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Transcript of the Testimony of Michael Williams

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STATEMENT UNDER OATH
OF
MICHAEL WILLIAMS

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Monday, August 30, 2010, beginning at 5:45 p.m.

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

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ATTORNEY BAXTER:

My name is Derek Baxter. Today is August 30th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Rick Stoltz, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the United States Department of Labor. Also present are several people from the State of West Virginia. I'd ask that they state their appearance for the record.

ATTORNEY KOERBER:

My name is Barry Koerber. I'm an Assistant Attorney General. I'm assigned to represent the West Virginia Office of Miners' Health, Safety and Training. Mr. Terry Farley, the administrator for the Office of Miners' Health, Safety and Training, will be here momentarily. He will conduct the interview on behalf of the State of West Virginia's Miners' Health and Safety Office.

MS. SPENCE:

I'm Beth Spence with the Governor's independent investigation.

ATTORNEY BAXTER:

And there are also members of the

1 investigation team present in --- present in the room
2 today. All members of the Mine Safety and Health
3 Accident Investigation Team and all members of the
4 State of West Virginia Accident Investigation Team
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 the witness
9 statements are officially released.

10 MSHA and the State of West Virginia shall
11 keep this information confidential so that other
12 ongoing enforcement activities are not prejudiced or
13 jeopardized by a premature release of information.
14 This confidentiality requirement shall not preclude
15 investigation team members from sharing information
16 with each other or with other law enforcement
17 officials. The team members' participation in this
18 interview constitutes their agreement to keep this
19 information confidential.

20 Government investigators and specialists
21 have been assigned to investigate the conditions,
22 events and circumstances surrounding the fatalities
23 that occurred at the Upper Big Branch Mine-South on
24 April 5th, 2010. The investigation is being conducted
25 by MSHA under Section 103(a) of the Federal Mine

1 Safety and Health Act and the West Virginia Office of
2 Miners' Health, Safety and Training. We appreciate
3 your assistance in this investigation.

4 You may have your personal attorney
5 present during the taking of this statement or another
6 personal representative if MSHA has permitted it and
7 may consult with your attorney or the representative
8 at any time. And for the record, do you have a
9 personal attorney or representative here with you
10 today?

11 MR. WILLIAMS:

12 No.

13 ATTORNEY BAXTER:

14 Okay. Your statement is completely
15 voluntary. You may refuse to answer any question and
16 you may terminate your interview at any time or
17 request a break at any time.

18 Your identity and the content of this
19 conversation will be made public at the conclusion of
20 the interview process and may be included in the
21 public record of the accident, unless you request that
22 your identity remain confidential or your information
23 would otherwise jeopardize a potential criminal
24 investigation. If you request us to keep your
25 identity confidential, we will do so to the extent

1 permitted by law.

2 That means that if a judge orders us to

3 reveal your name or if another law requires us to

4 reveal your name or if we need to reveal your name for

5 other law enforcement purposes, we may do so. Also,

6 there may be a need to use the information you provide

7 to us or other information we may ask you to provide

8 in the future in other investigations into or hearings

9 about the explosion. Do you understand?

10 MR. WILLIAMS:

11 Yeah.

12 ATTORNEY BAXTER:

13 Do you have any questions?

14 MR. WILLIAMS:

15 No.

16 ATTORNEY BAXTER:

17 After the investigation is complete, MSHA

18 will issue a public report detailing the nature and

19 cause of the fatalities in the hope that greater

20 awareness about the causes of accidents can reduce

21 their occurrence in the future. Information obtained

22 through witness interviews is frequently included in

23 these reports. Since we will be interviewing other

24 individuals, we request that you not discuss your

25 testimony with any person aside from your personal

1 representative or counsel.

2 A court reporter will record your
3 interview. Please speak loudly and clearly. If you
4 do not understand a question asked, please ask us to
5 rephrase it. Please answer each questions as fully as
6 you can, including any information that you have
7 learned from someone else.

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

12 After we have finished asking questions,
13 you will have an opportunity to make a statement and
14 provide us with any other information that you believe
15 to be important. If at any time after the interview
16 you recall any additional information that you believe
17 might be useful, please contact Norman Page at MSHA at
18 the telephone number or e-mail address provided to
19 you.

20 Any statements given by miner witnesses
21 to MSHA are considered to be an exercise of statutory
22 rights and protected activity under Section 105(c) of
23 the Mine Act. If you believe any discharge,
24 discrimination or other adverse action is taken
25 against you as a result of your cooperation with this

1 investigation, you are encouraged to immediately
2 contact MSHA and file a complaint under Section 105(c)
3 of the Act.

4 MR. FARLEY:

5 Mr. Williams, on behalf of the Office of
6 Miners' Health, Safety and Training, I'd like to
7 inform you that the West Virginia State Mining
8 Regulations also provide protection against potential
9 discrimination resulting from participation in these
10 type interviews. And I've given you, just given you
11 some contact information for the West Virginia Board
12 of Appeals, which is charged with hearing complaints
13 from miners that experience discrimination.

14 Should you have any problems, you should
15 contact the Board immediately at that address. And
16 also, you have my business card and one for Mr. Bill
17 Tucker, our lead underground investigator. We'd
18 caution you that should you have such a problem, you'd
19 to file a claim within 30 days of when it first
20 occurs; okay?

21 MR. WILLIAMS:

22 All right.

23 ATTORNEY BAXTER:

24 Would you please swear the witness in?

25 -----

1 MICHAEL WILLIAMS, HAVING FIRST BEEN DULY SWORN,
2 TESTIFIED AS FOLLOWS:

3 -----

4 EXAMINATION

5 BY MR. STOLTZ:

6 Q. Mr. Williams, would you please state your full
7 name and spell your last name?

8 A. Michael Joseph Williams, W-I-L-L-I-A-M-S.

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

11 A. [REDACTED]

12 [REDACTED]

13 Q. Are you appearing here today voluntarily?

14 A. Yeah.

15 Q. Okay. Is it all right for me to call you Mike?

16 A. Yeah.

17 Q. Okay. Has anyone made any promises to you for
18 giving statements or offered you any awards, rewards
19 in exchange for making statements?

20 A. No.

21 Q. Okay. Has anyone threatened you or warned you not
22 to provide statements?

23 A. No.

24 Q. Has anyone from the company or a person
25 representing the company talked to you concerning the

1 explosion?

