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Statement Under Oath of Jerry Weeks

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STATEMENT UNDER OATH

OF

JERRY WEEKS

Taken pursuant to Notice by Danielle Ohm, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, Wednesday, June 9, 2010, beginning at 10:00 a.m.

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A P P E A R A N C E S

1
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A P P E A R A N C E S (cont.)

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I N D E X

1		
2		
3	OPENING STATEMENT	
4	By Attorney Wilson	6 - 10
5	OPENING STATEMENT	
6	By Mr. Farley	11
7	OPENING STATEMENT	
8	By Mr. McGinley	11 - 12
9	WITNESS: JERRY WEEKS	
10	EXAMINATION	
11	By Mr. Sherer	12 - 31
12	EXAMINATION	
13	By Mr. Farley	31 - 38
14	EXAMINATION	
15	By Mr. McGinley	38 - 53
16	RE-EXAMINATION	
17	By Mr. Farley	53 - 54
18	RE-EXAMINATION	
19	By Mr. Sherer	54 - 56
20	RE-EXAMINATION	
21	By Mr. McGinley	56 - 57
22	CLOSING STATEMENT	
23	By Attorney Wilson	57 - 59
24	CERTIFICATE	60
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
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16
17
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EXHIBIT PAGE

PAGE

NUMBER

DESCRIPTION

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Map

58*

* Not attached

P R O C E E D I N G S

1
2
3
4
5
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ATTORNEY WILSON:

Good morning. My name is Bob Wilson. I am with the Office of the Solicitor, United States Department of Labor. Today is June 9, 2010. And we are here to conduct an interview of Jerry Weeks in connection to the Upper Big Branch Mine explosion that occurred on April 5th, 2010. With me is Erik Sherer, an investigator with the Mine Safety and Health Administration. There are also present individuals with the State of West Virginia, who will be participating in the interview. And I'll ask that they state their appearance for the record.

MR. MCGINLEY:

Pat McGinley, with the Governor's independent investigation.

MR. FARLEY:

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

MR. O'BRIEN:

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

ATTORNEY WILSON:

There are several other members of the

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

19 Now, Mr. Weeks, government investigators
20 and specialists have been assigned to investigate the
21 fatalities that occurred at the Upper Big Branch
22 Mine-South on April 5th, 2010. The investigation is
23 being conducted by MSHA pursuant to Section 103(a) of
24 the Federal Mine Safety and Health Act and by the West
25 Virginia Office of Miners' Health, Safety and

1 Training. We appreciate your assistance in this
2 investigation.

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

14 You may have a personal representative
15 present during your interview and you may consult with
16 your representative at any time. Do you have a
17 representative with you today?

18 MR. WEEKS:

19 No, I do not.

20 ATTORNEY WILSON:

21 You may refuse to answer any question,
22 and you may request a break at any time. A court
23 reporter will be recording the interview, so we ask
24 that you speak loudly and clearly. If you do not
25 understand a question, please ask that the question be

1 rephrased. Please answer each question as fully as
2 you can, including any information that you may have
3 learned from someone else. After we have finished
4 asking questions and before we go off the record, I
5 will give you an opportunity to add any additional
6 information that you believe may be useful in our
7 investigation. And I will also give you an
8 opportunity, if you would like to make any type of a
9 statement for the record.

10 I would like to thank you in advance for
11 your appearance here today. We appreciate your
12 assistance in this investigation. Your cooperation is
13 critical in making the nation's mines safer.

14 Here is a letter, I'll give you a copy,
15 formally asking your appearance here today. That
16 letter includes contact information to contact MSHA if
17 you have any additional information that you would
18 like to provide to us in the future. There's also
19 information there concerning contacting MSHA regarding
20 filing a discrimination complaint under Section 105(c)
21 of the Mine Act. Any statements given by mine or
22 witnesses to MSHA are considered to be an exercise of
23 statutory rights and protected under Section 105(c) of
24 the Mine Act. If you believe, at any time, that any
25 type of discharge, discrimination or any other type of

1 adverse action is taken against you as a result of
2 your cooperation with this investigation, you are
3 encouraged to immediately contact MSHA and file a
4 complaint under Section 105(c) of the Act. Remedies
5 under the Mine Act include back wages and immediate
6 temporary reinstatement to your most recent position,
7 pending a complete investigation of your complaint.

8 Again, the contact information is
9 provided in the letter. But to file a complaint under
10 Section 105(c), you should contact the District 4 MSHA
11 office in Mount Hope, and that address and telephone
12 number is provided in the letter. You can find more
13 information concerning your rights as a miner under
14 the Mine Act of MSHA's website at www.MSHA.gov. And
15 that website is also contained in the letter.

16 Before we start, do you have any
17 questions?

18 MR. WEEKS:

19 No, not at this time.

20 ATTORNEY WILSON:

21 All right. Then I'll ask the court
22 reporter to swear you in.

23 -----

24 JERRY WEEKS, HAVING BEEN FIRST DULY SWORN, TESTIFIED
25 AS FOLLOWS:

1 -----

2 ATTORNEY WILSON:

3 Terry, do you have anything.

4 MR. FARLEY:

5 Yeah. It's also my duty to advise you of

6 the West Virginia Coal Mine Health and Safety

7 regulations also protect you against discrimination.

8 I'm going to give you some contact information, in the

9 event that you should have any problems. We'd simply

10 just advise you that such complaint has to be made

11 within 30 days if something happens. Also you have my

12 business card along with the business card for Bill

13 Tucker, the other lead investigator for the State of

14 West Virginia.

15 MR. MCGINLEY:

16 I want to say something.

17 ATTORNEY WILSON:

18 Okay.

19 MR. MCGINLEY:

20 Terry, these folks from the State, and

21 MSHA will agree with this, but what we're really here

22 about is to try to answer the questions of the

23 families of 29 men, the widows and their children and

24 their families. So it's important --- we're trying to

25 get to the truth, and so it's important that we learn

1 actually what was going on in the mines so that we can
2 prevent that sort of thing in the future.

3 ATTORNEY WILSON:

4 At this time I'll pass it off to Eric
5 Sherer to begin the questioning for MSHA.

6 EXAMINATION

7 BY MR. SHERER:

8 Q. We really appreciate you coming down here, Mr.
9 Weeks. I know it's rough. You just got off work and
10 we really appreciate it.

