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Also Present: Norman Page and Eugene White

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1 MR. KOERBER: Let's go on the record. My
2 name is Barry Koerber. I'm the Assistant Attorney
3 General.

4 I'm assigned to represent the West
5 Virginia Office of Miners' Health, Safety and
6 Training, and I'm a member of the state UBB
7 Accident Investigation Team.

8 Today is March 29th, 2011.

9 Beginning at my left, for those people,
10 members of accident investigation teams, I would
11 ask that they identify themselves and who they're
12 with.

13 MR. TUCKER: Bill Tucker, West Virginia
14 Office of Miners' Health, Safety and Training.

15 MR. SCOTT: John Scott, West Virginia
16 Office of Miners' Health, Safety and Training.

17 MR. MAGGARD: I'm Jasey Maggard, with
18 MSHA.

19 MR. CRIPPS: Dean Cripps, with MSHA.

20 MR. WILSON: Robert Wilson, with the
21 Solicitor's Office, representing MSHA.

22 MR. BECK: Jim Beck, with the Government's
23 Independent Team.

24 MR. KOERBER: Mr. Medley, we also have a

1 court reporter here today. She is from a court
2 reporter firm known as Johnny Jackson &
3 Associates. I have a business card. I'm going to
4 give this to you here momentarily.

5 For her benefit, please answer verbally
6 and not with a nod of the head. And please try to
7 refrain from "uh-huh" and "uh-uh," please try to
8 say "yes" and "no."

9 THE WITNESS: Okay

10 MR. KOERBER: I'm going to ask that you
11 please allow the interviewer to finish his question
12 before you begin your answer, and I'm going to ask
13 all the interviewers to please allow you to finish
14 your answer before they ask the next question so
15 that we don't have two people talking at the same
16 time, because that makes it pretty impossible for
17 the court reporter to get everything down.

18 What she will be doing is she will be
19 transcribing everything that's said here today.

20 She's working under a three-day
21 turnaround, as far as taking the words that were
22 said here today and putting it on paper.

23 This being Tuesday, three business days
24 would put us at the end of Friday.

1 So come Monday morning, the transcript
2 will be ready for review.

3 If you desire, you and/or you and your
4 attorney can contact Johnny Jackson & Associates at
5 the phone number on this business card and schedule
6 a time where you would go into her -- to Johnny
7 Jackson's office and they would put you in a
8 conference room where you would have privacy, where
9 you would review your transcript.

10 And you will also be given an errata
11 sheet, which is a separate document that if you
12 find mistakes in the transcript, you can make
13 corrections on that errata sheet.

14 That is something that you are entitled to
15 do. It is your choice. It is not a requirement,
16 but it is your choice.

17 You do not have to call Monday, but we do
18 ask you that if you do desire to review your
19 transcript, you do so within a reasonable amount of
20 time afterwards, two, three, four weeks down the
21 road at the latest.

22 I would also like to mention if at any
23 time for any reason whatsoever you want to take a
24 break, just let me know and we'll take a break.

1 Okay?

2 I would ask that you not discuss your
3 interview with people outside of this interview
4 room, other than with your attorney. And the
5 reason I ask that is we're trying to protect the
6 integrity of the investigation.

7 At this point in time, Bob Wilson may have
8 something he would like to add, and so he may say
9 what he wants.

10 MR. WILSON: Thanks, Barry.

11 Mr. Medley, just on behalf of MSHA I want
12 to thank you for coming in here again and answering
13 the following questions that we may have.

14 Like last time, I'm going to hand you a
15 letter. This is from Norman Page, MSHA's lead
16 accident investigator.

17 The letter has some information pertaining
18 to your testimony that you're giving today, and it
19 also has our contact information.

20 So if for any reason you wish to contact
21 MSHA concerning the investigation, please contact
22 us at the information provided there.

23 MR. KOERBER: I would ask at this time for
24 the court reporter to administer the oath.

1 MICHAEL J. MEDLEY, DEPONENT, SWORN

2 MR. KOERBER: Sir, would you please state
3 your full name for the record and spell your last.

4 THE WITNESS: Michael Jahue (phonetic)
5 Medley, M-e-d-l-e-y.

6 MR. KOERBER: And would you please state
7 your address and telephone number?

8 THE WITNESS: Street address?

9 MR. KOERBER: Just the mailing address.

10 THE WITNESS: [REDACTED],

11 [REDACTED] . My telephone number is [REDACTED]

12 [REDACTED]

13 MR. KOERBER: Do you have an attorney
14 appearing with you here today?

15 THE WITNESS: Yes.

16 MR. KOERBER: I would ask that the
17 attorney please identify himself and his firm.

18 MR. SEARS: Chris Sears, with the law firm
19 of Shuman, McCuskey & Slicer.

20 MR. KOERBER: And, Mr. Sears, is
21 Mr. Medley your client?

22 MR. SEARS: He is.

23 MR. KOERBER: Mr. Medley, on April 5th,
24 2011, where were you employed?

1 THE WITNESS: UBB, Upper Big Branch.

2 MR. KOERBER: What was your job title?

3 THE WITNESS: I was an electrician?

4 MR. KOERBER: As an electrician, did you
5 do any type of electrical examinations that you
6 recorded in any electrical examination book?

7 THE WITNESS: Yes.

8 MR. KOERBER: You did?

9 THE WITNESS: Yes.

10 MR. KOERBER: Okay. We also have another
11 gentleman here, seated to my immediate right. I
12 would ask at this time that he identify himself,
13 his firm and his client.

