.

18 Q. How many different times were you underground  
19 during this rescue and recovery?

20 A. Three times.

21 Q. What equipment, including gas detectors, did you  
22 personally carry underground?

23 A. I had an iBrid high-range detector with me, and  
24 that would be it other than a radio, and you know,  
25 your anemometers and typical things. But as far as

1 gas detecting equipment, just the iBrid high-range  
2 detector.

3 Q. Was there a supervisor for MEU assigned to each  
4 shift or ---?

5 A. By that time there was. I mean, when we ---  
6 Virgil Brown showed up not long after I got there, and  
7 yeah, he was there on dayshift, and I was assigned on  
8 night shift, 6:00 p.m. to 6:00 a.m.

9 Q. Now, on those three trips that you made  
10 underground, did you take apparatus with you each time  
11 you went under?

12 A. Yes.

13 Q. How much of the work that you performed  
14 underground was completed under apparatus?

15 A. None of it was under app, but we had them on our  
16 back, but we weren't under air.

17 Q. And were all team members' breathing apparatuses  
18 benched and ready for use each shift?

19 A. Oh, yes. Yes.

20 Q. Did you bench all the units or did somebody else  
21 help you?

22 A. Not all of them. No, we had --- as guys showed  
23 up, they all were benching units.

24 Q. Do you know of any problems associated with any of  
25 the apparatus?

1 A. No. Like I say, we --- on any of my trips we  
2 didn't even use any of them. We just carried them and  
3 never, never went under apparatus. There were  
4 different teams exploring up in the mains and stuff  
5 that went under apparatus, but no problems that I know  
6 of.

7 Q. Okay. You had mentioned the fact that you were  
8 underground, like, three times.

9 A. Right.

10 Q. And I'm just going ask you if you'll focus on just  
11 your first time underground.

12 A. Okay.

13 Q. Can you tell me what the purpose of that first  
14 trip was?

15 A. Our first trip, our purpose was to get --- they  
16 had already been up to the headgate on the longwall  
17 and our purpose was to try and get up to 22 Headgate  
18 miner section and make a run-in to try and check the  
19 chamber, looking for the four miners that were still  
20 missing at that time.

21 Q. I'd like for you to describe this first time that  
22 you went underground, and be specific and as detailed  
23 as possible. And you're certainly welcome to use the  
24 maps and the markers to show your, you know, route of  
25 entry in and where you ended up, if you don't mind.

1 A. Okay. Well, we started out on the surface, of  
2 course, got on the mantrips. They told us before we  
3 went underground that, like I said, our mission was to  
4 get up to 22 Headgate section, try to get all the way  
5 in there for the refuge chamber.

6 So they had us ---. We knew that our  
7 communications couldn't reach as far as handheld  
8 radios that distance with the amount of people we had,  
9 so they had us take a cable reel with us. We had  
10 canvas --- we had a ton of supplies with us, canvas,  
11 foam packs, pogo sticks.

12 We had four spare apparatuses, BG-4 apparatuses in  
13 case we found these four miners so we had a way of  
14 getting them under oxygen to get them out. We had our  
15 apparatuses on our backs, of course. We had I don't  
16 know how many rolls of new phone line and phones that  
17 we were advancing with us to advance the phone line as  
18 we went so we could keep contact with the command  
19 center.

20 We started underground. We came in the track all  
21 the way up to the curve at 75 Wall on --- I don't know  
22 what that's called, if it's North Mains or what that's  
23 called. But that's basically where the damage was too  
24 bad to advance any farther with a mantrip. We parked  
25 our mantrip there, unloaded all of our stuff, and we

1 started packing supplies and advancing our phones as  
2 we went, our phone line. We were running new phone  
3 line up the track entry.

4 Q. When you arrived at that location, where was the  
5 fresh air base?

6 A. There was a phone located right at where we parked  
7 the mantrip, and as far as I know, that's where the  
8 fresh air base was. I mean, there was no set up fresh  
9 air base. It was just a phone, basically.

10 Q. All right. David, let me --- I'm going to give  
11 you a green marker ---

12 A. Okay.

13 Q. --- and ask you to mark with an X a location where  
14 you parked the mantrip, a general location.

15 A. It would have been right at this switch right here  
16 at --- I guess that would be 76 Crosscut.

17 Q. You can do a big X so that we can ---.

18 A. Is the red the beltline or the track?

19 Q. Looks like belt.

20 A. Looks --- yeah, the yellow looks like it would be  
21 the track.

22 Q. Yeah, here's the mother belt coming off the face.

23 A. Okay. So we would have been right here with the  
24 mantrip, and that's where the phone was located also,  
25 right, right in this area somewhere. So we started

1 stringing out ---.

2 Q. Okay. So why don't you just put a line out to  
3 here and put parked mantrip?

4 WITNESS COMPLIES

5 A. We started stringing out our --- well, there was  
6 actually some phone line already strung out up through  
7 this area, so we were just carrying our phone line  
8 with us until we needed it, but the phone line ran up  
9 the track. And actually, most of the team --- I think  
10 there was only two of us that traveled the track,  
11 following the phone line to make sure that it was  
12 intact the whole way. There was no place where it was  
13 ripped apart.

14 And the other team members came over and traveled  
15 this (indicating) entry over here to the left. I  
16 believe it was the one over here against the solid.  
17 They called it the neutral entry, but there was no  
18 debris in that entry. It was a lot easier walking, so  
19 that's the one they were traveling, and they were just  
20 staying even with us, you know, each crosscut, and we  
21 were in --- I'm not sure who was with me. He was a  
22 mine rescue team member from Massey, but I have no  
23 idea what his name was. I believe the first team we  
24 went in with was from Massey. But we walked up the  
25 track entry and the rest of them were over in that

1 other entry.