2 A. No.

3 Q. Okay. Could you please provide us some of your
4 past mining experience, your background, please?

5 A. I worked for Massey when I was a red hat back in
6 2007. And then I worked there for, I think about
7 three months. And then I went to Strata, making
8 explosion seals, PMR seals, plug seals and gluing, and
9 then I went to --- then they called me. Ron Buzzer
10 called. Mountaineer Labor called me to go back to the
11 longwall here at Performance probably about a year and
12 a half later. And then I worked for this company,
13 Performance, for a year. Then that's when I went to
14 ICG, and that's where I'm at now.

15 Q. Okay. When did you leave Performance or Upper Big
16 Branch Mine?

17 A. This year. I got laid off on April 3rd, that
18 Friday.

19 Q. Okay.

20 A. They said they was doing some kind of thing for
21 the longwall. I forgot what they called it, and they
22 laid off three people, and then they made everybody
23 else go to different mines.

24 Q. So you worked from April 3rd, then, getting laid
25 off about a year prior to that, then?

1 A. Yeah.

2 Q. Okay. What type of duties did you perform, then,
3 at ---

4 A. When I first stated ---

5 Q. Upper Big Branch?

6 A. --- when they called me in, they said I was going
7 to be on a setup crew for the longwall. I was working
8 for --- they called him Jaybird. That's what they
9 called him. That was my boss. And I was down there
10 setting props behind the wall.

11 And then I think it was Mike Ferrell was our boss
12 at the time, maybe. But anyways, he told me to go
13 somewhere else and work for Mark Perdue that was also
14 working for the longwall, like, doing structures, like
15 putting in belts and stuff like that, belts,
16 doing ---.

17 I think it was November come around and I had to
18 work my vacation, and at that time they had a flood
19 down there. And then they sent me down there with the
20 flood people for the pumps, and I started working on
21 that for --- until after the winter. But it was never
22 --- the pumps never went down. I mean the water just
23 never went down, except in probably a couple entries.
24 And then Number Four was the one that was the worst,
25 Number Four and they had water in Number Three.

1 And then after that they sent me up there to put
2 these stoppings in and doors, like, down here
3 (indicating). We put doors down in Number One down
4 here, down in --- I can't think now, but One section
5 is on the main road, and then up there at Ellis. The
6 last time doing is putting them doors up there at
7 Ellis before I quit, and that's all we was doing was
8 putting in doors.

9 Q. Up at Ellis?

10 A. Yeah.

11 Q. That side of the mine?

12 A. Huh?

13 Q. I said it would be that side of the mine up at the
14 Ellis Portal?

15 A. Yeah. Yeah, Ellis Portal, the new one.

16 Q. Okay.

17 A. But then we blasted --- down here we blasted.

18 Q. When you say down here, what are you referring
19 to ---?

20 A. 100 Break. 100 Break, right here in Number Four
21 entry, we blasted, try to get the water through. We
22 used dynamite and that didn't work. Mostly that's
23 what I did.

24 Q. Okay. Well, I'm going to take you back now, and
25 we're going to walk you through, then, starting with

1 the ---. And just, you said you participated in the
2 longwall setup?

3 A. Uh-huh (yes).

4 Q. Did you actually participate in that until the
5 wall started to run coal?

6 A. Yeah.

7 Q. Okay. We understand that they had some citations
8 for setup. Was you around when they had some
9 citations during setup for ---?

10 A. No.

11 Q. Now, the air was --- they found that the air was
12 not moving?

13 A. No, I didn't. I wasn't working then.

14 Q. Okay, okay.

15 A. I didn't hear about it.

16 Q. Then after setup, you mentioned that you went back
17 and worked on pumping toward the Bandytown fan?

18 A. Yeah.

19 Q. I guess that was during --- the wall was mining?

20 A. Yeah.

21 Q. Okay. And you said you started in about November-
22 ish?

23 A. Yeah.

24 Q. Okay. And could you walk us through, I guess,
25 during that time when you say for pumping, what you

1 actually did where or, you know, trying to take care
2 of the water ---

3 A. Okay.

4 Q. --- in that area? And --- or point to the low
5 spots or where the water problems were at, because it
6 sounds like you worked on it for several months.

7 A. Yeah.

8 Q. And this would be the longwall setup. These
9 entries would be back in Bandytown, or Bandytown fan
10 is back here.

11 A. Yeah. Where you see these blues is really where
12 --- like, 88 Break down to 75 Break, and then you went
13 --- then 24 Break. That's where it was flooded, all
14 the way down to the fan. And we started up here. I
15 believe as far as I went was, like, 70 Break. We set
16 pumps up here. Like, they had electric pump. Then
17 they had a air pumps, and we ran our lay-flat line all
18 the way to here, where it meets.

19 And we had pumps in 88 Break, had pumps in 100
20 Break, had pumps in 124 Break. And then we had pumps
21 on top, Number One, I mean Two entry, Four entry and
22 Three entry. And we had pumps in each --- the track
23 ways that it was flooded, but we had to keep Number
24 One down, because the fire boss had to get so he can
25 walk --- or an inspector, so he can walk on the side

1 of the water. So we had pumps up there.

2 And when we first started it was roofed out and we
3 had to get down in there to get it, like, walk through
4 the water, carry pumps through there. And the water
5 ran up. The air was real, real tough, I guess because
6 that fan was sucking. It weren't blowing. And
7 they'll sent some pumps down that they'll drill a
8 drill hole down there we had. They sent our stuff
9 down there, too. That's how we got our supplies
10 sometimes, and we would carry it from up here down.

11 Q. Okay. If I understand, walking through this now,
12 I guess the topography of the --- from 70 down to ---

13 A. Yeah.

14 Q. --- Bandytown, the water, you were saying, did not
15 flow naturally the whole way down, because you had to
16 run your lay-flat line?

17 A. Uh-huh (yes).

18 Q. Okay.

19 A. We had mounds, ---

20 Q. Okay.

21 A. --- hills.

22 Q. Okay. I guess is the blue indicating where the
23 water would potentially roof or the deep holes?

24 A. Deep holes.

25 Q. Okay. So each of the blues between 70 and 75 ---

1 A. Uh-huh (yes).

2 Q. --- Break, 85 to 89 Break and appears 100 Break
3 and down here at 122 ---

4 A. Yeah.

5 Q. --- to 125 Break was the deep spots, we'll call
6 those?

7 A. Yeah.

8 Q. You mentioned that you had water basically in
9 entries One, Two and Three?

10 A. Uh-huh (yes).

11 Q. The topography of it lays that the deep side would
12 be in Three, Two, One would be the shallowest; ---

13 A. Yeah.

14 Q. --- is that true?

15 A. Yeah, Number Four was the deepest.

16 Q. Okay. Four would be encountered here once we got
17 inby ---

18 A. Yeah.

19 Q. --- 93 Break?

20 A. That's what we was trying to get all the water in,
21 the Four, so we can pump it out this way from the Four
22 down to the big pump. That's all --- that's what we
23 was trying to do. It's been roofed out a couple
24 times, like in Number Two entry. I mean the track
25 side. It would be roofed out because the power went

1 out or something like that, or something happened.