14 MR. AKERS: My name is Rob Akers with
15 Allen, Guthrie & Thomas in Charleston, West
16 Virginia, and I'm here on behalf of the company.

17 MR. KOERBER: We have two people in the
18 back of the room. I would ask that they identify
19 themselves and who they're with, beginning at the
20 front and working our way to the back.

21 MR. WHITE: I'm Eugene White. I'm deputy
22 director of the West Virginia Office of Miners'
23 Health, Safety and Training.

24 MR. PAGE: Norman Page, from MSHA.

1 MR. KOERBER: Mr. Medley, are you
2 appearing here today as the result of receiving a
3 subpoena.

4 THE WITNESS: Yes.

5 MR. KOERBER: Would that be a copy of the
6 subpoena?

7 THE WITNESS: I would -- I guess it is.

8 MR. KOERBER: Okay. I'd ask that this be
9 marked as M. Medley 1.

10 (Exhibit No. 1 marked for

11 identification.)

12 MR. KOERBER: Mr. Medley, I see that the
13 subpoena subpoenas you here for March 2nd, 2011, at
14 1:00 p.m., and today is March 29th, 2011.

15 Is it your understanding that there was an
16 agreement reached with your father, who had been
17 here earlier that morning, that you and he desired
18 to obtain an attorney before you was interviewed?

19 THE WITNESS: Yes.

20 MR. KOERBER: And it was -- is it your
21 understanding that there was a mutual agreement
22 that we would postpone the March 2nd interview and
23 reschedule it at a later date, which turns out to
24 be today?

1 THE WITNESS: Yes.

2 MR. KOERBER: Also, this is a document you
3 have not seen. This is an Affidavit of Service,
4 signed by the process server, stating that he
5 served your father, Kevin Medley, on the 23rd day
6 of February at Peabody Circle, Naoma.

7 Do you disagree that your father accepted
8 service on your behalf?

9 THE WITNESS: No. He probably did.

10 MR. KOERBER: Okay. I'd ask that this be
11 M. Medley 2.

12 (Exhibit No. 2 marked for
13 identification.)

14 MR. KOERBER: Mr. Medley, not only am I
15 going to give you the Johnny Jackson business card
16 I spoke about earlier, I'm going to give you
17 Mr. William Tucker's business card as well.

18 Mr. William Tucker is Bill Tucker, seated
19 to my left. He's our lead accident investigator.

20 If anything would occur to you after the
21 interview is over that you would like to share,
22 that you believe would be helpful to try and find
23 out what happened on April 5th, 2010, please feel
24 free to contact Mr. Tucker at the contact

1 information listed on the card.

2 I'm also going to give you a memorandum,
3 which contains the address to the West Virginia
4 Board of Appeals.

5 The Board of Appeals is the administrative
6 agency charged with hearing, among other things,
7 cases involving coal miner discrimination.

8 In the event you believe you have been
9 discriminated against for participating in this
10 interview, West Virginia Code 22A-1-22 provides
11 protections for that.

12 In the event you feel that you've been
13 discriminated against, this is the agency that you
14 would file your complaint with. Your attorney
15 would be able to help you with the drafting of that
16 complaint.

17 I would mention to you that, under West
18 Virginia Code 22A-1-22, you only have 30 days from
19 the day of the discriminatory action to file your
20 complaint.

21 So I want give these things to you now.

22 At this time, I would ask Dean of MSHA to
23 begin the --

24 MR. CRIPPS: Do you want to go, John?

1 MR. KOERBER: Or John.

2 MR. SCOTT: Appreciate you coming in,
3 Michael.

4 MR. SEARS: Not to interrupt, I'm sorry, I
5 really meant to say this before you started.

6 MR. SCOTT: Okay.

7 MR. SEARS: I just wanted to make a note
8 on the record that Mr. Medley has been up since
9 11:00 a.m. yesterday. He's been without sleep for
10 over 27 hours. We've talked about that.

11 He's willing to go forward, but I told him
12 that in listening to your questions, you know, it
13 may take him a little bit longer to process it and
14 think about it, then formulate a response.

15 I just want you to be aware that he's
16 providing testimony under those conditions.

17 And not to interrupt. I apologize for
18 that.

19 MR. KOERBER: If you need to take a break
20 at any time, just let us know.

21 THE WITNESS: Okay.

22 EXAMINATION

23 BY MR. SCOTT:

24 Q. Like I said, I appreciate you coming in to

1 try to help us out here a little bit on this
2 investigation, and I've got a few questions.

3 You were -- previously you had worked on
4 the production shift on the day shift of the
5 longwall; is that correct?

6 A. On the swing shift.

7 Q. And then since about the first of last
8 year, you had worked on the midnight shift down on
9 the longwall?

10 A. Yes, sir.

11 Q. Okay. What was normally your job as far
12 as normal daily activities on the 3rd shift?

13 A. Just general maintenance.

14 Q. Did that take care of the shear or the
15 jacks or just whatever was ...

16 A. Usually more so the shear.

17 Q. More so the shear. Okay. Did that
18 include changing bits or cleaning water sprays?

19 A. Sometimes.

20 Q. Did you ever recall coming to start your
21 shift and maybe work on the shear, as far as the
22 water sprays, and notice that there was a large
23 number of sprays missing, or was that a common --
24 or do you recall?