2 BY MR. STEPHAN:

3 Q. Okay. And when you say that other entry, if  
4 you're looking inby, that would be the furthest ---?

5 A. It would be the one all the way to the left, yeah.

6 Q. Okay.

7 A. Against the solid bore over here. And we traveled  
8 all the way up --- and like I said, we got up in this  
9 area about halfway up to the --- where the longwall  
10 belt came out and met the mainline belts. And that's  
11 when we had to start adding phone line in. We added  
12 phone line in and we advanced up to where the longwall  
13 belt came out and met the main belt. And there was  
14 --- we set up a phone right there and called to the  
15 command center right there and asked for permission to  
16 keep going. They told us to go ahead and keep going.  
17 We continued to run our phone line and we ran our  
18 phone line up the longwall. It would have been the  
19 old beltline and the track. It was the small belt  
20 that they had in when they advanced the section up for  
21 a miner unit. That would have been this (indicating)  
22 entry right here, one over from the existing beltline.  
23 So we came up this track, let's see, to this point and  
24 then started coming in this entry. And when you come  
25 in this entry, you met the track. Came in one of

1       these angles, like, right here.  So we  
2       just ---.

3       Q.  Okay.

4       A.  We just ran our phone line up this entry and kept  
5       on advancing up through there.  Like I said, we were  
6       moving slow because we were advancing a pile of  
7       supplies, a lot of supplies.

8       Q.  Now, just so that we keep the record clear, you  
9       drew a green line with the highlighter going up the  
10      entry towards the longwall, indicating your route of  
11      travel?

12     A.  Right.  And when we got up in this area here where  
13     the track actually came over and met the old beltline,  
14     that's when I was told, and I didn't realize it before  
15     that, that there was actually a victim out at the  
16     mouth of that section inby the belt starter boxes or  
17     power boxes that were in that crosscut to the right of  
18     the track.  I never saw him, didn't know he was there  
19     until I was already advanced up to this point.  But I  
20     mean, that miner there was already accounted for by  
21     earlier teams, so we didn't worry about going back.

22     But at this point, when we were up in this area  
23     here, advancing up the beltline, probably around ---  
24     I'm going to say about where, right where the track  
25     comes over through the chute and meets up with the old



1 beltline, there was a State inspector with us. I  
2 believe his name was Eugene White. I'm not sure.  
3 Does that sound right? That's when he come over and  
4 he told me that there was a few more victims inby us.  
5 And they had told us outside before we came in that a  
6 few of those victims were not identified yet and they  
7 wanted us to try and identify them if we could as far  
8 as just looking for tags on their belts, whatever we  
9 could do to identify them without disturbing them.  
10 And we discussed the fact that we didn't want all  
11 the guys on the teams to actually see these guys, so  
12 we were traveling ahead of the team that was actually  
13 spooling out the phone line and everything. We went  
14 up ahead of them, like, two blocks.  
15 When we found the first victim, which I  
16 believe was right here, about one or two crosscuts  
17 inby these overcasts that were --- these overcasts  
18 were all blown up. But it was either one or two  
19 breaks inby those overcasts, right in this area here  
20 is where we found the first victim. We had called  
21 back --- or I actually walked back and had the team  
22 members cut us some pieces of line curtain so that we  
23 could cover them and the whole team didn't have to  
24 witness them when they walked by, carrying the  
25 supplies.

1 Q. Let me just ask you, can you make out that spad  
2 number right there for the record, using the  
3 magnifying glass?

4 A. Looks like 22625.

5 Q. And it's just inby that spad number that you've  
6 indicated ---

7 A. Correct.

8 Q. --- where you found the first victim?

9 A. Approximately. I can't remember crosscut for  
10 crosscut, but it was right in that area. I know it  
11 was just inby these overcasts that were all blown out.

12 Q. And you've indicated that in 13 Crosscut or, yeah,  
13 Number 13 Crosscut; correct?

14 A. Yes.

15 Q. All right.

16 A. And I can't remember --- we tried to identify and  
17 I don't believe we found anything on that guy as far  
18 as a brass tag on his belt, anything like that. Like  
19 I say, we didn't --- we tried not to disturb anything  
20 as far as moving anything, but we didn't find any  
21 identification, I don't believe, on that victim right  
22 there.

23 Like I say, we had cut a piece of curtain, we  
24 covered him up and we started advancing again. And I  
25 think it was the next crosscut in, which would be 14,

1 that there was three victims in that area. And same  
2 thing, we tried to identify them. I believe we  
3 identified one, but I'm not positive. I can't  
4 remember for sure. I went back, got three more pieces  
5 of curtain. We covered those guys up and we continued  
6 on our way with all our supplies and phone line.

7 And we made it all the way up to inby the end of  
8 the track, and I don't know where the end of the track  
9 was. It doesn't show it on the map. But I'm going to  
10 guess right about 25 Crosscut, somewhere in that area,  
11 maybe 24. And we were right in that area whenever  
12 they called in from outside and told us that they had  
13 --- I believe it was elevated CO on one of the  
14 boreholes. I'm not sure what it was, but they told us  
15 to pull out, so we immediately retreated all the way  
16 back. We left the --- all our supplies right there.  
17 It was either 25 or 26 Crosscut, this track entry.

18 Q. Please mark that on there. Just mark an X at your  
19 deepest penetration.

20 A. And that's within a crosscut or two. I don't know  
21 for sure. And we immediately retreated out, back out  
22 to the mantrip, got on the mantrip and went outside  
23 like we were told to do.

