

APPEARANCES

1
2 **OFFICE OF MINERS' HEALTH, SAFETY & TRAINING**
3 **Barry L. Koerber, Assistant Attorney General**
4 **1615 Washington Street, East**
5 **Charleston, WV 25311-2126**
6 **(304) 558-1425**

7 **OFFICE OF MINERS' HEALTH, SAFETY & TRAINING**
8 **Bill Tucker, Health & Safety Administrator**
9 **1615 Washington Street, East**
10 **Charleston, WV 25311-2126**
11 **(304) 558-1425**

12 **U.S. DEPARTMENT OF LABOR**
13 **Office of the Regional Solicitor**
14 **Pollyanna Hampton, Esquire**
15 **1100 Wilson Blvd.**
16 **22nd Floor West**
17 **Arlington, VA 22209-2247**
18 **(202) 693-9389**

19
20
21 **Also Appearing: Davitt McAteer, Governor's**
22 **Independent Investigation team; Jasey Maggard**
23 **and Dean Cripps, MSHA**
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

EXAMINATION INDEX

ROGER SCARBRO	PAGE
BY MR. CRIPPS	11
BY MR. TUCKER	32
BY MR. MCATEER	39
BY MR. MAGGARD	46
BY MR. CRIPPS	58
BY MR. MCATEER	75
BY MR. MAGGARD	78
BY MR. CRIPPS	86
BY MR. MAGGARD	90
BY MR. MCATEER	91

EXHIBIT INDEX

	PAGE
* Exhibit	
1 Subpoena	9
2 Affidavit	9
3 Photograph	67

*** Exhibits retained by counsel**

1 MR. KOERBER: My name is Barry
2 Koerber. I'm the Assistant Attorney
3 General assigned to the West Virginia
4 Office of Miners' Health Safety & Training
5 accident investigation team for the Upper
6 Big Branch Mine explosion.

7 Today is February the 9th, 2011.

8 I would ask that we go on the
9 record -- or I would ask that the witness
10 be sworn in.

11 ROGER SCARBRO, WITNESS, SWORN

12 MR. KOERBER: First of all, I'd
13 like to have all the members of the
14 accident investigation teams here on the
15 table identify themselves for the record
16 and who they're with, beginning with
17 Mr. Tucker to my left.

18 MR. TUCKER: Bill Tucker with the
19 Office of Miners' Health Safety &
20 Training.

21 MR. MAGGARD: Jasey Maggard with
22 MSHA.

23 MR. CRIPPS: I'm Dean Cripps with
24 MSHA.

1 MS. HAMPTON: Pollyanna Hampton.
2 I'm with the Solicitor's Office for the
3 Federal Department of Labor.

4 MR. MCATEER: I'm Davitt McAteer,
5 and I'm with the Governor's Independent
6 Team that the governor asked us to step in
7 and do this as well.

8 MR. KOERBER: The two people in
9 the back, would they identify themselves
10 and who are they are with?

11 MR. WATKINS: I'm Tim Watkins.
12 I'm with MSHA.

13 MR. PAGE: Norman Page, MSHA.

14 MR. KOERBER: We have a court
15 reporter here taking down everything
16 that's said as far as the interview goes,
17 so please try to answer yes and no and not
18 uh-huh, huh-uh, and please allow the
19 question to be asked before you begin to
20 answer. And I'm going to ask all the
21 interviewers to please allow you to finish
22 your answer before you begin the questions
23 so there are not people talking over each
24 other just for the court reporter's

1 benefit.

2 The court reporter is with Johnny
3 Jackson & Associates. That's a court
4 reporter firm in Charleston, West
5 Virginia. They're operating on to turn
6 the transcripts around in three business
7 days, which means today being Wednesday,
8 the transcript would be ready for review
9 come Tuesday morning of next week.

10 If you would like, I am going to
11 give you a business card of the Johnny
12 Jackson court reporter firm. If you would
13 like come Tuesday morning, you can call
14 and schedule a time where you can go to
15 Johnny Jackson's court reporter firm in
16 Charleston. They'll put you in a
17 conference room where you have privacy and
18 you're allowed to read your transcript if
19 you want to.

20 You'll be given an errata sheet.
21 An errata sheet is a separate sheet of
22 paper where you can note any errors that
23 you might see in the transcript and what
24 the right answer should be. That is your

1 option. You are certainly welcome to do
2 it. You do not have to do that. That is
3 your choice entirely.

4 And you don't have to call on
5 Tuesday. I mean, any time a week or ten
6 days after that, if you want to read your
7 transcript, you just call and they'll set
8 something up for you.

9 If at any time you want to take a
10 break for any reason whatsoever, just say
11 you want to take a break and we're out of
12 here. Okay?

13 I see that you have a
14 representative with you here today. For
15 purposes of the record, would you please
16 identify yourself, ma'am.

17 MRS. SCARBRO: My name is Teresa
18 Scarbro, his wife.

19 MR. KOERBER: And we spoke in the
20 hallway. She's your representative here
21 today. You don't have an attorney?

22 THE WITNESS: Yeah.

23 MR. KOERBER: We would request
24 that you not discuss the interview with

1 anybody other than your representative
2 after this is over.

3 Polly, do you have anything you
4 want to add?

5 MS. HAMPTON: Hi. I introduced
6 myself to you earlier.

7 Before we went on the record, I
8 handed a letter to you on behalf of the
9 federal accident investigation team. Did
10 you get a chance to read that letter?

11 THE WITNESS: Yes.

12 MS. HAMPTON: Yes?

13 THE WITNESS: Yes.

14 MS. HAMPTON: Do you have any
15 questions for me about the content of that
16 letter?

17 THE WITNESS: No.

18 MS. HAMPTON: I just would like
19 to point out to you that there's contact
20 information in that letter that after
21 we're done here today, if there's any
22 other information you'd like to share with
23 the team, feel free to contact us and give
24 us that information. Okay?

1 MR. KOERBER: Mr. Scarbro, you're
2 appearing here today as a result of
3 receiving a subpoena; correct?

4 THE WITNESS: Yes.

5 MR. KOERBER: This is a copy of
6 the subpoena I showed you earlier. I'd
7 like that to be marked as Exhibit 1.

8 This is a copy of the affidavit
9 of service by the process server saying
10 that he served your wife on February the
11 4th, 2011. I'd like this to be Exhibit 2.

12 (Exhibit Nos. 1 & 2 marked for
13 identification.)

14 MR. KOERBER: We've sworn in the
15 witness; correct?

16 Could you please state your full
17 name for the record and spell your last
18 name.

19 THE WITNESS: My full name is
20 Roger Dale Scarbro, S-c-a-r-b-r-o.

21 MR. KOERBER: And your address
22 and telephone number?

23 THE WITNESS: [REDACTED]

24 [REDACTED]

1 [REDACTED]
2 MR. KOERBER: Mr. Scarbro, I'm
3 going to give you Johnny Jackson &
4 Associates business card, which is her
5 firm where you can call if you want to
6 schedule a time to read your transcript.

7 I'm also going to give you
8 Mr. Bill Tucker's business card. This is
9 Mr. Bill Tucker. He's our lead
10 investigator.

11 If anything comes up that you'd
12 like to talk to him about after the
13 interview, if you have any other
14 information or anything, please feel free
15 to give him a call.

16 I'm also going to give you a
17 memorandum, which contains the address of
18 the West Virginia Board of Appeals. The
19 board of appeals is an administrative body
20 that hears cases involving coal miner
21 discrimination.

22 West Virginia Code 22A-1-22
23 protects coal miners from being
24 discriminated against for participating in

1 interviews such as this. If you find at
2 some time in the future that you've been
3 discriminated against for participating in
4 this interview, this is the body where you
5 would lodge your complaint with. It does
6 not have to be anything formal. It can
7 just simply be a handwritten letter.

8 I would caution you under the
9 statute you only have 30 days from the day
10 of the discriminatory act to file your
11 complaint with the board, so these are
12 things I'm going to give you that you can
13 take home with you.

14 And at this point in time I'm
15 going to ask Mr. Cripps to start the
16 interview.

17 EXAMINATION

18 BY MR. CRIPPS:

19 Q. Roger, thanks for coming back in today. I
20 think you did your first interview back in May.
21 Since that time we've had a chance to go
22 underground many times, go up on the longwall face
23 and see the condition of things, and consequently
24 we've got several more questions we'd like to ask,

1 and we appreciate you for coming in.

2 One thing I want to point out is if I ask
3 you a question and I use some terminology you're
4 not familiar with, feel free to ask me what I'm
5 talking about. I'm from out in Illinois and we
6 call things a little different than what you guys
7 do out here, so feel free to call me out on that if
8 you need to.

9 When was the last shift you worked prior
10 to the explosion, Roger?

11 A. April the 4th, I believe, the 3rd or 4th.
12 I was on my three days off.

13 Q. That was the Saturday before the
14 explosion?

15 A. Yes.

16 Q. What shift did you work?

17 A. Day shift, I believe.

18 Q. Day shift. Okay.

19 Tell you what, if you would, just describe
20 to me your normal day from the time that you arrive
21 on the section of the mantrip. Just go through
22 what you do.

23 A. Just go up and go down to the shearer.
24 You had a section meeting before you leave the

1 mantrip and everything. You go up and you get on
2 the shearer. It's according to where it was at.
3 And then you most of the time you run it to the
4 head. And if you need to set bits and stuff like
5 that and check your water sprays and stuff, you do
6 it then. And then you run the shearer.

7 Q. When do you pick up your packman?

8 A. As soon as you come past the mule track,
9 because they're on charge at the mule track.

10 Q. So when you get off the mantrip?

11 A. Yeah, you walk up and pick your packman up
12 and then you go onto the face.

13 Q. On day shift when you arrive at the face,
14 what do you normally do on day shift?

15 A. Well, normally the shearer's on the head,
16 so normally you'd just start running coal.

17 Q. What about when you was on second shift,
18 when you arrived on the face.

19 A. Well, you come by the mule train, you get
20 your packman, and then you go up and relieve the
21 other crew out.

22 Q. Specifically, as far as checking your
23 water sprays, did that ever, or when did that
24 happen?

1 A. We generally checked them whenever we set
2 bits or sprays and stuff out, we put them back in,
3 if they had them up there.

