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Transcript of the Testimony of **Kevin Medley**

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Case:

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Phone: 814-536-8908

Fax: 814-536-4968

Email: schedule@sargents.com

Internet: www.sargents.com

STATEMENT UNDER OATH
OF
KEVIN MEDLEY

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 and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Wednesday, September 8, 2010, beginning at 8:27 a.m.

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DEREK J. BAXTER, ESQUIRE
U.S. Department of Labor
Office of the Regional Solicitor
1100 Wilson Boulevard
22nd Floor West
Arlington, VA 22209-2247

BARRY KOERBER, ESQUIRE
West Virginia Office of Miners' Health,
Safety and Training
1615 Washington Street East
Charleston, WV 25311

TERRY FARLEY
West Virginia Office of Miners' Health,
Safety and Training
1615 Washington Street East
Charleston, WV 25311

A P P E A R A N C E S (cont.)

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JOHN O'BRIEN
Safety Inspector
West Virginia Office of Miners' Health,
Safety and Training
Welch Regional Office
891 Stewart Street
Welch, WV 24801-2311

ERIK SHERER
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, VA 22209-3939

CELESTE MONFORTON, MPH, DRPH
West Virginia Independent Investigation
2100 M. Street, NW
Suite 203
Washington, DC 20037

A P P E A R A N C E S (cont.)

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DAVID J. HARDY, ESQUIRE
Allen, Guthrie & Thomas, PLLC
500 Lee Street, East
Suite 800
Charleston, WV 25301

COUNSEL FOR PERFORMANCE COAL

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EXHIBIT PAGE

PAGE

NUMBER

DESCRIPTION

IDENTIFIED

One

Subpoena

10*

Two

Return Receipt

10*

* Exhibit not attached

P R O C E E D I N G S

1
2 -----
3 ATTORNEY BABINGTON:

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

12 MR. FARLEY:

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

15 MR. O'BRIEN:

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

18 ATTORNEY KOERBER:

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

23 MS. MONFORTON:

24 Mr. Medley, I'm Celeste Monforton. I'm
25 with the Governor's independent team.

1 ATTORNEY KOERBER:

2 There are also several members of the
3 investigation team present in the room today. And Mr.
4 Sherer, Mr. Farley and Ms. Monforton will be
5 conducting the questioning today. Will you please
6 swear the witness in?

7 -----

8 KEVIN MEDLEY, HAVING FIRST BEEN DULY SWORN, TESTIFIED
9 AS FOLLOWS:

10 -----

11 ATTORNEY KOERBER:

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

14 A. Kevin Wilson Medley, M-E-D-L-E-Y.

15 ATTORNEY KOERBER:

16 Would you please state your address and
17 your telephone number?

18 A. My address is [REDACTED]

19 [REDACTED] My phone number is [REDACTED]

20 ATTORNEY KOERBER:

21 And sir, are you expecting an attorney or
22 other personal representative to appear here with you
23 today?

24 A. No.

25 ATTORNEY KOERBER:

1 And I notice that there is another
2 attorney in the room. I would ask that he state his
3 name, firm name, and who he represents.

4 ATTORNEY HARDY:

5 Yes, sir. I'm David J. Hardy with Allen
6 Guthrie and Thomas and I'm here to represent
7 Performance Coal.

8 ATTORNEY KOERBER:

9 Mr. Medley, are you appearing here today
10 as the result of receiving a subpoena?

11 A. Yes, I am.

12 ATTORNEY KOERBER:

13 And this would be a copy of that
14 subpoena. I'd like that to be introduced as Exhibit A
15 or One.

16 (Exhibit K. Medley One marked for
17 identification.)

18 ATTORNEY KOERBER:

19 And this is a copy of the return, showing
20 that Bill Tucker served you on September 1 at 12:40
21 p.m., and signed. I'd like that to be Exhibit Two.

22 (Exhibit K. Medley Two marked for
23 identification.)

24 ATTORNEY KOERBER:

25 Sir, the statute that authorizes the

1 Director to issue subpoenas compelling the attendance
2 of witnesses at interviews such as this requires the
3 Director to offer to each witness subpoenaed a \$40 a
4 day witness fee, together with roundtrip mileage at
5 the rate of 15 cents a mile plus reimbursement for any
6 tolls that you may have passed. Prior to the
7 interview I supplied you with the forms to fill out in
8 order to receive that money. Have you filled out
9 those forms?

10 A. Yes, I have.

11 ATTORNEY KOERBER:

12 And did you return them to me?

13 A. Yes, I did.

14 ATTORNEY KOERBER:

15 Thank you, sir.

16 ATTORNEY HARDY:

17 Before we start, Mr. Koerber, there's a
18 couple unfamiliar faces here, and I was just wondering
19 if you could have them identify themselves?

20 ATTORNEY KOERBER:

21 Okay. Could you two state your name for
22 the record, please?

23 MS. ROBERTSON:

24 Hi. I'm Debbie Robertson with Davitt
25 McAteer's independent team.

1 MS. BEALL:

2 I'm Katie Beall. I'm also with Davitt
3 McAteer's agency.

4 ATTORNEY BAXTER:

5 All members of the Mine Safety and Health
6 Accident ---.

7 ATTORNEY KOERBER:

8 Go ahead. Let them state their name.

9 ATTORNEY BAXTER:

10 All members of the Mine Safety and Health
11 Accident Investigation Team and all members of the
12 State of West Virginia Accident Investigation Team
13 participating in the investigation of the Upper Big
14 Branch Mine explosion shall keep confidential all
15 information that is gathered from each witness who
16 provides a statement until the witness statements are
17 officially released. MSHA and the State of West
18 Virginia shall keep this information confidential so
19 that other ongoing enforcement activities are not
20 prejudiced or jeopardized by a premature release of
21 information. This confidentiality requirement shall
22 not preclude investigation team members from sharing
23 information with each other or with other law
24 enforcement officials. The team members'
25 participation in this interview constitutes their

1 agreement to keep this information confidential.
2 Government investigators and specialists
3 have been assigned to investigate the conditions,
4 events and circumstances surrounding the fatalities
5 that occurred at the Upper Big Branch Mine-South on
6 April 5th, 2010. The investigation is being conducted
7 by MSHA under Section 103(a) of the Federal Mine
8 Safety and Health Act and the West Virginia Office of
9 Miners' Health, Safety and Training. We appreciate
10 your assistance in this investigation.

11 You may have your personal attorney
12 present during the taking of this statement or another
13 personal representative if MSHA has permitted it and
14 may consult with your attorney or the representative
15 at any time. You may request a break at any time.

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

1 to reveal your name or if we need to reveal your name
2 for other law enforcement purposes, we may do so.
3 Also, there may be a need to use the information you
4 provide to us or other information we may ask you to
5 provide in the future in other investigations into and
6 hearings about the explosion. Do you understand?