24 Q. Now, you said you heard about high CO readings or  
25 something. I'm wondering, like, how you heard that.

1 A. Well, they told us on the phone right there, you  
2 know, get out. But I can't remember what the reason  
3 was for sure. I mean, it was either CO or methane,  
4 something at these boreholes. It was not us, anything  
5 we found underground. It was something either coming  
6 out of a bleeder fan or out of a borehole or something  
7 on surface.

8 Q. At that time, was there any team members inby your  
9 position?

10 A. Like I said, we had our supplies and our phone and  
11 everything right there (indicating), and myself and  
12 Eugene White from the State of West Virginia and the  
13 captain of the one Massey team --- I think his name is  
14 Rob --- we were going to go over because they had  
15 found one victim at the stage loader that they hadn't  
16 identified. We were going to go over at that point  
17 and try to identify him, but we never made it over to  
18 the actual headgate.

19 We were, like, a crosscut inby where all the  
20 supplies and the rest of the team were, still on the  
21 track entry, but we never made it over there so they  
22 ---. You know, we were just within earshot of ---  
23 they yelled out and said command center just called  
24 and told us to retreat outside, so that was basically  
25 as far as we went on that trip.

1 Q. So at that time everybody there just kind of left  
2 the supplies?

3 A. We left all the supplies there. We unhooked the  
4 phone. We came back. We were told to call from the  
5 --- they called this (indicating) area here the Mother  
6 Drive, I believe. We were told to call when we got to  
7 that point. We called from there. We unhooked that  
8 phone and we came back here, called from here, and I  
9 believe we unhooked that phone, but I'm not positive.  
10 We got on the mantrip and we went outside.

11 Q. And could you describe the damage that you seen up  
12 through that area?

13 A. Everywhere from where we parked the mantrip in,  
14 pretty much everything was destroyed. I didn't see  
15 one stopping intact anywhere, debris all over the  
16 track, all the cables blown down, high voltage cables,  
17 waterlines, everything just blown everywhere. Like I  
18 say, the only entry that was open for easy travel was  
19 the entry clear to the left, because there was nothing  
20 in that entry. You know, there was an open entry.

21 All the debris, you know --- of course on the  
22 track you had all your cables, your waterlines and  
23 everything. All your stoppings were blown out. Like  
24 I say, I didn't see any stoppings that were intact  
25 once you went in around the corner there at 76 Wall.

1 And there were stoppings blown out, you know, outby  
2 that, also, but the track was clear all the way up to  
3 that point.

4 Q. Did you see any hot spots?

5 A. No. No, we didn't see any.

6 Q. Did you see any smoke in the atmosphere?

7 A. No, none. Air was perfectly clear. We had ---  
8 you know, bare-faced the whole way. No CO, no methane  
9 and normal oxygen.

10 Q. What about the airflow?

11 A. The airflow, they asked us a few times from the  
12 command center when we were going in the longwall  
13 track entry up toward the longwall face, and the air  
14 was still moving inby. You know, it was at our backs,  
15 moving inby. It wasn't a strong movement, but there  
16 was definitely a movement there.

17 Q. Did you ever experience any irritation in your  
18 eyes or nose?

19 A. No, I didn't.

20 Q. Before I ask you if there was anybody inby your  
21 location, was there?

22 A. Like I say, I --- me, the State inspector and Rob  
23 from Massey's team, we were the farthest ones inby,  
24 and we made it about a block inby the actual --- what  
25 we referred to as the fresh air base where we dropped

1 our supplies and set the phone up when we were heading  
2 over to the headgate on the longwall. That was as far  
3 as we made it, and we were the three that were  
4 farthest inby. Everyone else was at the phone.

5 Q. At that particular time, had anybody been up on  
6 Headgate 22 that you're aware of?

7 A. Well, the night of the --- yeah, the night of the  
8 initial explosion there was guys up there that had  
9 found the initial six victims in the mantrip. They  
10 had already been up in there, but no one had ---. You  
11 know, of course they got pulled out that night and  
12 that was as far as we made it back in right there.

13 Q. And how many were unaccounted for when you started  
14 this first trip underground?

15 A. This trip here?

16 Q. Yes.

17 A. Still four.

18 Q. And that wasn't the four that you came across?

19 A. No, no, those --- everyone that we saw were  
20 already accounted for.

21 Q. How long did this first exploration take?

22 A. I'm going to guess probably four or five hours.

23 Like I say, we were moving very slow from the point we  
24 got off the mantrip into the point where we left off  
25 and got pulled out because we were moving an enormous

1 amount of supplies, a lot of phone line, the pogos,  
2 canvas, four extra apparatus. I mean, we had a lot of  
3 stuff with us. And it was torn up so bad with so much  
4 debris, you were --- and stringing out phone line. It  
5 took a while.

6 Q. What kind of evidence of heating did you see?

7 A. Didn't see, actually, any evidence of heat. I  
8 mean, there was --- of course on the signs and stuff,  
9 you know, the metal signs were --- on anything there  
10 was a black coating on everything, but it was more,  
11 more just looked like a sooty, dusty type thing. I  
12 didn't actually see anything that was melted as far as  
13 --- I saw plastic pop bottles and stuff laying along  
14 the track. They didn't appear to be melted or  
15 anything like that.

16 Q. Those four victims that you came across in that  
17 entry that you marked with the two circles, did they  
18 appear to be blown there or ---?

19 A. They appeared to be working there. I believe  
20 there was a roof bolter sitting in the crosscut where  
21 the three victims were together. In the crosscut  
22 between the track and the next entry to the right  
23 there was a roof bolter sitting in that crosscut.  
24 They appeared to be working there around that roof  
25 bolter. I don't know that for sure, but that's just



1 the way it appeared.