4 Q. Okay.

5 A. You know what I mean?

6 Q. So would you do that at the beginning or
7 early in the shift?

8 A. Yes. But them drums, I mean, while they
9 was in sand rock top and bottom, I mean, it would
10 sling your sprays out sometimes. You know what I
11 mean? But you could see if it had ...

12 Q. You say it would sling the sprays out?

13 A. Yes.

14 Q. How often did that happen?

15 A. Well, quite often. I mean, your spray
16 goes in there and then it's got a horseshoe keeper
17 that goes in it.

18 Q. By cutting the sand rock, it would cause
19 them to come out?

20 A. Yeah.

21 Q. How many would come out, say, in one pass?

22 A. Probably one, maybe two.

23 Q. Okay.

24 A. I mean, there wouldn't be a whole bunch of

1 them.

2 Q. Not in one passing?

3 A. Some out. You know what I mean?

4 Q. How would you know if they come out?

5 A. Well, when your drum turns, close to on
6 the tail drum, see you ain't allowed to run the
7 shearer. You got to be five shields inby the lead
8 drum. So the shearer would be going this way. Say
9 it was going to the tail.

10 Q. That's going to the tailgate?

11 A. The two shearer operators has to be five
12 jacks outby this drum back here, the head drum.

13 Q. The headgate drum?

14 A. Yeah.

15 Q. By outby, that's on the headgate side of
16 the headgate drum?

17 A. Yes.

18 Q. Is that where the shearer operators both
19 were?

20 A. I can't tell you that. I wasn't there.
21 That's where we run it from.

22 Q. Do you run the headgate end of the
23 shearer?

24 A. Yes.

1 Q. On your shift, the tailgate operator --

2 A. Yes, he stood --

3 Q. He's up by the headgate drum?

4 A. He stood back there with me.

5 Q. When he's cutting towards the tail he's
6 outby?

7 A. Yeah.

8 Q. At the start of the shift when you check
9 your water sprays, do you check your water
10 pressure?

11 A. Yes.

12 Q. How do you do that?

13 A. They check it through the spray block on
14 the backside of the shearer.

15 Q. Who's "they"?

16 A. The electricians.

17 Q. The electricians check it?

18 A. Yes.

19 Q. What do they check it with?

20 A. They've got a gauge. They got a hose made
21 and a gauge on the end of it and they plug it in.

22 Q. Do they take a spray out of the block?

23 A. Yes, they plug it in where the spray comes
24 out of the block and that's how they check it.

1 Q. Take the spray out and screw the holes in?

2 A. Yes.

3 Q. And then turn the water on?

4 A. Yes, sir.

5 Q. Do you know what pressure they are
6 required to have?

7 A. Well, on the drums I'm thinking 90 pounds,
8 I believe.

9 Q. Do you ever see them check the pressure in
10 the drums?

11 A. Sometimes.

12 Q. And is it done the same way, take a spray
13 out and screw the holes in?

14 A. Yeah.

15 Q. Do they ever check it other than at the
16 beginning of the shift?

17 A. Well, they check it pretty often, a couple
18 times during the shift. Like when you come back
19 out and set bits and stuff, once you get through
20 setting bits, they'll check it and stuff.

21 Q. Have you ever seen it where they didn't
22 have enough pressure to operate?

23 A. Well, I have seen it where there wasn't
24 enough pressure on the drums to operate.

1 Q. Did you go ahead and operate it?

2 A. You really didn't have much choice.

3 Q. I understand.

4 A. You know what I mean? You're sort of
5 between a rock and a hard place.

6 Q. I understand. So is there times, let me
7 ask you this, that they would check it, say, on one
8 of the face sprays, I call them, and have the
9 pressure but not have it on the drums?

10 A. Yes.

11 Q. So was it tougher to keep the pressure on
12 the drums than it was at the other sprays?

13 A. Yes.

14 Q. Do you know why that is?

15 A. I guess your drums and stuff gets stopped
16 up with gob and stuff. They get rusty inside of
17 them and everything.

18 See, whenever you get a new set of drums
19 when they come there, you know, they got slag and
20 everything in them.

21 Q. So how do you remedy that problem?

22 A. Well, they try and flush them out, but you
23 flush them out, I mean, then when you put the
24 sprays and stuff in them, they might be good for

1 three or four cuts and then they're stopped up
2 again.

3 Q. The drums that's on the shearer -- back
4 up.

5 The drums that were on the shearer April
6 5th, do you know how long they'd actually been on
7 the machine?

8 A. I believe they'd been on there since they
9 fired it up.

10 Q. Since the start of the wall?

11 A. Yeah, I'm pretty sure.

12 Q. When you checked the, when the mechanics
13 checked the sprays at the start of the shift, do
14 you know, did they or did the boss initial, date,
15 time, and initial on the shearer or shield anywhere
16 to certify that check was done?

17 A. Not that I know of.

18 Q. You didn't see a piece of building hanging
19 at the head or the tail?

20 A. No, the only time they mark on a shield or
21 something is when they do their every-two-hour
22 preshift thing.

23 Q. When you're checking the sprays at the
24 start of the shift, how often would the boss be

1 there with you?

2 A. Pretty much every time, I mean, because
3 generally he helps set bits and stuff.

4 Q. If you was checking your sprays and your
5 bits at the start of the shift and you had missing
6 sprays, would you replace them?

7 A. Yes, sir, if they got them up there, I
8 would replace them.

9 Q. What about through the shift, as the shift
10 progressed and sprays come out?

11 A. Yes.

12 Q. When would you replace them?

13 A. Whenever they set bits. Which they
14 generally set bits every, according to the
15 conditions, sometimes it would be two cuts,
16 sometimes it would be one cut.

17 Q. So you didn't have a problem with the boss
18 as far as letting you replace the sprays?

19 A. No.

20 Q. Do you recall what's the most sprays
21 you've seen out of the drum at one time?

22 A. I'd seen probably four out at a time.

23 Q. Is that out of the headgate drum?

24 A. Yes.

1 Q. When I ask you these questions, do you
2 ever notice the tailgate drum at all as far as
3 missing sprays?

4 A. No. I'm not going to say it don't have
5 none out.

6 Q. Right.

7 A. But I don't ...

8 Q. That's because you run the headgate in;
9 right?

10 A. Yes.

11 Q. And that's your drum to watch and take
12 care of.

13 Tell me if you, just describe to me the
14 process of taking the shearer cutting from the
15 headgate to the tailgate. Where the drums, each
16 drum is located, where each operator is located.

17 A. You got isolating heads on them.

18 Q. Say that again.

19 A. You got isolating heads. Your shearer
20 sits on a pan line, it runs off a rack wheel. This
21 drum cuts the top going to the tail.

22 Q. That's the tailgate drum?

23 A. Yes. And this drum cuts the bottom going
24 to the tail.

1 Q. That would be the headgate drum?

2 A. The headgate drum.

3 And then when you get down to the tail,
4 whenever you cut out, you'll cut out, back up and
5 clean it up, then you'll come back like this is
6 your jack line, you set up your shuffle there, you
7 get on them, you step your jacks back, and these
8 jacks would be back here. And when you get through
9 down here, you cut back up until you're in the
10 coal, and then this guy advances his jacks and then
11 shoves it all and then you cut back out again and
12 then you head to the head. That's how you keep
13 your face dry. And you do the same thing on the
14 head.

15 Q. The shield or the jack setter, what do you
16 call them here?

17 A. I call them a jack setter.

18 Q. The jack setter.

19 A. Actually, though, I guess they call them a
20 prop setter, I guess.

21 Q. I'll call them a jack setter then.

22 How close does he pull the shields in
23 behind you when you're going to the tail?

24 A. He's supposed to stay at least 10 jacks

1 back.

2 Q. What about when you're cutting towards the
3 head?

4 A. If they got the jacks working right, he
5 can stay outby the shearer, hit a button every 30
6 shields.

7 Q. And pull them in?

8 A. And pull them in.

9 Q. Were these jacks working right at UBB?

10 A. Well, not really. Most of the time what
11 we're, if we'd come down there, we would cut, he
12 would stay outby with us and we would cut up, there
13 might be 20, 30 jacks, then we'd shut down, he'd go
14 back, pull them all up, and then once he got back
15 up by us, we'd fire up and go again.

16 Q. How come everybody stayed outby that head
17 drum?

18 A. Because that's where you got to stay.

19 Q. Because of the ventilation plan?

20 A. Ventilation plan.

21 Q. How long you been running the shearer?

22 A. Probably 20 years.

23 Q. Has every ventilation plan been that way?

24 A. Well, no, not really.

1 Q. Where are you used to seeing --

2 A. A lot of things has changed over the
3 years.

4 Q. Where were you used to seeing that
5 tailgate operator?

6 A. Standing -- well, when I first started,
7 you pretty much stood down next to the tail drum.
8 And then I started at Massey, they had a, before
9 they got this ventilation plan, you know, they had
10 a thing in there where in adverse conditions you
11 could stand at the stand off on the shearer.

12 Q. The stand off being where the cable --

13 A. Yes.

14 Q. -- enters?

15 A. And then whenever they came back to UBB
16 this time and submitted their plan and stuff, they
17 didn't put that in there.

18 Q. Okay. So the plan now required everybody
19 to stay --

20 A. Stand five shields outby the head drum.

21 Q. When the shearers going from the head to
22 the tail -- I'm sorry. When it's going from the
23 tail to the head, that tailgate drum is cutting the
24 bottoms, how would that operator determine if he's

1 got his bottoms cutting them right?