7 A. Yes, I do.

8 ATTORNEY BAXTER:

9 Do you have any questions?

10 A. I don't think so.

11 ATTORNEY BAXTER:

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

22 A court reporter will record your
23 interview. Please speak loudly and clearly. If you
24 do not understand a question asked, please ask us to
25 rephrase it. Please answer each question as fully as

1 you can, including any information you've learned from
2 someone else.

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

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

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

24 MR. FARLEY:

25 Mr. Medly, on behalf of the Office of

1 Miners' Health, Safety and Training, I'd like to
2 inform you that the West Virginia Mining Regulations,
3 specifically West Virginia Code, Chapter 22A, Article
4 1, Section 22, also provides protection against
5 potential discrimination, for participating in these
6 type interviews. I'd like to pass along some contact
7 information for the West Virginia Board of Appeals,
8 which is charged with hearing complaints from coal
9 miners regarding discrimination.

10 Should you have any problems such as I
11 just mentioned, you should contact the board
12 immediately. Oh, right. And I would caution you that
13 should you need to file a claim, you need to do so
14 within 30 days of the time of the event. Okay. Thank
15 you.

16 A. Okay.

17 EXAMINATION

18 BY MR. SHERER:

19 Q. Okay. Mr. Medley, the first thing I want to do is
20 thank you for coming down here this morning. We're
21 still investigating the Upper Big Branch Mine
22 disaster, and we've got a lot of information. We've
23 got --- in fact, you're the 230th person we've
24 interviewed so far. We've got a lot of information
25 from those interviews. We've got a lot of information

1 from the mapping and such that we've done underground,
2 and we still haven't got the answer, so we're hoping
3 you can help us.

4 And we're doing it for two reasons. The first is
5 the victims' families and friends and coworkers
6 deserve to know what happened to their relatives and
7 their loved ones. The second one is that the
8 prevention of this type explosion is the focus of what
9 we do, and until we understand what happened, it's
10 going to be hard for us to prevent this in the future.
11 So any information you can share with us would
12 certainly be appreciated.

13 A. Okay.

14 Q. Roughly how many years of mining experience do you
15 have?

16 A. Right close to 32 years.

17 Q. Okay. When did you start with the Massey
18 organization?

19 A. About seven years ago.

20 Q. Okay. When did you start working at Upper Big
21 Branch?

22 A. I can't give you a date. It was when the longwall
23 came back there from Logan's Fork.

24 Q. Okay. So the longwall started up in September of
25 2009, and that would've been sometime ---

1 A. It would've been ---

2 Q. --- prior to that?

3 A. --- about that time.

4 Q. Okay. What was your job description?

5 A. I was listed as an assistant longwall coordinator.

6 Q. Okay. What did your normal duties entail?

7 A. A little bit of everything. I worked outby
8 foreman, setup foreman. At the time of the explosion
9 I was a production foreman on the second shift.

10 Q. Oh, okay. What sort of certifications, either
11 State or Federal mining certifications, do you have?

12 A. I'm a West Virginia mine foreman, coal miner, EMTM
13 in West Virginia. In Kentucky I'm a foreman, miner,
14 electrical worker. I'm certified --- I'm still
15 certified with the Federal as an electrical worker.

16 Q. Who did you report to?

17 A. Most of the time, Jack Roles.

18 Q. Okay. Did you have people that reported to you?

19 A. No, other than my men on my crew ---

20 Q. Okay.

21 A. --- at the time.

22 Q. Okay. When you were acting as a production
23 foreman?

24 A. Yes, sir.

25 Q. Okay. Were you salaried or hourly?

1 A. Salary.

2 Q. Okay. Did you have the ability to hire and fire
3 people?

4 A. No, sir.

5 Q. Okay. Could you recommend people for disciplinary
6 actions?

7 A. Yes, I could.

8 Q. Okay. Could you purchase materials, supplies or
9 services?

10 A. No, sir.

11 Q. Could you requisition materials, supplies or
12 services?

13 A. No, sir.

14 Q. Okay. Now, Mr. Roles, we understand, was the
15 longwall coordinator; is that correct?

16 A. Yes, he was.

17 Q. How did the longwall fit in with the rest of the
18 mine? Was the longwall a separate entity or did the
19 longwall --- was it controlled by the superintendent
20 of the mine?

21 A. I think it was --- to a certain extent it was
22 controlled by him.

23 Q. Okay.

24 A. But Jack acted more as a superintendent over the
25 longwall.

1 Q. Okay.

2 A. They had to work together.

3 Q. Uh-huh (yes), sure. Who planned the next panel
4 layout, the moves of the longwall and so on and so
5 forth? Was that something you did?

6 A. No. The actual longwall moves were planned by
7 Jack. He worked with the superintendent to coordinate
8 supplies, things that we needed. Most of the actual
9 work on the move itself was taken care of by Jack.

10 Q. Okay. Did you participate in any of the planning?

11 A. Not really, no.

12 Q. Now, you say you were the production foreman, I
13 think it was the evening shift?

14 A. Yes, sir.

15 Q. Was that a straight evening shift or did you guys
16 rotate?

17 A. We'd rotate.

18 Q. What schedule did you rotate on?

19 A. It was a six and three schedule.

20 Q. Okay. What was the last shift that you worked
21 prior to the explosion?

22 A. Saturday night.

23 Q. Saturday night. Do you recall anything unusual
24 about that last shift?

25 A. We didn't have any trouble on the wall. I had

1 heard some rumors that we were pulled because of a
2 inundation of gas. We were not. I don't know where
3 it came from, but it's a lie.

4 Q. Sure. There's a lot of rumors floating around.

5 A. We did come out early that day, but it was for
6 security reasons.

7 Q. Okay. Now, what sort of security reasons did that
8 entail?

9 A. We brought our crews out early unloaded all self-
10 rescuers off the mantrips, put them in the offices
11 where we had a security system ---

12 Q. Sure.

13 A. --- and locked that up and set the security
14 alarms. We also rock dusted in front of the portals
15 to be able to see footprints there if somebody went in
16 the mines on Sunday.

17 Q. Okay. Do you know if there were any footprints,
18 if anybody went in the mines on Sunday?

19 A. Not that I know of.

20 Q. Okay.

21 A. I cannot tell you that.

22 Q. Okay. Now, you say you didn't have any problems
23 on that shift on Saturday. Do you recall about how
24 many passes the shearer made that shift?

25 A. Right off, no, I cannot.

1 Q. Well ---?

2 A. I would guess maybe four or five.

3 Q. Okay.

4 A. That's about what our production was at the time.

5 Q. Okay. About average?

6 A. Yeah.

7 Q. Okay. Did you spend the entire time that shift on
8 the face or did you get off into either the headgate
9 or the tailgate of the longwall?