11 Could you please state your full name and spell
12 your last name for the record?

13 A. Jerry Lee Weeks, W-E-E-K-S.

14 Q. What is your address and telephone number, please?

15 A. [REDACTED]

16 [REDACTED]

17 Q. Are you appearing here today voluntarily?

18 A. Uh-huh (yes). Yes, sir.

19 Q. Has anyone interviewed you or ever spoken to you
20 about appearing here today?

21 A. No, sir.

22 Q. Have you been in contact with any lawyers
23 concerning your appearance here today?

24 A. No, sir.

25 Q. Okay. How many years of mining experience do you

1 have?

2 A. Five.

3 Q. Can you give us a brief description of your mining
4 experience, who you work for and where you work?

5 A. I worked for Massey the whole time.

6 Q. At Upper Big Branch?

7 A. No, sir. I started out at Slip Ridge, and then I
8 worked for a while --- run a scoop for a while in the
9 section and then become an electrician a year ago.

10 Q. Okay. When did you first start working at Upper
11 Big Branch?

12 A. A year --- a year the day before it happened. I
13 was there one year the day before that happened. It
14 was the 4th.

15 Q. And you worked directly for Performance Coal?

16 A. Yes, sir.

17 Q. What did you do on your first day of work at Upper
18 Big Branch, do you remember?

19 A. I started setting the longwall Mother Drive, ---

20 Q. Okay.

21 A. --- for longwall belts.

22 Q. Okay. You just went in the mine and immediately
23 started setting up belt?

24 A. Well, no. They done mapped 'em all up and walked
25 the face and stuff.

1 Q. Okay. Did you travel the escapeway?

2 A. Yes.

3 Q. Could you please summarize the training and
4 retraining you had at Upper Big Branch?

5 A. What do you mean?

6 Q. What sort of training have you had at --- from
7 this mine? You had an initial walk-through the first
8 day?

9 A. Yeah.

10 Q. Had you had any retraining since then?

11 A. Yeah. We have annual retraining every year.

12 Q. Okay. And you went through that?

13 A. Yes, sir.

14 Q. How long was that retraining?

15 A. Nine hours.

16 Q. Any SCSR training?

17 A. Yes, sir.

18 Q. How often did you that?

19 A. Every retraining ---. We done retraining every so
20 often. Like they even told us to don --- the ones you
21 used to practice, to come out, we had to have put 'em
22 on and walk out ---

23 Q. Sure.

24 A. --- the escapeway.

25 Q. Uh-huh (yes). Were you trained on the refuge

1 chambers?

2 A. Yes, sir.

3 Q. How about the tracking communication system, did
4 you receive any training on that?

5 A. Yeah. They explained to us how it worked.

6 Q. Thank you. When you became an electrician, you
7 were working for Massey at that time?

8 A. Yes.

9 Q. Do you have to sign an agreement, or a contract
10 concerning becoming an electrician?

11 A. Yes, sir.

12 Q. Can you please describe that for us?

13 A. It's just an agreement that I would work for them
14 for three years. And they put me through a year class
15 to be an electrician.

16 Q. Okay. What would happen if you didn't work for
17 those three years?

18 A. I wouldn't get my bonus. There's supposed ---
19 they give you a safety bonus after two years.

20 Q. Okay. Would you have to pay back any cost for the
21 training?

22 A. No, sir.

23 Q. Okay. Do you have any Federal or State mine
24 certifications?

25 A. Just my certified electrician is all.

1 Q. You're not a fire boss or ---?

2 A. No, no, no. I haven't done that.

3 Q. Okay. Sure. Did you --- do you recall anything
4 called an enhanced performance agreement?

5 A. No, sir. I can't recall ---.

6 Q. You say you normally walk --- work setting the
7 belts for the longwall?

8 A. The belt to the drive head, they call it.

9 Q. Okay. The drive head. Do you ever work on the
10 longwall face itself?

11 A. No. I never did.

12 Q. So you're basically ---

13 A. Outby the longwall.

14 Q. --- outby the longwall?

15 A. Yes.

16 Q. What shift did you normally work?

17 A. Dayshift.

18 Q. When did that shift start?

19 A. 6:30.

20 Q. And about when did it end?

21 A. 3:30.

22 Q. Okay. And that's a production shift normally?

23 A. Yes, sir.

24 Q. How did you travel to the section? Which portal
25 did you normally enter?

1 A. UBB side.

2 Q. Okay. And the UBB side is the portal down to the
3 south end?

4 A. If you pull in the parking lot, it would be on the
5 right side.

6 Q. Okay. And is that the portal ---?

7 A. Upper Big Branch.

8 Q. Upper Big Branch. And that's the older portal,
9 though, isn't it?

10 A. Yeah.

11 Q. Okay. And you had to travel up and come across
12 the Ellis Switch, I think they called it?

13 A. Yes.

14 Q. Can you describe how you got from that portal to
15 where you normally worked?

16 A. Mantrip on the rail.

17 Q. Okay. Did you go through any equipment doors as
18 you ---?

19 A. Airlock doors, yes.

20 Q. Airlock doors. How many doors, do you recall?

21 A. It was one set, which is two sets of doors right
22 before you get to Ellis Switch, and then just past 78
23 Break there was another set --- two more sets of
24 doors.

25 Q. Okay. So three sets of doors?

1 A. Yes, three sets.

2 Q. What condition were those doors in? Did you ever
3 see any damage to those doors?

4 A. Sometime they would be dented, but they'd fix
5 'em, ---

6 Q. Okay.

7 A. --- change 'em out.

8 Q. Did they fix it fairly quickly after they were
9 damaged, or ---?

10 A. (Indicates yes).

11 Q. Okay.

12 ATTORNEY WILSON:

13 Can you just ---?

14 A. Yes. Yes.

15 BY MR. SHERER:

16 Q. Have you ever found any of those doors open?

17 A. No. No, sir.

18 Q. They were always closed? Have you ever heard of
19 when the shifts are changing, leaving those doors
20 open, if there are several mantrips coming through
21 there?

22 A. No. Every time we went through them we waited on
23 each other after we closed them.

24 Q. Okay.

25 A. Once the ride in front of you goes through both

1 sets, and close 'em back, and then you open up the
2 other one.

