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Transcript of the Testimony of Ronald Eugene Williams

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Case:

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STATEMENT UNDER OATH
OF
RONALD EUGENE 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 16, 2010, beginning at 4:10 p.m.

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NUMBER	DESCRIPTION	IDENTIFIED
One	Subpoena	8*
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ATTORNEY BABINGTON:

My name is Matt Babington. Today is August 16th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Jasey Maggard, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the U.S. Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record.

MR. FARLEY:

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

MR. KOERBER:

And I'm Barry Koerber with the --- an Assistant Attorney General assigned to represent the Office of Miners' Health, Safety and Training.

MS. MONFORTON:

And I'm Celeste Monforton with the Governor's independent team.

RONALD EUGENE WILLIAMS, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

1 ATTORNEY BABINGTON:

2 Barry?

3 ATTORNEY KOERBER:

4 Okay. Sir, would you please state your

5 full name for the record and spell your last name?

6 A. Ronald Eugene Williams, W-I-L-L-I-A-M-S.

7 ATTORNEY KOERBER:

8 And your address and telephone number?

9 A. [REDACTED],

10 [REDACTED].

11 ATTORNEY KOERBER:

12 And your phone number?

13 A. [REDACTED].

14 ATTORNEY KOERBER:

15 Do you have an attorney or other personal

16 representative that you would like to appear with you

17 here today?

18 A. No.

19 ATTORNEY KOERBER:

20 Sir, are you here pursuant to a subpoena?

21 Are you here because a subpoena ---

22 A. No.

23 ATTORNEY KOERBER:

24 --- compelled you to be here today?

25 A. Yes.

1 ATTORNEY KOERBER:

2 I'm going to hand you a copy of that
3 subpoena. Does that look like a copy of it?

4 A. Uh-huh (yes), yes, that's the same thing I got.

5 ATTORNEY KOERBER:

6 Okay. I'd like that to be marked as
7 Exhibit One.

8 (Exhibit R.E. Williams One marked for
9 identification.)

10 ATTORNEY KOERBER:

11 And then this is a copy of the return
12 receipt card that you signed ---

13 A. Yes.

14 ATTORNEY KOERBER:

15 --- evidencing receipt. I'd like that to
16 be Exhibit Two.

17 (Exhibit R.E. Williams Two marked for
18 identification.)

19 ATTORNEY KOERBER:

20 Sir, pursuant to the statute that
21 authorizes the director to issue subpoenas, the
22 director is required to offer to you a \$40 a day
23 witness fee plus mileage to and from your home to here
24 and back at the rate of 15 cents a mile and
25 reimbursement for all tolls that you may have coming

1 and going. In order to receive that money, I need you
2 to fill these documents out at the close of the
3 interview, one of which is a W-9, which is a request
4 for tax payer identification number which will require
5 you to give your Social Security number so that this
6 can be submitted to the IRS. And subsequently, you'll
7 receive a 1099 miscellaneous, because the \$40 witness
8 fee is income.

9 You can accept that and fill these
10 documents out at the close of the hearing or you can
11 decline that money. Which do you choose to do?

12 A. Decline.

13 ATTORNEY KOERBER:

14 Thank you, sir. Pass it back over to Mr.
15 Babington.

16 ATTORNEY BABINGTON:

17 All members of the Mine Safety and Health
18 Administration Accident Investigation Team and all
19 members of the State of West Virginia Accident
20 Investigation Team participating in the investigation
21 of the Upper Big Branch Mine explosion shall keep
22 confidential all information that is gathered from
23 each witness who voluntarily provides a statement
24 until the witness statements are officially released.
25 MSHA and the State of West Virginia shall keep this

1 information confidential so that other ongoing
2 enforcement activities are not prejudiced or
3 jeopardized by a premature release of information.
4 This confidentiality requirement shall not preclude
5 investigation team members from sharing information
6 with each other or with other law enforcement
7 officials. The interviewers' and team members'
8 participation in this interview constitutes their
9 agreement to keep this information confidential.

10 Government investigators and specialists

11 have been assigned to investigate the conditions,
12 events and circumstances surrounding the fatalities
13 that occurred at the Upper Big Branch Mine-South on
14 April 5th, 2010. The investigation is being conducted
15 by MSHA pursuant to Section 103(a) of the Federal Mine
16 Safety and Health Act and the West Virginia Office of
17 Miners' Health, Safety and Training. We appreciate
18 your assistance in this investigation.

19 You may have your personal attorney

20 present during the taking of this statement or another
21 personal representative if MSHA has permitted it, and
22 you may consult with your attorney or representative
23 at any time. I believe we already have this, but just
24 again, for the record, do you have a personal
25 representative with you today?

1 A. No.

2 ATTORNEY BABINGTON:

3 All right. Your identity and the content
4 of this conversation will be made public at the
5 conclusion of the interview process and may be
6 included in the public report of the accident, unless
7 you request that your identity remain confidential or
8 your information would otherwise jeopardize a
9 potential criminal investigation. If you request us
10 to keep your identity confidential, we will do so to
11 the extent permitted by law. That means that if a
12 judge orders us to reveal your name or if another law
13 requires us to reveal your name or if we need to
14 reveal your name for other law enforcement purposes,
15 we may do so. Also, there may be a need to --- may be
16 a need to use the information you provide to us or
17 other information we may ask you to provide in the
18 future in other investigations into and hearings about
19 the explosion. Do you understand?

20 A. Yes.

21 ATTORNEY BABINGTON:

22 Do you have any questions?

23 A. No.

24 ATTORNEY WILSON:

25 After the investigation is complete, MSHA

1 will issue a public report detailing the nature and
2 causes of the fatalities in the hope that greater
3 awareness of the cause of accidents can reduce their
4 occurrence in the future. Information obtained
5 through witness interviews is frequently included in
6 these reports. Since we will be interviewing other
7 individuals, we request that you not discuss your
8 testimony with anyone.