2 Then we'd have to go down there and ---.

3 Q. Okay. Let's back up, now. You're saying the
4 water would've roofed in the Number Two entry. If
5 it's roofed in the Number Two entry, it's probably
6 roofed in the Number Three entry, also ---

7 A. Yeah.

8 Q. --- or the Number Four or ---?

9 A. Yeah.

10 Q. Okay. Where would it roof? I mean, where would
11 you ---?

12 A. Right here. The worst part was down here in 100
13 Break.

14 Q. 100 Break it would roof?

15 A. Yeah. In the walkway where the cross was and the
16 track side, Two --- One, Two and Three and Four it'd
17 be --- but Four wouldn't be roofed, but One and Two
18 and Three would be.

19 Q. Down here at 100 Break?

20 A. Yeah, because it was a dip. It went like that
21 right there, and I guess when the water would raise up
22 ---. I mean it was just a dip.

23 Q. Okay.

24 A. And that's why it would roof right there.

25 Q. Okay. Is there anyplace else it would roof?

1 A. No.

2 Q. Just at 100 Break?

3 A. Just right at 100 Break. That's the only place it
4 seemed roofed out.

5 Q. But you said there'd be still a small opening for
6 the air, for air to pump, well, over in the Number
7 Four entry?

8 A. I don't know about the air part, but the water
9 wouldn't be up there.

10 Q. Right.

11 A. I know we'd --- when we'd go down to Number One,
12 it would be really a lot of air, because it would be
13 hard to walk through there, because where the air was
14 so strong.

15 Q. It was just blowing over the top ---

16 A. Yeah.

17 Q. -- over the water? So it wouldn't ---

18 A. Yeah.

19 Q. --- be completely roofed, but ---?

20 A. No.

21 Q. Okay. I guess working on that problem --- and you
22 mentioned that you worked on it through the winter?

23 A. Uh-huh (yes).

24 Q. Your routine, I guess, when you arrived down
25 there, you would check the pumps and work your way

1 down, or what was your normal routine through that
2 period of time?

3 A. The water went down.

4 Q. Well, your normal routine when you arrived?

5 A. Oh, we'd go down there.

6 Q. Yeah, yeah, when you would check pumps and
7 just ---

8 A. Yeah.

9 Q. --- either work your way one way or the other?

10 A. And make sure they're all working.

11 Q. Yeah.

12 A. Make sure they ain't got holes in the lines.

13 Q. Yes.

14 A. Make sure it was pumping good and make sure
15 they're still hanging on the roof and not fall, fell.
16 And we'll, you know, walk all the way down there,
17 checking everything out and make sure the water ain't
18 rose up and we'll check the depth of the water down
19 there, or our boss will, and he'll send it up there to
20 the --- up top.

21 Q. Okay. You also mentioned, then, on the next step
22 while you were at Upper Big Branch was that you
23 installed some stoppings then, in ---? Do you
24 remember where those --- you were assigned to start
25 Kennedies?

1 A. Oh, the Kennedy stoppings we put 88 Break. It was
2 around 88 Break, I know that, because that's where the
3 first water was, right here. And we put across the
4 track, and then right across it from the next entry
5 over, straight across. And we left one little hole
6 open.

7 Q. So you installed it ---? If you're looking at 88
8 Break, there's three entries there.

9 A. Yeah, the track side and right there at the man
10 --- I'm trying to think here. I know we put one on
11 the track side, and right here is a man door, and then
12 it went straight across. I think --- ain't that
13 Three? Ain't the track about Three --- it would be
14 Three and Two, then. We had it in that. And that's
15 the only time what we had in there, straight across.

16 And that's after we built the ---. We had an
17 order go down there to make some regulators down
18 through here, all the way up, busting out regulators
19 until we were about right here, and then up through
20 here. And then probably about a week later we had a
21 lot ---. I didn't build them back, but somebody else
22 did, went and built half of them back. And come down
23 here. We busted all these regulators through here.
24 Again, we had to build them back and put that Kennedy
25 stopping through there.

1 Q. Okay. Let's back up. When you're saying about
2 the regulators, you're saying that you actually went
3 down, worked your way down to Bandytown, knocking out
4 partial of the stopping?

5 A. Yeah, just a third of it.

6 Q. A third of it? And the idea would be to make the
7 entries --- air course common?

8 A. Uh-huh (yes).

9 Q. Is that where we're at?

10 A. Yeah.

11 Q. So you all did that initially. Then you come back
12 and had to rebuild?

13 A. Some of --- I didn't rebuild them; somebody else
14 did.

15 Q. Okay. Somebody else had to rebuild them to not
16 make the air course common?

17 A. Yeah, something was wrong. I guess something was
18 wrong with it and they had try to redirect it or
19 somehow.

20 Q. Okay. The stoppings you built in at, you said at
21 between 88 and 89 Break ---

22 A. Uh-huh (yes).

23 Q. --- you brought --- built Kennedies up across the
24 entry?

25 A. Uh-huh (yes).

1 Q. Do you know the purpose of that, out of curiosity?

2 A. No, they just told us what we had to do.

3 Q. Okay. So you had stoppings in Two and Three and
4 then Number One was open ---

5 A. Yeah.

6 Q. --- to direct ---? Basically you're directing all
7 the airflow over to Number One entry?

8 A. Yeah.

9 Q. Okay.

10 A. And we went up here. Our walkway --- I think it
11 was this one right here. We went to the walkway. We
12 put a couple Kennedy stoppings up there, too, help
13 with a regulator that was knocked out, and then they
14 told us to put a Kennedy stopping up there. I don't
15 know what break it was. I know it was roofing out. I
16 mean the bottom was coming up and we was putting air
17 --- putting roof supports down through here, because
18 it was hooving up real bad and the top was falling.