3 Q. Okay. Sure. Are you familiar with the managers
4 on the longwall?

5 A. No, not really. I didn't know all of them.

6 Q. Okay. Sure. Who did you report to? Who was your
7 boss?

8 A. At the time, it was Mark Ferrell.

9 Q. And what was his title, do you know?

10 A. He was over the longwall Mother Drive setup.

11 Q. Okay. But do you know if he was over the actual
12 longwall operation itself?

13 A. No.

14 Q. Okay. So he was just ---?

15 A. Just the belt.

16 Q. Just the belt itself?

17 A. The belt heads.

18 Q. Okay. Do you also report to someone else, like a
19 chief electrician or ---?

20 A. No, not really. I just ---.

21 Q. Just reported to Mark?

22 A. Just to Mark, yes.

23 Q. Okay. Sure. Have you ever been injured since
24 you've been working for Massey?

25 A. Yes.

1 Q. Did you take any time off when you were injured?

2 A. No. Maybe a day or two, but it was light duty,
3 basically, is what it was.

4 Q. Okay. Did you ask for light-duty work, or were
5 you asked to do light-duty work?

6 A. No, my doctor told me I had to do light duty. I
7 took in the slip my doctor gave me to my immediate
8 supervisor.

9 Q. Okay. When you were injured, were you transported
10 to the hospital or clinic from the mine?

11 A. They asked me, but I drove myself.

12 Q. Okay. Was there a representative from the mine
13 that went with you?

14 A. No, sir.

15 Q. Okay. Could you give me a brief description of
16 what you did with the belt heads?

17 A. We would set up the drive, all the drive, the
18 base, the boom --- build drop boxes and all that for
19 the belt head ---.

20 Q. Okay. When did you work on the belt head for the
21 current panel?

22 A. The Glory Hole?

23 Q. No. This is referred to sometimes as One North
24 panel. When did you set those belt drives, do you
25 remember?

1 A. At the time of the accident, we was at the Glory
2 Hole setting a new belt head for the longwall Mother
3 Drive.

4 Q. Okay. So that would be for the next panel?

5 A. Yes.

6 Q. Okay. When did you leave the One North area, do
7 you remember?

8 A. I'm not sure.

9 Q. So you were in the process of setting the drives
10 on what's now referred to as Headgate 22?

11 A. Yeah.

12 Q. Okay. Electricians are responsible for basically
13 the safety of everybody that may touch electrical
14 equipment?

15 A. Yes.

16 Q. Were you proud of being an electrician in this
17 mine?

18 A. Yes.

19 Q. Did you ever feel pressured to do things just to
20 get it done rather than do it safely?

21 A. No, ---

22 Q. Thank you.

23 A. --- because I won't to do it.

24 Q. Good deal. Have you ever seen any floor hooving
25 around the current or the future longwall panel that

1 you were working on?

2 A. I can't recollect none at all, not when we set the
3 heads.

4 Q. Okay. Sure. Are you aware of any ventilation or
5 low air problems in this --- this part of the mine?

6 A. One time when we was at the Glory Hole, they sent
7 us outside. Our air --- something about ventilation.
8 They said --- that's what my boss told me. That's
9 about all I know about it.

10 Q. Okay.

11 A. They said they had to do some air changes and had
12 to leave air out.

13 Q. Do you carry a methane detector with you?

14 A. Yes, I do.

15 Q. Do you carry that home or do you leave it at the
16 mine office when your shift is over?

17 A. I took it home. My supervisor give me a charger
18 to take home and charge it every day.

19 Q. Okay. Could you tell us how that was calibrated?
20 Did you calibrate it?

21 A. I took it to the mines once a month to calibrate
22 it. They would calibrate it up in the office. I'd
23 take it up there and calibrate it and put it in the
24 book.

25 Q. Okay. Thank you. And what about maintenance, did

1 you ever have to change a sensor or anything like
2 that?

3 A. No, I didn't do stuff like that. If something's
4 wrong with it, I turned it in and they would give me
5 another one and they had it fixed.

6 Q. Thank you. Have you ever heard of problems with
7 methane outbursts or methane intrushes or methane
8 inundations for this mine?

9 A. One time they said on that --- I think it was Two
10 section, they said they hit a little bit of methane up
11 on there. That was just hearsay. I don't know for
12 facts, but I heard someone talking about they had some
13 methane up there that one day.

14 Q. Now, Two section, can you describe where that was
15 at?

16 A. It was up towards the longwall way. Towards ---.

17 Q. Okay. Was that ---?

18 A. It wasn't the Glory Hole side, it was this side,
19 which was ---.

20 Q. And you're pointing to the headgate of ---?

21 A. Headgate One North, up that way.

22 Q. And do you know any specifics about that?

23 A. No.

24 Q. Do you recall, roughly, when that occurred?

25 A. I can't remember exactly, to be honest with you.

1 It was ---.

2 Q. Was it six months ago, a year ago?

3 A. I want to say about five months ago.

4 Q. Okay.

5 A. I'm just rough guessing.

6 Q. Sure. That's fine. Have you ever been notified
7 that there were MSHA inspectors, or State inspectors
8 on the property?

9 A. What do you mean by notified?

10 Q. Did anybody ever call in and say, we've got
11 company, you need to straighten things up, anything
12 like that?

13 A. No. Usually they showed up where we was at.

14 Q. Ever heard of methane monitors being tampered with
15 or bridged out or covered with a plastic bag or
16 anything like that?

17 A. No.

18 Q. Do you do welding as part of your normal job with
19 the belt drives?

20 A. Yes.

21 Q. Could you describe what procedures you use when
22 you do that welding?

23 A. I took a gas check before and every 30 minutes
24 thereon.

25 Q. Okay. Why don't you ---?

1 A. Plus I had my spotter on the whole time.

2 Q. Okay. Why do you take it every 30 minutes?

3 A. I just do, because it's best to take it and make
4 sure.

5 Q. Okay. When you take that gas check, do you stay
6 12 inches away from the roof, rib and floor?

7 A. Yes.

8 Q. Okay. Are you aware that you need to take the
9 check up against the roof, rib, floor and in a
10 confined area? There's no 12-inch rule like it is for
11 normal methane tests.

12 A. What do you mean? I always was told 12 inches
13 from the ---.

14 Q. We actually have some guidance on that now.
15 Twelve (12) inches is good for checking out the
16 ventilation in an area, but when you're welding, you
17 may have just have an inch of methane up next to say
18 the floor. And if a spark gets down there, it will
19 ignite the methane, so you need to check everywhere
20 the spark may hit. You may have a lot of air coming
21 through there, but there may be a pocket of methane
22 that could ignite.