9 A court reporter will record your
10 interview. Please speak loudly and clearly. If you
11 do not understand a question asked, please ask the
12 interviewer to rephrase it. Please answer each
13 question as fully as you can, including any
14 information you've learned from someone else.

15 I'd like to thank you in advance for your
16 appearance here. We appreciate your assistance in
17 this investigation. Your cooperation is critical in
18 making the nation's mines safer.

19 After we have finished asking questions,
20 you'll have an opportunity to make a statement and
21 provide us with any other information that you believe
22 to be important. If at any time after the interview
23 you recall any additional information that you believe
24 might be useful, please contact any of us at the
25 contact information provided to you.

1 Finally, any statements given by miner
2 witnesses to MSHA are considered to be an exercise of
3 statutory rights and protected activity under Section
4 105(c) of the Mine Act. If you believe any discharge,
5 discrimination or other adverse action is taken
6 against you as a result of your cooperation with this
7 investigation, you're encouraged to immediately
8 contact MSHA and file a complaint under Section 105(c)
9 of the Act. Terry?

10 MR. FARLEY:

11 Mr. Williams, on behalf of the Office of
12 Miners' Health, Safety and Training, I want to advise
13 you that the West Virginia Mining Health and Safety
14 Regulations also provide protection against potential
15 discrimination against coal miners who participate in
16 these type interviews. I want to pass along some
17 contact information for the West Virginia Board of
18 Appeals, which hears complaints from miners concerning
19 discrimination.

20 Also, you'll see a phone number there for
21 Mr. Bill Tucker, our lead underground --- lead
22 underground investigator, along with my own phone
23 number. If you have any questions or issues, you can
24 give us a call.

25 A. Okay.

1 MR. FARLEY:

2 Thank you. Are we ready?

3 ATTORNEY BABINGTON:

4 Right.

5 MR. FARLEY:

6 Okay.

7 EXAMINATION

8 BY MR. FARLEY:

9 Q. Mr. Williams, how long have you been a coal miner?

10 A. Twenty-nine (29) years.

11 Q. Okay. Now, how much of that time has been with
12 Massey?

13 A. Fifteen (15).

14 Q. Okay. When did you start with Massey?

15 A. '94.

16 Q. '94. Were you at UBB then?

17 A. No.

18 Q. Well, where'd you start at with them?

19 A. Independence Coal, which was Marfork.

20 Q. Okay. At what point did you come to UBB?

21 A. '96, I believe.

22 Q. Okay. And prior to the explosion on April 5th,
23 had you been at UBB ever since '96.

24 A. Yes.

25 Q. Okay. So that puts you about 14 years at UBB; is

1 that right?

2 A. Yes.

3 Q. Okay. Now, prior to April 5th of this year, what
4 was your normal work location at UBB? What section
5 did you work on?

6 A. The longwall.

7 Q. Okay.

8 A. I've been on the longwall since we had the very
9 first panel.

10 Q. Okay. At UBB?

11 A. Yeah.

12 Q. Now, did you follow the longwall to Logan's Fork
13 when it left?

14 A. Yes.

15 Q. Okay. How long were you at Logan's Fork?

16 A. Two years, maybe. I'm not sure how long I was
17 there, two or three years.

18 Q. So from the very first panel mined at UBB with the
19 longwall until you went to Logan's Fork and back to
20 the current panel ---

21 A. Yes.

22 Q. --- longwall, ever since; right? Okay. What was
23 your shift?

24 A. It varied. I worked them all, just ---. I never
25 ---. Whatever kind of jobs they had going on, they'd

1 move me on them.

2 Q. Okay. Well, as of, let's say the last month prior
3 to the explosion on April 5th, what shift was that?

4 A. Well, I haven't worked since September.

5 Q. Is that right?

6 A. Yes. I had a [REDACTED].

7 Q. Oh, we didn't know that.

8 A. And September the 25th was my last day of work.

9 Q. Okay. Are you still disabled?

10 A. I'm still off, yeah. I just had [REDACTED] the
11 29th of June.

12 Q. Okay. Well, I hope you're getting along well.

13 A. Doing pretty good.

14 Q. Okay. So you haven't worked since September 25th.

15 Okay. Apparently you must've been injured not long
16 after this longwall at UBB started up.

17 A. Actually I got injured at Logan's Fork in May the
18 28th, but I kept working and kept trying to make it
19 and on the 25th of September the doctor took me out.

20 Q. Okay. Well, were you involved in the initial
21 setup of the longwall ---

22 A. Yes.

23 Q. --- at UBB last year?

24 A. Yes.

25 Q. About when did you start that?

1 A. I think I come back to Logan's Fork in July, I
2 believe. I mean to Performance in July.

3 Q. Uh-huh (yes). Okay.

4 A. And that's when we was setting the face up.

5 Q. Okay. Were you there when the longwall commenced
6 production at UBB last September?

7 A. Yes.

8 Q. Okay. Were you on a production shift then?

9 A. No.

10 Q. Midnight shift?

11 A. Midnight.

12 Q. Okay. All right. At that time do you recall an
13 instance before the longwall started up where the air
14 on the face was going in the wrong direction?

15 A. No.

16 Q. Okay. Do you recall an instance where there
17 might've been closure order issued by an MSHA
18 inspector because of the face ventilation sometime in
19 September?