2 ATTORNEY WILSON:

3 And just for the record, you're referring  
4 to Crosscut 14?

5 A. Fourteen (14), yeah. And like I say, that could  
6 be off a crosscut or two either way. I'm not  
7 positive.

8 BY MR. STEPHAN:

9 Q. Do you know how people entering and exiting the  
10 mine were tracked?

11 A. How they were tracked?

12 Q. Yeah.

13 A. Well, before we came in the mine, when we got on  
14 the mantrips they made everybody give their names.  
15 Actually I think they did it twice for each mantrip so  
16 they knew who was on each mantrip before they sent you  
17 in. And then when you went back outside, the same  
18 thing. They checked you back out when you got  
19 outside.

20 Q. Like a written log?

21 A. Yes. Yep.

22 Q. Did they have any limits on the number of people  
23 that were allowed into the mine at any time?

24 A. I don't know that. If they did, they didn't tell  
25 me.

1 Q. Do you notice any significant floor heave anywhere  
2 in the areas you traveled?

3 A. No.

4 Q. Are you aware of any team member that might have  
5 energized or de-energized any circuits?

6 A. No, nobody did anything like that. The only thing  
7 we messed with at all was phone lines, and that was  
8 it. You know, cutting phone lines inby us before we  
9 --- you know, because we didn't want anything going  
10 inby us. That's the only thing we messed with.

11 Q. Do you recall the highest methane reading that you  
12 might have detected?

13 A. We didn't have any. Zero.

14 Q. What about the highest CO reading?

15 A. I don't think we had anything above a zero, not  
16 that I know of.

17 Q. And I'm just talking about that first trip.

18 A. Yep.

19 Q. Okay. Well, that's all I have on the first trip.

20 A. Okay.

21 MR. STEPHAN:

22 That's all I have on the first trip.

23 EXAMINATION

24 BY MR. O'BRIEN:

25 Q. Just a couple questions. And again, you may have

1 answered them. And if you did, I apologize for not  
2 picking up on it. The first evening that you arrived  
3 you said you talked to a Massey team that was waiting  
4 to go in. Do you know who was coordinating those  
5 teams or you ---?

6 A. I have no idea.

7 Q. And your first trip underground, when was that?  
8 What day, roughly?

9 A. I believe it was the following morning after they  
10 had pulled them out for the ---. You know, the 5th  
11 was the explosion.

12 Q. Right.

13 A. I believe it was on the 6th, the following  
14 morning, but I could be wrong on that. I'm not sure.

15 MR. O'BRIEN:

16 All right. Thank you.

17 EXAMINATION

18 BY MR. MCGINLEY:

19 Q. Just one question. What time did you go in and  
20 come out. Do you have any sense of that? I mean just  
21 ballpark, give or take a couple hours even.

22 A. I honestly --- I don't know.

23 MR. MCGINLEY:

24 Okay.

25 EXAMINATION

1 BY ATTORNEY WILSON:

2 Q. Just for us laypeople when we're reading the  
3 transcript later, could you just explain what pogo  
4 sticks are?

5 A. They're plastic, adjustable --- they're spring-  
6 loaded plastic, like, posts that you put canvas up  
7 with, and they have a spike on the top and a spike on  
8 the bottom and you put them into the roof and the  
9 floor and they're spring-loaded so that you can  
10 compress them and hold the curtain in place.

11 Q. And then so you use those to help re-establish the  
12 ventilation as you go in?

13 A. For temporary --- yeah, for temporary ventilation  
14 to put curtains up in crosscuts and direct your  
15 airflow.

16 Q. All right. And in the track entry just outby  
17 where you indicated you observed the four victims ---

18 A. Uh-huh (yes).

19 Q. --- the map shows several doors, airlock doors.  
20 Do you recall seeing any evidence of those?

21 A. They were gone. I saw airlock doors. They were  
22 rolled up in a ball, you know, the size of a beach  
23 ball. I mean they were just --- they were destroyed.  
24 There was nothing. The overcast that it showed right  
25 there (indicating), completely gone, you know, twisted

1 up beams and stuff laying on the bottom. That was  
2 about the only remnants of the overcast. Everything  
3 else was destroyed.

4 ATTORNEY WILSON:

5 All right. Thank you.

6 RE-EXAMINATION

7 BY MR. STEPHAN:

8 Q. I'm going to turn your attention to your second  
9 trip underground. First thing we're going to do is  
10 switch out your green marker for a different color ---

11 A. Okay.

12 Q. --- so that we can mark this second trip on the  
13 map. Any preference?

14 A. Doesn't matter.

15 Q. Okay.

16 A. My second trip ---

17 Q. Blue?

18 A. --- was basically the exact same route of travel.

19 Q. Well, what was the purpose for this second trip?

20 A. The second trip I made in, I believe that was on  
21 Saturday morning. I'm not positive on that, either,  
22 but our sole purpose was to go in and recover the  
23 bodies on the longwall, on the longwall face. And  
24 that was it. And our route of travel was exactly the  
25 same.

1 Basically you parked the mantrip the same place.

2 I think we did make it ---. They had cleared a little  
3 bit around the corner and you could make it, like ---  
4 I'm going to say around the corner maybe to this point  
5 right here at about --- what would that be, 80 ---  
6 about 80 Crosscut, give or take a little bit. They  
7 had cleared a little bit of room right there around  
8 the corner so you could basically make the mantrip  
9 into that point. I mean, basically the same place we  
10 were before but a few blocks farther.

11 Q. Do you want to draw a line from that X out to  
12 parked the mantrip?

13 A. And again, like I said, the second trip our sole  
14 purpose was to go in and recover the bodies on the  
15 longwall, on the longwall face. I believe the team  
16 that was in prior to us, they took care of the first  
17 victim that was outby the Mother Drive as far as  
18 putting him in a body bag. And then they went in and  
19 they got the four victims that we talked about outby  
20 the longwall. They were already bagged whenever we  
21 got there.