23 Have you ever heard of anybody being disciplined
24 for reporting safety issues or concerns?

25 A. Not to my knowledge.

1 Q. Okay. Have you ever reported any safety problems?

2 A. No, sir.

3 Q. Do you know anybody that's ever reported any
4 safety problems at this mine?

5 A. No, not right off ---. If they did, I didn't know
6 of it.

7 Q. Sure.

8 A. Like I said, I stayed in a confined area. That's
9 basically what we've done over there. We've kind of
10 worked by ourselves, me and a few other fellows.

11 Q. Okay. Sure. How many people were on your crew?

12 A. That last day, there was three of us. Me and two
13 other fellows.

14 Q. That's a lot of work for that size of crew.

15 A. Yes, it is.

16 Q. That's some big equipment. Did you set like the
17 belt take-ups and all that stuff?

18 A. Yes. Storage units, the drives and all.

19 Q. Okay. All those are tied into the CO monitor
20 system then, aren't they?

21 A. Yes.

22 Q. Did you install those sensors?

23 A. No, sir.

24 Q. Okay.

25 A. I didn't do much electrical work. I did the grunt

1 work, I call it.

2 Q. I'm familiar with that term.

3 A. That's what I done most of, was the grunt work.

4 Because by the time we got it set, it was ready to do

5 the electrical part, we was doing something else and

6 they would send me to help them do the grunt work

7 again and send other electricians ---.

8 Q. Are you familiar with the S1 and P2 programs?

9 A. Yes.

10 Q. Could you describe those programs to us, please?

11 A. S1 safety is the first one.

12 Q. Okay.

13 A. Production second and maintenance is third. Is

14 that what you mean?

15 Q. Uh-huh (yes). Sure. Do you know if the people

16 had to regularly report anything to stop production,

17 or anything that would delay say setting your belt

18 drives or anything like that?

19 A. We're supposed to report anything that wasn't

20 right.

21 Q. And that was on a regular basis?

22 A. Yes. If I found a problem, I was supposed to

23 report it.

24 Q. Okay. Are you aware of anybody ever being

25 disciplined or possibly fired for not meeting

1 production goals?

2 A. No, sir.

3 Q. Are you aware of anybody that had to report safety
4 issues or safety hazards on a regular basis?

5 A. Say it again.

6 Q. Did your foreman ever --- if there was some
7 safety-related problems with this area you were
8 working in, did he have to call that out?

9 A. Yes.

10 Q. Okay. Thank you. Do you think there was
11 excessive pressure to run coal or install belt drives
12 quickly at Upper Big Branch?

13 A. They just wanted you to get it done.

14 Q. Okay. Let's switch gears just a bit and talk
15 about the explosion itself. Where were you at when
16 you first learned of the explosion?

17 A. I was at home.

18 Q. How did you hear about it?

19 A. A friend of mine that works down there called me
20 on his way home and told me.

21 Q. About what time was that?

22 A. I want to say about ten to 4:00.

23 Q. Okay. Had you worked that day, the 5th?

24 A. Yes.

25 Q. So you just got home, basically?

1 A. Yes.

2 Q. Okay. Did you notice anything on the 5th that
3 seemed a little unusual?

4 A. No.

5 Q. It was just a regular day?

6 A. Regular day.

7 Q. Did you smell anything unusual when you were going
8 into the working place or coming back out?

9 A. No.

10 Q. Did you see any foggy areas going in or coming
11 out?

12 A. No.

13 Q. Did you hear anything unusual, people talking
14 about a problem?

15 A. No. They sent us to One section right outside the
16 Glory Hole there ---

17 Q. Uh-huh (yes).

18 A. --- to haul some supplies up there that day. We
19 got up there and unloaded the flatcar, and the reason
20 we was out, because we got sent back outside to get a
21 belt head on the Ellis side, loaded up and ran it back
22 underground outby the longwall, start setting another
23 drive for another panel we was setting.

24 Q. Now, which panel was that?

25 A. It was the one next to the Ellis pump. I think it

1 was supposed to have been 25, 26 breaks underground.

2 Q. Okay. A little short panel?

3 A. Yeah.

4 Q. Did you get that taken into the mine?

5 A. No.

6 Q. Okay.

7 A. Got outside and the forklift was broke down, ---

8 Q. Okay.

9 A. --- which I'm glad.

10 Q. That's a fortunate event. So basically, you went
11 outside and tried to load it up, the forklift didn't
12 work, and that was the end of your shift?

13 A. Yeah. Basically, it was late by that time, so we
14 just went on home.

15 Q. Okay. Did you have any further --- did you go
16 back to work after the explosion at Upper Big Branch?

17 A. I went up there, it was a week later.

18 Q. Okay. Were you involved, in any way, in the
19 rescue and recovery effort?

20 A. No. They had us maintain the mantrips as they
21 take 'em in and bring 'em back out.

22 Q. Okay. Where are you working currently?

23 A. Parker Peerless.

24 Q. Parker Peerless. Setting belt drives?

25 A. No. Hoot owl maintenance.

1 Q. Oh, okay.

2 A. I'm actually doing what I'm supposed to do,
3 instead of grunt work.

4 Q. That's good, but I wish it was under different
5 circumstances.

6 A. Me, too. Me, too.

7 Q. Is there anything you would recommend that we
8 ought to look at? If you were sitting over here, what
9 would you want to look at, in this mine?

10 A. I couldn't tell you nothing right off the top of
11 my head.

12 Q. Okay. Is there anything that you'd recommend for
13 any of us to do to prevent this type of accident in
14 the future?

15 A. Just try to get --- find out what caused it. I
16 would like to know that myself.

17 MR. SHERER:

18 That's why we're talking to everybody.

19 We appreciate your cooperation. I'm going to turn it
20 over to Terry Farley.

21 EXAMINATION

22 BY MR. FARLEY:

23 Q. When was the last shift you worked at UBB before
24 April 5th?

25 A. It was that Friday before.

1 Q. Okay. You were off for the holiday weekend?

2 A. Yes.

3 Q. Okay. When you set belt heads, drives, so forth,
4 did you usually drill some holes into the floor?

5 A. Yes. To anchor it down.

6 Q. I'm sorry?

7 A. To anchor the grid down.

8 Q. Okay. How deep did you usually drill?

9 A. Three foot.

10 Q. Okay. When you drilled these holes, did you ever
11 encounter any methane? Did you ever take a methane
12 test of the floor?

13 A. Yes, but I never encountered nothing.

14 Q. Never detected none?

15 A. No.

16 Q. Now, also, when you set belt heads and drives and
17 so forth, I'm sure you've set 'em in areas where the
18 top maybe had been cut out in a higher area. Would
19 that be fair?