20 A. On the setup? You're talking about on the setup
21 or after they started running?

22 Q. About the time they started or before.

23 A. It may have. I can't say for sure.

24 Q. Okay.

25 A. I don't know.

1 Q. All right. Okay. No point in me asking you about
2 April 5th.

3 A. The midnight people is the last people to find out
4 stuff, you know?

5 Q. Okay. Not much point in me asking you questions
6 about April 5th, then, is there?

7 A. No.

8 Q. Okay. All right. If you worked on all the
9 previous panels at UBB, do you remember events in 2003
10 and 2004 where there was some kind of a methane
11 outburst ---

12 A. Yes.

13 Q. --- from the longwall floors?

14 A. Yes.

15 Q. Were you present on either occasion when that
16 happened?

17 A. No.

18 Q. Okay.

19 A. It happened one time on the midnight, if I'm not
20 mistaken, but we was way out by there, and they come
21 and got us.

22 Q. Okay. Now, do you remember which event that was,
23 the one in '03?

24 A. No, I wouldn't know. No, I don't.

25 Q. And I think one was in July of 2003 and another

1 one was in the middle of February or something like
2 that in 2004.

3 A. I don't recall.

4 Q. Okay. But in one instance you were ---

5 A. On the midnight.

6 Q. --- you were in the mine at the time it occurred?

7 A. Yes.

8 Q. Can you give me a description of what happened and
9 what you know about it?

10 A. I just remember them coming and getting us. We
11 was outby on the track doing something, and they come
12 and got us, and I don't recall whether we come all ---
13 we went all the way outside or what ---. I don't
14 recall what we done, but I know they come and got us
15 and took us to a certain spot to keep us until they
16 got the ventilation changed up there or something.

17 Q. Okay. Now, was it necessary to idle the longwall
18 for a period of time after this event?

19 A. I believe they was down for a few days after that.

20 Q. Okay.

21 A. You know, it's been a long time ago. My memory's
22 not real ---.

23 Q. I understand, I understand. And if you know,
24 fine.

25 A. Yeah.

1 Q. And if you don't remember, that's --- we
2 understand. Do you recall if there were any changes
3 in your mining procedures after that event happened?

4 A. I don't recall.

5 Q. Okay. Were you an electrician at that time?

6 A. No.

7 Q. When did you become an electrician?

8 A. Probably about maybe four years ago, five.

9 Q. Okay. All right. At the time you went off with
10 your back injury last year, had the Headgate 22
11 section started producing yet? Now ---.

12 A. They was right here.

13 Q. Okay.

14 A. They had just turned this over here when we
15 started here.

16 Q. You're pointing to what's called the connector or
17 crossover for the ---

18 A. Correct. Yes.

19 Q. --- headgate entries ---

20 A. Yeah.

21 Q. --- which heads north and eventually connects to
22 Headgate 22?

23 A. Yes.

24 Q. Okay. All right.

25 A. They just set a little belt head right here.

1 Q. Okay. All right.

2 A. Well, right here actually.

3 Q. Okay. Before leaving UBB last year with your
4 injury, did you ever work with a foreman named Jeremy
5 Burdoff?

6 A. No, I don't know him.

7 Q. Do you remember the name?

8 A. No.

9 Q. Okay. Did you ever work with a miner by the name
10 of Michael Williams?

11 A. Michael Williams.

12 Q. He might've been a contractor.

13 A. I know a Michael Williams, but it wouldn't have
14 been him, I don't think. No. There at Performance?

15 Q. Yes, at UBB.

16 A. No.

17 Q. Okay. During the short time you were back at UBB
18 last year and during the longwall setup, did you
19 happen to travel back toward the Bandytown fan at any
20 time?

21 A. Yes, I've traveled back to the borehole where they
22 had the sump.

23 Q. Uh-huh (yes). Were you involved in any work back
24 there?

25 A. Very little bit, but I did do a little bit of work

1 back there.

2 Q. And what'd you do back there?

3 A. They was putting some air pumps back in there at
4 the time to pump some water.

5 Q. Was there a water problem?

6 A. Yes, at the time there was.

7 Q. How significant was the water problem?

8 A. Well, just, you know, it was just big holes of
9 water. It wasn't roofed out.

10 Q. Okay.

11 A. But they had dug a big sump back there and
12 supposedly was putting a horizontal pump in from the
13 surface, you know.

14 Q. Okay. Did you do any work back there? Did you
15 help build any stoppings or anything like that?

16 A. No.

17 Q. Did you see a lot of Kennedy stoppings back in
18 that area near the Bandytown fan?

19 A. I don't recall.

20 Q. Okay. All right. Prior to the time you left UBB
21 last year, were there doors installed on the main line
22 track at 78 at that time?

23 A. Yes.

24 Q. Okay. Were they manual or automatic?

25 A. Manual.

1 Q. Okay.

2 A. They was set up for automatic but they never
3 worked.

4 Q. Okay. All right.

5 A. They were the biggest joke I've ever seen in the
6 coal mines.

7 Q. Okay. Why?

8 A. Because there should've been overcasts there.

9 Q. Okay. Why do you feel that way?

10 A. Because any time you go open doors, you interrupt
11 your intake.

12 Q. Yeah. Okay.

13 A. A set of doors should never be substituted for
14 overcasts ---

15 Q. Okay.

16 A. --- under no circumstances.

17 Q. Because the way this would appear here that the
18 intake crosses your main line track there. And if you
19 leave ---? What happen ---? If you leave the door
20 open it would short circuit the air; right?

21 A. It would take the short circuit outside.

22 Q. Okay. Did you ever --- I know you were only back
23 there a few months last year, but did you ever
24 encounter those doors being left open?