10 A. I come off on the headgate on a couple of times.
11 Most of the time I was with the crew across the face.

12 Q. Okay. Did you go in the tailgate to date out?

13 A. No, I did not go on the tailgate.

14 Q. Where did you date up on the tail side?

15 A. I took ---. That night I didn't date up other
16 than my passes across the face. I dated up across the
17 face and on the outby and the headgate side.

18 Q. Okay. When you first got on the section Saturday
19 afternoon, when you were going up to the face, did you
20 notice the curtain probably tied onto the first or
21 second shield?

22 A. Yes, sir.

23 Q. Was that curtain tight?

24 A. Yes.

25 Q. Have you ever seen that curtain loose or maybe

1 even blown back toward the face?

2 A. I've never seen it blown back toward the face. I
3 have seen it loose, a rib roll knock it down.

4 Q. Okay, sure.

5 A. Something to that effect.

6 Q. Okay.

7 A. As far as if you're meaning loose with no air
8 pressure against it no.

9 Q. Okay.

10 A. I have not seen that.

11 Q. Okay. When you take your --- or took your air
12 measurements for the total quantity on the longwall,
13 where did you take those measurements at?

14 A. Last open break and in the beltline.

15 Q. Okay. Did you add those quantities together and
16 did you have to subtract the belt air?

17 A. I would add them together.

18 Q. Okay. Was the belt air coming onto the face or
19 going back outby?

20 A. Most of the time it was coming onto the face.

21 Q. Okay. Now, we know that the air quantity had
22 varied quite a bit over the month of March. It
23 started out, I think around 115,000 cfm, and it looks
24 like just prior to the explosion it was around the mid
25 50,000 cfm. Do you know why that quantity varied the

1 way it did?

2 A. No, and I do not remember it being that high in
3 the month of March. Prior to it, back in the panel we
4 had had a higher velocity.

5 Q. Okay.

6 A. But at the present time just prior to the
7 explosion it was running in the mid-60s range.

8 Q. Okay. Now, I think to start out the month it
9 spiked up to 115,000 a day or two. And it was roughly
10 around 100,000 for several days, and then it gradually
11 decreased and it was in the 50,000 to 60,000 range for
12 a few days prior to the explosion.

13 A. I don't remember that.

14 Q. Okay.

15 A. No.

16 Q. Okay. Was there any maintenance problems on that
17 last shift?

18 A. On our last shift?

19 Q. Uh-huh (yes).

20 A. No, sir.

21 Q. Okay. Have you heard that the hinge pin in the
22 ranging arm was down most of the dayshift on the 5th,
23 the day of the explosion?

24 A. Yes, I was told outside that they had trouble and
25 that it was the hinge pin. We'd lost it several times

1 where we'd have trouble out of it before.

2 Q. Okay. Did anybody mention that they were going to
3 replace that hinge pin?

4 A. I don't recall that, no.

5 Q. Okay, sure. But you didn't have any hinge pin
6 problems on Saturday?

7 A. No, sir.

8 Q. Okay. Thank you. Did you smell anything unusual
9 on the face on Saturday, something that smelled maybe
10 like kerosene?

11 A. No.

12 Q. Okay.

13 A. No.

14 Q. Okay. What about the tail side of the panel on
15 Saturday? We understand that it was --- you guys were
16 mining a pretty good bit of sandstone in there. Was
17 that a problem?

18 A. We had been mining quite a bit of sandstone in
19 that area, had been having to back up, re-cut the
20 bottom to maintain height.

21 Q. Oh, okay.

22 A. A lot of the time we spent a lot of time on the
23 tail because of that.

24 Q. Sure. How many passes would you guys get before
25 you'd have to bit up?

1 A. During the time immediately --- well, during this
2 time in that area, a lot of the time we would bit on
3 the head go to the tail and have to bit again ---

4 Q. Oh, jeez.

5 A. --- and then bit again on the head.

6 Q. That's a lot of bits.

7 A. Oh, yes. Sometimes you'd have to cut and re-cut
8 on the tail and bit twice on the tail.

9 Q. That is hard cutting. We notice that several of
10 the sprays were missing on the shearer drums. Was
11 there some criteria you guys used as far as replacing
12 the sprays?

13 A. If we needed a spray, we put them in.

14 Q. Okay. Did you notice any problem with the water
15 sprays on Saturday night?

16 A. No.

17 Q. Okay. What I want to talk about now is just more
18 general conditions, probably the last two or three
19 weeks prior to the explosion. Did you notice any
20 fluctuation or changes in the ventilation on the
21 longwall during that time period?

22 A. There had been a period of time that the air had
23 decreased. I came back once from my three days off
24 and it had decreased, like, 10,000, 15,000 cfm. But I
25 asked about it. I was told it was nothing to be

1 concerned about.

2 Q. Okay. Who'd you ask?

3 A. Jack Roles.

4 Q. Okay. Were there any ventilation changes during
5 that time period that you're aware of?

6 A. I can't remember when it was. And it may not have
7 been during that time period. We had had a violation
8 on the tail air traveling outby. At the time I was
9 the foreman on the face and we'd made some changes
10 during that time, lost a shift or two ---

11 Q. Okay.

12 A. --- getting the changes made so that we could
13 continue to run that.

14 Q. Do you recall what the problem was with that
15 particular incident?

16 A. I would only be speculating. The brattices in the
17 tail entry had been knocked out to make regulators
18 approximately every four breaks. This had been done
19 when we started the wall up.

20 Q. Sure.

21 A. And it had been like that ever since. And then
22 for some reason the air started traveling outby
23 instead of turning and coming around and going up to
24 the fan.

25 Q. Okay. So you think it was just a natural change

1 in the ventilation as the wall advanced?

2 A. There had been some ventilation changes outby the
3 wall as far as the miner sections changing some things
4 there. I really think that that probably was what the
5 cause of it was.

6 Q. Okay. Now, we notice that there was two new doors
7 or relatively new doors installed in the headgate in
8 the track entry. Supposedly those doors were also
9 regulators. Do you recall those doors?

10 A. Yes, I recall them.

11 Q. Do you know who installed those doors?

12 A. I cannot tell you that.

13 Q. Okay. Do you recall about when they were put in?

14 A. I would say a week to two weeks before the
15 explosion.

16 A. Okay. Did you ever participate in any ventilation
17 changes?

18 A. Yes.

19 Q. What's the last one that you recall participating
20 in?

21 A. The last one that I was on was the one on the tail
22 when we ---

23 Q. Okay.

24 A. --- got a violation and replaced the stoppings.

25 Q. Okay. What did you do during that ventilation

1 change?