20 A. Yes.

21 Q. Okay. Did you have an extended probe for your
22 detector?

23 A. Yes, sir.

24 Q. Okay. Did you check for methane near the top when
25 you set these drives in this area?

1 A. Yes.

2 Q. Okay. When you had to access a belt construction
3 site or to deliver parts, did you ever knock any
4 stoppings to do that?

5 A. No, sir.

6 Q. Did you do any wiring for any of the motors? You
7 set belt heads, would someone else do that?

8 A. No, sir. They would always ended up getting
9 someone else to do that.

10 Q. Okay. Did you do any of the weekly electrical
11 exams on any of the equipment at UBB?

12 A. On the scoop and on the charger.

13 Q. Okay.

14 A. The forklift and charger.

15 Q. Now, if I understood you correctly, the last place
16 you worked would have been around the Glory Hole?

17 A. Yes, sir.

18 Q. Where was your scoop charger located there? If
19 you can, just take one of these colored markers and
20 circle the spot.

21 A. Right there. I know it was around the Glory Hole.
22 See, they had to split a block right here, and you've
23 four set --- this has four ---.

24 Q. Uh-huh (yes).

25 A. And I can't remember what break it was.

1 Q. Okay. But there was a charger in that area?

2 A. Yeah. It was right here. I'm trying to think
3 what break it was at. The new belt head, four breaks
4 up from the Glory Hole, four or five, and we was
5 setting --- the beltline was coming through here going
6 through --- I'm thinking it was right in here.

7 Q. Why don't you circle that area.

8 A. If I'm not mistaken.

9 Q. Right. Now, if you would just draw a line out
10 here and write charger in blue marker.

11 WITNESS COMPLIES

12 MR. MCGINLEY:

13 Let the record show that he's written
14 charger in blue marker.

15 BY MR. FARLEY:

16 Q. When you set the drive units, what equipment did
17 you have access to? What equipment did you typically
18 use?

19 A. A scoop.

20 Q. Anything else?

21 A. A forklift, but mainly we used a scoop.

22 Q. All right. You said you did welding sometimes;
23 right?

24 A. Yes.

25 Q. Did you do any --- I assume you used oxygen

1 acetylene tanks?

2 A. Yes.

3 Q. Did --- any of them ever brought in on a mantrip?

4 A. No, sir. Another crew brought 'em in for us.

5 Q. During installation of any of the belt units, was
6 there ever a need to use explosives?

7 A. Not that I recollect, no.

8 Q. Okay. The One North Mother Drive, how deep was it
9 anchored, can you recall?

10 A. Two to three foot, because we drill to the grid.
11 We call it the metal grid drilling. I think we put
12 four anchors per corner, and then we fill it with
13 concrete.

14 Q. Okay. Did you weld the drive to the beams or were
15 they bolted?

16 A. Both.

17 Q. Did I hear you say that you had to split a block
18 to set a belt head?

19 A. That's what I was doing, splitting the block.

20 Q. Whereabouts was that again, please?

21 A. This is the track turn?

22 Q. Right. The yellow is track, excuse me.

23 A. I think it was right in here. Right here where it
24 turned. Somewhere in there.

25 Q. Around where the belt head turns to go to 22

1 Headgate?

2 A. Yeah.

3 Q. Is that about ---?

4 ATTORNEY WILSON:

5 And you're referring to, generally, in

6 that Glory Hole area there?

7 A. Yes.

8 ATTORNEY WILSON:

9 Do you want to mark those in green

10 marker?

11 A. I'm not good with those maps, someone else is.

12 BY MR. FARLEY:

13 Q. When they split the block, did they use a

14 continuous miner?

15 A. Yes. It was old track used to come up and back to

16 the right, go down and --- down in here (indicating).

17 They come through here going off that block.

18 Q. Okay. How much coal do you have to cut out there?

19 A. About a corner of a block, maybe, something like

20 that.

21 Q. Corner of a block?

22 A. Yeah.

23 Q. So it didn't actually split it?

24 A. No.

25 Q. Just cut a corner off of it?

1 A. Yeah.

2 ATTORNEY WILSON:

3 Okay. Why don't you just write --- can

4 you write block there just so the record shows where

5 you were referring to?

6 WITNESS COMPLIES

7 ATTORNEY WILSON:

8 Thank you.

9 BY MR. FARLEY:

10 Q. Do you remember about when that happened where you
11 cut the corner off the block?

12 A. Honestly, no, not exactly. Because we was down on
13 the other side setting ---.

14 Q. Sometime this year?

15 A. Fixing it up.

16 Q. Sometime this year?

17 A. Yes.

18 Q. Okay. Was 22 Headgate section in operation then?

19 A. I don't know for sure.

20 Q. Okay. Did you actually see it when they cut the
21 corner off the block there?

22 A. Did I see 'em cut it?

23 Q. Yes.

24 A. No, sir.

25 Q. Okay.

1 A. I was just doing what I was told.

2 MR. FARLEY:

3 Okay. I'm done.

4 EXAMINATION

5 BY MR. MCGINLEY:

6 Q. Mr. Weeks, you were asked if anybody contacted you
7 before coming in here. We've heard from quite a few
8 people that you worked with that Massey lawyers had
9 called them in and asked them questions before they
10 came in here to see us. Did anybody contact you from
11 Massey?

12 A. Yeah. Massey lawyers did.

13 Q. Okay.

14 A. Not about this meeting.

15 Q. Okay.

16 A. This was before you all contacted me.

17 Q. Oh, okay.

18 A. They don't know --- they don't know nothing about
19 this.

20 Q. Okay. And when was that? When did they ---?

21 A. I want to say about probably a month ago.

22 Q. And did you go --- where did you go?

23 A. To Marfork.

24 Q. The Marfork office. That seems like that's where
25 everybody had gone. Did you talk to two lawyers?

1 A. Yes.

2 Q. How long did that take?

3 A. About an hour, maybe, approximately.

4 Q. What did they ask you?

5 A. Basically what I done, where I was at.

6 Q. Uh-huh (yes).

7 A. Did I see anybody doing anything they shouldn't,
8 stuff like that.

9 Q. Uh-huh (yes). Were you nervous about that, going
10 in and talking to ---?

11 A. I got nothing to be nervous about.

12 Q. Did they ask you any questions you thought were
13 unusual?

14 A. No, basic questions, I guess.

15 Q. Did they ask you anything about ventilation, you
16 know, what your experience was with ventilation?

17 A. They asked did I know of them doing any air
18 changes while people was underground. I told them not
19 that I was aware of.