25 A. Yes.

1 Q. How often did you encounter that?

2 A. Well, they practically stayed tore up, you know
3 what I mean? There wasn't room enough to get the
4 motor between --- your motor and cars between them.
5 The motor man gets off, opens the doors. He gets on
6 his motor and starts through. The door swings shut.
7 Bang. They're tore down.

8 Q. Okay. All right. And so it's not just a matter
9 of people running into them ---

10 A. No.

11 Q. --- because they're careless, then; right? All
12 right. Did you experience any --- did you have the
13 same experience with doors anywhere else in the mine
14 last year?

15 A. Those was the worst, because everybody traveled
16 through them, you know? Any time you have doors,
17 you're going to have problems, you know.

18 Q. Sure. Okay.

19 A. But these down here --- they was not enough room
20 between the doors to get the motor and cars through.

21 Q. If you were ---?

22 A. If you had two locomotives and two cars and you
23 got two doors in a 100-foot block ---

24 Q. Uh-huh (yes), it wouldn't fit, huh?

25 A. --- it wouldn't fit.

1 Q. What would fit, one motor, one car or ---?

2 A. One motor, one car. And that was what they was
3 supposed to do, unhook, pull one motor and one car
4 through and shut the door, but you know.

5 Q. But if you wanted to take two motors and two cars
6 through at the same time, you'd have to leave both
7 doors open; right?

8 A. Yes.

9 Q. Which would short circuit your air; right?

10 A. Yes.

11 Q. Okay.

12 A. And you asked me about their work cane over them
13 doors from the time I come back to Logan's Fork until
14 I left there.

15 Q. Okay. Who did you voice your complaints to?

16 A. Everybody that'd listen, but I mean --- you know,
17 not necessarily management or nothing like that.

18 Q. Okay.

19 A. But I told them all. I said that's the stupidest
20 thing I've ever seen in the coal mines in my life.

21 Q. Okay. Well, you're not alone. We talked to a lot
22 of people and a lot of people didn't particularly care
23 for the doors.

24 A. Well, I don't mind doors, but I don't mind ---.

25 What I do mind is when it's taking air off that guy

1 for trying to run that shearer or that miner.

2 Q. Okay. All right. I understand. Okay. Now,
3 before I turn it over to my colleague here, obviously
4 you weren't working at the time of the explosion the
5 past, last April. Now ---.

6 A. No.

7 Q. So it's probably useless for me to ask you
8 questions about that period of time, but is it --- did
9 you become aware of anything? Have you acquired any
10 knowledge of what might've happened on April 5th that
11 you think might be helpful to us?

12 A. I hear a lot of talk, but I have a lot of friends.
13 I have guys that's still working there today that I
14 talk to from time to time. From what I can gather,
15 this --- my own personal opinion, I can't see where it
16 happened on the wall, the explosion.

17 Q. Okay. Any particular ---?

18 A. Yes, because all the pie pans on the headgate's
19 blowed this way (indicating). They blowed this way on
20 the tail. The disconnects are pulled on the shearer
21 right here. The water's turned off and there is no
22 ignition source down there.

23 Q. Well, apparently you've had some conversation with
24 some folks who have been in the mine?

25 A. Yes.

1 MR. FARLEY:

2 Okay. Well, Jasey, you got any?

3 A. I mean, I just --- you know.

4 BY MR. FARLEY:

5 Q. It's okay.

6 A. Until they prove me wrong, you know. But when I
7 first heard it, I said guarantee it happened on the
8 wall. That was my belief. But since I've talked to
9 some people and I found out other things ---.

10 Q. I don't think we're ready to prove anything yet.

11 A. Yeah, and far as the crack in the bottom, you
12 know, I've been on the longwall every panel they had
13 and I see cracks everywhere, you know.

14 Q. Well, you know, that's a good question I should've
15 asked, you know. You've got considerable experience
16 on the longwall. Were floor cracks pretty common ---

17 A. Yes.

18 Q. --- at UBB?

19 A. Yes.

20 MR. FARLEY:

21 Okay.

22 EXAMINATION

23 BY MR. MAGGARD:

24 Q. Since we're talking about floor cracks, you were
25 there for an inundation. Was it one, two? How many

1 do you remember that they had there at UBB?

2 A. Just the two.

3 Q. And on the inundation what shield was they at?

4 Where was they cutting at on the longwall?

5 A. Oh, I have no idea. I wasn't there on the wall
6 when it happened.

7 Q. Okay. Tell me a little bit about what you
8 normally done, working on the longwall section.

9 A. Whatever they needed done. I mean, I was a setup
10 man, a tear down man on the old panels, worked on the
11 haulers all the time, you know. And the last ---
12 after I got hurt, when we come back up here after we
13 started running, they put me on maintenance on
14 midnight.

15 Q. Okay. Tell me about some of the things you did on
16 the maintenance shift. What kind of things did you
17 have to do?

18 A. Well, just the normal servicing, britby, whatever
19 needed done. We changed a lot of britby and just
20 worked on some shields.

21 Q. Did you do any --- have to do any welding on the
22 face?

23 A. No, I never did do no welding. We had a welder
24 there that done all the welding.

25 Q. Was you ever present when they did weld?

1 A. Yes.

2 Q. What welder would they use? Where would they set
3 it up at? How would they do that?

4 A. Well, they have a welder on the gate box that they
5 use sometimes.

6 Q. Beside the gate box or ---?

7 A. Yes. And it has a cable that runs all the way up
8 and down through the pan line.

9 Q. Is that welder outby the gate box or ---?

10 A. Yes.

11 Q. Okay. When they would do the welding, what kind
12 of things would they do as a precaution? Do you know?

13 A. They would get their rock dust take gas checks.

14 Q. Okay. Where did they do most of the welding on
15 the wall? What seemed to be the problem most of the
16 time? Where was they having to do a lot of welding?