2 A. Just regulated the workforce. I actually went
3 through and did some of the work myself.

4 Q. Okay. Did you take any air readings?

5 A. Yes, I did take some air readings before --- let's
6 see. I think I took some air readings coming off the
7 face and determining which way the air was going.

8 Q. Okay. How did you guys abate that violation? You
9 mentioned building some stoppings. Did you have to do
10 anything else?

11 A. We repaired the ones that'd been taken out
12 partially for regulators and then actually had some
13 down toward the mouth of the panel that we completely
14 replaced. They had not been there.

15 Q. Oh, okay.

16 A. And then we worked on that until the end of my
17 shift.

18 Q. Uh-huh (yes).

19 A. And we left, and then they --- I think they were
20 down, like, another shift and a half after that, but I
21 was not there and I'm not aware of what they did at
22 that time.

23 Q. Okay. Had you had any significant production
24 delays due to ventilation on the longwall in the week
25 or two prior to the explosion?

1 A. At one time I went up on the wall and had a couple
2 curtains that the rib had rolled and knocked down. I
3 took time to get that fixed before I'd let the men
4 run.

5 Q. Okay, okay. Thank you.

6 A. I don't recall anything else other than that.

7 Q. Sure. And about when was that, a week or two
8 prior to the explosion?

9 A. I would estimate it.

10 Q. Okay.

11 A. Yes.

12 Q. What was the methane like along the longwall?

13 A. We were not getting excessive readings on the
14 wall. I had had .01, every now and then. Most of
15 the time it was --- most of the time it was, like, 0.

16 Q. Okay.

17 A. I had my headgate man call me one day and said
18 that the readout at the gate box was reading a .03 on
19 the tail. Or a .3, I'm sorry.

20 Q. Okay.

21 A. And when it read that, I took my handheld, went to
22 the tail, and I did not find anything.

23 Q. Okay. Do you recall when you did that?

24 A. I can't give you a date.

25 Q. Just approximate.

1 A. It was two to three weeks before the explosion.

2 Q. Okay. Now, what sort of methane detector did you
3 have?

4 A. Solaris.

5 Q. Okay. Did you take that home or did you charge it
6 at the mine?

7 A. I took it home.

8 Q. Okay. Who else on your crew had methane
9 detectors?

10 A. The shearer operators, the mechanics, because of
11 having to use torches and stuff.

12 Q. Sure.

13 A. They were issued.

14 Q. Uh-huh (yes).

15 A. That's the only ones I can recall right now.

16 Q. Okay. So both shearer operators had a detector?

17 A. Yes.

18 Q. And how many mechanics did you have?

19 A. I had two, two electricians.

20 Q. And both of those gentlemen had a ---

21 A. Yes.

22 Q. --- methane detector? How did you guys change out
23 with the dayshift? Did you hot seat change out or
24 how'd that work?

25 A. Usually it was the discretion of the bosses. We

1 were supposed to hot seat on the face. But a lot of
2 the times when we got to the face, the other crew
3 would be coming off. We'd meet them ---

4 Q. Sure.

5 A. --- sometimes between the mantrip and the face,
6 sometimes actually on the face and them coming off as
7 we went on. Various places.

8 Q. And when you were coming in in the afternoons, the
9 evening shift, about what time would you get to the
10 longwall?

11 A. It would take us 40 minutes to get to the face.
12 If I can recall, our starting time was, like, 3:30.

13 Q. Uh-huh (yes).

14 A. So we'd start in about that time and then we'd be
15 at the face about 4:10.

16 Q. Okay. When did you guys use the sprays on the ---
17 the water sprays on the shields?

18 A. They were on the --- they were supposed to be on
19 the whole time.

20 Q. Were they automatically triggered or ---?

21 A. No, sir.

22 Q. They'd just stay on?

23 A. They had a valve. We turned them on when we
24 started running and they would just stay on.

25 Q. Okay. When was the last time you guys had a

1 firefighting evacuation drill on this --- on your
2 shift?

3 A. I believe it was the month before the explosion.

4 Q. Okay.

5 A. It would've been, like --- I'd say it was probably
6 a week or two before the explosion.

7 Q. Okay. Sometime during March?

8 A. I believe it was.

9 Q. Do you recall what that drill consisted of?
10 What'd you guys do that time?

11 A. We simulated a fire at the --- I believe at the
12 tailpiece, assembled the men, discussed that discussed
13 what they were to do and then traveled the --- I
14 believe we traveled the primary on that one.

15 Q. Okay. And the primary would've been your track
16 entry, coming up the headgate?

17 A. Coming up the headgate it was ---

18 Q. Okay.

19 A. --- the primary.

20 Q. Let's talk about that fire on the tailpiece. If
21 you had a fire down there, what would you guys do?
22 Just take me through that training.

23 A. The fire drill?

24 Q. Uh-huh (yes).

25 A. We would located the firefighting facilities,

1 which we had water spray --- or water hose at the
2 headgate.

3 Q. Uh-huh (yes).

4 A. We would hook it up. Actually sometimes we
5 sprayed the area locate the --- locate fire
6 extinguishers and rock dust, get them together, held
7 them there. We did use them at times to fight the
8 fire, and then we'd assemble the men. We at times
9 simulated contacting the surface the other crews in
10 the mines to warn them what was going on.

11 Q. Sure.

12 A. And then through the drill, we always determined
13 that the fire was out of control and we had to
14 evacuate, so we evacuated the mines.

15 Q. Okay. Sounds like a good drill. Now, you
16 mentioned you had hoses, I think you said on the
17 headgate. About how long would it take you to get a
18 fire hose down the face?

19 A. On the face we also had fire outlets at two
20 locations on the face. We would have to go --- of
21 course, to get the firefighting hoses there, we would
22 have to come off the face and get them down there.

23 Q. Okay. And where were those two locations where
24 you had the fire outlets, just roughly?

25 A. Probably --- I think it was, like, 50 shield and,

1 like, 110.

2 Q. Okay.

3 A. I can't give you an exact number. I knew they
4 were there.

5 Q. Okay.

6 A. And I saw them off and on as I've crossed the
7 face.

8 Q. Sure. And you said you'd have to come off the
9 face to get the hoses. Where'd you normally store the
10 hoses at?

11 A. They were at the gait box.

12 Q. Oh, okay.

13 A. The end of the --- inby end of the monorail.

14 Q. Okay. Roughly, how long would it take you to get
15 a hose down to that tail? Just a guess.

16 A. Probably ten minutes.

17 Q. Okay. Did you have any ---?

18 A. The tail that we --- I think the tail that we
19 simulated the fire on was not the tail of the wall.
20 It was the tailpiece.