1 A. I really don't remember.

2 Q. Safe to say there was two or three out, or
3 do you remember any?

4 A. Usually not. Usually you didn't --
5 usually you didn't have any out.

6 Q. Did you clean them on a regular basis as
7 far as -- let me rephrase that.

8 Did you all check the -- or did you or
9 anybody on your crew, that you know, would check
10 the water to see if you had all the sprays
11 spraying, or check the pressure or anything along
12 that line?

13 A. I never did, but it seems like they
14 checked it, like, once a week.

15 Q. Who? Do you remember who would do that?

16 A. Just different people.

17 Q. Someone on your crew?

18 A. Yeah, maintenancewise.

19 Q. Okay. Did you ever have to clean the
20 sprays or replace them?

21 A. I replaced some.

22 Q. Was that an every day, every shift, every
23 day occurrence, or was that something you checked
24 every day?

1 A. What's that?

2 Q. The sprays.

3 A. I didn't, but I don't, you know, I don't
4 know that, you know, that was not the only thing I
5 worked on, so ...

6 Q. Probably a better question, did you have,
7 like, a preventive maintenance worksheet or some
8 type of list of normal duties that you might go
9 through that particular shift?

10 A. I believe the chief did. I did not.

11 Q. He would just tell you what to do when you
12 got on the section?

13 A. Usually outside.

14 Q. Outside?

15 A. Yeah.

16 Q. He never actually gave you a list and
17 said, here, I need you to do --

18 A. No, sir.

19 Q. How about the bits? Did you normally set
20 bits when the bits were set?

21 A. I changed them some.

22 Q. Did you notice that you might be having to
23 change -- the last few shifts you worked, did you
24 remember changing a lot of bits or any more than

1 usual or anything?

2 A. No, sir.

3 EXAMINATION

4 BY MR. CRIPPS:

5 Q. Okay. I'm going to back up a little,
6 Michael. I read your first transcript, but there's
7 a few pieces of information that I want to get
8 clear on.

9 When did you first start at Upper Big
10 Branch?

11 A. It was towards the 1st of June of '09, I
12 guess it was.

13 Q. Okay. The explosion occurred April 1st of
14 2010.

15 A. So it would have been the June prior to
16 that.

17 Q. Okay. So that's June of '09?

18 A. Yes, sir.

19 Q. Okay. Had you worked at Logan's Fork
20 before that?

21 A. Yes.

22 Q. When did you go to Logan's Fork?

23 A. June of '07.

24 Q. And what did you do at Logan's Fork?

1 A. I was a jack setter.

2 Q. A jack setter on the longwall?

3 A. Yes, sir.

4 Q. Okay. When you first came to UBB, what
5 did you do, what job?

6 A. They hired me as a utility man, and then I
7 went to setting jacks.

8 Q. Okay. They hired you as a utility man on
9 the longwall?

10 A. Yes.

11 Q. Okay. I understand that the longwall
12 didn't start running until about September of '09.
13 So from June to September, what jobs did you do?

14 A. Oh, you're talking about actually at UBB?

15 Q. Yes.

16 A. Okay. I'm sorry about that. Let's see, I
17 believe I already had my electrical card then, so
18 they had me -- I was working outside and then doing
19 maintenance up on the wall, even setting props,
20 just trying to get everything ready to run.

21 Q. So you helped actually set up the wall to
22 get ready to run?

23 A. Yeah.

24 Q. Okay. So your first day when you came to

1 UBB, did you work underground, or did you work on
2 the surface?

3 A. No. I was on the surface for probably a
4 week or two.

5 Q. Okay. What did you do on the surface?

6 A. I worked on some shields. We have oil
7 tankers and I was cleaning them up, just a little
8 bit of everything, making a few splices.

9 Q. Do you recall what you did your first day
10 you went underground?

11 A. No, sir.

12 Q. Do you recall did you receive any training
13 prior to going underground there at UBB?

14 A. Yeah, they took us upstairs, went over the
15 maps, took us downstairs, went over the mantrips.
16 It seems like there may have been a few other
17 things, but I can't recall right off.

18 Q. Who performed that training?

19 A. I don't remember what his name was.

20 Q. Okay. Did you go underground as part of
21 that training?

22 A. The first day that I went under -- well,
23 he showed us maps. I think we went up to where the
24 setup face was the first day.

1 We rode the mantrip back out, and it -- I
2 believe I recall the second day we went up and then
3 we walked the escapeway out.

4 Q. Would it have been Jack Roles that did any
5 of that training?

6 A. He may have done some of it. I don't --
7 like I said, I don't recall.

8 Q. Okay. Reading your transcript, I
9 understand you worked the third shift or the
10 midnight shift on the April the 5th?

11 A. Yes, sir.

12 Q. Do you recall what jobs you did that
13 night?

14 A. We changed some flights in the face
15 chain. We changed a cowl blade and set bits.

16 Q. Okay. So the cowl blade, was that the
17 headgate cowl blade on the shear?

18 A. Yes. Yes, I believe it was.

19 Q. Okay. You say you also put flights in the
20 conveyer chain?

21 A. Yes, sir.

22 Q. That's the face conveyer chain?

23 A. Yes.

24 Q. Did either of those jobs involve any

1 cutting or welding?

2 A. Yes.

3 Q. Which jobs and to what extent?

4 A. You had to cut bolts out of the face
5 chain, you had to cut some -- I believe we had some
6 bolts in the cowl blade that had to be cut out.