17 A. It was usually somewhere around the headgate. I
18 mean around the turn, where the stage loader and the
19 face chain meet ---

20 Q. Okay.

21 A. --- because they would try to leave the shearer
22 --- if it needed something welded, they would try to
23 leave the shearer on the head or ---.

24 Q. Okay. Had you ever seen them do any welding on
25 the tail?

1 A. Yes.

2 Q. And what was that? What do you recall they were
3 doing?

4 A. Had some races on the tail. Now, this is just one
5 instance. You know, I'm sure there's been ---. Had
6 some races on the tail after --- that chain would wear
7 them races out. Sometimes they'd have to go in there
8 and replace them races or build them up or something
9 of that nature.

10 Q. Okay. And how was their cable laid out? How
11 would they connect their electrodes up and their
12 ground clamps? How did they do that?

13 A. Onto the cable that was in the backboard?

14 Q. Yes.

15 A. They usually just twisted it together.

16 Q. Okay. And would they just use the pan line as a
17 ground?

18 A. Right. Yes.

19 Q. Okay. When was the last time you was on the
20 production shift that you'd been across the wall that
21 they'd been running?

22 A. While they was producing?

23 Q. Yeah.

24 A. I don't know. I can't answer that. I don't know.

25 Q. But you had been ---?

1 A. Oh, yes, I have been up there a few times when
2 they'd run.

3 Q. Okay. Tell me about the water sprays on the
4 shearer. How did they work? Did you ever do any
5 maintenance on the ---

6 A. A little bit. I helped ---

7 Q. --- sprays?

8 A. --- out some on the sprays, cleaned them or
9 whatever, in the drums ---

10 Q. Okay.

11 A. --- or on the wrap-around arm or something like
12 that.

13 Q. And what kind of sprays did they use? Do you
14 remember?

15 A. Just little --- I don't know the name of it, just
16 a little brass spray that had a hole in the side of it
17 on the back.

18 Q. Was there any of them that would come unthreaded,
19 get blown out or ---?

20 A. Every now and then you'd run across some that
21 would be missing or ---. They had a little keeper
22 held them in there. That keeper would be gone and it
23 would come out or whatever.

24 Q. Okay. And what about the water supply that went
25 to the shearer for the spray water? How did that work

1 as far as, did they have a separate supply line. Do
2 you know ---?

3 A. No. Coming into the mines?

4 Q. Yeah.

5 A. No.

6 Q. Okay.

7 A. It all come in one line.

8 Q. Okay. What about the shield water? Did they
9 spray shield water?

10 A. Yes.

11 Q. And what shields had water on them that was
12 spraying through the shield?

13 A. It was every --- on that panel when we ---. You
14 know, every roof control plan's different, you know?
15 I don't know, but on that panel ---. I can't recall
16 the number of shields, but I know we put the sprays on
17 because I was one of the guys that helped put them on.
18 It was on there every so many shields.

19 Q. Did they use them all the time?

20 A. I wasn't up there. I don't know.

21 Q. I was just wondering if you'd seen them, you know
22 cutting and ---

23 A. Yeah.

24 Q. --- noticed anything like that.

25 A. I couldn't --- I don't know. I wasn't up there.

1 Q. Had you ever worked around the headgate when they
2 was running around the headgate operator?

3 A. Some.

4 Q. Have you ever heard of anything not working as far
5 as methane monitors or anything prior ---

6 A. No.

7 Q. --- when you was working?

8 A. No.

9 Q. E-stops not functioning properly or anything like
10 that?

11 A. Not that I can recall.

12 Q. Okay. As far as the telephone system, the Control
13 system, how did that work?

14 A. Every 20 shields.

15 Q. And would the headgate operator always stay around
16 the headgate or would he do other jobs from time to
17 time?

18 A. He wouldn't do other jobs. I mean he may carry
19 bits up to the --- and put them under the head drive
20 or he'd walk up to the head drive and kind of watch
21 for gob-outs on the in-turn. But far as going off,
22 setting timbers or something, I've never knowed him to
23 do nothing like that.

24 Q. Okay. As far as, say a rock got caught on the pan
25 line and they had to shut down to get, you know, get a

1 rock off the pan line, what procedure would they
2 normally do to do that?

3 A. Well, we had a wench mounted on our stage loader,
4 and we usually ---. If it hung, it shot up on top of
5 the ---. Lots of times they'd shoot up on top of the
6 part of the stage loader and wouldn't make the return.
7 And we'd just run that cable that cable back there and
8 clip around the end of them and pull them around and
9 start everything back up.

10 Q. Okay. What about if they were off centers
11 possibly and they couldn't get the shearer to cut
12 through on the tail side? What would they do in those
13 instances?

14 A. Well, if they knowed they was going to be a ---
15 had a wide place in the block or something, they would
16 usually plan ahead and go in there and drill it and
17 shoot it on the midnight ---

18 Q. Okay.

19 A. --- so the shearer would push it, be able to push
20 it out.

21 Q. Had they ever had to shoot it during the dayshift
22 or anything like that?

23 A. On the tail?

24 Q. Yeah.

25 A. Not that I can recall.

1 Q. Who would normally do the shooting?

2 A. Just whoever was a shot fireman.

3 Q. Okay. How often had you --- did that normally
4 occur on a panel?

5 A. Not very often. Every now and then you would run
6 into it.

7 Q. And how did they normally do that on the tail
8 side? How would they --- what would they do as far as
9 using a battery, either their cable? How would they
10 normally route all that to put off a shot?