19 I just kept ---. Every day you'd go down in
20 there. You'd walk and then probably another couple
21 weeks later, you're bending over. And then that's
22 about the stoppings I did for the longwall.

23 Q. Okay. The roof, type of roof support you
24 installed ---?

25 A. Props.

1 Q. Props? Do you remember what entries you were
2 installing the props in?

3 A. It was the walkway.

4 Q. The walkway entry?

5 A. Yeah.

6 Q. Number --- we've heard it commonly referred to as
7 the Number One entry.

8 A. Okay. Yeah.

9 Q. I'm just asking you. Is that what or you just
10 don't recall?

11 A. I know it was just a walkway. I know we went
12 through the double doors up here and we would walk
13 straight down. There's some double doors up here.

14 Q. Could it be the Number Two entry?

15 A. It was the entry right beside the beltline,
16 because I know if you went over to the next stopping,
17 the beltline would be right there on that side. Like,
18 on this side would be the belt, and we'll walk down
19 this side, like that right there, until we got down to
20 the water.

21 Q. Okay.

22 A. And we couldn't walk the belt back. It was
23 crushed.

24 Q. I'm thinking that would be in Number Two entry.

25 A. Probably. Yeah, it would be. Because that was

1 hard for me to understand how they had that Number One
2 and Two and Three. I know down here is what I was
3 going through, but down here it would be hard.

4 Q. Okay. But your stoppings were installed on the
5 backside somewhere here?

6 A. Yeah, but we put Kennedy stoppings?

7 Q. Or the stoppings and roof support, then, too?

8 A. Yeah, yeah, whatever they regulated. We did build
9 some back, but we used foam on them.

10 Q. Okay. I'm going to ---. I guess how did you ---?
11 I'm going to take you back to Ellis.

12 A. Okay.

13 Q. If you remember coming in from Ellis. You rode a
14 mantrip in from Ellis; right?

15 A. Okay.

16 Q. How far did you ride the mantrip in?

17 A. About an hour.

18 Q. Okay. That's the time length. Do you remember
19 how far up into ---

20 A. Yeah.

21 Q. --- this section you all ---

22 A. Okay.

23 Q. --- traveled to?

24 A. I've got to think about this one. Probably about
25 --- it's the first one at Number Four down here. But

1 each time the longwall would go up, we had to stop
2 behind it and walk.

3 Q. So you all would stop prior to coming to the wall?

4 A. Yeah, yeah, because we couldn't go. We couldn't
5 park behind it or ---

6 Q. Okay.

7 A. --- in front of it. Then we had to get up and
8 walk down ---

9 Q. Okay.

10 A. --- because of, I guess, where the roof was bad.
11 It was probably around in here, then, where we stop
12 our mantrip.

13 MR. STOLTZ:

14 He's pointing to around 75 Break.

15 A. Okay. Yeah.

16 BY MR. STOLTZ:

17 Q. That would be the timing of November?

18 A. Yeah.

19 Q. In November?

20 A. Yeah. I remember walked the rest of the way to
21 the double doors, because that beltline --- the belt
22 would be right here at the ---.

23 Q. The old beltline for the section?

24 A. Uh-huh (yes).

25 Q. Okay.

1 A. And then we'd walk the rest of the way down to the
2 double doors and get to another entry and walk on
3 down, down to the pumps.

4 Q. Okay.

5 A. The 88 Break.

6 Q. Eighty-eight (88) Break.

7 A. That's where we would first go into to check it
8 out, right here.

9 Q. Yeah.

10 A. Yeah, about 90, 93 Break.

11 Q. Now, the map indicates some double doors there
12 at ---.

13 A. Yeah, but we walked through.

14 Q. Ninety-three (93).

15 A. And then we'll walk to 88 and checked the pumps
16 there, first. And then we'll walk down here, down to
17 the Bandytown, the main pumps. And the guy we was
18 with was a fire boss before we get there. And then
19 he'll come up here and check these pumps, electric
20 pumps.

21 Q. Okay. I'm going to move you forward now. As
22 you're looking at the map, you mentioned that you ---
23 at 100 Break you blasted for water. Now, I guess what
24 do you mean by ---?

25 A. Okay. Well, the water was down in a dip down

1 here, and we ---.

2 Q. At 100 Break?

3 A. Yeah, we was trying to rush this real fast ---

4 Q. Okay.

5 A. --- so we could get the water moving. It flowed
6 from up through here, and so we drilled. Around 100
7 Break in Number Four we drilled holes, making a ditch
8 line.

9 Q. When you say in Number Four, you're talking about
10 the Number Four entry?

11 A. Yeah, the main --- where all the water was
12 flowing.

13 Q. Okay.

14 A. And we drilled holes, I don't know how far.
15 Probably about 30 feet, maybe, all the way across. I
16 mean like a little ditch right beside the rib.

17 Q. Would you drill them into the bottom?

18 A. Yeah.

19 Q. The holes?

20 A. We'd drill them in the bottom, like --- I can't
21 remember, maybe 30 inches apart.

22 Q. Okay.

23 A. I know it was 30 inches deep.

24 Q. Thirty (30) inches deep?

25 A. Yeah.

1 Q. Okay.

2 A. And then we'll go and we pack the mud in it. I
3 mean the clay and the dynamite, and we'll let Everett
4 do that. Everett did that, and Jamie Ferguson. And
5 then we'll go out here and, like, in the beltline or
6 the track and let him blast it. We'll be in a
7 stopping somewhere.

8 Q. Okay.

9 A. And then when we get down, we take all the
10 blasting caps and whatever he had, those little wires
11 and stuff and put them in a bucket to pick it up.

12 Q. I guess what was the length or how long was this
13 ditch you all made?

14 A. About 30 foot.

15 Q. Thirty (30) feet?

16 A. Thirty (30) or 20 foot.

17 Q. Just to get you over a rise?

18 A. Yeah.

19 Q. Was that the idea?

20 A. Yeah.

21 Q. And you did it in the fourth ---? Well, Number
22 Four entry, if I remember you correctly, you said the
23 water would roof--- you had water roof in Number One,
24 Number Two and Number Three, and Four would not roof?

25 A. Yeah.

1 Q. So it would ---?

2 A. It would be closed.

3 Q. Okay.

4 A. It would be closed, Number Four. That's why we
5 was blasting at 100 Break. I mean down here at Four,
6 but yeah, it would be close to roofing.