7 Then we had to -- you've got to tack weld
8 the nuts on the face chain and tack weld the bolts
9 on the cowl blade.

10 Q. Okay. Where on the face was all this work
11 performed?

12 A. That was at the head.

13 Q. So all of it was at the headgate?

14 A. Yes.

15 Q. Did you do any cutting or welding anywhere
16 on the face that night?

17 A. No, sir.

18 Q. Okay. Did you go to the tailgate that
19 night?

20 A. I did not.

21 Q. Okay. Then you said you also set bits on
22 the shear?

23 A. Yes.

24 Q. Did you set bits at both drums or just one

1 of the drums?

2 A. Just the head end.

3 Q. The head end?

4 A. Yes.

5 Q. Was you by yourself, or did somebody help
6 you?

7 A. Yes, I was by myself.

8 Q. Okay. What about the tail drum? Did the
9 bits get set at it that evening?

10 A. Yeah.

11 Q. Who did that?

12 A. It seems like Steve Gration and -- I don't
13 remember. He may have been by his self. I do not
14 remember.

15 Q. Okay. And I think John asked you, but you
16 did not do any water pressure checks on the shear
17 that night?

18 A. Not that night, I did not.

19 Q. Are you aware of anybody checking water
20 pressure on the shear that night?

21 A. Not that I can recall.

22 Q. Okay. Are you familiar with the fire
23 suppression on the shear?

24 A. Yeah. Yeah, for the most part.

1 Q. Do you know how it works?

2 A. I believe there's a knob you turn on, and,
3 if I'm remembering right, I've been on the miner
4 section ever since, so I'm ...

5 Q. Was it a water system, or was it a dry
6 chemical system?

7 A. It was water.

8 Q. Okay. And it was activated by turning on
9 a valve?

10 A. To the best that I can recall, yes.

11 Q. Do you recall ever testing the fire
12 suppression system?

13 A. I never did.

14 Q. You never did?

15 A. No.

16 Q. Okay. Do you recall, or do you know if it
17 was ever tested?

18 A. I know there's been people go to check it,
19 but to say that I was there watching them, I cannot
20 say that.

21 Q. Okay. The headgate controller, do you
22 know what I'm talking about?

23 A. Yeah, the headgate box.

24 Q. There's an E-stop switch on that headgate

1 controller. Are you familiar with it?

2 A. Yeah, if I remember right, there was a lot
3 of them.

4 Q. A lot of --

5 A. E-stop.

6 Q. -- E-stop switches or --

7 A. Yes.

8 Q. Okay. Did you ever check any of them?

9 A. I've used them to run the face chain,
10 stage loader, stuff like that.

11 Q. Okay. You've actually pushed the buttons
12 to operate the face?

13 A. Yes.

14 Q. Okay. There's a -- let's just call it,
15 it's probably the biggest button on the controller,
16 "big red button"?

17 A. Yeah.

18 Q. Are you familiar with it?

19 A. Yes, I know what you're ...

20 Q. If you hit that button, do you know what
21 it does?

22 A. I think it knocks the breakers down at the
23 mule train.

24 Q. Okay. Had you ever operated that button?

1 A. I can't recall. I don't remember if I
2 have or not.

3 Q. Do you recall anybody ever operating it?

4 A. Not that I've ever seen.

5 Q. Okay. The last shift that you worked on
6 April the 5th, when you came onto the face, where
7 was the shear located?

8 A. On the head.

9 Q. Was it right on the head, or was it maybe
10 down 10 or 15 shields?

11 A. It was down just a little bit, but, I
12 mean, maybe it -- maybe about 10 Shield.

13 Q. Okay.

14 A. Seven to ten, in that area.

15 Q. Were the shields pulled in over the shear?

16 A. It seems like there was some spotted, but
17 I really can't remember.

18 Q. Okay.

19 A. That's been a long time ago.

20 Q. I understand.

21 From your last transcript, I understand
22 you went on this third shift right around the end
23 of December?

24 A. Yes.

1 Q. Okay. Prior to that, you were on the
2 swing shift?

3 A. Yes.

4 Q. And which crew was you on?

5 A. The crew that was -- that passed away up
6 there.

7 Q. Had you worked with that same crew at
8 Logan's Fork?

9 A. Yes.

10 Q. Okay. And you was a jack setter when you
11 was on that crew?

12 A. Yes.

13 Q. What other jobs did you do?

14 A. I was an electrician trainee, also, with
15 that crew for a while.

16 Q. Okay.

17 A. And then I went to hoot owl.

18 Q. Okay. Did you ever operate the headgate
19 on that running crew?

20 A. Not that I can recall right off.

21 Q. Okay. As a jack setter then, was you
22 normally -- when the face was running, was you
23 pretty close to the shear?

24 A. Yes.

1 Q. When the shear was going to the tailgate,
2 where would you be located?

3 A. Going toward the tail?

4 Q. Yeah, if the shear was cutting towards the
5 tail.

6 A. I would be on the head side.

7 Q. And what would you be doing?

8 A. Pulling the shields, setting shields,
9 however you want to say it.

10 Q. Okay. What about the two shear operators,
11 where would they be located?

12 A. Down by the shear is all I know. I ...

13 Q. Okay. When the shear was cutting towards
14 the head, where would you be located?

15 A. Usually toward the head end of the shear.
16 I would run primes towards the head.

17 Q. Explain what you mean by "running
18 primes."

19 A. It's an automatic -- it's like an
20 automatic pulling system, I guess you'd say. It
21 would drop it down, pull it in, set it to the top.