11 A. Well, some of our tail entries you could get a
12 scoop up, you know? They would take a scoop up in
13 there and do it and drill off the scoop or whatever.

14 Q. Okay. Had you ever ----? I know you got --- was
15 an electrician. And what kind of work other than
16 outby stuff had you been involved with as far as
17 electrical on the longwall face, just anything ---?

18 A. Like I said, I've done hardly any electrical work.
19 I was to valuable doing other things. That's the
20 reason I'm down in my back. I'm telling you. I'm
21 being honest with you. I was always the guy that done
22 this out here wear Timmy Davis and them was at, and I
23 thought I was going back to work in February and
24 that's where I was going to be put, because I done
25 talked to them. They said, well, we'll put you ---

1 but I didn't get it going.

2 Q. And what was that normally?

3 A. You would build a set of racks on the head and
4 tail, and we bolted the pullout areas with cable bolts
5 or whatever we needed to --- screened it off, timbered
6 it.

7 Q. Did you do anything with the mule train, any type
8 of work as far as chemicals, oil or did you do any
9 type of ---

10 A. No.

11 Q. --- things for the water supply?

12 A. No.

13 Q. Anything else that you had to do up there that you
14 can think of?

15 A. You know, if we had a big job, any kind of big job
16 we had, like changing out face chains, changing out
17 drums, I was in on it, you know.

18 Q. And as far as the face chain goes, how did they
19 --- do you know anything about their automatic chain
20 tensioner, how it worked, or did they use it when you
21 started?

22 A. They used it, but that thing I never did like. It
23 never did do a good job, I thought.

24 Q. And if it wasn't working, do you know how they
25 would set the tension on the chain on the face?

1 A. I never did go down there and do it, no, I didn't.

2 Q. Did they have a means of checking it at the
3 headgate as far as how much ---

4 A. Yes.

5 Q. --- tension it had?

6 A. Yeah.

7 Q. How did they do that?

8 A. They had a tensioner with a gage on it. You got
9 over in a line and put it between two links and you
10 pumped it up until it seemed like your reading was ---
11 they wanted to keep it, I believe, between 10 and 12
12 or something like that.

13 Q. Tons?

14 A. Yes.

15 Q. Okay. How often would they have problems with the
16 chain, an estimate?

17 A. Well, that depends. You know, starting out on a
18 new panel, your chain where it gets a lot of slack in
19 it and stuff as it wears, you know. And then when you
20 get on down the panel, it's going to be wore out and
21 you're going to be working on it more, so it just
22 depends on your loading and stuff. You know, if
23 you're loading heavy and you run a lot of coal and --.

24 Q. When you first started, did you recall them having
25 a lot of shearer cable problems or anything? I know

1 you said that you changed ---

2 A. On this panel?

3 Q. --- the britby a lot and ---.

4 A. On this panel?

5 Q. Yeah.

6 A. Yeah. It kept --- for some reason that britby we
7 got was just --- it kept twisting. It kept rolling
8 ---

9 Q. Okay.

10 A. --- like a corkscrew. I mean, we hadn't went
11 nowhere and we done changed it plum out once,
12 unless ---.

13 Q. And I mean what would normally happen when the
14 britby --- when there was a damage to the cable? What
15 do you know? What would trip out, what would they
16 normally do, they guys, when it happened? Do you
17 recall anything?

18 A. Like, when you damage the cable?

19 Q. Yeah.

20 A. Well, actually the only place you ever had any
21 trouble with that cable was right there in the bend,
22 you know, because the rest of it's pretty well
23 protected. But if they had trouble in the bend, you
24 know, or whatever, they would pull the power and go up
25 there and lock the disconnects out and ---.

1 Q. Where would they normally disconnect the power for
2 that?

3 A. At the disconnect by the visual disconnects at the
4 --- on the head drive.

5 Q. At the headgate Control?

6 A. Yeah.

7 Q. Okay.

8 A. There's a set of visual disconnects hangs on the
9 monorail.

10 Q. Right; okay.

11 A. And the only way you can disconnect that is pull
12 that button out. It can't be done just reach up and
13 pull it out or put it in.

14 Q. Right.

15 A. It has a power circuit.

16 Q. Okay.

17 A. And when you pull that button out, it knocks the
18 power circuit all the way to your power box.

19 Q. Okay. Had you ever hit the --- been there when
20 they hit the E-stops? Would they normally hit a E-
21 stop before they did that or would they just go ahead
22 and do it because it was already down or do you know?

23 A. I don't know.

24 Q. Okay.

25 A. Normally, I mean I would think they would probably

1 get on there and holler at the headgate man and have
2 him pull the disconnects before.

3 Q. Okay.

4 A. Now, that's just me speaking.

5 Q. All right.

6 A. You know, that's what I would do. I mean tagged
7 it out, lock it out or whatever.

8 Q. Had you ever been up there when they were
9 calibrating a methane monitor?

10 A. No. I've seen it done, but just most the time,
11 the guy that done that was the guy that had the
12 ability to lock out or whatever, you know?

13 Q. Would that have been ---

14 A. Usually the maintenance chief.

15 Q. --- normally on the third shift?

16 A. Yeah, it would be the chief.

17 MR. MAGGARD:

18 Have you got anything?

19 MS. SPENCE:

20 No.

21 BY MR. MAGGARD:

22 Q. Let me ask you, when they were running, was the
23 environment pretty dusty as far as when they were
24 cutting. What was your opinion?

25 A. Well, it depends. I mean if you're --- you know,

1 sometimes you might not be cutting no rock and
2 sometimes you might be cutting a foot of rock, you
3 know?