2 A. There's one way to run it.

3 Q. Do what?

4 A. There ain't one way to run it like that.

5 Q. How is that?

6 A. And that's holding down pressing on the

7 button.

8 Q. And sump it down as far as it will go?

9 A. Sump it down as far as it will go. Still
10 that don't mean it can't come out of the bottom,
11 because when rock comes out and gets under the
12 range guard, then you come out of the bottom. You
13 know what I mean?

14 The only other way you can do it is to,
15 when you're going through there, if you think your
16 drum is going by the wall (phonetic), is just stop
17 the shearer and everything and then he can walk
18 back there and look at it. You know what I mean?
19 And make his adjustments and then come back and run
20 it.

21 Q. You've been on this face since it started?

22 A. Uh-huh.

23 Q. Did you ever get dusted out while you were
24 on the face? What I call dusted out, I mean that

1 they're rock dusting outby and rock dust comes up
2 on the face.

3 A. Once or twice.

4 Q. That's on this panel here?

5 A. They had some kind of duster down at the
6 belt head they had turned on and the dust come up
7 the belt line and went down the face.

8 Q. You say they had a duster at the head?

9 A. Twinkle duster or something. And when it
10 come up there and started coming up the face, then
11 the boss called down there and told them and said
12 cut the duster off.

13 Q. Because the dust was coming up on you
14 guys?

15 A. Yeah.

16 Q. There's a red E-stop button on the
17 shearer. Are you familiar with it?

18 A. Uh-huh.

19 Q. Did you ever operate it?

20 A. No, not really.

21 Q. I guess --

22 A. I know when they're working on a shearer
23 and stuff they push the red button and stuff. When
24 you set bits and stuff, you push your red button

1 in.

2 Q. There's a set of knives at the headgate, a
3 disconnect for the shearer cable, are you familiar
4 with that?

5 A. Yeah, but I have never messed with that.

6 Q. You've never operated it?

7 A. No. Most of the time an electrician or
8 the headgate operator messes with that.

9 Q. Do you know why it would ever be open or
10 why they would open it?

11 A. They was opening one every like they're
12 working on a shearer cable on a shearer. It
13 de-energizes the power going down to the shearer.

14 Q. Because it's open now. We found it open
15 after the accident and we're just trying to figure
16 out why it's open.

17 A. I could tell you rumors. I don't know.
18 I'd say you'd be better off to ask maintenance
19 about that, because I heard they had the shearer
20 cable running. I don't know.

21 Q. You say you heard they had the shearer
22 cable --

23 A. I heard they did. But see, I also heard
24 they'd been down that day, too, and they didn't

1 fire up until about 15 after 2:00.

2 Q. They'd been down a good part of the day?

3 A. 15 after 2:00 going to the tail. And then
4 they had the ignition, what, two minutes after
5 3:00, something like that.

6 Q. Somewhere around 3:00.

7 And so we know they had ignition and we
8 know the shearer operator is the one at the
9 shearer.

10 A. See --

11 Q. They was at 105 shield, something like
12 that.

13 A. They was either down or the shearer
14 operator seen something down there and they was
15 trying to get off the face.

16 Q. You don't think it's three o'clock, it's
17 close to the end of the shift and they are going
18 home?

19 A. Switch out.

20 Q. Do what?

21 A. You switch out.

22 Q. Switch out?

23 A. In the face.

24 Q. With the oncoming crew?

1 A. And they just had started inside the mine.

2 Q. Correct. Yeah, they hadn't even cleared
3 the portal.

4 A. Yeah.

5 Q. So what would happen to the crew and the
6 boss if they decided it was quitting time and left
7 the shearer at the tail?

8 A. They probably get a good talk into when
9 they got outside.

10 Q. So with what you know, you don't think the
11 crew was just leaving to go home?

12 A. No.

13 Q. The shearer, three o'clock in the
14 afternoon on day shift and the shearer at the tail?

15 A. No.

16 Q. If that E-stop I was talking about on the
17 shearer, have you ever operated it while the
18 shearer was running?

19 A. No. I have killed the power whenever we
20 set bits with it.

21 Q. Have you ever known of that switch not
22 operating or not functioning?

23 A. Yeah.

24 Q. When was that?

1 A. That's been on our shift, but the
2 electricians, I mean, whenever it wouldn't work,
3 they tore the panel and fixed it, because I ain't
4 knowed of it not working on this panel this last
5 panel they was on, but ...

6 Q. Okay. Say that again.

7 A. I said I don't know of it ever not working
8 on this last panel we was on.

9 Q. The panel that you're on right now?

10 A. Yes.

11 Q. As far as you know?

12 A. It was working.

13 Q. It was working?

14 A. Yes.

15 Q. We understand that every 30 minutes there
16 was a call out made outside while you guys was
17 running. Are you familiar with that --

18 A. Yes.

19 Q. -- call out?

20 Do you know who did the call out?

21 A. The boss called the headgate operator and
22 the headgate operator called out. Unless the boss
23 walked across the face and called out himself.

24 Q. So when the boss called the headgate

1 operator, what did he tell him?

2 A. Just told him to call out whatever the
3 condition was or whatever coal he'd run or ...

4 Q. So would the boss give the headgate
5 operator the information to relay outside?

6 A. Yes.

7 Q. But to your knowledge, the headgate man
8 did the calling?

9 A. Yes.

10 Q. Did this happen on second shift also?

11 A. Yes.

12 Q. As well as day shift?

13 A. Uh-huh.

14 Q. And on the weekend shift?

15 A. Yes.

16 Q. Called out every 30 minutes?

17 A. Every 30 minutes.

18 Q. Do you know if there was a record kept of
19 those call outs?

20 A. I would say there was a record kept
21 somewhere.

22 Q. Okay.

23 A. Because everything had to be faxed right
24 to Blankenship.

1 Q. Say that again.

2 A. Because everything called out had to be
3 faxed to Blankenship.

4 Q. Faxed to Blankenship?

5 A. Yeah.

6 Q. Every 30 minutes.

7 A. Every 30 minutes. He knows everything
8 that went on at that mines.

9 Q. I'm going to take a break here and let
10 somebody else ask you a few questions, then I'll
11 ask you some more here in a little bit.

12 EXAMINATION

13 BY MR. TUCKER:

14 Q. I just got a few, Roger.

15 You mentioned when we was talking, go back
16 and talk about the water sprays just a minute.

17 You mentioned that when you set bits you
18 normally check water sprays and if you had them
19 you'd replaced water sprays.

20 A. Sometimes they didn't have them.

21 Q. If they didn't have them, would you just
22 after you change your bits --

23 A. Then we just continued to run.

24 Q. Continued to run.

1 Would they normally have them or how often
2 do you think?

3 A. I'd say 80 percent of the time they had
4 them.

5 Q. Who all set bits when you'd go to be down
6 to set bits, who all would usually help out?

7 A. Well, on my end it was generally me and
8 the foreman set the bits. And then on the tail end
9 it was the tail shearer operator and the jack
10 setter normally set them. And then the electrician
11 would service while we set bits.

12 Q. Do you recall if you all stored any fire
13 hose down the jack line anywhere?

14 A. They had some, but I can't remember which
15 jack it was, because they had a fire nozzle, a T in
16 the line where you could hook it up in your fresh
17 water lines going through your jacks.

18 Q. Can you recall specifically if they had
19 like, did they have one roll of fire hose or two or
20 do you recall specifically seeing any down the jack
21 line?

22 A. No, I don't -- no. But now they could
23 have had them behind the jack legs.

24 Q. Right. I was just wondering if you'd ever

1 noticed any down the jack line.

2 A. No.

3 Q. When you were down on the, next to the
4 tail area, did you ever notice anybody going out
5 into the tail entry itself?

6 A. Well, now the way the ventilation plan was
7 set up, when you got close to the next break, then
8 you had to shut down when you got down there and
9 got in the tail end and knock the stopping out.

10 Q. So occasionally somebody would have to go
11 and --

12 A. And generally the boss done that.

13 Q. -- knock the ...

14 Other than that, do you recall anybody
15 actually going out into the tail entry?

16 A. No. See, because you got a space when
17 you're cutting out a tail entry between the tail
18 drive from where your last bolt is, you probably
19 got a six-foot space there that ain't got no
20 support unless you pull your tail shields in.

21 Q. I think Mr. Cripps there, he'd asked about
22 the foreman dating up, if they had any type of a
23 date-up board.

24 A. Most of the time they dated up on the, on

1 your shields and stuff. I'm sure they had a date
2 board out in the tail entry, but ...

3 Q. But you don't recall as far as on a
4 regular basis seeing anybody going out into the
5 tail entry?

6 A. No.

7 Q. I understand the cutting got a good bit
8 harder here recently.

9 A. Now it's getting ready to get real bad
10 right before -- whenever we took off and the next
11 crew was getting ready to come back, because you
12 had sand rock top and sand rock bottom down there
13 and when the miner section drove it up, they didn't
14 cut none of it, so you was going to have to
15 maintain at least 72-inches high. In other words,
16 for your shields and your tail drive and everything
17 to clear it going down there through there.

18 Q. So going toward the -- how would you
19 describe the sparks coming off the bits on the tail
20 shearer? I mean, you're back here at the outby a
21 little ways. How would you describe that as far as
22 what that looked like when they was cutting that
23 sand rock down on the tail?

24 A. I wasn't there when they was cutting that.

1 Q. But on your previous shifts, I'm talking
2 about on your shift, what you ...

3 A. When you're in sand rock. Well, if you're
4 cutting solid sand rock, I mean, it just looked
5 like a big ball of fire. I mean, you might cut a
6 jack length and have to set a whole row of bits.
7 And it melts it.

8 Q. So while you're cutting out on the tail,
9 there's been times you'd have to actually stop --

10 A. Yeah.

11 Q. -- and set bits before you could --

12 A. Yeah.

13 Q. -- get cut out?

14 A. You might have to stop and set bits two or
15 three times.

16 Q. Have you ever on any of the crews that
17 you'd been on, have you ever had ignition?

18 A. Yes. I had ignition on the first panel we
19 was on at UBB.

20 Q. And that was back in what year?

21 A. Probably '97.

22 Q. Can you describe what that looked like?

23 A. It was in behind the shields, I mean,
24 which there was some people got their hair singed

1 and stuff like that.