22 Q. Okay. Did that function work on these
23 shields?

24 A. It did at Logan's Fork.

1 Q. Okay. Did it here as UBB?

2 A. I didn't set shields there.

3 Q. Okay. Prior to late December of '09, what
4 did you do at UBB?

5 A. I was electrician on the --

6 Q. On the longwall?

7 A. Yes.

8 Q. Okay. So you wasn't a jack setter at UBB?

9 A. No.

10 Q. Okay. I'm sorry. I misunderstood that.
11 Okay.

12 When you was working with this crew, Gary
13 Corrals was the tailgate shear operator?

14 A. Yes.

15 Q. Do you ever know of Gary carrying a
16 methane spotter?

17 A. Yes.

18 Q. He did carry one?

19 A. Yes, sir.

20 Q. Ever have an instance where he didn't have
21 one?

22 A. No, none that I know of.

23 Q. Okay. Did you carry a spotter?

24 A. I did not.

1 Q. Okay. And by "spotter," I mean a multi-
2 gas detector?

3 A. Yes, I understand what you're saying. No,
4 I did not.

5 Q. Who carried them on that crew?

6 A. I know Gary Corrals did. Grover Skeens, I
7 believe he kept one. And Rick Lane. And I do not
8 remember if Joel had one or not, Joel Price.

9 Q. Okay. What about air stream helmets of
10 people on that crew? Who wore air stream helmets?

11 A. The jack setter, the two shear operators,
12 and the electricians had to wear them if they went
13 down past the shear to work on the shield.

14 Q. But the shear operators and the jack
15 setter, did they wear them quite often?

16 A. They did at Logan's Fork.

17 Q. Okay. What about when they come to UBB?

18 A. I do not believe it was in their dust
19 plan. I guess it would be dust plan.

20 Q. Well, as I understand, they were optional
21 at UBB?

22 A. Yes.

23 Q. Do you know if anybody wore them at UBB?

24 And by "anybody," I mean specifically on

1 the crew that you worked with?

2 A. Actually I believe they did. Joel,
3 Spanky, or, I'm sorry, Gary and Dewey Dillard.

4 Q. Okay.

5 A. I believe all three of them did.

6 Q. So when you was the electrician trainee on
7 the wall, was it Grover who you worked with mostly?

8 A. On the production crews?

9 Q. Yes.

10 A. Yes.

11 Q. Grover was the electrician on that crew?

12 A. Yes.

13 Q. During the shift, what did Grover do?

14 Where did he spend most of his time?

15 A. I mean, his toolbox or at the head.

16 Q. Okay.

17 A. Watching for gob outs and ...

18 Q. How often would he be down the face?

19 A. Usually when they went toward the tail, he
20 would work down through there spraying pontoons
21 off, spraying gob out of the shields, stuff like
22 that.

23 Q. Okay.

24 MR. CRIPPS: You got anything?

EXAMINATION

1
2 BY MR. MAGGARD:

3 Q. You said you did examinations. What kind
4 of exams? What equipment did you do an exam on and
5 record in a record book, do you recall?

6 A. What kind of exams?

7 Q. Yeah, what pieces of equipment do you
8 remember signing books on that you did an exam?

9 A. Some of the face equipment, little bit of
10 the outby equipment.

11 Q. When would you know that you needed to do
12 an exam?

13 A. Every Thursday.

14 Q. And was it -- you always done a particular
15 piece of equipment? I understand you worked -- you
16 worked third shift from January until April. Is
17 that about right?

18 A. Yes.

19 Q. Okay. So every Thursday, do you remember
20 which pieces you examined?

21 A. No one had a particular one that they had
22 to check.

23 Q. Okay. Would that be something that they
24 would tell you outside to check a piece, or how did

1 you keep track of what needed to be checked?

2 A. Just the third shift, hoot owl, would get
3 most of the face equipment, and then your
4 production electricians would try to work on the
5 outby and just follow up with each other on who did
6 what.

7 Q. Did you do any other kinds of examinations
8 other than electrical?

9 A. I don't understand what you mean.

10 Q. Did you do anything else other than
11 electrical? I don't know -- what kind of
12 certifications do you have?

13 A. Well, electrical is the main one I have
14 and, you know, it was an all-around maintenance, I
15 guess.

16 Q. Okay. And we was talking a little bit
17 about training. Who trained you to get your
18 electrical card? Where did you receive the
19 training?

20 A. Actually a couple different electricians.
21 There was some on third shift, you know, you had
22 Grover on production, and then you've got the year-
23 long class that Massey put you through.

24 Q. And who gave that class, do you remember?

1 A. Troop -- David Terry. I am sorry.
2 Everybody calls him "Troop." These nicknames are
3 hard to remember.

4 Q. When you first come to UBB and you got
5 your -- you went to the longwall, you said, what
6 was it, the first day and the second day you went
7 down the escapeway?

8 A. Yes.

9 Q. Was there any training as far as plans?
10 Did they go over any plans, or did they just go
11 over the map, or what did they do those first
12 couple of days?

13 A. They showed us where all of our fire
14 fighting stuff was, where they kept rock dust, of
15 course. Of course from the face they showed your
16 intake, your --

17 The longwall really has two secondaries, I
18 guess you can -- well, two primaries, I guess you'd
19 say, because of the tail end. You've got the head
20 and the tail end.