4 Q. Okay.

5 A. Just ---.

6 Q. Did they normally wear the air stream helmets ---

7 A. Yes.

8 Q. --- when they were cutting?

9 A. Now, I don't know on this panel. I don't believe
10 they was in the roof --- the dust control plan on this
11 panel. I'm not sure. Always --- normally before they
12 --- most of the men --- I'm not going to say all.
13 Most of them wore them.

14 Q. Okay. And so sometimes it probably could be dusty
15 if they were cutting top; is that what ---?

16 A. Oh, yes, yes.

17 Q. What about sparking? Did you see a lot of
18 sparking when they were cutting rock?

19 A. That was my ---. When they told me what happened,
20 I said, I guarantee you that shearer set it off,
21 because it's low down there. I know --- I keep up
22 with things, even though I'm not working. I know
23 exactly what's going on, well, not exactly, but I talk
24 to a lot of guys. We're all friends and I know it's
25 low down there. I know they're cutting sand rock.

1 And anytime they're cutting sand rock, there's a
2 steady stream of fire around that bit, steady
3 stream.

4 Q. Would it get worse when the bits were becoming
5 more wore or did you notice anything like that? Did
6 they say that they needed to change bits or ---?

7 A. They changed bits regularly. Now, I mean I've
8 seen them cut in sand rock and not move two shields
9 and change bits, but as far as getting worse, I don't
10 know. I wasn't up there on production, but I would
11 think with that carbon hitting that sand rock, it
12 would probably be worse than with the sulfur or metal.

13 Q. And what about --- had you ever seen any sparking
14 in the pan line?

15 A. A couple times, yeah, especially on a new pan
16 line. You would see the chain maybe pitch a little
17 burr or something, see a little spark.

18 Q. And did you wear a spotter when you worked
19 underground?

20 A. Yes.

21 Q. Can you recall what's the highest concentration of
22 methane you've seen with your spotter?

23 A. Somewhere around one percent. I never --- I'd
24 never found no significant amount of methane, never.

25 Q. All right.

1 A. And I traveled a lot of the back entries. Some of
2 the panels --- well, Logan's Fork I took care of the
3 pumps and stuff behind the wall. That's a completely
4 different mines, though.

5 Q. As far as the roof conditions in the headgate side
6 of that longwall that you were in --- I guess they
7 call that Headgate One North.

8 A. Yeah.

9 Q. How was the roof conditions up through there?

10 A. I thought they was pretty good to be in a longwall
11 panel. One thing I will tell you, they timbered their
12 brows and stuff good. They did. They stayed on top
13 of that, especially, you know, from the mule train
14 inby. That was especially taken care of.

15 Q. Okay. Do you recall them --- in the other panels
16 you worked on, were they cutting a lot of sandstone in
17 those panels?

18 A. Oh, some of them was, yeah.

19 Q. Were they more mid-face or was they more ---

20 A. No.

21 Q. --- on the tail side or where ---?

22 A. The sandstone?

23 Q. Or did it just vary or ---? Yeah.

24 A. It just varied. I mean, it might start at the
25 head and you may --- you may go all the way across the

1 face.

2 Q. In the places that had the gas inundation, do you
3 remember what longwall panel numbers they were that
4 --- when you were there?

5 A. No, I don't.

6 Q. Were they cut --- do you recall if they was
7 cutting a lot of sandstone at that time?

8 A. No.

9 Q. Or a lot of bottom or ---?

10 A. No.

11 Q. Okay. Do you recall how fast the pan line
12 conveyors operate? Had you ever heard anybody say how
13 fast?

14 A. I have heard that, but as far as giving you a
15 number, it would just be a guess.

16 Q. What about the longwall belt? Did you know how
17 fast it was?

18 A. No.

19 Q. How long would --- if you were walking across the
20 face, how long would it normally take to get across?

21 A. Just to walk across?

22 Q. Yeah.

23 A. Ten to fifteen minutes, you know, and that all
24 depends, too. You got to consider conditions, your
25 height and all that, you know? If it's lower, it's

1 going to take longer.

2 Q. Right. Did you ever work dayshift?

3 A. A little bit, not a whole lot.

4 Q. What time did they normally quit on dayshift?

5 A. That just --- you know, we change hours
6 constantly, you know. Whatever we could work around
7 the other miner crews or whatever.

8 Q. Would they ever leave the shearer on the tail and
9 walk off the section without the other crew being on
10 the section?

11 A. Yes.

12 Q. How many times had you seen that done?

13 A. I can't tell you how many times, but I have seen
14 it done, I know. Quitting time, the guys wants to go
15 home.

16 Q. Would they leave off the section --- how much
17 sooner than when the other crew arrived? Would they
18 start doing that if they knew the other crew was
19 coming in or ---?

20 A. Yes. Usually they'd wait until they seen their
21 lights. That's normally what they'd do.

22 Q. Okay. As far as the shield controls and stuff,
23 how did --- did you ever do any kind of work on the
24 shield unit or ---?

25 A. The computer?

1 Q. Yeah, or the solenoid valves or anything like
2 that?

3 A. I would change the solenoid every now and then if
4 they told me one was bad or something.

5 Q. And what kind of solenoids did they use?

6 A. I don't know the name of them.

7 Q. Would they be different types from time to time?

8 A. All of them I ever seen was the same kind.

9 Q. Same shape or ---?

10 A. Same shape.

11 Q. Would it have the same ---

12 A. It looked ---.

13 Q. --- tags on it?

14 A. It looked the same to me, yeah.

15 Q. Okay. As far as the lights go on the longwall
16 panel, would they have to tape up a lot of the lights
17 and make repairs on them or would they crack and bust
18 or ---?

19 A. They took pretty good care of the lights. Some of
20 the cables you'd have to tape up every now and then.
21 Get, like, a rock fall between the shield or
22 something, and it would land just right on the ---.