21 Q. Oh.

22 A. The belt tail.

23 Q. Oh, I'm sorry, I'm sorry. Okay. That was my
24 misunderstanding. Let's talk about the tail of the
25 wall just a little bit more, because that's where the

1 shearer was at the time of the explosion. Were there
2 any fire extinguishers down near the tail drive?

3 A. I don't recall any right off.

4 Q. Okay. Now, I'm sure you've looked at where the
5 victims were at the time of the explosion.

6 A. No, sir.

7 Q. Okay.

8 A. I've not seen anything concerning the ---.

9 Q. This is a portion of the map that we received
10 showing the approximate locations of the victims, and
11 there's four victims at Shield 106. There are two
12 victims at Shield 88. The electrician was blown back
13 into Shield Number Three. That was the last guy that
14 they found. The headgate operator was actually near
15 the last open break.

16 A. Okay.

17 Q. And then there were several people out near the
18 mother drive. The shearer looked like it cut on the
19 tail. The water was turned off on the wall and the
20 high voltage disconnect was pulled. And we're
21 reasonably certain both of those were done prior to
22 the explosion.

23 A. Okay.

24 Q. Could you help us out, and what do you think these
25 people were doing? And the explosion occurred at a

1 few minutes after 3:00. Like you say, you guys were
2 coming in at 4:10. The last contact that we know of
3 with the longwall was at 2:42, and they'd called out
4 and said they were back in production. They were back
5 running.

6 The pan line was --- there was not much material
7 on it. It was fairly clear near the face and near the
8 tail. There was a little bit of coal and some rock
9 from about Shield 40 to about Shield 110. What do you
10 think was going on there?

11 A. I don't know. I couldn't even make a guess as to
12 what was happening.

13 Q. Uh-huh (yes).

14 A. With the water being off and the disconnects
15 pulled, they were not running. The material that was
16 --- the material in the face chain, one thing I'd want
17 to ask, was it cut material ---

18 Q. Yeah.

19 A. --- or was it just slabs of rock?

20 Q. As far as I know it was cut material, but there
21 was some bigger chunks. It didn't look like there
22 was, you know, a major fall out of the face.

23 A. At times our face would roll off ---

24 Q. Yeah.

25 A. --- we would get big long chunks or big --. The

1 cut material, the only thing I could guess on that
2 would be that they had possibly started back up and
3 something else happened, cause them to shut off.

4 Q. Okay. Do you think it might've been some
5 maintenance related issue?

6 A. It would only be speculation.

7 Q. Sure.

8 A. That would be my guess.

9 Q. Okay. Now, if you had a fire on the tail of the
10 wall, would it make sense to turn off the water and
11 turn off the power, the high voltage?

12 A. Turn off the high voltage. I could see that.
13 Turning of the water, no.

14 Q. Okay. Thank you. Had you noticed any excessive
15 pressure or stress on the longwall during the week or
16 two prior to the explosion?

17 A. We had been having some bumps. I had heard some
18 bumps on the face.

19 Q. Okay. Had you noticed any time when the pressure
20 relief valves on the shields had opened up?

21 A. No.

22 Q. Okay. What about the pontoons on the shields?
23 Were they started to sink in the floor or crack into
24 the floor?

25 A. No.

1 Q. Okay.

2 A. No, I have not seen that. No.

3 Q. Okay. Thank you. When was the last time
4 approximately that you got off the wall into the
5 tailgate?

6 A. I hadn't been out on the tailgate in a couple of
7 days. Top related issues. It just looked too bad ---

8 Q. Okay.

9 A. --- to go out there.

10 Q. Sure. When you did get out in the tailgate the
11 last time, what did the rock dust look like over
12 there?

13 A. It was in decent shape ---

14 Q. Okay.

15 A. --- for the dust to be coming off the face like it
16 would. It was in decent shape.

17 Q. Okay.

18 A. It wasn't snow white but it wasn't jet black,
19 either, you know.

20 Q. Sure. Somewhere in between?

21 A. Right.

22 Q. Okay. Did you guys do any trickle dusting or
23 anything over on the tail side?

24 A. No, sir.

25 Q. Okay.

1 A. They may --- the miner sections may have outby us
2 or something.

3 Q. Uh-huh (yes).

4 A. We did not on the wall.

5 Q. Okay. Do you know if anybody went back up the
6 tailgate? I understand there was a track entry --- a
7 track up through there. Do you know if they dusted
8 from that track? We understand there was a rail
9 mounted dusting machine.

10 A. There may've been.

11 Q. Okay.

12 A. That would've been taken care of by the general
13 mine management. And I didn't know about it.

14 Q. Okay. When was the last time you went inby the
15 longwall face on the tailgate?

16 A. I had been inby it at one time. It was probably
17 six or seven months beforehand ---

18 Q. Okay.

19 A. --- to hang some not bolted tags.

20 Q. Okay, okay. When was the last time you went inby
21 the face on the headgate?

22 A. Probably three or four months before.

23 Q. Okay. What'd you do that time?

24 A. We had a water issue on the face and was pumping
25 water. And we were extending discharge water line up

1 the headgate to get the water back farther away from
2 us.

3 Q. Okay.

4 A. I'd like to take a break.

5 SHORT BREAK TAKEN

6 EXAMINATION

7 BY MR. FARLEY:

8 Q. Mr. Medley, where are you actually working now?

9 A. I'm working at Revolution. It's on down Route
10 Three, Independence Coal.

11 Q. Okay.

12 A. But it's still for Massey, but ---.

13 Q. All right. Prior to the explosion on April 5th,
14 how long had you been the longwall production foreman?

15 A. I would say a couple months. I have been the
16 production foreman before, had a come off of it on the
17 setup or something like that and went back on it.

18 Q. Okay. Now, you indicated that at the end of your
19 shift on Saturday night, April 3rd, that you left the
20 mine a little bit early for security reasons and that
21 you made sure that the self-rescuers and so forth were
22 locked up and that the portals were dusted. Was that
23 typically what you did in anticipation of an idle day?

24 A. I think that was the first time that we'd ever
25 done it. Certain parts of it. We had taken the

1 rescuers off the rides and put them in a secure
2 building before.

3 Q. Uh-huh (yes).

4 A. As far as dusting the portals, I had never seen
5 that done. I think that was maybe ---. Well, I'd
6 heard that they had had some stuff stolen before and
7 they tried to find footprints going into the mines. I
8 think that was why that was done.

9 Q. Okay. All right. Anything in particular that
10 might've been stolen that you're aware of that led to
11 that?

12 A. Not that led up to that, no, sir.

13 Q. Okay. You indicated that you had been aware of
14 some air changes made outby the longwall prior to
15 April 5th. And you indicated that you were aware of
16 the doors that Erik described that seemed to serve as
17 a regulator. Did you ever have occasion where someone
18 called you and asked you to leave the longwall face
19 and go down to those doors and make any adjustments?