20 A. Were there a lot of air changes? I mean,
21 understanding that you don't know of any when the air
22 changes were made when people were underground. Were
23 there air changes when people weren't working, that
24 you know of?

25 A. One time we was off for two or three days, I

1 believe it was, because they had to redo air. We was
2 off for a couple --- I think it was two to three days.
3 I ain't sure. I thought it was two.

4 Q. Uh-huh (yes). Do you remember when that was,
5 roughly, give or take a month or two?

6 A. Five months ago or six months. I'm not sure.

7 Q. No, that's good. I'm just looking for ballpark.

8 A. Any time off, I enjoy it.

9 Q. I'm sure, if you're doing grunt work. Anybody
10 ever tell you there had been gas bursts in the
11 longwall some years back at UBB?

12 A. I don't remember anybody ever mentioning it.

13 Q. Nobody ever tell you?

14 A. I didn't even know that the mine was gassing, to
15 be honest with you. I just heard 'em say it one time
16 that they got some gas on that One section there.

17 Q. So you were never really concerned about gas?

18 A. No.

19 Q. Nobody ever told you that they had gas bursts
20 there; right?

21 A. (Indicates no).

22 Q. You have to say yes or no.

23 A. Oh, no.

24 Q. Okay. You described what S1, P2 meant. P2,
25 production second, S1 ---.

1 A. Safety first.

2 Q. What else does S1 mean?

3 A. It means if stuff ain't safe, stop production and
4 make it right before you keep going.

5 Q. Anything else?

6 A. Basically that's it.

7 Q. That's all that Massey taught you about S1, if you
8 see something unsafe, stop it and fix it?

9 A. Stop, fix it, make it right.

10 Q. Now, you said you never reported safety problems,
11 and the bosses had said if you see safety problems,
12 report it?

13 A. Yes.

14 Q. So are you saying that never at any time when you
15 were at Upper Big Branch or the other Massey mine
16 where you worked, you never saw any safety problems?

17 A. Not in the areas I was working in.

18 Q. What problems did you see in areas you weren't
19 working in?

20 A. I never seen nothing really.

21 Q. Did you know that in 2009, according to one of the
22 Massey directors, Stan Suboleski, there were a large
23 number of serious types of violations in UBB?

24 A. I've heard they got violations, but as far as
25 directly knowing about 'em, no, I didn't.

1 Q. So this is a statement that Mr. Suboleski gave at
2 a press conference in Charleston after the explosion.
3 And he said there were a very large number of what are
4 termed (d) orders, which are the most serious types of
5 violations. So nobody ever talked to you in safety
6 meetings about all these violations, what they were
7 about?

8 A. We would have safety meetings, one a week, you
9 know, like we're supposed to.

10 Q. Sure. Sure. But you know, 47 serious violations,
11 according to Massey's own ---

12 A. Yes.

13 Q. --- guy up at the top there, that was not
14 something that any bosses or management talked to you
15 about?

16 A. No.

17 Q. Did you know that there were so many serious
18 violations?

19 A. I've heard there were some here and there, but I
20 don't believe nothing I hear, rumors.

21 Q. Uh-huh (yes).

22 A. I don't pay much attention to 'em.

23 Q. But you would believe if ---?

24 A. If it was facts.

25 Q. If Mr. Suboleski, who's a director of Massey, said

1 there were 47 serious ---?

2 A. Yeah. If he came to me and tell me, but coal
3 miners gossip.

4 Q. Oh, I understand. Sure. But this isn't gossip,
5 so now that you know that as a fact, is that a concern
6 to you?

7 A. Yes, it is.

8 Q. It would have been --- do you think it would have
9 been helpful if people worked in the mine knew that
10 there were so many serious violations and what they
11 were about?

12 A. Yes. It might make people more aware of their
13 surroundings, probably stop some stuff. Maybe
14 something like this wouldn't happen.

15 Q. Right. That would be consistent with the saying,
16 safety first, if they let you know what was going on
17 in the mine?

18 A. Yes.

19 Q. Did you ever hear of an S1 manual, a book about
20 S1?

21 A. They gave us a handbook when we first started with
22 Massey. It's got stuff about S1 in it and different
23 stuff in it.

24 Q. Do you remember anything specific that it says,
25 other than safety first?

1 A. No.

2 Q. Did you ever hear of a safety hotline, where
3 people that work in the mine can call and report
4 safety violations without giving their name?

5 A. Yes. They passed out papers one time in our
6 checks that had a toll-free number you could call and
7 report anything that you thought wasn't right. It
8 would be confidential.

9 Q. What do you think about that? Do you think that's
10 something that is helpful?

11 A. Yes, it is. Some people won't come forward and
12 say --- you know how ---

13 Q. Sure.

14 A. --- any job is.

15 Q. Uh-huh (yes). So you think anybody ever used that
16 hotline?

17 A. Probably, I'd say.

18 Q. I just got a few more questions about some of the
19 things you said this morning. With regard to that
20 contract you signed, three-year contract.

21 A. Yes, sir.

22 Q. Did they have to have any good reason to --- if
23 they wanted to fire you, could they just fire you
24 without any reason?

25 A. They could fire me, knock me out of that stuff.

1 Q. What did you get from signing the three-year
2 contract?

3 A. You get a bonus after three years.

4 Q. After three years?

5 A. Yes. Because they paid to put you through the
6 electrician program.

7 Q. Okay.

8 A. Their point of view is they paid to put me through
9 the electrician school, ---

10 Q. Right.

11 A. --- I get certified quick and go somewhere else
12 and get a job, they're out all that. And I understand
13 that.

14 Q. Sure. Absolutely. So if you decided you didn't
15 want to work there and you got --- you know somebody
16 at another mine, they say come on, work with us and
17 we'll give you more than Massey's giving you, and you
18 told Massey, okay, I'm going to work for somebody
19 else. Does that contract allow you to do that?

20 A. I would break my contract. And any raises they
21 give us, we would have to pay back the extra part. So
22 if I was making \$30 an hour and they give us a raise
23 for \$37, because they made you sign a contract to get
24 it, if you broke that contract, you would have to pay
25 the \$7 per hour part back.