22 And we basically traveled right up to --- now, our  
23 fresh air base was set up directly across from the  
24 stage loader, which I believe on this map the stage  
25 loader was in a straight line with the crosscut, you

1 know, the longwall face. This map was as of, what,  
2 five days before the explosion, so the face is  
3 actually right in this (indicating) area right here.  
4 It was directly in line with the crosscut and our  
5 fresh air base was set up in the track entry straight  
6 across right there.

7 Q. So again, you've marked the face and the stage  
8 loader and your fresh air base in blue on this map?

9 A. Right.

10 ATTORNEY WILSON:

11 So why don't you put a line out to here  
12 (indicating) and just put FAB, fresh air base?

13 WITNESS COMPLIES

14 BY MR. STEPHAN:

15 Q. At the time that you started this second trip  
16 underground, was anybody unaccounted for still?

17 A. No, they had accounted for everyone the evening  
18 before. They found the one additional miner at the  
19 gate shields on the longwall and the three other  
20 victims were inby the end of the track in the Headgate  
21 22 Section.

22 Q. Okay. So back here?

23 A. So we had everyone accounted for ---

24 Q. I'm sorry.

25 A. --- and we were just going in to do the recovery

1 on the guys on the longwall face.

2 Q. So you made it to the fresh air base and then can  
3 you tell me how you got to the longwall face?

4 A. Yeah. We didn't want to expose the team members  
5 to seeing any more than what they had to see as far as  
6 victims, so we actually moved them inby one crosscut,  
7 which would be right here (indicating), because we had  
8 a victim that we had to take care of right at the  
9 stage loader and at the gate shields, which was  
10 directly in the line of sight from where the fresh air  
11 base was actually at. So we moved them in one block  
12 in the track entry so they didn't have to witness what  
13 we were doing.

14 And then we went over and started to recover the  
15 first man at the stage loader, the one that was beside  
16 the stage loader. Once we got him in the body bag,  
17 put him in a Stokes basket, we carried him actually  
18 out around the corner into the crosscut between the  
19 belt entry and the track, and that was when we called  
20 the team, told them that we had one ready to transport  
21 out.

22 They came over, got him and started transporting  
23 him outby. How far they were going, I don't know. I  
24 mean to where they met up --- they had other teams  
25 spaced out outby and I don't know about what happened



1 out there.

2 After they got that guy and started transporting  
3 him out, it was myself, Josh Brady, John Haul from the  
4 State, and we had two map men with us from the actual  
5 teams. I'm not sure of their names. But we all  
6 stayed together. After we got the guy beside the  
7 stage loader, we got the guy on the --- I believe it  
8 was the Number Three Gate Shield. Got him prepared in  
9 the bag and everything and took him, same thing, took  
10 him over and put him in the crosscut here  
11 (indicating), and then we called for the team to come  
12 and get him, and they started transporting him outby.

13 At that point, we came across the face, and I  
14 believe we had six more victims between 80 and 105  
15 Shield on the face, and we just started getting those  
16 ready to transport, putting them in Stokes baskets and  
17 transferring them down the longwall face. Myself ---  
18 we would only take them far enough away to where the  
19 team members didn't have to come down and see any of  
20 the other victims prior to being put in the body bags,  
21 and then they would take them from there and go, so we  
22 were just working right at the initial --- at the  
23 victims.

24 After we got all six of those victims taken care  
25 of on the longwall face, we actually removed the last

1 ones ourself, took them across the longwall face in  
2 Stokes baskets, got them out to the crosscut. By that  
3 point, we were done for and we started heading out.  
4 There were still teams transporting the victims at  
5 that point. We went out and got on the mantrip and  
6 went outside, and that was the end of that trip.

7 Q. Could you describe a little bit of the condition  
8 of the equipment along the face itself?

9 A. At the headgate end, the shields have little,  
10 small metal tags on them with a number on them for  
11 each shield with little reflective numbers on each  
12 metal tag. At the headgate end, most of your tags had  
13 dents in them, like stones or some kind of debris  
14 where --- you know, had flown from the explosion, had  
15 hit them. All those dents were heading toward the  
16 tailgate that we saw, and that side of them were  
17 blackened, like from heat.

18 And then the tailgate side of the tags didn't  
19 appear to have that much --- or heat damage or show  
20 signs of heat. As we got across the face, toward the  
21 tailgate --- like I said, we never went past 105  
22 Shield --- there didn't appear to be any kind of heat  
23 damage to those tags down that way or dents or  
24 anything like that. That's pretty much --- I mean,  
25 there was nothing. The shields weren't blown apart or

1 anything like that. Everything else was pretty much  
2 intact.

3 Q. Hoses, gauges?

4 A. Everything seemed to be intact. The headgate  
5 drive, the lids and stuff were blown off of the  
6 headgate drive. The actual lids off of the headgate  
7 drive motors and stuff were blown back into the jack  
8 legs and wrapped around the jack legs going toward the  
9 gob, but as far as the shield ---.

10 OFF RECORD DISCUSSION

11 A. As far as the shields themselves, you really  
12 couldn't see any damage to them, you know? I didn't  
13 see any hoses blown off of them or anything.

14 BY MR. STEPHAN:

15 Q. You talked about the victims being spread out  
16 between, say, like, Shields Number 80 to 105.

17 A. Right.

18 Q. And you just said you didn't go actually past 105?

19 A. No. We took care of the last victim at 105  
20 Shield, and that was as far as we traveled.

21 Q. Okay. So you didn't actually see the tailgate  
22 side of those ---

23 A. No.

24 Q. --- at all?

25 A. No, we did not.

1 Q. Okay. And you know, like, from your perspective,  
2 what was the condition of the victims that you found  
3 in that location?