7 Q. Okay.

8 A. But not real ---. You can see, like, a little
9 line down through there, ---

10 Q. Uh-huh (yes).

11 A. --- because sometimes when you go in here, like if
12 the electric pump went out, your pumps would disappear
13 and it would be --- all you could see is your hangers
14 on your pump, and we had to go out there and try to
15 get them started. That was the main dip. Down there
16 at 100 Break was the worst part of this place where it
17 would roof out.

18 Q. After --- I guess after doing the ditch, did that
19 seem to help?

20 A. No.

21 Q. No?

22 A. No, it didn't help none. We just put more pumps
23 in there.

24 Q. Okay.

25 A. Had three-inch pumps.

1 Q. Okay. And I guess back --- because I heard you
2 say you had an electric pump back there.

3 A. Yeah. Well, the electric pump was up here, up
4 here at around this breaks, around 75 to 70. It was
5 around here. That's the only electric pump. That's
6 the only one we had. It came into a hard line, and
7 they would pump it from ---. It was real deep up
8 here, too, around the prop line.

9 Q. Uh-huh (yes).

10 A. It was real deep. And had some double --- okay;
11 right here. We'll go through these double doors ---

12 Q. At 72 Break, you mean?

13 A. --- and we'd walk, like, a couple breaks up in
14 water on that prop lines. That's where the electric
15 pumps was. And they had one air pump out there.
16 That's it.

17 Q. Where were they getting power for the electric
18 pump?

19 A. I believe it went to a --- what do you call that
20 on the longwall? Like, it had that ---. I can't ---.
21 I know it went up toward the longwall way.

22 Q. And it was fed, you're saying, from the longwall
23 face area?

24 A. Uh-huh (yes). Yeah, I think it ---.

25 Q. The power center?

1 A. Yeah. I can't remember what they called that big
2 thing that sat there for the longwall.

3 Q. Mule train?

4 A. Yeah.

5 Q. Okay. The longwall mule train?

6 A. Uh-huh (yes).

7 Q. And was that in November-ish?

8 A. Yeah.

9 Q. Yeah?

10 A. Yeah, right here (indicating). And sometime that
11 pump didn't work a lot, either, and we had to rely on
12 the air pump.

13 Q. How did the air pumps work? I mean I'm familiar
14 with air pumps, ---

15 A. Okay.

16 Q. --- so I'll get your interpretation and feel for
17 the air pumps. Where they working well?

18 A. Yeah, they was working good. I mean you had to go
19 down and repair half of them, I mean, you know, after
20 about a week or two. But yeah, when they flowed
21 water, it come out real good. Then we started putting
22 Tigerflex line on them so they didn't bust so much.

23 Q. Okay. Was you still on the --- I'm going to say
24 the pumper, then, up until April 3rd?

25 A. No.

1 Q. Okay.

2 A. They moved me to outby construction with Marvin
3 Perdue, and then they sent me to --- you know, they
4 sent me to Glory Hole up here to work around this
5 track way. We was putting in that new track for the
6 one section.

7 Q. Okay.

8 A. And what we did out there, we put overcasts in and
9 some doors, and we built --- and then run the track,
10 trying to get the section ready for Number One when it
11 was --- when they was just now starting. Let's see.
12 This is were I started working out with this. Right
13 around this area.

14 Q. Okay.

15 A. Down the Glory Hole.

16 Q. Okay. So you worked out in that area up until
17 April 3rd, then?

18 A. No. After that they sent me up here to Ellis
19 working. I had a few jobs, you know, a few jobs to do
20 out in here. They would send me and this other guy,
21 like, to 2, the 02 section. We had to gear out these
22 two double doors. This is probably about a month or
23 maybe a couple weeks before this happened. We had to
24 go out there and bust out this --- bust out two double
25 doors at the 02 section. Right here's a switch. We

1 busted out two doors, put a stopping in with a man
2 door and that. That's what Terry Moore and Everett
3 had us do that.

4 Q. Do you remember exactly where that was at on the
5 --- identify that area on the map?

6 A. Let me remember where I'm at, because then we had
7 to take a foam pack after that. After we hid behind
8 the stopping there, we had to take a foam pack and go
9 down this side here, one of these sides here. I mean
10 this one, and foam pack every stopping to make sure
11 there wasn't nothing leaking. And then when you got
12 down that day, we had to go down this side and get
13 each side like that with foam packs.

14 Q. So you were checking stoppings for leakage or ---?

15 A. Anything, anything. I mean we had to do every
16 block.

17 Q. Every block you were trying to reseal?

18 A. That's what they told us to do.

19 Q. Okay. And that was on the Headgate 22 section?

20 And you were indicating initially the longwall
21 headgate. Was it that or the tailgate, the new
22 tailgate section?

23 A. I can't tell you that, because I don't know. I
24 just know what I was going through. It was the back
25 there where the props was. It was about right in here

1 somewhere when we was doing it. Just like that, right
2 here. Yeah, probably ---.

3 Q. You're indicating the longwall now?

4 A. Yeah, that's what. We did it behind the longwall.

5 Q. Okay.

6 A. The longwall people came and helped us. I
7 remember that. They came and helped us. I was down
8 there working, putting up the doors at Ellis. Everett
9 Hager came down there real fast with a mantrip and
10 told us to get on this mantrip, and we blitzed up here
11 real fast, up in the 02 section, went around this
12 track, the switch. And they had two double doors, and
13 that's when he said, hurry up and bust these out real
14 quick and put a stopping there. And then Terry Moore
15 took a couple of his guys with sledge hammers, and I
16 don't know where they went.

17 And then after that --- then after that, he said,
18 get out of sight and then --- until it's clear. So we
19 got behind that stopping, and then when it was clear
20 we went down here and put all these foam packs. And
21 then actually, that's the one thing I did, too.

22 Q. Do you remember when you did that, that day?

23 A. I don't know what day. I know it was --- no, I
24 can't remember. I know it was real close to me
25 getting laid off.

1 Q. Okay.

2 MR. FARLEY:

3 He told you to get out of sight?

4 A. Get out of sight and mind, after we got it built.

5 I guess an inspector was coming. I figured that's

6 why. I figured the inspector was coming down through

7 here, so he didn't want us to be --- maybe we wasn't

8 allowed in there at the time to do this. Maybe nobody

9 was allowed in there. I don't know, but he just said,

10 get out of sight and mind. And we went behind in the

11 man door and sat there until it was clear to come out.

12 BY MR. STOLTZ:

13 Q. So you made --- you changed some ventilation

14 around and there was people in the mine while you were

15 doing that, then ---?