1 Q. The whole amount, the difference?

2 A. The whole time I've been getting it, I'd have to
3 pay it back.

4 Q. But you know, we've seen --- you were asked about
5 an employment enhancement contract. We've seen them
6 where if you were to quit Massey to take a job,
7 another job, the contract says you can't work any
8 place within 90 miles of the mine.

9 A. Yes, it is.

10 Q. Is that in your contract?

11 A. Yes, it was.

12 Q. That's basically the enhancement contract you were
13 being asked about. You probably didn't know the name.

14 A. Okay. Yeah, that's it.

15 Q. So you're pretty much locked in ---

16 A. To the end of the year.

17 Q. --- to work at Massey for three years?

18 A. The end of this year.

19 Q. If you were --- because you or anybody else who
20 signed the contract decided that after the explosion
21 that you just didn't want to work for Massey, not that
22 they were a bad company, but you just didn't want to
23 work for them or maybe you didn't want to work in the
24 mine, if you quit, do you think you'd have to pay back
25 all those raises?

1 A. I don't think.

2 Q. No?

3 A. I might be wrong, but I don't think you would.

4 Q. You would hope that you didn't?

5 A. Yeah.

6 Q. What was --- you said your shift is generally 6:30
7 to 3:30?

8 A. Yes.

9 Q. Did you ever stay after?

10 A. Sometimes.

11 Q. Did the bosses ever say, you got to stay until the
12 work's done?

13 A. They asked us, we would stay.

14 Q. And if you didn't do that, what do you think would
15 happen? You wouldn't be working there very long?

16 A. Probably, if you done it very much, but me, I
17 don't care if that's the way they want to be.

18 Q. Sure. How many hours over the 3:30 time did you
19 --- would you work?

20 A. Roughly, about five maybe at the most. I think
21 one day we worked a double shift, so that was one
22 time, because we were trying to get a belt head set
23 for four-foot belt.

24 Q. You said when your methane monitors would be
25 damaged, you'd go to the office and switch 'em out?

1 A. Yes, sir.

2 Q. Did you wait until the end of the shift?

3 A. No, because I always check mine every morning.

4 Q. Okay.

5 A. If I had a problem with it, I took it right back
6 to 'em and tell 'em something's wrong with it, I need
7 a new one.

8 Q. Did you ever have a problem when you were in
9 working in the mine with the monitor?

10 A. No. Other than one dead, that's about it.

11 Q. So if they go dead, what did you do?

12 A. A fellow that worked with me had one, too. We all
13 had one. Everybody at work had one.

14 Q. Everybody in your crew or ---?

15 A. Yeah, everybody in my crew.

16 Q. Those airlock doors that came through, were they
17 automatic push-button doors?

18 A. One set was.

19 Q. Did it work, the one set that had the automatic
20 button?

21 A. The one set did. If something happened to
22 'em and they had to get out and basically ---.

23 Q. You had to open and close them manually?

24 A. Manually, by hand.

25 Q. And sometimes when you closed them, did they swing

1 open again when you were sort of walking back to the
2 mantrip? Did that ever happen to you?

3 A. Not that I can remember.

4 Q. Did you ever notice any --- did you ever shut ---
5 you know, open and close them yourself?

6 A. Yes.

7 Q. Did you ever notice any air coming out the bottom
8 or ---?

9 A. No. Around the doors, you mean?

10 Q. Yeah.

11 A. Just basically, you know, the rail went underneath
12 'em, ---

13 Q. Sure.

14 A. --- but rubber is on the bottom where the doors go
15 together and around the top.

16 Q. Do they get pretty beat up?

17 A. Sometimes. Motors couldn't stop or something
18 maybe hit 'em.

19 Q. Right.

20 A. They had to repair them.

21 Q. Now, you said you were injured and you drove
22 yourself to the doctor?

23 A. Yes, sir.

24 Q. What type of injury did you have?

25 A. [REDACTED]

1 Q. [REDACTED]

2 A. Yes.

3 Q. Is it still bothering you?

4 A. Yes, it does.

5 Q. [REDACTED]

6 A. Yes. I actually hurt it again here two weeks ago.

7 Q. What did the doctor say?

8 A. I'm still waiting on an appointment with my
9 specialist.

10 Q. Yeah. From my experience --- I mean, I had it a
11 long time ago, but now they're doing this
12 laparoscopic, you know, little incision, they give you
13 a lot of relief. Did the doctor talk to you about
14 that?

15 A. Well, I ain't seen the specialist yet. I was in
16 the emergency room.

17 Q. I see. [REDACTED] ?

18 A. Yes, it is.

19 Q. Do you think if you had to have an operation to
20 get that fixed, how would the company respond to that?

21 A. I don't know.

22 Q. You don't want to tell them about it?

23 A. Oh, I'm going to tell 'em, because I done it at
24 work. They know about it.

25 Q. I know how painful that is. It's there all the

1 time.

2 A. Yes, it is.

3 Q. You said one time when you were at the Glory Hole
4 you got sent out an hour early. The boss told you
5 that they're going to make a ventilation change.

6 A. Yes.

7 Q. Do you have any --- you know, give or take a
8 couple months, when that happened?

9 A It was when I first started there.

10 Q. A year ago?

11 A. No, when we first started at that belt head. I
12 ain't sure what date.

13 Q. No, I'm not looking for exact date, just ballpark.
14 March, February, April?

15 A. Honestly, I don't know.

16 Q. Okay. April 5th, do you know whether the longwall
17 was operating?

18 A. As far as I know, it was.

19 Q. I mean ---.

20 A. I didn't know for a fact, because like I said, I
21 never went up there.

22 Q. Okay. So you didn't talk to anybody that said it
23 was operating, you just kind of presumed it was?

24 A. Yes.

25 Q. How long did it take you to get from the portal to

1 where you were working, say up in that Glory Hole
2 area?

3 A. You're looking at anywhere from 45 minutes to an
4 hour.

5 Q. So you get in there --- you go in the mine around
6 6:30?

7 A. Yes.

8 Q. And get up there about 7:15, 7:30?

9 A. Something like that.

10 Q. And same coming out?

11 A. Yeah.

12 Q. So what time would you ordinarily leave that
13 section?

14 A. When I was working?

15 Q. Yeah. I know you were out of the mine on the 5th,
16 but ordinarily, when would you have left?

17 A. We usually leave about --- I think it was about 15
18 after 2:00.

19 Q. So you would have just been getting out at the
20 time that it blew?

21 A. Yes.

22 Q. Did you talk to anybody that was in the mine when
23 the explosion happened?

24 A. No. I didn't talk to nobody that was actually in
25 there.

1 Q. Okay. You said you also would like to find out
2 what caused this explosion. What do you think caused
3 it? Obviously there was an explosion. Do you have
4 any sense of that, from talking to people or just your
5 own --- you know, your experience?