20 A. No, sir.

21 Q. Okay. Are you aware of anyone making such
22 adjustments during a working shift?

23 A. I have not heard that, no.

24 Q. Okay. Now, if one wanted to adjust the intake air
25 coming to the longwall or to the two miner sections,

1 would that not be a prime location to do so?

2 A. I'd say that it would be. If you cut down the air
3 velocity going to the wall, you cut up it going ----
4 up it going to the miner section.

5 Q. Okay. End of your shift on April 3rd, to the best
6 of your knowledge, was the longwall methane monitoring
7 system fully operational?

8 A. Yes, sir, it was.

9 Q. How would you know that? Any test made during
10 that shift?

11 A. We did not make any test, but we did --- we had
12 had no problems with it and had not had any
13 maintenance issues with it.

14 Q. Okay. You also said that sometime during the, I
15 believe the month of March prior to the explosion that
16 you had occasion where you noticed approximately a
17 10,000 to 15,000 cubic feet per minute reduction in
18 the longwall intake air, your readings that you made.
19 And you indicated that Roles had told you that it was
20 nothing to be concerned about. Did he offer any other
21 explanation beyond that?

22 A. No, sir. He did not.

23 Q. Okay. Whenever you inquired about the changes in
24 quantity or quality of air, was the response typically
25 such that someone would say it was nothing to be

1 concerned with?

2 A. I wouldn't say that, no. There was times that
3 there --- I would get a reason that they adjusted the
4 air, things of that nature.

5 Q. Okay. Now, on April 5th were you scheduled to
6 work the evening shift?

7 A. Yes, sir.

8 Q. Okay. What time did you arrive that day? Do you
9 recall?

10 A. I usually got to the mines about a hour before my
11 shift started. And with the indication of what time
12 the explosion occurred --- I guess probably three
13 o'clock was our starting time.

14 Q. Uh-huh (yes).

15 A. I was probably there at two o'clock.

16 Q. Okay. Now, what did you --- upon arrival, what
17 did you routinely do?

18 A. Get my mining clothes on go into the office, wait
19 on callout, get the pre-shift.

20 Q. Okay. Did you see Mr. Roles on April 5th after
21 your arrival?

22 A. I don't recall if I saw him prior to the
23 explosion. I believe I did. I believe I passed him.
24 He came into the office while I was there.

25 Q. Okay. And so obviously --- you arrived at two ---

1 it was after two o'clock?

2 A. Uh-huh (yes).

3 Q. Okay. Can you be more specific, 2:15, 2:30

4 or ---?

5 A. Probably I'd say 2:15, 2:20.

6 Q. Okay. Now, you indicated that you would routinely

7 take a callout form the longwall ---

8 A. Yes, sir.

9 Q. --- after you arrived. Did you take a callout on
10 April 5th?

11 A. Yes, sir.

12 Q. What time did you take that call?

13 A. I think it was 2:30.

14 Q. And who did that call come from?

15 A. Rick Lane.

16 Q. Okay. Can you, as precisely as possible, tell me
17 what Mr. Lane said to you during that call?

18 A. He give me his air velocity, the quantity going
19 across the last open. I think it was, like, 65,000, I
20 believe, is what it was. I can't remember what the
21 linear air feet --- air reading was at 9 and 160. I
22 do not recall that.

23 Q. Okay. Did Mr. Lane specify that they were
24 experiencing any problems?

25 A. No, sir.

1 Q. Did he specify as to whether or not the longwall
2 was operational at the time?

3 A. He did not tell me that.

4 Q. Did he tell you that the longwall had been down
5 during the shift?

6 A. I had already been told that. He did not mention
7 it to me.

8 Q. Okay. Who initially told you that?

9 A. Jack Roles.

10 Q. Okay. What was Mr. Roles' description of the ---?

11 A. He just told me that they had had --- that they
12 had the --- that the hinge pin was out on the shearer
13 again.

14 Q. Okay. Did Mr. Roles tell you that he had
15 personally been to the longwall during the shift?

16 A. He did not tell me that, no.

17 Q. All right. As the longwall production foreman,
18 did you have occasion to see engineers in the mine
19 from time to time?

20 A. I have seen the engineers in the mines, but it had
21 been quite a while back. We had some come up when we
22 were actually just getting this panel set up. There
23 was some come up to the wall. I don't recall seeing
24 them after that point, other than when they were going
25 to the miner section to set spads for them.

1 Q. Okay. Now, do you recall --- can you identify the
2 engineering personnel that you routinely saw?

3 A. No, sir. At the time that I saw one in the mines,
4 I was relatively new to that mine, and he didn't
5 introduce himself.

6 Q. Okay. Now, other than the call you took from Mr.
7 Lane about 2:30 p.m. on April 5th, did you take any
8 other calls or did you overhear any other calls coming
9 from the longwall or any of the other underground
10 sections?

11 A. No, sir.

12 MR. FARLEY:

13 Okay.

14 EXAMINATION

15 BY MS. MONFORTON:

16 Q. Mr. Medley, I just have a couple of clarifying
17 questions. On your crew, who are the typical men on
18 your crew?

19 A. My crew consisted of Dakota Davis, Josh Stout,
20 Chad Brown, Tommy Estep, Dustin Ross and Kenny
21 Woodrum, Dave Shears.

22 Q. Thank you. You indicated that you believe that
23 the longwall was pretty much planned by Mr. Roles and
24 it was coordinated with a superintendent. Who were
25 you referring to, superintendent?

1 A. Hager. I can't recall his first name.

2 Q. Everett Hager?

3 A. Everett Hager. I think mostly what they did, they
4 just worked together to get supplies, to get our
5 things up there.

6 Q. Okay.

7 A. But the miner section, they didn't really have
8 anything --- the superintendent didn't really have
9 anything to do with the everyday running of the
10 longwall.

11 Q. Okay. That would be Mr. Roles?

12 A. Right.

13 Q. Okay. Thank you. I think you indicated that you
14 did recall some air changes on the longwall, and what
15 I have in my notes is that you thought that those
16 changes on the longwall related to the miner section.

17 A. Yes.

18 Q. Can you explain that a little bit?

19 A. When you get --- start getting close to the
20 section, you split the air. And by regulating it on
21 the miner section, you will sometimes change it on the
22 longwall, and that can work back and forth.

23 Q. So you're referring to the miner sections at
24 Headgate 22 and Tailgate 22?

25 A. Yes.

1 Q. Okay. Thank you. For the firefighting drill that
2 you described, about how long would it take to do the
3 whole drill?

4 A. To do the whole drill, including travel out, an
5 hour and a half.

6 Q. An hour and a half? And on the records that you
7 keep of the activities on the shift, would that be
8 reflected as an activity on a shift, an hour and a
9 half of downtime for the drill?