16 A. I don't know if they was cutting or not, but I

17 know we had to do that real quick.

18 Q. Okay.

19 A. Had to get it, because we was building --- we was

20 building doors down here and that new section was

21 going to --- for the --- not UB. LBB?

22 MR. FARLEY:

23 Approximately when was that, again?

24 A. I know it was about close to where I was getting

25 laid off. I know that. Probably about a month.

1 MR. FARLEY:

2 A month before you got laid off?

3 A. Probably.

4 MR. FARLEY:

5 You got laid off on April 3rd?

6 A. Yeah. And maybe a month and a half before, a
7 month, but I know it's real close. It was during
8 the ---.

9 MR. FARLEY:

10 Could it have been around the 1st of
11 March, March 9th or 10th or somewhere around that?

12 A. It could be, because I know it was real close. I
13 know. All this --- when all this started happening,
14 all this air stuff, everything was --- everybody was
15 going hectic. I know that for a fact. Everybody was
16 going nuts in the mine. I mean they was --- because
17 we got sent home because of this.

18 MR. FARLEY:

19 Okay.

20 A. And all of this.

21 MR. FARLEY:

22 The mine was down maybe a couple, three
23 days?

24 A. Uh-huh (yes).

25 MR. FARLEY:

1 That about right?

2 A. And then they'll send us back, and while we ---
3 before we get down there, sometime they'll send us out
4 because of the air. And then --- now, I guess they
5 had some air problems. I know Number One section,
6 these guys would come out there and say they was hot.
7 They'd say they was so hot, you know, they was pouring
8 sweat. And so we'd go down here and build some doors,
9 some more doors by the longwall and have a new road.

10 You know that guy that you ---? I know ---. I
11 thought about this, though, that guy that was just in
12 here. I met him at Wal-Mart, and he was telling me it
13 was real hot. And he told his boss this 30 minutes
14 before it exploded. I don't know if he told y'all up
15 here or not, but he was walking up the track way with
16 his buddy. And that's when I was off the pump crew.
17 I was up here. I mean I was already laid off.

18 He said the day it blowed up, he was walking up
19 the track up this way, maybe even --- well, walking to
20 the mantrip. He said, it feels funny. Something's
21 wrong. He said, it's real hot. And he said, and it
22 got real, real hot. And he said, something's wrong.
23 And he told this to his boss, Burdoff, Jeremy. And he
24 said, that guy said he'll put it in tomorrow's log
25 that this was happening. And then after he got out,

1 you know, 30 minutes later, it exploded.
2 But that's right in here, though. He said it got
3 real, real, real hot. It felt different. Never felt
4 this before, and he tried to explain to his boss what
5 was going on. But other than this air stuff, yeah, we
6 was scrounging.

7 MR. FARLEY:

8 Constantly looking for small amounts of
9 air someplace. If you're using spray foam packs ---
10 A. Yeah, because down here at ---.

11 MR. FARLEY:

12 --- to try to seal all these.

13 A. Yeah. Down here at 78 Break we had to switch a
14 door around. They said inspectors went down there and
15 made his ---. Somehow the air reversed, I believe,
16 and they kept their doors open and the longwall on
17 hoot owl, I think, had to switch those doors around so
18 it'd close. Then we had to come down here, down ---.
19 Put some more double doors in. Terry Moore had us do
20 that.

21 I don't know why they was doing that, because they
22 had sets here. They had sets of double doors here,
23 and then put another set of doors, and you already had
24 two of them up here. I mean it was --- I don't know
25 why they was doing all that, either. But yeah, about

1 a month before I got laid off, everybody was going
2 nuts.

3 BY MR. STOLTZ:

4 Q. On the air?

5 A. On the air.

6 Q. Okay.

7 A. But other than building those two stoppings, that
8 was --- we was putting doors up here on Ellis for a
9 new section.

10 Q. For that new section?

11 A. (Indicating yes).

12 Q. Okay.

13 A. I think Marvin Perdue, he was --- I mean he knew
14 about everything about air. He was real good at it.
15 That was our boss. And he kept wondering why we was
16 doing it, and he kept ---. I think he was telling one
17 of them not to --- why you putting these here, and all
18 this, and they'd just tell him to do it. But that's
19 what I did.

20 Q. Okay.

21 A. I was just doing what I was, you know, told to do.

22 Q. Yeah.

23 A. And I figured that's what they was doing --- what
24 I figured they was doing is trying to shut this door,
25 the air off coming down here to down here and trying

1 to redirect it, redirect it down to the --- down to
2 Number One face and try to come up the longwall so
3 they'd get air. I mean that's my theory. And closing
4 off that Number Two section when we did that, I think
5 we should've did that myself, where we put them man
6 doors and when he told us to go hide.

7 Q. Yeah.

8 A. And I don't even think we was allowed in there at
9 the time.

10 Q. Well, okay. I'm going to bring it back at this
11 time. I'm going to bring you back. Then I was going
12 to let Terry follow up with, I guess, some more
13 questions. But when you were --- I guess you were
14 there for the longwall setup. Did you have a water
15 problem at that time?

16 A. No.

17 Q. Okay. So the water problem didn't start until ---

18 A. No.

19 Q. --- after the wall started mining? And at what
20 point in time do you recall, you know, that ---? You
21 know, you said you were back down here on the water
22 crew in November. Did the water problem actually
23 happen before that? You heard about it or was it
24 about that time where you got ---?

25 A. It was probably about right there in Thanksgiving

1 weekend.

2 Q. Okay.

3 A. I remember they didn't have no people going in
4 there yet, but I remember all --- I remember some
5 crews just loading up, and then they headed down
6 there. I had been wanting to go down there and work,
7 so I was at the bath house and I was, you know, I was
8 working vacation, so ---. That's the only time I know
9 it happened. Nobody was working down there until this
10 happened, until this weekend.

11 Q. The water, did it seem to you to be originating
12 roof, floor or just flowing out of the gob since, you
13 know, you couldn't tell where it was coming from?

14 A. I couldn't really tell.

15 Q. Okay. But a lot of it, apparently?

16 A. It was on the ground. Yeah. Because I didn't
17 walk up this far. I didn't go up all the way.

18 Q. Okay. But you had several pumps, it sounded like,
19 in the lowest parts.

20 A. Uh-huh (yes).

21 Q. Air pumps there mainly ---

22 A. Yeah.

23 Q. --- trying to handle, a three-inch and two-inch?

24 A. Yeah, three-inch and two-inch. And they was
25 trying to hook up ---. They sent down --- through

1 that little borehole they sent down to big electric
2 pumps, two big ones.