2 Q. When your foreman would call out his
3 report, his preshift report at the end of the
4 shift, where did he normally call that out from?

5 A. Well, sometimes he called out from the
6 headgate and sometimes he called out from the mule
7 train.

8 Q. As far as you know, would he always do
9 that himself or would he ever give that information
10 to, say, the headgate operator and have him call
11 out?

12 A. No, he always called it out, I'm pretty
13 sure.

14 Q. Toward like the end of your shift, toward
15 the end of your shift, say once he called that
16 report out, the foreman that you worked for, would
17 it be normal for them to come back into the jack
18 line before quitting time or did they say if they
19 went to the headgate to call out the report.

20 A. Yeah.

21 Q. It wouldn't be uncommon for them to come
22 back into the jack line?

23 A. No.

24 Q. And as far as the water on the tail, did

1 you have any means of cutting water on and off
2 yourself for the shearer?

3 A. No.

4 Q. There at the shearer. I said on the
5 tail. There at the shearer do you have any means
6 of cutting water on and off?

7 A. No, I don't. No. No, there wasn't no
8 valve in the line or nothing.

9 Q. So when you all got ready to get started
10 up --

11 A. Holler at the headgate operator to start
12 everything up.

13 Q. You mentioned that one of the rumors you
14 heard that they had a shearer cable grounded?

15 A. That's what I heard.

16 Q. Has that ever happened on your shift?

17 A. Yeah.

18 Q. What would they normally do just when that
19 happened? How did they go about finding that?

20 A. Well, a lot of times you can take and turn
21 your lights and stuff out, you know, they'll go out
22 and put the breaker in and you can see it arc
23 inside the cable handler and stuff. But now they
24 have been having a lot of trouble with the shearer

1 cable.

2 Q. Up recently?

3 A. Yes.

4 Q. Before April the 5th?

5 A. Yeah. Because rocks and stuff gets in
6 that where it folds back and forth, it tears it all
7 to pieces.

8 Q. I understand. I'm sorry.

9 A. Go ahead.

10 Q. I understand they changed that out
11 recently, that cable?

12 A. Uh-huh.

13 Q. Had you had any trouble with it since they
14 put a new cable in that you recall?

15 A. No, I don't believe. I don't believe they
16 had.

17 EXAMINATION

18 BY MR. MCATEER:

19 Q. Thank you again for coming in, and I just
20 have some questions to try to fill in.

21 You testified, you mentioned that there
22 was an event in '97, an ignition in behind the
23 shields. Were you there at the time?

24 A. Yes.

1 Q. And can you describe what happened for
2 me? I know it's a few years ago.

3 A. We was down on the tail, they was cutting
4 out on the tail when they had an ignition, and I
5 believe the two shearer operators had got their
6 hair singed and stuff.

7 But once they had the ignition, I mean, we
8 all come off the face and went outside. They
9 determined a piece of sand rock had fell back there
10 behind it and ignited it.

11 Q. Were there any other times that you had
12 methane or fireballs on the wall?

13 A. Not fireballs, but they've had methane on
14 the wall before. I couldn't tell you what year it
15 would be.

16 Q. Okay.

17 A. But at one time they had a bleeder, and I
18 think we was down three or four days waiting on it
19 to bleed off.

20 Q. And that bleeder was in the floor?

21 A. Yes.

22 Q. Were there any more than one time where
23 the floor bleeder had occurred, if you recall?

24 A. I'm sure there has been.

1 But no, that one I'm talking about is the
2 one MSHA come down there and had them put hundreds
3 of cubic feet air in the face to keep it flushed
4 out.

5 Q. Did you ever receive any training or
6 instructions about if you hit a bleeder in the
7 floor at any other time what you should do?

8 A. Yeah. It's according to how bad the
9 bleeder is. You know, sometimes you can go up and
10 take curtain off your shields and wing it out and
11 unflush the gas out.

12 Q. Did you ever have occasion to do that?

13 A. One time, but the methane content wasn't
14 very high at the time.

15 Q. Let me ask, about what time was the
16 shearer, I'm sorry, was the cable replaced, about
17 what period of time? Do you remember?

18 A. It's probably been -- ignition was in
19 April. February or March probably.

20 Q. Now you testified that the electricians
21 would make the changes, make the repairs. Let me
22 go back here until I get it right.

23 When the electrician would put a gauge on
24 the hose, would they give you or make repairs,

1 would they talk to you about it or they took care
2 of it and you went on with your business?

3 A. On the water gauge and stuff?

4 Q. Yeah.

5 A. You could see it. Because we was all
6 standing right there together. You could see the
7 gauge and what pressure it showed.

8 Q. Now you talked about the bits being
9 replaced and the water sprays sometimes being
10 replaced as well.

11 A. Uh-huh.

12 Q. Where were the bits kept?

13 A. Under the head drive.

14 Q. Under the head drive.

15 A. Yeah.

16 Q. And where were the sprays kept?

17 A. Most of the time under the head drive or
18 over top the shields they had.

19 Q. And how big are the bits?

20 A. Probably three-inches long. All together
21 probably about five, six-inches long.

22 Q. How about the sprays?

23 A. Well, the sprays probably be thumb and
24 about that long.

1 Q. Did you ever carry any with you or did you
2 take them with you?

3 A. Yeah, sometimes.

4 Q. You said the E-stop button, there had been
5 occasion when it was not working?

6 A. Uh-huh.

7 Q. Do you have a recollection when that was
8 or?

9 A. No, not really.

10 Q. And you said that you'd also on one
11 occasion there was a trickle duster that you had to
12 call out and get them to cut the dust off. Do you
13 remember just roughly when that was, recently or?

14 A. Well, yeah, it's been since we were on
15 this last panel. It was on this last panel,
16 because the boss that was deceased in this was the
17 one that called out and told them to turn it off,
18 Timmy Davis.

19 Q. You talked about you and the foreman would
20 be setting the bits. And then who set the sprays?

21 A. Me and the foreman. Yeah, if they was
22 out, I mean, you was right there at the drum. You
23 just pushed it in and put the horseshoe clip back
24 in it.

1 Q. If there was downtime during the shift on
2 your crew and the electricians were doing work on a
3 particular problem, what would you be doing?

4 A. Generally outby building cribs and setting
5 timbers.

6 Q. But while the longwall was being worked on
7 in this instance, there was apparently some work
8 being done on the longwall during that shift, would
9 you have gone to a location, would you have taken
10 lunch?

11 A. What do you mean?

12 Q. Well, in this instance, evidence indicates
13 that there was repairs being done on the longwall
14 and that the electricians were doing the work on
15 it.

16 A. Well, most likely they could have been
17 eating lunch, but most of the time if they got a
18 cable grounded in the bretby, everybody is down
19 there, because you have to -- come along, lift the
20 bretby out and then you've got keepers on it you
21 have to take off and take the fingers off in order
22 to get the cable and the water line out. So
23 generally, everybody is there doing that. And when
24 they make the splice, then maintenance makes the

1 splice in the cable.

2 Q. This is where there was an arm, the
3 problem was with the arm.

4 A. The ranging arm.

5 Q. Ranging arm. And who would work on the
6 ranging arm?

7 A. Generally the electricians and probably
8 whichever shearer operator, tail arm or head arm,
9 because you have to lift it up and down to get the
10 pin to line back up so you can put it back in.

11 Q. Have you ever been involved in one of
12 those jobs?

13 A. Uh-huh.

14 Q. Is that a pretty significant task?

15 A. Well, sometimes it can be, you know. If
16 you don't get the hole lined up, sometimes it would
17 be three or four hours trying to get a pin back in.

18 Q. But what would the rest of the crew be
19 doing?

20 A. Well, they could be outby setting timbers
21 or ...

22 Q. Okay. Okay. That's all the questions I
23 have at the moment.

24

EXAMINATION

1
2 BY MR. MAGGARD:

3 Q. I have got a few little questions there,
4 Roger.

5 Had you ever seen the boss on your section
6 take an air reading?

7 A. Uh-huh.

8 Q. Do you remember when let's say he was
9 taking an intake air reading, what would he do?
10 Where would he check it at?

11 A. Well, he would check it at the last open
12 break, he would check it over in the power entry
13 where the main intake come up, come across the rail
14 track, and come back over and go to the face and
15 took it I believe it was number nine shield and
16 another one at 160 shield.

17 Q. Did he ever add the belt air or did he
18 just stay in the track entry?

19 A. He can take an air reading by the belt,
20 too.

21 Q. Have you seen him do that?

22 A. Yeah.

23 Q. Or you just think he did?

24 A. No, he did.

1 Q. When he was --

2 A. Because once, you know, the way it was set
3 up, your belt come up and it all just connected.
4 You know what I mean? So your air wasn't -- but he
5 did take an air reading down the belt and an air
6 reading --

7 Q. Like if he got at nine shield, he'd get a
8 feet per minute reading; right?

9 A. Yeah.

10 Q. Where would he normally stand at and where
11 would he normally put his anemometer to get that
12 reading?

13 A. He would take it and start at the top,
14 he'd go over the pan line and back to the jack.

15 Q. So he'd move it around?

16 A. Yeah. He just didn't hold it in one
17 place.

18 Q. Let's say, I mean, you're down at the tail
19 and it's time for him to do his preshift, right, so
20 he has to go up and get that intake air reading and
21 then come down at nine and, like you said, 160 and
22 stuff.

23 During that time that he has to do that,
24 you guys are still in production mode, you're

1 cutting maybe toward the tail or whatever?