10 A. Most of the time, no. We did not put it as
11 downtime. We just recorded it in the book at the end
12 of the shift.

13 Q. Okay. So would it be reflected in any way on
14 those activity sheets for the longwall?

15 A. I never recorded it as such.

16 Q. Okay. When Erik was asking you questions about
17 rock dusting on the tail, I just want to clarify, did
18 you say that you didn't use a trickle duster on the
19 longwall?

20 A. We did not, no.

21 Q. You did not. And that you indicated that it was
22 your belief that general mine management would've
23 taken care of any rock dusting in the tail.

24 A. If there was rock dusting done there, it would've
25 been the general mine management.

1 Q. And can you --- what do you mean by general mine
2 management? Who would be the responsible person?

3 A. The outby crews, the support crews, that --- my
4 understanding, that would've been under Everett
5 Hager's responsibility.

6 Q. Okay. When you took --- did you normally take the
7 pre-shift information from Mr. Lane? Was that typical
8 that you'd ---

9 A. Yes.

10 Q. --- take the information from him?

11 A. Yes, it was.

12 Q. Is there anything that you recall that was
13 different about the way that he provided that
14 information that day?

15 A. No, ma'am, I do not. It was normal business.

16 Q. Normal business; okay. Thank you. My last
17 question is regarding the tracking system ---

18 A. Yes.

19 Q. --- that was installed earlier in the year. Was
20 it your understanding that that --- just prior to the
21 explosion, was that fully operational or what was your
22 understanding about the status of its implementation
23 there?

24 A. It's what I'd been told. It was fully
25 operational. We would not use the tracking system on

1 the wall face. There'd been some issues of possibly
2 the tracking system starting miners starting
3 equipment. And when we got to the power boxes on the
4 longwall, we either left our tracking systems there,
5 our radios and stuff and we didn't take them onto the
6 wall.

7 MS. MONFORTON:

8 Onto the face; okay. That's it. Thank
9 you very much.

10 A. All right.

11 RE-EXAMINATION

12 BY MR. SHERER:

13 Q. Okay. I've got several follow-up questions. Do
14 you know if there was any problems with the shield
15 computer?

16 A. No. No, I do not.

17 Q. Okay. Have you heard about any problems with the
18 control voltage on the shield units near the tail of
19 the longwall?

20 A. No.

21 Q. Okay. How about the lighting circuits on the
22 face? Had there been any problems with that or with
23 the bulbs cracked prior to the explosion?

24 A. I cannot be sure about that. I think there was
25 possibly some broke bulbs ---

1 Q. Okay.

2 A. --- here and there.

3 Q. Just the normal situation on the ---

4 A. Yes.

5 Q. --- bulbs? Okay. If you had a power bump for
6 some reason, what would you have to do to reset the
7 headgate controller? Was there some procedure you had
8 to go through?

9 A. Or you mean you just put the breaker back in
10 from ---?

11 Q. Well, you'd have to reset the breaker, but
12 particularly the controller, which I guess is some
13 sort of computer.

14 A. He could pretty much start anything from the
15 headgate box. The headgate operator could.

16 Q. Okay. These are questions, electrical questions,
17 and they're way over my head, so I apologize for them.
18 Had you had any problems with the E-stops on the
19 longwall?

20 A. No, none that I'm aware of.

21 Q. Okay. Did you guys normally check the fire valves
22 on the shearer?

23 A. We had not checked them.

24 Q. Okay. About how far could the shearer operators
25 get away from the shearer itself before they lost the

1 remote control signal?

2 A. I don't know that it was ever tried to see how far
3 you could get away from it.

4 Q. Okay. Now, there was some sort of controller on
5 the automatic chain tensioner. Do you recall any
6 problems with that?

7 A. No.

8 Q. Okay. Was that panel lit up or in alarm the last
9 time you saw it?

10 A. No, sir, it was not.

11 Q. Okay. Thank you. Are you aware of any sort of
12 fire or flames anywhere along the longwall?

13 A. No.

14 Q. When would you pull the power on the shearer?
15 What conditions would cause pulling that power? I
16 imagine if there was a problem with a cable, you'd
17 probably pull it.

18 A. Right. Under normal circumstances, you wouldn't
19 necessarily pull it at any time other than, you know,
20 biting up. Then of course, if you --- like you said,
21 if you had a cable problem you'd want to pull the
22 power.

23 Q. Sure. What about other maintenance on the
24 shearer? Would you normally pull power for that?

25 A. We'd pull the power to set bits.

1 Q. Okay. What if you're doing a mechanical repair?
2 Would you pull the power?

3 A. Should be pulled, yes, sir.

4 Q. Okay. The last week or so prior to the explosion
5 had you experienced any electrical problems anywhere
6 along the longwall face or the stage loader?

7 A. I do not recall any.

8 Q. Okay. Thank you. Now, you were talking about the
9 rock dust and I think I asked you, did you know if
10 there was any tracks in it, and you said that you
11 didn't. Who would check it --- would have checked on
12 that? Do you know?

13 A. I think what they had on their mind was mostly
14 just the security guards checking on it.

15 Q. Okay.

16 A. So they could drive up to the mines and see, if
17 any --- if there's any fresh tracks inby the rock
18 dust, and they could call the police and ---

19 Q. Okay.

20 A. --- do their thing.

21 MS. MONFORTON:

22 What if there were deer tracks?

23 A. That'd be all right, too. Get me a gun. I'll go
24 kill it.

25 BY MR. SHERER:

1 Q. Do you recall anything on March the 29th, which
2 would've been, I guess early in the week prior to the
3 explosion? What day was that?

4 ATTORNEY HARDY:

5 Monday.

6 BY MR. SHERER:

7 Q. Monday, on Monday. Was there any unusual thing
8 going on on the longwall on Monday?

9 A. I'm trying to think if I worked that day.

10 Q. And in particular, the E-stop.

11 A. No.

12 Q. Okay.

13 A. I can't recall anything.

14 Q. Okay. Thank you. Do you recall the ventilation
15 on the longwall fluctuating any while you were --- did
16 you notice it getting more air, then less air while
17 you were there?

18 A. No.

19 Q. Okay. When people were coming in the doors near
20 the mouth of the longwall, did that cause any changes
21 in the air up on the face?

22 A. Nothing that I noticed. If it was, it was so
23 minute that it didn't really register.

24 Q. Okay. Did you guys have a good cave a week or two
25 prior to the explosion?

1 A. Pardon?

2 Q. Was the gob caving well a week or two prior ---

3 A. Yes.

4 Q. --- to the explosion?

5 A. It had been.

6 Q. Okay. Had you had any problems with hang-ups near
7 the tail of the wall?

8 A. None that I recall, no.

9 Q. Had you had any problem with hang-ups anywhere in
10 the gob that would cause an air blast?

11 A. I have not noticed any of late. I mean every now
12 and then you'd have one, but I don't recall one that
13 had been recent.