3 Q. Deep water.

4 A. Yeah, and I don't know if they got the hookup for
5 it, because I would help them move it, get it down the
6 hole, and then I left. And I don't know. They were
7 supposed to put it out here at about 125 Break.

8 That's where they was supposed to put it.

9 Q. Okay.

10 MR. STOLTZ:

11 Okay. Terry?

12 EXAMINATION

13 BY MR. FARLEY:

14 Q. I know it seemed like before you were laid off you
15 got --- you moved around quite a bit.

16 A. Yeah.

17 Q. Now, this area back here in the longwall headgate
18 around 88 where the water was, where you did quite a
19 work, quite a bit of work, when was the last time that
20 you were actually at that location?

21 A. Trying to think. Probably about a month, two
22 months before March. Probably about --- probably been
23 about March or February.

24 Q. Okay.

25 A. Around then. Probably about February.

1 Q. At least a ---.

2 A. I know it was snowing when I was down there.

3 Q. At least a month before the explosion?

4 A. Yeah, probably about two months before the
5 explosion.

6 Q. Okay.

7 A. Maybe I'll go down there and look at a couple
8 times with the guys ---

9 Q. Okay.

10 A. --- and that was it.

11 Q. Okay.

12 A. That's a month and a half, about, probably.

13 Q. What did it look like the last time you saw it,
14 then?

15 A. It was pretty good. The water was down a little
16 bit. I mean you didn't walk out there, but you
17 couldn't walk --- it was halfway down. It was up to
18 the man doors on the blocks and it wasn't all the way
19 down.

20 Q. Okay.

21 A. And it was something that I don't think they was
22 going to get taken care of.

23 Q. What did the air feel like, coming towards you?

24 If you were standing, say, here inby the water, a
25 short distance inby the water, what did the air feel

1 like coming toward you? Was it strong?

2 A. No, no. The only time it got strong is when we
3 closed up those Kennedy stoppings.

4 Q. Uh-huh (yes).

5 A. But other than that I didn't feel them. But it
6 was strong --- the strongest part was right here
7 (indicating).

8 Q. Okay. Now, it was always stronger this way?

9 A. Yeah.

10 Q. Okay.

11 A. And then when we had these airlock doors up here,
12 we had --- it took two guys to open them up, up here
13 when we first come down the 78 Break. We had these
14 airlock doors. That's where it was strong, too, right
15 in here. All this right here was most --- was real
16 strong. I mean but you didn't feel it until you come
17 down here.

18 Q. Okay. Now, as you traveled down that tailgate the
19 last time you were there, how many of those entries
20 were passable? How many of them could you actually
21 get through that aren't caved in, gobbled off or
22 whatever?

23 A. I don't think --- just track way, really, that you
24 can go. The other side, you know, a rock fell or ---.

25 Q. No way to get through?

1 A. No, because we tried to walk up there one time to
2 get some supplies, and we had to go back out the track
3 and walk up. And the other side, you can't, because
4 their longwall was cutting. But the beltline, you
5 couldn't walk down the beltline, either. It was
6 crushed. The beltline was crushed. Yeah, you
7 couldn't walk it.

8 Q. Okay.

9 A. That's the only way you got, is the track.

10 MR. FARLEY:

11 All right.

12 RE-EXAMINATION

13 BY MR. STOLTZ:

14 Q. The Kennedy, the two Kennedies you installed, were
15 they still in the last time you were there?

16 A. Yeah.

17 Q. They're still there?

18 A. Yeah, that Dude guy was here, he built them. He
19 build one of them on Number Two.

20 Q. Okay.

21 A. I mean --- yeah, in Two. He built one and I built
22 the other one.

23 Q. Okay. So the Kennedies were still in place and
24 the Number One entry was open yet?

25 A. Yes.

1 Q. And that's the prop entry or ---

2 A. Yeah.

3 Q. --- we called it where the examiner would
4 travel ---

5 A. Yeah.

6 Q. --- basically your foreman would do his shift?

7 A. I mean, you know, I seen a couple inspectors down
8 there. Asked if we was wading water. And I mean they
9 came down there.

10 Q. I guess DTI boards, date times and initial boards,
11 there was quite a few at --- was there boards at each
12 pumps where the, you know, the examiner would have to,
13 you know, sign off on?

14 A. On each pump?

15 Q. At each pump location or was it just in the
16 general, you know ---. You know, this water area and
17 between 85 and 89, water area at 100, water --- you
18 know. Do you recall?

19 A. What do you mean by signing off?

20 Q. Well, when the examiner's making his examination
21 or examination run down that prop entry, he's
22 supposedly to make a methane check and make sure the
23 air's good and date --- you know, he'd put his dates,
24 times and initials on them when he made that
25 examination?

1 A. We just sign the board.

2 Q. Yes. Yes, do you recall how many or where those
3 spots were?

4 A. I didn't see none down here, but I know he had to
5 go up here somewhere and do it.

6 Q. Okay.

7 A. You know what I'm saying?

8 Q. When you say up there, you're referring up to 80
9 or are you referring inby?

10 A. He had to go into the beltline to do this.

11 Q. Okay.

12 A. And he never --- it was somewhere where he had
13 some regulators out. I mean, it was like some kind of
14 --- the fire boss would sign it, too.

15 Q. Yes, that's what I'm looking.

16 A. I mean because we had to go out. I went with him
17 one time and that was it.

18 Q. Okay.

19 A. We done the air check, one of them little things.
20 And I remember he got in trouble one time for not
21 checking these. He didn't go up and do his fire boss
22 thing.

23 Q. Okay.

24 A. And some guy came down there and started telling
25 him, you better start doing it.

1 Q. Okay.

2 MR. FARLEY:

3 And who was that that got in trouble,

4 Burdoff?

5 A. Yeah. Yeah, I don't think he even signed half the
6 stuff he did, but --- because he would take off in 100
7 Break. I mean there's another 100 Break up here.

8 BY MR. STOLTZ:

9 Q. Here's 100 Break.

10 A. Okay.

11 Q. Right here.

12 A. He would take off into the beltline and go down
13 and we had to walk down the prop line and meet him
14 down here at 88, and he didn't fire boss none of this
15 until we got down there, but he was behind in here
16 somewhere until we got down there. And then he got in
17 trouble for doing this, you know, for not signing his
18 boards while we was down there and stuff.