21 Q. Do you remember which one you traveled
22 your second day?

23 A. The head end because it's actually your
24 primary.

1 Q. And where did you travel -- how did you
2 travel the primary, the head end? How far did you
3 go?

4 A. Oh, we walked all the way out of Ellis.

5 Q. How long did it take you?

6 A. It seemed like days.

7 Q. Do you recall, was you traveling it along
8 with somebody, or was there several of you that
9 traveled?

10 A. There was probably about five or six of
11 us.

12 Q. And do you recall who was leading the
13 group?

14 A. I do not. I don't remember that.

15 Q. Did they give you any training about dust
16 control, any kind of training on that?

17 A. They did a little bit later on. They
18 didn't the first few days.

19 Q. Okay. And do you recall what was taught
20 to you?

21 A. No, I don't remember that far.

22 Q. Was that -- where did they -- where was it
23 you had that training, if you can remember?

24 Or was that something that you went over

1 maybe at the -- after you got off the mantrip
2 during the day or something on the regular shift?

3 A. I really don't recall.

4 Q. On the water sprays, had you noticed any
5 kind of issues with them clunking up at UBB prior
6 to April 5th, or is that something that you
7 normally check?

8 A. No, not really.

9 MR. SEARS: No, not really to which
10 question? He has two --

11 MR. MAGGARD: Yeah, there was two parts.

12 MR. SEARS: Yeah, he asked you whether or
13 not you checked them, and then the other one was --

14 MR. MAGGARD: I'll do that again.

15 Q. First, I assumed you said not really to
16 you didn't know that they were having issues with
17 problem to clogging prior to the accident?

18 A. Yeah.

19 Q. Okay. Did you normally check waters? Was
20 that a normal part of your job to check water
21 sprays?

22 A. Yes.

23 Q. And how was you instructed to check them?

24 A. Usually we'd turn on the water in the

1 pumps, make sure that they was spraying good.

2 But like I said, normally, I guess,
3 normally once a week, maybe a couple times a week
4 they would actually put a gauge on it to check it.

5 Q. Okay. And when you -- give me some
6 examples of some -- you know, you've put water on
7 it, what kind of things was you seeing, was there
8 problems you found that you had to correct,
9 anything that you recall?

10 A. Nothing right off.

11 Q. Can you remember how the sprays operated,
12 what kind of spray pattern the sprays did when you
13 turned water on the shear?

14 A. No.

15 Q. Do you know what type of sprays that you
16 had?

17 A. What do you mean?

18 Q. What were they? Were they full cone,
19 hollow cone, whirl jets, what did you have?

20 A. I have no idea.

21 Q. Okay. Had you seen different types of
22 sprays? How did you know -- if you had to -- let's
23 say if you had to replace a spray, how would you
24 know which type to put back into the shear once you

1 took one out?

2 A. It was the one that they give me.

3 Q. Where would you get your sprays? Who
4 would give you the sprays if you needed a spray?
5 How did you go about getting a spray?

6 A. We'd tell the outside chief we needed some
7 sprays and he'd get them for us.

8 Q. Say if -- and, you know, I bounce around a
9 lot, but forgive me.

10 When would you normally be setting bits on
11 a third shift? Would it be at the beginning of the
12 shift or the end of the shift or varied or --

13 A. Just varied.

14 Q. What about most of the time, what would
15 you do?

16 A. It just varied.

17 Q. Okay. Do you remember on April 5th was it
18 at the beginning of the shift or the end of the
19 shift?

20 A. It was at the end.

21 Q. Okay. And why was it the end of the shift
22 that night?

23 A. Because we had more important things to do
24 than set bits.

1 Q. And at the end of the shift, was it -- how
2 much time did you have before the next shift
3 started to get that work done, do you recall?

4 A. From the beginning of the shift?

5 Q. No. At the end of your shift you said
6 that you set bits. How much time did you have
7 before the next shift got up there? Was you
8 cutting it close that day or --

9 A. No, we still had time left.

10 Q. Okay. But you never got to turn the water
11 on that day to check those sprays; is that correct?

12 A. We'd turn the water on, but it was not
13 necessarily to check the sprays.

14 Q. Okay. Do you remember -- I don't know if
15 you answered this or not. Did you put any sprays
16 in on the headgate -- I guess you only worked on
17 the headgate drum, is that right, that night?

18 A. Yes.

19 Q. Did you have to put any sprays in the
20 headgate drum?

21 A. No, sir.

22 Q. When you had to -- I don't know how often
23 you did this, I'm still kind of confused, but when
24 you had to take -- did you have to take some sprays

1 out from time to time, or would you just have to
2 put in sprays when they were missing?

3 A. We would have to take them out if we
4 needed to flush the drums if they were clogging up,
5 and it just varied on when we needed to take them
6 out.

7 Q. How many would you take out if the drum
8 was needing flushed? What would be a good number
9 to take out of the drum?

10 A. Usually take one out every vein.

11 Q. And how many would that be?

12 A. I really can't recall on that drum right
13 there, six, seven, eight.

14 Q. Okay. And how often would you have to
15 flush out the drums?

16 A. Just when they clogged up.

17 Q. Well, would it happen once a week, once a
18 month or -- and how would you know that they were
19 needing flushed out?

20 A. Because we'd turn the water on and, I
21 guess, rust inside the drum or something would
22 break loose and they would be clogged up, and we'd
23 do it.

24 Q. Was there any point that you would come in

1 and the production crew would have to -- would have
2 problems with flushing the drum out and would
3 already have the sprays out when you got there?

4 A. No. Usually on something like that, they
5 would tell us. Unless there was just no water,
6 then they would do it their selves.

7 Q. Okay. As far as -- did you all have to do
8 any kind of maintenance down at the mule train, as
9 far as the filtration system or anything like that
10 on third shift?