4 A. No signs of heat at all, none. The victims,  
5 between 80 and 105, had no signs of heat at all. The  
6 victims at the stage loader and the gate shields had  
7 signs of heat, definite signs of heat, but not the  
8 ones on the longwall face itself down between 80 and  
9 105 Shield.

10 Q. Those ones at the longwall face, was there  
11 anything unusual to you about their positioning?  
12 Like, were their heads all in the same direction  
13 or ---?

14 A. No, they were just various --- you know, nothing  
15 uniform. Most of them were --- it looked like the  
16 forces pushed most of them toward the face or toward  
17 the pan line instead of back toward the gob, you know,  
18 toward the back of the shields. They looked like they  
19 were more forced toward the pan line. But as far as  
20 laying all, you know, heads one direction and that,  
21 no, nothing like that.

22 Q. So you're saying as you progressed along the face,  
23 as you got closer to the tailgate side, the pressure  
24 damage looked less and less and the flame damage  
25 looked less and less, also?

1 A. Yeah. To me, yes. That's the way it appeared.

2 Q. Okay.

3 A. Up toward the headgate, like I said, you could see  
4 on those little metal tags for the shields the  
5 reflective tape where it was, like, bubbled and  
6 blackened on the headgate side and you could see the  
7 dents in the signs from where things had hit them.  
8 Heading toward the tailgate and down between 80 and  
9 105 --- like I said, it's as far as we traveled ---  
10 didn't appear to be that same --- the signs looked  
11 fine down that way.

12 Q. Did you have any irritation of your eyes or nose  
13 while you were working there?

14 A. Nope.

15 Q. Okay. During this trip underground, did you  
16 encounter any evidence that indicated that someone  
17 had, you know, moved equipment or disturbed  
18 victims ---

19 A. No.

20 Q. --- from their location?

21 A. No.

22 Q. Okay. Did you detect any unusual levels of  
23 methane?

24 A. As far as I know, we had zero. On the longwall  
25 face we had zero CO, normal oxygen. Everything was

1 fine.

2 Q. And approximately, how long did this second time  
3 underground take? Do you know?

4 A. I'm going to guess --- that was probably six to  
5 eight hours, I'd say.

6 Q. Okay.

7 A. May have been longer than that. I don't know.

8 Q. On this trip did you notice any hot spots?

9 A. No.

10 Q. Okay. Did you notice any smoke in the atmosphere  
11 at all?

12 A. No, no. And everything was perfectly clear.

13 Q. Did you guys --- do you know of anybody that  
14 energized or de-energized anything at that time?

15 A. No, no one --- no one touched anything like that.

16 Q. Could you tell us a little bit about the  
17 ventilation that you felt, the airflow?

18 A. The air on the longwall face itself was heading  
19 toward the tail, and I mean, there was a --- for as  
20 many ventilation controls as were blown out outby,  
21 there was a considerable amount of air going across  
22 that longwall face, more than what I expected to be  
23 going across. But it was moving toward the tail.

24 Q. Did it feel, like, warm? Was it warm or normal  
25 or ---?

1 A. No, it was just normal. The air over in the track  
2 entry where we had the fresh air base set up, that air  
3 was moving inby, and the air on the longwall face was  
4 moving toward the tail.

5 Q. So after you finished up with the victims there,  
6 you said you walked back to your trip?

7 A. Yes.

8 Q. To a trip ---

9 A. Yep.

10 Q. --- and headed out of the mine?

11 A. Yes.

12 MR. STEPHAN:

13 Okay. I don't have anything else for the  
14 second trip.

15 MR. O'BRIEN:

16 Nothing for me.

17 RE-EXAMINATION

18 BY ATTORNEY WILSON:

19 Q. Just one question. Do you recall where the  
20 shearer was located on the face?

21 A. The shearer was supposed to be at the tail, but I  
22 never saw it, because I never passed 105 Shield. We  
23 never saw the shearer. I know it wasn't between the  
24 headgate and 105. From what I was told, it was at the  
25 tailgate, but I don't know that for sure.

1 RE-EXAMINATION

2 BY MR. STEPHAN:

3 Q. Time to switch your marker out again.

4 A. Okay.

5 Q. We'll go with yellow on this trip. Now, could you  
6 tell us what the purpose was for your third trip?

7 A. Third trip, the purpose was to go in and recover  
8 the victims on Headgate 22 section.

9 Q. Do you know when you went underground for this  
10 third trip?

11 A. No, I don't. I believe it was probably right  
12 around 11:00 a.m., and I couldn't even tell you what  
13 day it was. It was the last day we were in the mine,  
14 whatever day that was.

15 Q. Okay. Well, could you please take the time to  
16 describe that third trip?

17 A. Okay. Well, we had the same route of travel.  
18 Basically you could still park your mantrip at the  
19 same place. It was as far as you could go. And then  
20 we traveled the same route up to where the longwall  
21 section turns off, and then instead of going in the  
22 longwall section, we continued on up the track entry  
23 all the way up to the mouth of Headgate 22.

24 Q. Could you make an approximate notation on the map  
25 as to the entry you're talking about?



1 A. Yeah, we traveled --- well, again, coming from  
2 where we left the mantrip, we were coming over through  
3 these (indicating) crosscuts and then up this neutral  
4 entry up to this area where the longwall belt came  
5 out, and then we crossed over onto the track from that  
6 point. And I'm just guessing that this is still the  
7 track coming up here along the belt. I don't know  
8 that for sure.