19 And I know he didn't ---. He was over here
20 somewhere and a longway guy --- some longwall guy come
21 over, I think, something Lilly. And he would go down
22 there and he told him, you better start doing this,
23 because he was getting ready to get fired.

24 Q. I guess he had a methane detector.

25 A. He did have.

1 Q. And did you all have any detectors with you?

2 A. I had one.

3 Q. You had a detector when you traveled the area?

4 A. Yeah.

5 MR. STOLTZ:

6 Okay.

7 RE-EXAMINATION

8 BY MR. FARLEY:

9 Q. Mr. Lilly, was that ---?

10 A. Carl Lilly.

11 Q. Harold ---

12 A. Yeah, or --- yeah.

13 Q. --- you mean?

14 A. He's the one that went down there and ---.

15 Q. Assistant longwall coordinator or something like
16 that?

17 A. Yeah.

18 Q. Now, when you turned here in the diagonal and you
19 turned into the Bandytown, were there date boards down
20 this way?

21 A. I think there was. I know there was one
22 somewhere. I have to think about this. I know there
23 was one he signed, because it always had a paint can
24 under it. And there's date boards in Number ---. I
25 know there's date boards ---. He signed one in the

1 track, and there was a couple of them up on the wall
2 where the props was that he signed.

3 Q. Okay. So he would've had date boards as he
4 traveled this way?

5 A. Uh-huh (yes). I think there was one. I think.
6 There might be two, but I think there's only one that
7 I seen. And then they had it --- they did have one
8 down here that he signed down by the pump, by the air.

9 ATTORNEY BAXTER:

10 When you said he didn't fire boss this
11 before you got there, were you referring to the
12 diagonal?

13 A. What's what?

14 ATTORNEY BAXTER:

15 Were you talking about the diagonal, like
16 if you're ---?

17 A. Right here. Yeah, the main --- you know, where
18 the prop line was going down towards the double doors,
19 he would go at the 100 Break here at the longwall, and
20 he'll jump, like, on the beltline, like, to the man
21 door. And he'd say he'll meet us down here ate the
22 double doors. And he would take off this way.

23 And sometime when we'd go out, like when we're
24 leaving the area, he will fire boss going down and
25 come up through here up the walkway. And sometimes

1 he'll go this way fire bossing while we walk back out
2 and meet him right here, again, at 100 Break.

3 EXAMINATION

4 BY MR. STOLTZ:

5 Q. You're saying he fire bossed --- he would come
6 inby until they cut ---? The setup entries, I guess,
7 would be at ---

8 A. Uh-huh (yes).

9 Q. --- 82 Break --- and walk across 82 Break ---

10 A. Yeah.

11 Q. --- instead of coming up the diagonal?

12 A. And sometimes he'll go up here. He'll go up here,
13 leave us here until he comes up and fire bosses this
14 up here. Here's some date boards up here.

15 Q. Date boards, you referred, between 70 and 75
16 Break?

17 A. Yeah. Up there because of that electric pump.

18 Q. Okay. I guess if you properly --- it sounds like
19 you had to work in the water quite often and sometimes
20 pretty deep water ---

21 A. Yeah.

22 Q. --- trying to handle these pumps. Did you ever
23 get a rash from the water or ---?

24 A. Yep.

25 Q. Yes?

1 A. I did. I got --- I remember I had to go to the
2 doctor.

3 Q. Severe rash?

4 A. Huh?

5 Q. Well, it must've been severe if you went to a
6 doctor to try to ---?

7 A. I mean, I didn't put it on no --- on the comp or
8 nothing. I just went for myself, because I was kind
9 of --- because I had [REDACTED], like, on my hands, and
10 I started getting real bad. And I didn't want to ---
11 I didn't want to get in water, but every time I did,
12 it got worse. And I kept telling Burdoff, I'm getting
13 bad. Every time that we --- I mean we was up to here
14 on our water.

15 Q. When you say up here ---?

16 A. On our chest.

17 Q. Chest, chest height.

18 A. We had to get chest waders, and they had holes in
19 them or people will just take their knives and cut
20 them. I mean I came in there and they had knife cuts
21 where they --- where we go in there and they start
22 filling our waders up, and we --- you know, we stayed
23 out there and worked, getting it done, but ---.

24 But we did. Yeah, I did a rash from it, though,
25 real bad. And it took me a long --- it took me, like,

1 a month to recover, two months to get rid of that.
2 And all the other guys did, too. They started getting
3 little bumps on them, but they didn't get as bad as
4 me.

5 Q. I guess during your water pumping days at Upper
6 Big Branch, there was one shift and you had one crew,
7 one crew of guys, basically, would come in and work
8 the water. And it sounded like it was a project that
9 was five or ---?

10 A. We had hoot owl, too.

11 Q. Oh, you had hoot owl on it, also?

12 A. Uh-huh (yes).

13 Q. So you had two crews on the ---

14 A. Yeah.

15 Q. --- water pumping?

16 A. Yeah. When we'd leave, when we've leave, somebody
17 else would be going down there. Yeah, we had two
18 crews going.

19 Q. Okay. To try to maintain the pumps?

20 A. Uh-huh (yes).

21 MR. STOLTZ:

22 Okay. Terry?

23 ATTORNEY BAXTER:

24 Can we take a short break?

25 SHORT BREAK TAKEN

1 ATTORNEY BAXTER:

2 Okay. On behalf of MSHA and the Office
3 of Miners' Health, Safety and Training we want like to
4 thank you for appearing and answering questions today.
5 Your cooperation is very important to the
6 investigation as we work to determine the cause of the
7 accident.

8 We request that you not discuss your
9 testimony with any person aside from your personal
10 representative. After questioning other witnesses, we
11 may call you if we have any follow-up questions. If
12 at any time you have additional information regarding
13 the accident that you'd like to provide to us, please
14 contact us at the contact information that was
15 previously provided to you.

16 If you wish, you may now go back over any
17 answer you've given during this interview, and you may
18 also make any statement that you'd like to make at
19 this time. Okay.

20 A. No.

21 ATTORNEY BAXTER:

22 Again, I want to thank you for your
23 cooperation in this matter.

24 * * * * *

25 STATEMENT UNDER OATH CONCLUDED AT 6:45 P.M.

1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Alison Salyards, a Notary Public in and
for the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Alison Salyards