6 A. My opinion was they hit a gas pocket on the
7 longwall or a section --- that One section.

8 Q. Did you ever hear anybody talking about being
9 concerned about having air up at the longwall or the
10 headgate or tailgate there?

11 A. No.

12 MR. MCGINLEY:

13 Okay. That's all I have. Thanks.

14 Terry, do you have anything?

15 MR. FARLEY:

16 One or two.

17 RE-EXAMINATION

18 BY MR. FARLEY:

19 Q. This area around the Glory Hole where you were
20 working at UBB, was it ever called Seven North
21 construction?

22 A. I ain't never heard it called that. As I
23 remember, we always called it the Glory Hole. I don't
24 know what anybody else called it.

25 Q. Is there some place in the mine that you can

1 remember somebody calling the Seven North construction
2 site?

3 A. Not that I recollect, no.

4 MR. FARLEY:

5 Okay.

6 RE-EXAMINATION

7 BY MR. SHERER:

8 Q. Just a few more questions, Mr. Weeks. Do you
9 remember what type of methane detector you had?

10 A. Solaris 3-gas.

11 Q. Okay. Did you ever go in any sections other than
12 where you were working in there setting those belt
13 heads?

14 A. No, that's --- at the longwall belt heads.

15 Q. You didn't have to carry anything up or go get
16 anything ---?

17 A. The day it happened, like I said, we went up to
18 build One section, unload the supplies. I never went
19 to the section, ---

20 Q. Okay.

21 A. --- just right there on the track. We unload the
22 platform and we went back out after that.

23 Q. Okay. Your first day there, did you go to any of
24 the production sections or the longwall?

25 A. No.

1 Q. You didn't?

2 A. No.

3 Q. Okay. Did you ever fill out a survey sheet of any
4 kind?

5 A. What do you mean? What kind of survey sheet?

6 Q. Did Massey or any of their subsidiaries send you
7 like a questionnaire or give it to you at work and ask
8 you to fill it out things like, are you happy or do
9 you have ---?

10 A. Yeah, I did that once, I think.

11 Q. Do you remember about when that was?

12 A. I want to say three months ago, four months.

13 Q. Okay. Do you remember any types of questions that
14 were on that survey?

15 A. No, sir, because I didn't fill one out.

16 Q. You mentioned that there was an 800 number for you
17 to call. Do you remember where that 800 number went?

18 A. No, not that I know of.

19 Q. Are you aware of the 1-800 number that MSHA has?

20 A. Yes. Well, I've been told about it, got it off
21 the website.

22 Q. Right. It's right on the webpage, and we
23 encourage you to use it.

24 A. I will.

25 Q. Were there any posters or anything on the bulletin

1 board of the mine that was MSHA --- or was an MSHA
2 1-800 number on it, do you remember?

3 A. I can't remember.

4 Q. Okay. How about miners' rights, have you had any
5 instruction in miners' rights?

6 A. No.

7 Q. Do you know that you're protected for certain
8 things? You can make safety complaints, you can
9 refuse to do a certain job. Are you aware of that?

10 A. Yeah, I understand that. I ain't going to do
11 nothing that I don't think is safe for my personal
12 being or anybody else's.

13 Q. Sure.

14 A. They can threaten me or whatever, I'm not going to
15 do it. And that's any job I ever worked.

16 Q. That's good.

17 MR. SHERER:

18 I appreciate it. That's all that I got.

19 RE-EXAMINATION

20 BY MR. MCGINLEY:

21 Q. One question. Last summer, you were working at
22 UBB last summer?

23 A. Yes, sir.

24 Q. Did you ever see anything on the board about
25 meeting production, and if you didn't, there wouldn't

1 be summer vacation?

2 A. I can't recollect it.

3 Q. Did you have a summer vacation last year?

4 A. We didn't get our July vacation. They give it to
5 us later on. I took mine in August, because they was
6 wanting to get that first Mother Drive finished. And
7 they asked us, would we work through vacation and
8 they'd give it to us later.

9 Q. They treated electricians a little different than
10 laborers, do you think?

11 A. Actually, trusted us more than everybody else,
12 because everybody pawns it off on us. Anything wrong,
13 electrician, electrician.

14 Q. So you get to be a jack of all trades?

15 A. Basically. Overpriced mechanic's all you are,
16 basically.

17 MR. MCGINLEY:

18 Okay. That's it. I don't have any other
19 questions.

20 ATTORNEY WILSON:

21 Anything further?

22 MR. SHERER:

23 No, sir.

24 ATTORNEY WILSON:

25 Okay. I'll go ahead --- and for the

1 record, we'll mark this map as Exhibit Weeks One.

2 (Weeks Exhibit One marked for
3 identification.)

4 ATTORNEY WILSON:

5 Mr. Weeks, thank you for appearing here

6 today. We appreciate your assistance. Again, I will
7 remind you, because we will be interviewing additional
8 witnesses, we require that you not discuss your
9 testimony with anyone. As I said, if you think of any
10 additional information that you would like to provide
11 to us, please contact us. You can contact Norman
12 Page, who is MSHA's lead accident investigator at his
13 contact information that is in the letter that we
14 provided to you. We may have follow-up questions
15 after interviewing other witnesses, and if we do, we
16 may contact you.

17 Before we finish and go off the record, I
18 want to give you an opportunity. If there's any
19 additional information that you would like to provide
20 to us, or if there's any statement that you would like
21 to make, you may do that at this time.

22 A. I would just like to know what happened.

23 ATTORNEY WILSON:

24 All right, then. If there's nothing
25 further, again, thank you for appearing here today,

1 and we'll go off the record.

2 * * * * *

3 STATEMENT UNDER OATH CONCLUDED AT 11:30 A.M.

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1 STATE OF WEST VIRGINIA)

4 CERTIFICATE

5 I, Danielle Ohm, a Notary Public in and for
6 the State of West Virginia, do hereby certify:

7 That the witness whose testimony appears in
8 the foregoing deposition, was duly sworn by me on said
9 date and that the transcribed deposition of said
10 witness is a true record of the testimony given by
11 said witness;

12 That the proceeding is herein recorded fully
13 and accurately;

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



21
22 *Danielle Ohm*