2 A. Uh-huh.

3 Q. Who's down there on your end taking gas
4 checks?

5 A. The tail shearer operator.

6 Q. So he would have a detector?

7 A. Yes.

8 Q. What kind of detector -- I can't remember
9 who was your tail --

10 A. Terrence Adkins.

11 Q. What kind of detector do you remember him
12 having?

13 A. Solaris, I believe.

14 Q. A Solaris?

15 A. Yeah, that stayed on all the time.

16 Q. Did he just clip it onto his belt?

17 A. Yeah.

18 Q. Or did he have a pouch?

19 A. I believe he had it clipped onto his ...

20 Q. What about the other crews, do you
21 remember if they had any like that, the shearer
22 operators?

23 A. No, I can't speak for other crews. The
24 law is that one shearer operator has to have it.

1 That's the law.

2 Q. But I think maybe the last interview, I
3 think you said you might have seen two tenths
4 methane on the methane monitor.

5 A. That's the most I'd seen it.

6 Q. Do you think the location of that methane
7 monitor sensor is a good location, you know, as far
8 as detecting methane, say, down on the tail?

9 A. Not really.

10 Q. Say you get to the tail end.

11 Have you ever had, say you're running the
12 tail, you say Terrence was down there, and he would
13 normally stay five shields back; right?

14 Did you ever stop and he'd go down to 176
15 and take a gas check or?

16 A. Yes.

17 Q. And would that happen very often or is
18 that just every now and then?

19 A. No, generally about every trip.

20 Q. So would that -- but if you was going to
21 cut out, he couldn't get in front of you?

22 A. No, he couldn't get in front of you. He'd
23 have to stop.

24 Q. Right, he'd have to stop.

1 A. But he generally when we went down to cut
2 out before he cut out, he would stop and go down
3 and take a gas test.

4 Q. Do you think other crews, had you all been
5 trained to do that or that was just something
6 Terrence did?

7 A. That's something that most of us did.

8 Q. Did anybody else along the face have
9 detectors other than Terrence on your crew and the
10 boss?

11 A. The boss.

12 Electricians, I don't know if they had one
13 or not.

14 Q. You said sometimes you'd have to bit up
15 when you cut out, before you cut out or?

16 A. Yeah.

17 Q. Would you try to cut out and then back up
18 and bit if you thought --

19 A. If you thought -- generally you end up
20 setting bits, because if you didn't set bits, then
21 it messed the lugs and stuff up on the drums on the
22 shearer.

23 Q. Was there any way to tell by the way it
24 was cutting, how would you, by experience or how

1 would you know when or was it just automatic to try
2 to bit up before you cut out?

3 A. If your bits gets real dull, your shearer
4 starts leaning up on its side, because it won't
5 cut, and when you go down through there when you
6 trim down and try to cut, then the coal and the
7 sand rock shove your shearer up higher.

8 Q. Would the face side bits wear out the
9 quickest or what's your experience with it?

10 A. Generally, the face side would.

11 Q. If you got down there and you had to set
12 bits, how would you do your water spray check?
13 Would that be something you'd do or wait until you
14 got back to the head to do?

15 A. Well, generally, we visited and checked it
16 once down there. We would set the bits and then
17 we'd have them start to turn the water on to see --

18 Q. Okay.

19 A. -- how many sprays and stuff we had
20 spraying and stuff.

21 Q. Would you say that it was, that you didn't
22 have enough clearance cut out yet, that would be
23 kind of hard to do, right, but you'd back it up
24 where you did?

1 A. Yeah.

2 Q. Okay.

3 A. Yeah, because when you're setting bits,
4 you've got to back it up, you've got to pull the,
5 knock your jacks off push and pull your shearer and
6 everything back, and then you pull the two shields
7 ovetop of your drums to, so you're in unsupported
8 top when you set bits.

9 Q. So did they keep sprays down there on the
10 tail end for you all to change them out?

11 A. No.

12 Q. You'd have to --

13 A. All the sprays was kept up at the head.

14 Q. I mean, you said when you had sprays you'd
15 change them. How often did you run out of sprays
16 and not be able to change them? How often would
17 that occur?

18 A. Well, generally 80 percent of the time
19 they had sprays.

20 Q. So if say -- I know you said you seen four
21 sprays out is the most. If you didn't have sprays,
22 would you have to keep running until you was able
23 to get the sprays?

24 A. Yeah, I mean. Sad as it is, I mean,

1 that's just ...

2 Q. You said that you know when they was down
3 you'd have to go out and set cribs, prop setters, I
4 guess. Would you do that out in the tail entry, on
5 the tailgate side of the longwall?

6 A. We set props and stuff in it before they
7 fired the longwall up, but they had a crew down
8 there --

9 Q. That did that?

10 A. -- that did that.

11 Q. But was there times that you would have on
12 this panel here?

13 A. I haven't, not on the tail. I have went
14 out on the headgate side and set belt cribs and set
15 props and timbers.

16 Q. As far as the water system goes, have you
17 had many problems with like the lines rupturing,
18 any kind of loss of pressure that you all had to
19 shut down for or anything you recall in this panel?

20 A. No. Other than the water line busted in
21 the bretby, you know, then you might change them.
22 If it busts, you have to change it going out and
23 stuff.

24 Q. You said you didn't have a water valve at

1 the end of the shearer?

2 A. No.

3 Q. Do you ever recall ever having one while
4 you've been at UBB or?

5 A. No.

6 Q. Do you know why they didn't have one at
7 the end of the shearer? Was there a reason that
8 they didn't?

9 A. I don't know.

10 Q. Did that hinder you in any way by not
11 having your own valve down there to be able to shut
12 the water on and off?

13 A. No, because we'd all just go to the phone
14 and holler and tell them.

15 Well, most of the time if you shut the
16 line off, the headgate operator automatically shut
17 the water and stuff off.

18 Q. So if you shut the pan line down, he would
19 know to shut the water off.

20 A. Yeah.

21 Q. Was that, I mean, I guess you could have
22 called him on the phone, too, and talked to him and
23 told him to turn it off.

24 A. Yeah.

1 Q. But was that just something that was
2 quicker, you guys could do that and he'd know to
3 shut it off, he'd be down there?

4 A. Yeah.

5 Q. Do you know if any of the other crews
6 would have had that same practice? Have you worked
7 with some of those headgate operators?

8 A. Pretty much all of them done that.

9 Q. You said that you, on a particular panel,
10 I don't know which one it is, that you had to wing
11 a curtain out and I guess force air behind the
12 shields, is that right, to get rid of some methane.

13 A. Yeah. We hung, I don't know, three or
14 four wings like that.

15 Q. Do you know where that methane was coming
16 out that you'd run into? Was it like on the
17 tailgate end of the face or mid face or?

18 A. No, it was more up towards the middle of
19 the face.

20 Q. How far ahead of the shearer was causing
21 the problem?

22 A. The head, the shearer was outby. The boss
23 had went down to do his preshift.

24 Q. But you only remember one occurrence of

1 that or?

2 A. Yes. The only other time is when we hit
3 the bleeder, like I told you.

4 Q. Dean was talking, or Davitt there, that
5 they had a problem with the B lock. Or the ranging
6 arm pin, and they had to put the B lock back in,
7 and you said you've seen, you've had that happen to
8 you before.

9 Say you were up toward the head, mid face,
10 and that happened and you started back up, would
11 you ever stop the machine to check it again or
12 would you just keep going and you could tell that
13 it was working okay or hadn't come back out, or
14 what would you do?

15 A. You can tell if a pin comes out. See,
16 it's got a pin in each side of it. When you go
17 through, if you cut bottom or whatever, say the
18 inside pin comes out, if you're cutting through a
19 cut bottom your range arm will --

20 Q. As far as the B lock goes, once you get it
21 tight, you don't think there would be any reason
22 you'd need to stop to check it again going toward
23 the face?

24 A. No.

1 Q. Or going down the face?

2 A. Because it's got, I don't know, eight or
3 nine Allen bolts that goes in it to hold them. But
4 a lot of times you got to take torches and cut them
5 out.

6 Q. Yeah, I noticed that one, like on the face
7 side they were adding an additional piece that
8 you'd have to cut out.

9 You've had a lot of experience, huh. How
10 many years was it that you worked in the mines?

11 A. I have been in the mines since April 22nd,
12 '74.

13 Q. Pretty good while.

14 As far as the rock, you was talking about
15 that trickle duster down there at I guess the
16 mother drive. I noticed they had one there. How
17 was they rock dusting like the tailgate and other
18 entries, not the belt or not the track, but other
19 entries in the mine?

20 A. Now they would hand dust the intake and
21 around the mule train and all that. Now as far as
22 return, I couldn't tell you nothing about that.

23 Q. Would it be possible that, you know, when
24 they developed those entries, they rock dusted it

1 and they maybe never touched it again, you know?

2 A. I would say that's a good assumption. I
3 would say once the panel is drove up and the
4 longwall is set up, that other timbers (phonetic)
5 and stuff in the tail end, that's why I don't go
6 back over and rock dust.

7 MR. MAGGARD: You got any more
8 questions?

9 MR. CRIPPS: Yeah.

10 EXAMINATION

11 BY MR. CRIPPS:

12 Q. How long did you run the Joy shearer?

13 A. Probably 20 years.

14 Q. Twenty years. Familiar with the fire
15 suppression on the Joy shearer?

16 A. Yeah.

17 Q. What about the fire suppression on this
18 one, did it work?

19 A. Yes, sir.

20 Q. When was the last time --

21 A. It did have handles on the --

22 Q. I didn't hear you.

23 A. I said it did have handles on it that you
24 could open.

1 Q. On this shearer?

2 A. Yeah, and check it.

3 Q. Do you know when the last time it was
4 checked?

5 A. Not really.

6 Q. Because I can tell you now, when we
7 checked it, there's no handle there, there's no
8 valve there.

9 A. Well, there was.

10 Q. On the headgate end. There was sometime
11 during this panel.

12 A. Sometime during this panel.

13 Q. But you don't know when that valve come up
14 missing?

15 A. No.

16 Q. Did you ever set bits with a drum all the
17 way out in either the headgate entry or the
18 tailgate entry?

19 A. No.

20 Q. You don't recall ever doing that or any
21 reason why it would be done?

22 A. No, because you, especially on the
23 headgate entry or either one, you would be out from
24 under unsupported top all the time.