11 A. Usually not.

12 Q. Who would normally take care of that part
13 of it, just the production shift?

14 A. Yeah, production or outby.

15 Q. Okay. I know we talked about different
16 types of sprays, and you wasn't for sure which type
17 it was, but did you notice some of the sprays were
18 made different on any of the drums, that maybe some
19 of them had inserts, some of them didn't have
20 inserts?

21 A. Are you talking about the little white
22 pieces?

23 Q. Right.

24 A. All the ones on the drums had them, and

1 the arms had them.

2 Q. Was there any of them that didn't have a
3 plastic insert?

4 A. The screw in?

5 Q. Was there any spare parts that you had
6 that didn't have plastic inserts in them?

7 A. Spare parts.

8 Q. Any spare sprays? Where did you keep your
9 spare sprays? I know you said that you would have
10 to call outside to get some, did you just keep some
11 of them --

12 A. The majority of them was outside, but we'd
13 kept some at the head, usually up in the shield
14 tip.

15 Q. Did you ever try to unclog a spray and
16 reuse it?

17 A. I took a tip cleaner or Allen wrench and
18 try to poke around, turn the water on, see if that
19 worked. If it didn't, then change a spray.

20 MR. MAGGARD: That's it for me.

21 EXAMINATION

22 BY MR. TUCKER:

23 Q. I've got just a couple there, just to
24 follow up a little bit, talk about the sprays.

1 When you mentioned a lot of nights you
2 would go in, that's part of what you did was bit up
3 and check the sprays.

4 What's the most sprays that you ever saw
5 missing at one time, ballpark?

6 A. One or two, maybe.

7 Q. Okay. When you were on production and the
8 shear is running, have you ever seen anybody take
9 the sprays out?

10 A. While the shear was running?

11 Q. For any reason. Would there be any reason
12 that you know of to take sprays out while you're
13 running?

14 A. You mean like when they shut down for
15 bits?

16 Q. Yes.

17 A. Took them out maybe once or twice flushing
18 the drums on production, but put them right back in
19 before we start running again.

20 Q. Okay. So you don't know -- you've never
21 seen anybody take any out and leave them out as far
22 as --

23 A. No, sir, I have seen any --

24 Q. -- running it a ways and then check it

1 again, put them back in?

2 A. No.

3 Q. On this particular longwall, do you know
4 if they changed the drums out?

5 A. I don't know if they did or not. It seems
6 like we may have.

7 Q. That was my next question. Did you help
8 with that job?

9 A. I'm sure I did. I really don't recall.
10 That's a lot of panels to have passed.

11 Q. I was leading into another part of that,
12 too, and make -- I don't know if you can remember,
13 but do you hear a lot of people talking about when
14 you put a new drum in having a problem with the
15 sprays stopping up, and whether it be rust or slack
16 or whatever in the new drum?

17 Do you recall, say, a couple weeks prior
18 to April 5th having more problems than normal with
19 sprays stopping up?

20 A. I do not.

21 Q. Okay.

22 (Break.)

23 BY MR. TUCKER:

24 Q. Just got a couple more, Mike.

1 A. Yes.

2 Q. And with those sprays out, would you mine
3 any coal or rock?

4 A. No.

5 Q. Just sit there and turn the drums?

6 A. Yeah. Because if you leave your spray out
7 and you're mining, it's just going to clog it up
8 worse, so then you're worse off than what you
9 started.

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

11 EXAMINATION

12 BY MR. SCOTT:

13 Q. I've just got a couple.

14 You stated, I think, in previous
15 testimony, maybe even today, that you worked the
16 Sunday night prior to -- which would have been the
17 midnight shift for the 5th of April --

18 A. Yes.

19 Q. -- prior to the explosion?

20 Do you remember who you talked to before
21 you went in that night to get your work orders from
22 outside --

23 A. I didn't talk to nobody outside.

24 Q. You didn't talk to nobody outside about

1 anything?

2 A. I mean, I talked to my -- the ones that
3 was going up there with me, I talked to them, of
4 course, but it seems like they may have called,
5 maybe the chief or he left a note, I don't ...

6 Q. Who would have been the chief?

7 A. Either Danny Laverty or Bobby Gouse
8 (phonetic) is who they would have talked to.

9 COURT REPORTER: Danny Laverty or who?

10 MR. SCOTT: Bobby Gouse.

11 THE WITNESS: I forget. West Virginia and
12 Tennessee is two totally different languages. I
13 get to talking a little fast, or maybe slow. I
14 don't know which way it is.

15 Q. Do you recall seeing any fire bosses that
16 night or the next morning, any time on that shift?

17 A. As far as outby fire bosses or?

18 Q. Outby fire bosses or somebody up on the
19 longwall face?

20 A. I seen Larry Brown go down the face, I'm
21 assuming to do his fire boss run. As far as outby,
22 I did not see anybody, but I was not running around
23 outby.

24 Q. Okay. Do you recall seeing John Skaggs on

1 the longwall?

2 A. John Skaggs?

3 Q. Uh-huh, or do you know John Skaggs?

4 A. I don't recall the name.

5 Q. Okay. Normally at the end of your shift,
6 where did you normally pass the oncoming crew
7 members at?

8 A. It just varied on when they got there and
9 when we was leaving. Sometimes it was -- we'd meet
10 at the -- sometimes we'd meet at the ride,
11 sometimes it would be closer to the face, just back
12 and forth.