14 Q. Okay. Do you recall use of explosives on the wall
15 in the month or so prior to the explosion?

16 A. No.

17 Q. Did you normally have to or did you ever have to
18 shoot the tail side of the panel because it was
19 getting too wide?

20 A. We have had to do it. I don't recall doing it ---
21 I really don't recall doing it on this panel.

22 Q. Okay. Now, we understand that it was cut a little
23 wide near the takeout point.

24 A. Yes, sir.

25 Q. And did you know anything about that?

1 A. I understood that it was. I understood that it
2 was drilled prior to us getting there ---

3 Q. Okay.

4 A. --- and that the drilling was just to have it
5 already drilled so we could shoot it if we needed to.

6 Q. Okay. Who told you about that?

7 A. I don't know that I even had anybody tell me.

8 Q. Okay.

9 A. During the time we were setting up I was in that
10 area and noticed that it was drilled.

11 Q. Okay.

12 A. And maybe somebody at that time told me who it ---
13 what it was about, and I didn't --- I don't recall who
14 it was.

15 Q. Okay. Where were you at the time of the
16 explosion?

17 A. About 300 foot underground.

18 Q. Okay. Getting in the mantrip?

19 A. Yes, sir.

20 Q. Did you participate in the rescue and recovery
21 efforts?

22 A. I monitored the air quantity at the Ellis Portals.

23 Q. Okay. When you were underground, did anybody ever
24 call in and say there were inspectors on the property?

25 A. Not that I know of. I'm not aware of it.

1 Q. Anybody ever say something like if there's company
2 coming?

3 A. I can't --- really can't recall it.

4 Q. Okay, okay.

5 A. I've heard that --- I've heard that being bantered
6 around that Massey was bad for that. I'll go on the
7 record and state, it wasn't just Massey. Everybody
8 does that.

9 Q. Okay.

10 A. That's a crock in my opinion.

11 Q. Okay, sure. Do you have any knowledge of methane
12 monitors being bridged out on this longwall panel?

13 A. No, sir.

14 Q. Okay. Do you think the ventilation in this mine
15 was adequate?

16 A. As far as I know, on the longwall I was well
17 satisfied with the ventilation.

18 MR. SHERER:

19 Okay, okay. Thank you. That's all the
20 questions I've got.

21 MR. FARLEY:

22 I don't have anything.

23 RE-EXAMINATION

24 BY MS. MONFORTON:

25 Q. I just have one question. Mr. Medley, you

1 described after the violation there were some crew
2 that had to work in the tailgate side, knocking and
3 building some stoppings?

4 A. Yes, ma'am.

5 Q. Can you recall who was directing that work, who
6 all was involved in it?

7 A. I can't recall who all as there. Tim Davis was
8 there. Everett Hager ended up coming up there. Jason
9 Whitehead was up there. It might've been Chris
10 Blanchard. I think he was there, also.

11 Q. Okay. What about Jamie Ferguson?

12 A. Yes, I believe he was there.

13 Q. Okay.

14 A. I think he was in the area, too.

15 Q. Would Harold Lilly have been involved in that
16 work, as well? Do you recall that?

17 A. I don't recall --- no.

18 Q. Okay.

19 A. I don't think Harold was there.

20 MS. MONFORTON:

21 Okay. Thank you.

22 RE-EXAMINATION

23 BY MR. SHERER:

24 Q. I got just a few more questions. When you guys
25 were cutting all that sandstone at the tail, did that

1 generate sparks?

2 A. At times, yes, it did.

3 Q. Okay. What would've been the procedure if there
4 was a fire ignition occurring on the shearer? What
5 would be the normal thing that the crew would do?

6 A. First thing would be to start the fire suppression
7 on the shearer.

8 Q. Okay. Where was that initiated from?

9 A. It would be initiated at the shearer.

10 Q. Okay. Was that a function on the remote control
11 boxes?

12 A. No, sir.

13 Q. It was physically on ---?

14 A. It had a manual valve.

15 Q. Okay. Where was that valve?

16 A. I can't tell you exactly. It was on the shearer.

17 Q. Okay.

18 A. I mean ---.

19 Q. Okay. If there was a fire ignition on the
20 shearer, would the power have been pulled?

21 A. I can't say. I don't know. Right off I don't
22 know which way you're going. Are you saying an
23 ignition or a fire?

24 Q. Either one. Or would it make a difference?

25 A. Yes.

1 Q. Okay.

2 A. To me it would.

3 Q. Okay.

4 A. If there was an ignition, there would be the
5 possibility nobody could pull the power. If there was
6 a fire then at a slower rate ---

7 Q. Oh, okay.

8 A. --- yes.

9 Q. Okay.

10 A. It would've been pulled.

11 MR. SHERER:

12 Okay. Thank you. Okay. That's all the
13 questions I've got.

14 MS. MONFORTON:

15 No, I don't have any.

16 ATTORNEY BAXTER:

17 On behalf of MSHA and the Office of
18 Miners' Health, Safety and Training I want to thank
19 you for appearing and answering questions today. Your
20 cooperation is very important to the investigation as
21 we work to determine the cause of the accident. We
22 request that you not discuss your testimony with any
23 person aside from your personal representative. After
24 questioning the other witnesses, we may call you if we
25 have any follow-up questions. If at any time you have

1 additional information regarding the accident that you
2 would like to provide to us, please contact us at the
3 contact information that was previously provided to
4 you.

5 If you wish, you may now go back over any
6 answer you've given during this interview. You may
7 also make any statement that you'd like to make at
8 this time.

9 A. I don't think I've got any statements to make
10 other than to reiterate what went on a while ago. I
11 think Massey was getting a bad name about calling in
12 to say that the company was there and all that. I've
13 been in the mines 32 years. It's happened 32 years.
14 Anywhere I've ever worked, that's went on, and I know
15 that --- I know that MSHA and the State agencies that
16 I have had to be associated with, at times they've
17 tried to make big pushes that it don't happen. It
18 happens.

19 And I can say you'll never stop it. I know where
20 these people that --- down the highway below the mines
21 that'll call the mines and tell them they're coming.
22 I don't think you're going to be able to stop it.

23 ATTORNEY BAXTER:

24 Anything else?

25 A. That's it.

1 ATTORNEY BAXTER:

2 Okay. Again, I want to thank you for
3 your cooperation in this matter.

4 * * * * *

5 STATEMENT UNDER OATH CONCLUDED AT 10:27 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

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I, Alison Salyards, 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.

20



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Alison Salyards

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