1 Q. To clarify what Jasey said there, if the
2 conveyer is running, you're running the shearer and
3 the belt goes off, of course the conveyer goes off,
4 I assume, you hope the conveyer goes off, do you
5 guys keep loading? What do you do?

6 A. No. If the chain goes off?

7 Q. Uh-huh.

8 A. No, you don't keep loading.

9 Q. Does the water keep running? Do you call
10 the headgate?

11 A. That guy out there, the headgate operator
12 turns the water off.

13 Q. So he'll turn it off without you guys
14 having to call?

15 A. Yeah. Most of the time the only time we
16 have to call is when we want them to turn it back
17 on.

18 Q. You've got a lot of experience on the
19 longwall. I'll tell you this. The shearer cable
20 is not grounded. We know that.

21 A. Shearer cable is not grounded.

22 Q. Shearer cable is not grounded. We've
23 already talked about those guys weren't leaving
24 because of the end of the shift.

1 A. See, I heard that Spanky's packman is what
2 turned the shearer off the last time it was cut
3 off.

4 Q. The packman?

5 A. Uh-huh. Which would have been the tail
6 shearer operator.

7 Q. The tail shearer operator. That's what we
8 think, too.

9 You know what the JNA is?

10 A. Uh-huh.

11 Q. And of course, we downloaded, got the
12 information from the JNA. So if the JNA shut it
13 off and the shearer cable is not bad and the
14 shearer operators --

15 A. Wasn't mid face.

16 Q. -- 70 shields away?

17 A. They would have seen something.

18 Q. Pardon me?

19 A. They've either seen something or heard
20 something.

21 See, the shearer, of course, you all been
22 down there, I guess.

23 Q. Yeah, we've been there many times.

24 A. Is the shearer cut out on the tail cable

1 stretched out?

2 Q. The shearer, the drum. Have you seen the
3 pictures at all?

4 A. (Witness nods.)

5 Q. Do you want to see a picture?

6 A. I ain't been back up there at that mine
7 since this happened.

8 Q. Well, this right here is a, that is the
9 tail drum. That picture is actually when we put
10 water on the shearer.

11 As you can see there, the tail drum, it's
12 cut out into the tail entry. Does that look right
13 to you if it's cut out into the tail entry?

14 A. (Witness nods.)

15 Q. Now I can tell you there that the cable is
16 pulled tight, but it looks like the --

17 Let me ask you a question. When you're
18 cutting to the tail, when do you stop? What
19 determines when you stop and turn around and go the
20 other way?

21 A. Well, they got a stop.

22 Q. A stop on the?

23 A. On the tail drive itself.

24 Q. And you just run up against that?

1 A. Yeah. Your rack wheel trapping shoe goes
2 up against the stop and that's as far as it will.

3 Q. And so even though you're cut out just
4 like that picture there, the face is cut out, would
5 you continue to tram until you hit the stop?

6 A. Yeah, you slow down and tram until you hit
7 the stop.

8 Q. Because the shearer right now is probably
9 about four feet from that stop.

10 And where you see the drum right now, the
11 bits are in the top, and the bits are also in --

12 A. In the bottom.

13 Q. -- in the bottom.

14 So does that indicate anything to you?

15 A. Yeah. It indicates to me they wasn't
16 cutting much high. 60-inch drum, 60 inches was all
17 they was cutting.

18 Q. If I say it's in the bottom -- normally
19 when you cut out at the tail, what's the process?

20 A. You cut out on top and then ... When you
21 cut out on top, then you're going to cut down, cut
22 your bottom, you'll go back to probably close to
23 where you were standing at, and then you flip your
24 cowl and then you'll cut back down on the bottom

1 again. And then you flip your cowl and then you...

2 Q. So in this case here, you would actually
3 sump down with a drum?

4 A. Uh-huh.

5 Q. And then cut your bottom --

6 A. Yeah.

7 Q. -- going back?

8 In this case here, the drum hadn't been
9 sumped down yet to cut the bottom out?

10 A. No.

11 Q. Like I said, the shearer cable wasn't
12 grounded.

13 And so if you seen something on the face,
14 say you're, if you're the shearer operator, which
15 you'd been at the tailgate many times, you need to
16 get out of there fast, you going out the tailgate
17 or you going out the headgate?

18 A. It just depends.

19 Q. On what?

20 A. Circumstances.

21 Q. Okay.

22 A. Because if you're down in the face, I
23 mean, the way it was ventilated, your air comes up,
24 your main intake comes over top of your mule train,

1 okay, say there's a fire or something at that mule
2 train, well, your best route if you're at mid face
3 is to go out the tail entry, because the smoke is
4 going to be on top of you before you know it.

5 Q. Won't there be smoke out in the tail
6 entry?

7 A. Well, some way down this tail entry they
8 had a route where you could go down about the tail
9 entry, you can go across and get in another entry.

10 Q. And would it be different air than what's
11 going over the mule train?

12 A. Uh-huh.

13 Q. Okay.

14 A. Yeah. Which it come out, the way they had
15 it routed, where the tail section was.

16 Q. Say that again.

17 A. Say you went up and where you made your
18 split, 78 break.

19 Q. Okay. I'm with you.

20 A. Okay.

21 Q. Do you want to do it right here on this
22 map?

23 A. The one crew went up the left-hand side,
24 which that was your tailgate crew. That's the one

1 that six of them got killed and two of them
2 survived. Okay. Well, they had that air set up in
3 your return, when you went down and you went
4 across, you come out over in there where they was
5 mining.

6 Q. That's this --

7 A. Supposedly.

8 Q. Well, getting back to what I asked. You
9 said depending on the circumstances. What
10 circumstances would make you go out the headgate
11 side?

12 A. If you hit a bleeder.

13 Q. If you hit a bleeder?

14 A. Yeah.

15 Q. In the tail entry?

16 A. In the tail entry or mid face.

17 Q. While we got this picture out, that's a
18 photograph of that tail drum, and we got water
19 applied to the shearer down there.

20 A. Yeah. I see one, two, three sprays out
21 already.

22 Q. That's drum sprays that's missing, is that
23 what it appears to be to you?

24 A. That's exactly what it is.

1 Q. Now if you're operating -- and of course,
2 I understand that's the tailgate drum. But
3 whichever drum, if you've got sprays out like that,
4 would they be noticeable, do you think?

5 A. Well, yeah. When your drum turns around
6 and it slings water instead of spraying it.

7 Q. What if they was on the sump ring or the
8 face ring?

9 A. You would still see it.

10 Q. You think you'd still see them?

11 A. Uh-huh.

12 Q. So if there's six of those sprays out, you
13 think that would be noticeable?

14 A. Yeah, definitely.

15 It's noticeable even if you've got one
16 out, especially if it's in the middle of the drum.
17 But you've got a spray for every bit.

18 Q. Right. So I forgot what I was going to
19 say.

20 MS. HAMPTON: For the record, I'm
21 going to mark this photograph that we've
22 been discussing as Exhibit No. 3.

23 (Exhibit No. 3 marked for
24 identification.)

1 Q. Do you want to look at that anymore? Do
2 you got any more questions about where the shearer
3 is?

4 A. No.

5 Q. In a situation on your shift when you're
6 cutting out down at the tailgate like that, where
7 would the tailgate operator be located?

8 A. Five jacks inby me, standing the same
9 place I'm standing.

10 Q. How in the heck can he see it?

11 A. You can't.

12 Q. So does he ever sneak down there where he
13 can get a little better view of it?

14 A. No, the only time he went down there is
15 when we took a gas test, not running.

16 Q. So when he cut out, how would he know when
17 he was, if he was even with the roof out in the
18 tailgate entry or when it was time to stop?

19 A. See, you can't determine that.

20 Q. You can't determine it.

21 A. No, because you're five jacks back, I
22 mean, the jacks is five and a half foot long, five
23 and a half foot wide, you know, and your shearer is
24 probably, I'm going to say roughly eight to 10

1 jacks long.

2 Q. Because I can tell you, with that drum
3 right there, it's at 176 shield right now, and the
4 headgate drum is at 169 shield, so there's about
5 seven or eight shields. If you're back -- so
6 you're 12 shields back.

7 A. Like you said, four foot still cutting
8 out.

9 Q. Right. Yeah, they've intersected the rib
10 line and the tailgate entry, but they are four feet
11 from the stop.

12 Now have you noticed since they put the
13 new cable on, if they went ahead and trammed four
14 feet all the way up to the stop and when you turn
15 around and go back to the headgate, would you have
16 the loop in your breast by mid face or was it pulled
17 tight?

18 A. No, you should have a loop.

19 Q. You should have a loop?

20 A. Yeah.

21 Q. How much was left there, do you recall?

22 A. No, I don't recall.

23 Q. Was there ever too much there to give you
24 problems?

1 A. Sometimes there was too much. You talking
2 about looped under the bottom of the --

3 Q. Well, no, I'm talking about looped up into
4 the cable trough.

5 A. Yeah. A lot of times, because a lot of
6 times you had to, where your loop was, you had to
7 stand there and hold it to pull it over to keep it
8 from falling out.

9 Q. Keep it from going on in the pan?

10 A. Yeah.

11 Q. So there was enough there that the brethy
12 was looped up above the top of the cable trough?

13 A. Probably, yes.

14 Q. Because this is a deep cable trough?

15 A. Uh-huh.

16 Q. I think it is compared to what I'm used to
17 seeing.

18 A. Yeah. But most of the time if it's right,
19 you've just got a roll where your shearer cable
20 when it comes through there traveling, and once it
21 gets so much on it, then it shoves the --

22 Q. That's the way it should be; right?

23 A. Should, you know.

24 Q. But in this case here, you still had some

1 slack --

2 A. Yeah.

3 Q. -- the last time you was running.

4 Because we measured the loop there at mid
5 face and my numbers didn't quite add up. There's
6 more than four feet there, so that make sense to
7 you then?