13 Q. Was there ever any instances that you can
14 recall of maybe you were in the middle of a big job
15 or something on the shear or somewhere up on the
16 face and the day shift comes on and kind of rushes
17 you up to -- so they can get back in production or
18 run you off to keep you maybe from not getting to
19 set bits or clean sprays or anything so they
20 could ...

21 A. Usually if it was a bigger job, they was
22 coming up to take over where we were at.

23 Q. Back up here just a little bit. You said
24 you remembered seeing Larry Brown going down the

1 face of the longwall, you assumed he was doing his
2 fire boss run.

3 Do you recall if that was at the beginning
4 of the midnight shift or towards the end?

5 A. I really don't recall. I just remember
6 seeing him go by. After I noticed him go by, I
7 turned around and went back to work.

8 Q. Okay. And one more thing. You said you
9 did occasionally -- you did fill out some books for
10 -- electrical books on some of the, maybe,
11 possibly, face equipment.

12 Did you check the boxes at the headgate or
13 some of the boxes down at the shear, or do you
14 recall what you --

15 A. I do not recall what I checked. I know I
16 went out and filled out books, but I do not --
17 right off, I do not recall what I checked.

18 MR. SCOTT: Okay.

19 EXAMINATION

20 BY MR. TUCKER:

21 Q. One more question.

22 As far as the lighting system down the
23 longwall jack line, did you have much trouble with,
24 say, bulbs being busted and changing those out, or

1 did you ever work on those?

2 A. Maybe one here and there. Usually just
3 blowed. Not busted, though. Usually it was the
4 ones I changed.

5 Q. Just have a -- but it varied? Sometimes
6 you just changed bulbs, sometimes you would have to
7 change the whole assembly?

8 A. The whole line.

9 Q. I mean, I'm not putting words in your
10 mouth. Sometimes you would change the whole
11 assembly, sometimes you would change the bulb?

12 A. Yes.

13 Q. To both of those?

14 A. Yes.

15 MR. TUCKER: Okay. Thank you.

16 EXAMINATION

17 BY MR. CRIPPS:

18 Q. Michael, during our investigation on
19 several trips up to the longwall, we found a cord
20 up on the longwall. It had a 110 volt receptacle
21 on one end. The other end it had a plug, like
22 would fit into a lighting power supply up on the
23 face. You ever seen that cord, or a cord like it?

24 A. No.

1 Q. Any idea what that cord would be used for?

2 A. It sounds to me like to get 110, but I
3 don't know.

4 Q. Okay. To get 110 off a lighting power
5 supply on the face?

6 A. That's what it sounds like.

7 Q. Okay. Have you ever seen a cord like that
8 used up on the face?

9 A. No, sir.

10 Q. Okay. Do you have much interaction with
11 the crews off the continuous miner units?

12 A. No, just, you know, walk by and say hi.

13 Q. Are you ever aware of any ventilation
14 changes being made on any of the miner units while
15 you guys was up on the longwall?

16 A. No.

17 Q. Nobody ever mentioned anything to you?

18 A. No.

19 Q. You have no reason to believe that it ever
20 happened?

21 A. No.

22 MR. CRIPPS: Okay. That's all I have.

23 MR. MAGGARD: I have got one more question
24 then I'll quit.

EXAMINATION

1
2 BY MR. MAGGARD:

3 Q. Had you had any problems with power
4 knocking up on the longwall before April 5th?

5 A. We did when we first started. At that
6 time -- at that time, really, I was a card holder,
7 so I have no idea what they done to get it right.

8 Q. Was it knocking everything out on the
9 face, or just the shear, or what do you recall?

10 A. It seems like I recall the belts was doing
11 it for a while, knocking outby somewhere, and I
12 don't know where.

13 It seems that we had a problem if the face
14 was loaded real heavy. Now I don't know if that
15 was just where it was loaded heavy or maybe they
16 had some other problem, because, like I said, I
17 mean, right now I'm still a green electrician. I'm
18 still trying to learn. So I don't know what they
19 -- what it was.

20 Q. Okay. Are you familiar with the methane
21 monitor display over by the headgate box?

22 A. Just seeing it.

23 Q. Okay. Have you ever seen any kind of
24 readings of any kind of methane on there other than

1 zero?

2 A. No. Maybe get a point one from time to
3 time, which was usually more so a calibration
4 problem.

5 Q. Okay. Had you ever seen any lights
6 flashing over there around the headgate box?

7 A. None that I've ever seen.

8 MR. MAGGARD: Okay. That's all I got.

9 MR. KOERBER: Mr. Medley, at this time you
10 have the opportunity to clarify anything, add
11 anything, state anything. The floor is yours.

12 THE WITNESS: I'm good.

13 MR. KOERBER: On behalf of Office of
14 Miners' Health, Safety and Training, MSHA, and the
15 Governor's Independent Team, we thank you for
16 coming here today, and we're going to go off the
17 record.

18 (Deposition concluded.)

19

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21

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23

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Jenny Taylor, a Notary Public and Court
3 Reporter within and for the State aforesaid, duly
4 commissioned and do hereby certify that the
5 deposition of MICHAEL J. MEDLEY was duly taken by
6 me and before me at the time and place specified in
7 the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes,
10 that the same were accurately transcribed out in
11 full and true record of the testimony given by
12 said witness.

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

20 My commission expires the 6th day of March
21 2019.

22 Given under my hand and seal this 31st day of
23 March 2011.

24 -----
Jenny Taylor
Notary Public