9 And then we came all the way up and went in the  
10 track for 22 Headgate, which would be here, this one;  
11 right?

12 Q. Uh-huh (yes).

13 A. Yeah, we traveled in the track entry here. And I  
14 don't know where it comes here, but ---. When we got  
15 to the mouth of 22 Headgate they were still in the  
16 process of ventilating their way in, putting up --- I  
17 think --- I'm not sure how far they were advancing at  
18 the time, if they were going 1,000 feet or what they  
19 were doing. But they were putting up temporary  
20 curtains and airlock in every 1,000 feet, I believe,  
21 or whatever the distance was. I don't know what it  
22 was.

23 Basically the only thing we were there for, we  
24 were going in to recover the victims. We really  
25 didn't participate in the ventilation part of it.

1 They had teams in advance of us that were doing that.  
2 We basically just advanced more supplies up with us,  
3 carried, you know, more curtain, more pogo sticks. I  
4 don't think we took any foam packs because they  
5 weren't foaming anything. They were just putting up  
6 temporary controls.

7 We had supplies with us as far as victim removal.

8 We had air bags, we had air bottles, porta-pyres, all  
9 of our protective gear, personal protective gear, all  
10 that kind of stuff with us, so we really didn't  
11 participate in the ventilation part of it.

12 Q. When you got up there to the mouth of the  
13 headgate, who was with you?

14 A. There was Chuck Barton from the MEU team for MSHA  
15 there, Andy Sparks from the MEU team from MSHA ---  
16 those two guys were going to do our mapping for us ---  
17 myself. And we had Barry Fletcher from the State of  
18 West Virginia, John Hall from the State of West  
19 Virginia.

20 We had a man with us that was supposed to be a  
21 medical examiner. I think his name was Carl, but I'm  
22 not positive. And he had, like, three men with him  
23 that were part of his team or whatever you want to  
24 call it. And we had various other people with us, but  
25 I don't know who they were. I mean, I couldn't tell

1       you.

2       Q. Okay. So maybe you can continue and tell me how  
3       it is that you went into ---?

4       A. Well, we basically --- we would have to wait  
5       wherever the fresh air base was set up at, and I  
6       believe it was Federal Two's rescue team that was at  
7       the fresh air base when we actually got there. And  
8       they were just leap frogging their way on up in the  
9       section, ventilating it.

10      And we were just going with them, staying at the  
11      fresh air base as they advanced up. And we were  
12      advancing curtain and everything, plus all of our own  
13      supplies until they got to the point where they had it  
14      ventilated far enough to where we could start doing  
15      our recovery of the victims.

16      Q. Did you start recovering the victims before they  
17      ventilated all the ways to the face of that headgate  
18      section?

19      A. I don't think they ever ventilated it all the way  
20      to the face, but as soon as they got it ventilated  
21      inby where the mantrip was, that's when we started  
22      recovering the victims that were in the mantrip.

23      Q. Was the mantrip still on the track?

24      A. Yes.

25      Q. All right. Could you describe the conditions ---?

1 A. I'm not sure what crosscut it was at. I don't  
2 know.

3 Q. Well, could you describe, you know, conditions in  
4 and around the mantrip?

5 A. Of course all the --- you know, all the way up  
6 through there all the walls were blown out. Track was  
7 still intact. When we got to the mantrip, the mantrip  
8 was still on track from what I could tell. It didn't  
9 look like it was off track. There was a piece of  
10 belt, conveyer belt probably 200 to 300 foot long  
11 piled up against the outby end of the mantrip.

12 The outby end of the mantrip had the canopy blown  
13 off of it. It was missing. The inby end of the  
14 mantrip had the canopy blown about halfway off of it  
15 and kind of pushed down on top of the victims, and  
16 that was why we had taken the airbags and the  
17 porta-pyres and things, because the guys that were up  
18 there before thought we might have needed them.

19 And that was pretty much the condition of the  
20 mantrip. I mean, all the lids and stuff were blown  
21 off of the top of the mantrip, but it did seem like it  
22 was still on track.

23 Q. Did you end up going inby the mantrip at any time  
24 on this trip?

25 A. After we recovered the --- there was six in the

1 mantrip. After we recovered the six victims in the  
2 mantrip, we went inby the mantrip to recover the other  
3 three.

4 Q. And do you remember where the location is of the  
5 mantrip where those three ---?

6 A. I don't remember the --- no. I mean, as far as  
7 crosscut number, I don't know where they were. I  
8 couldn't tell you. The mantrip was naturally almost  
9 at the end of the track. There was a supply car inby  
10 it, a flat car. That's where the other --- the one  
11 other victim was, by that, right beside that car. I  
12 don't know crosscut numbers. I can't tell you.

13 Q. What kind of flame or heat damage did you see up  
14 there?

15 A. There was definitely heat damage on those victims,  
16 mainly the victims that were inby the mantrip. The  
17 victims in the mantrip, there was some heat damage but  
18 not as much as the ones that were inby. But as far  
19 as, I mean, anything really being burnt or coking or  
20 anything like that, I didn't witness anything like  
21 that.

22 Q. And did you see any hot spots up in that area?

23 A. No, none.

24 Q. Any smoke in the atmosphere?

25 A. No.

1 Q. Any irritation in your eyes or nose?

2 A. No, I didn't notice any.

3 Q. Okay.

4 A. Now, the whole time I was up there from the  
5 mantrip in, I had a full face piece charcoal filter  
6 mask on, so I wouldn't have --- probably wouldn't have  
7 gotten any irritation in my eyes from ---.