8 A. I wouldn't think there would be four
9 foot. Because it feeds out of the bottom of the
10 pan line.

11 Q. Pardon me?

12 A. Because the cable comes down and feeds out
13 of the bottom of your pan line and up through
14 the...

15 Q. Right. Okay. But if a little bit more
16 slack had worked up, you're going to have a loop --

17 A. A bigger loop.

18 Q. A bigger loop.

19 A. Yeah.

20 Q. You got any idea why them blades would be
21 open for the shearer cable up at the headgate?

22 A. Not, just be speculation.

23 Q. Okay.

24 A. Not unless the shearer operators had seen

1 something and called up and told them to disconnect
2 the pull away (phonetic) on the shearer, kill the
3 power.

4 Q. What about the water being shut off,
5 because the water was, or is shut off, was shut
6 off?

7 A. If they locked the pan line out, then the
8 headgate operator automatically shut the water off.

9 Q. So if they just went by a Control box and
10 flipped the switch, he's going to kill the water?

11 A. He's going to kill the water.

12 Q. Why doesn't he just automatically kill the
13 water?

14 A. I don't know. That's what they been
15 doing.

16 Q. Is there a lot of water on that shearer?

17 A. Yeah.

18 Q. Make a mess?

19 A. Makes a mess.

20 Q. Do you guys get wet?

21 A. Get wet.

22 Q. Wet and nasty?

23 A. You don't get wet when you have to stay
24 and run it, though. Unless you're running the

1 water curtain.

2 Q. Let me look here and see if I got
3 anymore.

4 Did you wear an Airstream helmet?

5 A. Yes, sir.

6 Q. Every day?

7 A. Every shift.

8 Q. Every shift. When you run it?

9 A. Uh-huh.

10 Q. Did you take it in and out of the mine
11 with you?

12 A. Yeah.

13 Q. So where did you keep it when you was away
14 from work?

15 A. Out in the mine office. They had a place
16 where you store it.

17 Q. So did you have your own helmet assigned
18 to you?

19 A. Yes.

20 Q. So every day you picked up the same
21 helmet?

22 A. Same helmet.

23 Q. And took it underground?

24 A. Took it underground.

1 Q. When you was wearing it on the face, what
2 did you do with your regular hardhat?

3 A. Laid it under the head drive.

4 Q. And then just at the end of the shift
5 you'd pick it up?

6 A. End of the shift, or whenever we set bits.

7 Q. What about the other guys on your crew, do
8 you know if they wore Airstream?

9 A. Yeah.

10 Q. All right. Okay. Do you know what --

11 A. Both jack setters, I mean, both shearer
12 operators and the jack setter wore it.

13 The electrician had to wear them if he had
14 to go inby and work on something while we was
15 running coal, which he only stayed around 30
16 minutes.

17 Q. When you was on second shift and you was
18 hot seating, did you notice if the other crews wore
19 them?

20 A. Yeah. Now they wore them on the first --

21 Q. Pardon?

22 A. They had them when we first, you know,
23 when we passed them, where they come down and
24 relieve us out, now after the shift is over.

1 Q. But at the shift change when you seen
2 them, they'd have the --

3 A. They had their helmets.

4 Q. The helmets?

5 A. Uh-huh.

6 MR. CRIPPS: I think I'm done
7 with you. Wore you out.

8 Anybody? Bill, you got anything
9 else?

10 MR. TUCKER: No.

11 EXAMINATION

12 BY MR. MCATEER:

13 Q. I just have a few, Roger, to clarify.

14 You said the mechanic had to wear them in
15 certain circumstances, the Airstream helmets, I
16 mean. In your case, did you have to wear them
17 because of the plan?

18 A. Yes.

19 Q. Now you said --

20 A. It was Massey's --

21 Q. Okay.

22 A. -- law. I mean, MSHA wouldn't, you know,
23 approve them as a ...

24 Q. Right. They were not approved as part of

1 the MSHA plan?

2 A. No, no.

3 Q. Dean asked you about the circumstances in
4 which you would exit the longwall toward the
5 headgate. And you said if there was a bleeder in
6 the tailgate section. Would you have gone if that,
7 if there was ignition there, would you have moved
8 toward the headgate?

9 A. Yes.

10 Q. If there was a bleeder without an
11 ignition?

12 A. I would go towards the headgate, because
13 your air is coming down and pushing.

14 Q. So it's really dependent upon where your
15 air is and if you don't have something coming at
16 you from the --

17 A. Yeah.

18 Q. Can you run without bits or with bits that
19 are pretty bad?

20 A. No.

21 Q. Because it tends to, you were talking
22 about it tends to --

23 A. Yeah.

24 Q. -- roll.

1 Can you run without sprays?

2 A. Well, you can, but not with no six or
3 seven out. I mean, you ain't got no pressure on
4 your drum.

5 Q. Just one last question. Was there a
6 period of time when the air was reduced on this
7 longwall?

8 A. Yes, sir.

9 Q. Remember when it was?

10 A. Somewhere around the last of March.

11 Q. Did you ever hear any reason why that was
12 done?

13 A. See, they made three ventilation changes
14 since we've been on this panel, and the last one
15 was made somewhere around last March. And after
16 the previous two had been done, we had a hundred
17 and some thousand coming down through the last
18 outbreak. And after they made the last one, we had
19 56,000 down through the last outbreak.

20 Q. And I just missed. You said they made
21 three changes on this panel?

22 A. On this panel.

23 Q. And that's all the questions I have.

24

EXAMINATION

1
2 BY MR. MAGGARD:

3 Q. Yeah, I got a few. I won't take long.

4 When the sprays are out, and I want you
5 just to imagine four being out, okay, for now,
6 would you kind of describe what it looks like as it
7 goes down the face, how the ground looks, how the
8 water is spraying, and what's it look like to you?

9 A. You got more dust.

10 Q. You got more dust.

11 A. Because you've not got the pressure of the
12 sprays to push the dust.

13 Q. Can you tell me what the most important
14 sprays are on the shearer to keep unplugged?

15 A. I would say your drum sprays, which you've
16 got, well, they've got probably 120 sprays on that
17 shearer.

18 Q. Was there any of them, I mean, did you see
19 any problems with plugging?

20 A. No.

21 Q. When you went and looked at the sprays,
22 let's say the beginning of the day shift, okay, how
23 many would you count to be, that was spraying,
24 let's say, can you remember like on the Saturday

1 that you worked day shift?

2 A. Generally, at least 95 percent of them.

3 Q. Would you count them or would you just
4 kind of eyeball them?

5 A. I just eyeballed them. I mean, because
6 they had -- you had one, two, three, three spray
7 things on the back of the shearer, you had your
8 drum sprays, you had sprays on the ends, both ends
9 of your shearer, and you got sprays on your rack
10 guards.

11 Q. Let's talk about the face side sprays.

12 A. The drum sprays on the face side.

13 Q. Yeah, in between the drums, your brass,
14 the soft tooth sprays I guess a lot of them call
15 them. Was there any of them missing, like any
16 spray box missing or anything you remember that
17 maintenance needed to fix?

18 A. No, not that I remember.

19 Q. Are you for sure about that? I mean, was
20 you able to look at them or?

21 A. I mean, you can see them spraying them.

22 Q. Just from standing in the pan, you could
23 tell that they were --

24 A. Yeah, standing on the jack line, you can

1 see them sprays.

2 Q. Do you know why that some sprays may have
3 a, you know, there's been a lot of news, but why
4 some sprays may have a wider opening than other
5 sprays? Were they being tapped out or were they a
6 different type spray?

7 A. No, you can buy different, different
8 number sprays.

9 Q. Have you ever seen, you know, seen sprays
10 that they might have took the piece of plastic out
11 because it was causing them to get plugged up?

12 A. Yeah, I have seen that.

13 Q. Tell me about that. How often -- I mean,
14 was that little plastic Teflon type?

15 A. Yeah, a lot of times it was gone.

16 Q. Do you know why?

17 A. I guess they figured it restricted water
18 that would come through the sprayer. Which it's
19 got two little Teflon things, got two little holes
20 in it.

21 Q. So --

22 A. If you had a tip cleaner, I mean, you
23 could clean that out.

24 Q. Right. Would it be possible that some

1 people would take those out and then put the spray
2 back in and so that way it wouldn't plug?

3 A. Very possible. But it would still plug, I
4 mean, regardless.

5 Q. A lot of the sock filters or, was they
6 changing those a lot on the, over on the mule
7 train?

8 A. Yeah.

9 Q. When is the last time you seen them
10 changing them a lot?

11 A. It's probably been probably two months
12 before the ignition.

13 Q. Do you think they --

14 A. See, anytime that -- see, their water
15 system -- see, at one time they had fresh water,
16 but they got a pump, they pumped the water out of
17 the river. Anytime there's a big rain or anything
18 like that, the river gets muddy, it pumps all that
19 into their system, so it stops everything up.

20 Q. You know, we noticed that there wasn't,
21 they quit using the sock filter, but I noticed that
22 earlier they had, and I was wondering if you knew
23 why they, why they quit using them or if you even
24 knew that they did?

1 A. No, they'd been using them. We talking
2 about the sock filters down at the mule train?

3 Q. Right.

4 THE COURT REPORTER: Can you
5 repeat that?

6 THE WITNESS: He's talking about
7 the sock filters that's down to the mule
8 train on your water pump guard.

9 Q. Where did they keep the socks at?

10 A. They generally had them right there on the
11 top of your emulsion tank.

12 Q. So they kept spare ones?

13 A. Uh-huh.

14 Q. Now you said that, you know, you get four
15 missing, you wouldn't have no pressure on the
16 drum.

17 Have you ever seen like two out and
18 somebody take a pressure gauge reading to see how
19 much pressure was on the drum with two out?

20 A. No.

21 Q. I guess it's been a few times you've had
22 dust run on you when the inspector comes to the
23 section, but how would he check the sprays, the
24 pressure on the shearer?

1 A. Same way.

2 Q. Same way you would?

3 A. Yeah. He would go where the electrician
4 would hook the hose up into the block on the
5 backside and he --

6 Q. He would take one of the brass sprays out
7 or soft tooth sprays?

8 A. Yeah. And he'd look at the gauge.

9 Q. When you see this picture, just with the
10 number of sprays missing, I mean, you can't see
11 them all, but you see there's three that's real
12 easy to see, but there's four more.

13 A. Uh-huh.

14 Q. Does that surprise you, knowing that
15 there's that many?

16 A. Surprise me there's that many sprays out
17 of that drum.

18 Q. Let's say that if it was just those three
19 or four, would that surprise you?

20 A. Yeah, because generally, unless they did
21 not have any.

22 Q. Right. How about two?

23 A. Which two is a possibility, I mean.

24 Q. So would running with two out be pretty

1 normal?

2 A. Yeah.

3 Q. A normal occurrence?

4 A. With two, I mean, you still have pressure
5 on your drums, but with seven, I mean, you've lost
6 all your volume.

7 Q. Have you ever seen one spraying like that,
8 you know, say you cut out and you get ready to bit
9 up and they had the water on?

10 A. Yeah. Like that right there?

11 Q. Yeah.

12 A. Yeah. Because you don't -- see them
13 sprays out right there, you got seven of them out.
14 Do you see them? You don't see nothing coming out
15 these bits.

16 MS. HAMPTON: Just so the record
17 is clear, you're indicating, you're
18 talking about the bits that are at the top
19 of the photograph that's marked Exhibit 3.

20 THE WITNESS: Yeah. See where
21 your sprays are at?

22 MS. HAMPTON: And you're pointing
23 to the streams that are coming out.

24 THE WITNESS: This sprays out

1 here, which they said there was seven.
2 That's four more. But there's no water
3 coming out the rest of your sprays.

4 MS. HAMPTON: So the sprays at
5 the top and then underneath the solid
6 streams there's no water coming out at
7 all.

8 THE WITNESS: So the only water
9 you got coming out trying to get rid of
10 the dust is what's coming out of the seven
11 sprays that's there.

12 Q. With the problem with the other part, you
13 know, we was talking about plugging and the sand
14 and the sock filters and all that. We talked about
15 the little Teflon piece of the sprays sometimes
16 being removed. Had you ever seen guys that just,
17 they decided they needed to widen the orifice
18 because they was having so much problems with the
19 water?

20 A. No.

21 Q. Tap them out or anything?

22 A. No. I did not see them take tip cleaners
23 and clean the spray out itself.

24 MR. MAGGARD: I think that's all

1 I got.

2 MR. KOERBER: Bill?

3 EXAMINATION

4 BY MR. CRIPPS:

5 Q. I got one more question for you. I guess
6 in general and 37 plus years experience, I'm going
7 to ask you a question, and give me your opinion if
8 you want, because you seem to know about the
9 ventilation on this wall and the tailgate entry,
10 you said you know what the smoke is going to do if
11 it come across you on the face and where you're
12 going to find fresh air.

13 Now you talked about hitting a bleeder
14 there in the tailgate. In your experience, and
15 you've been around a lot of mines, you hit that
16 bleeder there in the tailgate with the ventilation
17 scheme they have got there, how is that going to
18 get us out this Headgate 22 unit?

19 A. You're talking about the new panel they
20 was driving?

21 Q. Do what?

22 A. You're talking about the new panel they
23 was driving?

24 Q. Not the Tailgate 22, the Headgate 22.

1 A. The one that was inby?

2 Q. Yeah.

3 A. They set this panel up before we had four
4 entries right in here.

5 Q. Say that again now.

6 A. Among all the other panels we set up, we
7 had four entries over here.

8 Q. Is that on the headgate or the tailgate?

9 A. That's on the longwall. We had four
10 entries. Our air never come across the mule
11 train. This is the first panel that was ever done
12 this way.

13 Our air come up this entry over here and
14 come across the face.

15 The way this panel was set up, okay, you
16 had four entries, but Headgate 1, the furthest
17 panel over, for a certain amount of time, I don't
18 know how long, they were using that as a return to
19 return by the longwall.

20 Okay. Our intake come up and come across
21 the mule train. Everything up through here was
22 stopping gob (phonetic) plum to wherever they quit
23 driving back here, which was 140 break. I think we
24 fired up at 80 or 90 break. Okay?

1 So once we pulled out, once we started
2 pulling out, everything back here collapsed because
3 it would swell (phonetic) all your stoppings and
4 stuff out.

5 So your methane, all it's got to do is go
6 in behind your jacks, come back here, it can fill
7 every bit of this full of methane.

8 Q. Come out the headgate side of the gob is
9 the way you're describing?

10 A. It can go in behind the jacks and feed
11 back through here where all your stoppings and
12 everything is crushed out behind us and come over
13 here in these entries.

14 Q. Shouldn't your bleeder fan keep that from
15 happening?

16 A. It should.

17 Anybody been back in behind the longwall?

18 Q. Pardon me?

19 A. Under investigation, has anybody been back
20 in behind the longwall? Or you can't get back
21 there.

22 Q. Can't get back there. We've been as far
23 as we can go.

24 A. It's probably roofed out with water.

1 Q. I haven't been back there by myself --

2 MR. MAGGARD: -- roofed out, but
3 if they have had some roof conditions,
4 roof falls, and I forget what break they
5 did make it to back in there. Not on this
6 side. Some had. I don't know for sure.

7 A. But you're right, I mean, it should all
8 bleed to the fan that they got back there pulling
9 out.

10 Q. Have you known of it being roofed out back
11 there --

12 A. With water?

13 Q. -- with water?

14 A. I know of it being close to roofed out.

15 Q. Recently? Let me rephrase that.

16 A. On this panel.

17 Q. Shortly prior to the explosion or just on
18 this panel?

19 A. On this panel. Seems like a couple of
20 months before the explosion, two or three months.
21 See, we had water coming out of the face, it was
22 like a creek.

23 Q. Okay.

24 A. We had water run like that for a month.

1 Q. Where was it coming from?

2 A. In behind us.

3 Q. From out of the gob?

4 A. Yeah.

5 And then the only way you can get rid of
6 water is you mine down and once your elevation
7 changes, you go up the hill and you leave the water
8 behind.

9 Q. Do you guys ever operate with the fan not
10 running?

11 A. No.

12 MR. CRIPPS: That's all I have
13 got.

14 EXAMINATION

15 BY MR. MAGGARD:

16 Q. Let me ask you one more question, Roger.
17 Do you know -- I know they had some air pumps back
18 in here for this headgate. Okay.

19 A. You talking about the water pumps?

20 Q. Right. They had some air pumps that was
21 fed by air compressors up at Bandytown. Do you
22 ever remember they had some water problems that air
23 pressures went down and maybe block ventilation on
24 the headgate at any time? Or heard anything about

1 it?

2 A. Well, I do know they put the pumps in
3 there. And once they pulled up so far where you
4 couldn't go back in there to check nothing, I'd say
5 that was the end of your pumps.

6 Q. That's all I have got. Thank you.

7 A. You know what I mean? I'd say once you
8 couldn't check it, I'd say they cut the cable off
9 and --

10 EXAMINATION

11 BY MR. MCATEER:

12 Q. You said the water was close to being
13 roofed out and then you said that there was water
14 on the wall itself on the panel, so ...

15 Was there any conversation about that, was
16 there any we were going to take steps to fix that,
17 or were you just waiting for the elevation to
18 correct it?

19 A. Well, no, I mean, they set pumps, which we
20 set pumps down the face and pumped it outby. Where
21 they pump it to, I don't know.

22 Q. And just last question. Sorry.

23 A. We got the best pump in the world on the
24 longwall. Once you're down on the tail and you

1 start back to the head, the water is gone.

2 Q. Can you remember when that was when you
3 were setting pumps on the wall and on the --

4 A. Probably January, February.

5 MR. MCATEER: That's all the
6 questions.

7 MR. KOERBER: Roger, if there's
8 anything else you want to add or anything
9 you want to, any statement you want to
10 make or anything you want to say or
11 anything you want to ask, the floor is now
12 yours.

13 MRS. SCARBRO: I want to ask
14 something. He was subpoenaed to come out
15 here. The guy that delivered the subpoena
16 said he would get paid mileage and for
17 being out here.

18 MR. KOERBER: That was what we
19 had done when we was subpoenaing under
20 what had been considered to be the public
21 hearing statute, then we got sued by a
22 bunch of people that got tired of getting
23 subpoenaed.

24 MRS. SCARBRO: So he just coming

1 here today --

2 MR. KOERBER: There is no
3 reimbursement at this point in time, no.

4 MRS. SCARBRO: So we'll accept no
5 more subpoenas from this point on. I said
6 he won't take no more subpoenas from this
7 point on.

8 MR. KOERBER: That's fine.
9 Do you have anything you want to
10 add?

11 THE WITNESS: No.

12 MR. KOERBER: We will go off the
13 record.

14 On behalf of the Office of
15 Miners' Health Safety & Training, I'd like
16 to thank you for coming.

17 And we'll go off the record.

18 (The interview of ROGER SCARBRO
19 concluded at 1:20 p.m.)

20

21

22

23

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lisa Marie Short, a Notary Public and
3 Certified Court Reporter within and for the State
4 aforesaid, duly commissioned and qualified, do
5 hereby certify that the interview of ROGER SCARBRO
6 was duly taken by me and before me at the time and
7 place specified in the caption hereof.

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

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed
15 by, 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 8th day of
September 2018.

21 Given under my hand and seal this 14th day
of February 2011.

22

23

24

Lisa Marie Short
CCR
Notary Public