8 Q. Okay. What about the oxygen, methane, CO levels  
9 again?

10 A. As far as I know, they were all --- I think they  
11 were getting some CO up in there and maybe a little  
12 bit of methane, but it was nothing to where the  
13 command center ---. You know, it was --- I don't  
14 know. I was more, you know, concentrating on the  
15 victim removal, and I'm not sure what the readings  
16 were, but there was nothing anywhere to be alarmed  
17 about that I know of.

18 Q. Who was actually calling the readings back out to  
19 the command center?

20 A. I have no idea.

21 Q. It wasn't you or ---

22 A. No.

23 Q. --- whoever was helping to ---?

24 A. No. There was a lot of other people around that I  
25 had no idea who they were.

1 Q. And can you continue with whatever it is you were  
2 doing up there or were you done with that?

3 A. Well, we recovered the six victims in the mantrip.  
4 We didn't need our porta-pyres or anything like that.  
5 Same thing basically as what we did on the longwall.  
6 You know, once we got them prepared, we would take  
7 them outby a way so that the other team members didn't  
8 have to witness anything up there, hand them over to  
9 those teams and then those teams were removing the  
10 victims outby that.

11 And once we got the six in the mantrip taken care  
12 of, we moved up to the victim that was beside the  
13 supply car, did the same with that victim. Then there  
14 was another victim that was, I believe, one crosscut  
15 inby the end of the track. Did the same with that  
16 victim, and then we moved up to the next victim, I  
17 believe was one crosscut inby him. And we took care  
18 of that victim and handed him off to the other teams.

19 And at that point we basically did the same thing  
20 as before. They were still removing victims, but we  
21 just --- we left. We walked out. We were still  
22 carrying all of our air bottles, air bags, porta-  
23 pyres, personal protection, you know, all that stuff,  
24 and we left, made our way all the way back down to the  
25 mantrip and went outside.

1 Q. Did you ever make it to the face of that ---?

2 A. No, we never went in by the last victim.

3 Q. Do you notice any significant floor heave anywhere  
4 up in that area?

5 A. No, nothing out of --- you know, nothing out of  
6 ordinary.

7 Q. Do you know how long this third trip took?

8 A. It seemed like it took forever, but I'm going to  
9 say we were probably in there 12, 14 hours that time.  
10 I think we went in at, like, 11:00 in the morning and  
11 we didn't get back out until almost 1:00 at night.

12 Q. Can you tell me a little bit about the airflow in  
13 there?

14 A. Well, the airflow was --- like I say, they had  
15 just --- they had just put up all the temporary  
16 curtains and stuff and the airflow was going in by like  
17 it was supposed to be in the track entry. That's the  
18 only entry I was in, going up through there, was the  
19 track entry. Like I say, my sole responsibility going  
20 in there was just for victim recovery and that was it.

21 I didn't go in any of the other entries.

22 Q. Thinking in terms of all three of these trips,  
23 now, was there a briefing and a debriefing at the  
24 beginning and the end of each of these trips?

25 A. Yes, there was. Yes.



1 Q. Okay. How were you briefed each shift?

2 A. They took us --- well, we basically had two  
3 separate briefings. We would have one with just the  
4 MEU team. Once they found out what was going on, you  
5 know, what we were going to do, they would come and  
6 talk to us, either John Urosek or Virgil Brown or  
7 myself. I would give the briefing if I was the one  
8 that was there.

9 And then when we actually got hooked up with the  
10 other mine rescue teams and the State guys that we  
11 were going with underground, they would have an actual  
12 briefing in the shop, in the warehouse area, shop area  
13 with the company officials and the State and the  
14 rescue teams. And they would tell you what you were  
15 going to do, also, before you went underground.

16 Q. And do you know who from, you know, the company or  
17 whatever was giving those briefings?

18 A. I have no idea what their names were, no.

19 Q. During your entire Upper Big Branch experience,  
20 did you personally take any notes? Did you write any  
21 notes at all?

22 A. Didn't take any notes. Two of the trips in we ---  
23 like I said, we were solely there for body recovery,  
24 had personal protection on, rubber glove, you know. I  
25 didn't do any writing of any kind at all.

1 Q. Did any miners ever approach you during the time  
2 you were at the site with concerns regarding unsafe  
3 mining conditions at this mine?

4 A. No.

5 Q. Do you have anything else that you'd like to add  
6 that might be relevant to the investigation or  
7 something that you thought I might ask you and I  
8 didn't?

9 A. Not really. I think I've covered just about  
10 everything. I didn't do any actual exploration work  
11 anywhere, you know. Pretty much my sole purpose going  
12 in each time we were going in was to get the victims  
13 and take care of the victims, and that was pretty much  
14 it.

15 Q. Okay.

16 ATTORNEY WILSON:

17 All right. Then all right. David, on  
18 behalf of MSHA and the Office of Miners' Health,  
19 Safety and Training, I want to thank you for appearing  
20 and answering these questions. Your cooperation is  
21 very important to the investigation. We'd also like  
22 to thank you for all the work that you did on this.  
23 We request that you not discuss your  
24 testimony with anyone because we will be interviewing  
25 additional witnesses. If after questioning other

1 witnesses, we feel that we need to ask any follow-up  
2 questions, we may contact you.

3 And if at any time you feel that you have  
4 additional information that you would like to provide  
5 to us, please contact Norman Page at the contact  
6 information provided in the letter that we gave to  
7 you. If there's nothing further from anyone, is there  
8 anything that you would like to add to the record?

9 A. Nope, that's it.

10 ATTORNEY WILSON:

11 All right. Then again I want to thank  
12 you, and we'll go off the record.

13

14 \* \* \* \* \*

15 STATEMENT UNDER OATH CONCLUDED AT 4:53 P.M.

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1 STATE OF WEST VIRGINIA )

2 )

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*