23 Q. Would they have to tape some of the lenses up on
24 the lights from time to time?

25 A. I've never seen lenses taped up.

1 Q. Ever seen one crack?

2 A. I can't recall seeing one broke. I mean most of
3 the time they kept new lights up there. If one was
4 broke or something, they --- you know, it was just a
5 matter of getting it down the face and getting it
6 fixed.

7 Q. Have you seen any other problems --- I mean while
8 you was up there --- that might would help us as far
9 as looking for any kind of maintenance issues or ---?

10 A. No, no.

11 Q. Okay. When you were working on the longwall
12 panels, did any inspectors --- do you remember
13 traveling with any of them or any of them arriving
14 while you were there working?

15 A. Yes.

16 Q. And did you travel with them?

17 A. No.

18 Q. When the inspector came, would you know that he
19 was coming, usually?

20 A. Yes.

21 Q. And when you knew he was coming, what type of work
22 would you normally be instructed to do or have to do
23 or ---?

24 A. We just actually kept up our normal stuff. We
25 didn't --- I mean, you know, maybe tie up oxygen

1 bottle or something that somebody had left laying down
2 or something like that.

3 Q. And would they call you from outside to let you
4 know?

5 A. Yes.

6 Q. And about how long would it take for an inspector
7 to get there once you learned that he was on the
8 property?

9 A. I can't answer that. I mean some of our panels
10 was three miles long, you know.

11 Q. Right. But ---

12 A. It all depends on how many motor crews he runs
13 into.

14 Q. --- they would normally take at least a good
15 half ---?

16 A. At least 30, 45 minutes ---

17 Q. Okay.

18 A. --- hour, you know.

19 Q. I guess when you started this (indicating) panel
20 here, they probably --- they didn't have the
21 communications and tracking system or anything like
22 that?

23 A. No.

24 Q. Do you recall any kind of problems as far as belt
25 line, a lot of gob-outs or anything like that in the

1 mine?

2 A. No.

3 Q. Do you recall how the rock dust looked on the belt
4 line and in the track entries? How did you feel the
5 mine was rock dusted? Did you see any problems?

6 A. You can never have too much rock dust. But it was
7 as normal as anyplace else I've worked. At Logan's
8 Fork our last belt man, he retired. That belt line
9 was never dusted with a machine, but we always put
10 dust off in the breaks and he hand dusted. And as far
11 as I know, we never got a violation on that belt.

12 Q. How about the returns? Did you have to --- had
13 you been down the returns and stuff in this mine?

14 A. On this panel?

15 Q. Yeah, say on the longwall.

16 A. Are you talking about this return over here?

17 Q. And the tail, yeah.

18 A. I never was on the tail. The farthest I was down
19 on the tail was right here on the tail when we was
20 setting up.

21 Q. As far as the escapeway drills, did you
22 participate in a escapeway drill, mandated escapeway
23 drill?

24 A. Yes.

25 Q. Did that always occur on time or ---?

1 A. Pretty much. I mean I don't keep up with the
2 dates. I couldn't tell you whether they was all on
3 time or not, but I know we had to walk them every now
4 and then.

5 Q. So how would you do that? Would you walk it all
6 at once?

7 A. Usually we'd walked it all at once, and that's a
8 long haul out here. But to be honest with you, once
9 we set up here and started running, I don't believe I
10 ever walked it, because I was down in my back and ---.

11 ATTORNEY BABINGTON:

12 Terry, anything else?

13 MR. FARLEY:

14 No.

15 ATTORNEY BABINGTON:

16 Celeste?

17 MS. MONFORTON:

18 No.

19 EXAMINATION

20 BY ATTORNEY BABINGTON:

21 Q. Just to return to that advance notice issue for a
22 minute, who would tell you that the inspectors were
23 coming?

24 A. They would usually call the headgate man or
25 somebody up there and let you know you had an

1 inspector on the property.

2 Q. When you say they, is that the dispatchers?

3 A. Yeah, it was somebody outside.

4 Q. Okay. And do you know how they would find out
5 that the inspectors were onsite?

6 A. You'd go sign in through the guard shack, but just
7 for the record.

8 Q. Okay.

9 A. But just for the record, I've worked --- I've got
10 30 years in the mines. I've worked for Consolidation
11 Coal Company. I've been to Consol Kentucky. That was
12 one of the best places I ever worked.

13 Q. This place here was?

14 A. This place here. They demanded a lot of time, but
15 that didn't bother me, because I like to work, you
16 know? And they never asked me to do anything unsafe
17 or I didn't feel it was unsafe.

18 ATTORNEY BABINGTON:

19 Okay. Well, we have those ---.

20 RE-EXAMINATION

21 BY MR. FARLEY:

22 Q. Did you work for Consol in northern West Virginia
23 or just Kentucky?

24 A. Well, I worked --- I worked down at Roland at
25 Clear Creek.

1 Q. Oh, okay.

2 A. And then I worked in --- I went to Kentucky and
3 worked.

4 MR. FARLEY:

5 Okay.

6 RE-EXAMINATION

7 BY MR. MAGGARD:

8 Q. Could you tell --- I mean you've been there for a
9 long time; okay? Since '96; right?

10 A. (Indicates yes).

11 Q. Could you tell that when you --- a difference
12 between when you first started and when you left as
13 far as it being a good place to work?

14 A. Yes.

15 Q. Tell me about that.

16 A. When we went --- when we left there, it was just a
17 great place. I mean Wendell Wills, Homer Wallace, you
18 couldn't beat them.

19 Q. That was before ---?

20 A. Then we come ---.

21 Q. That was before you went to Logan's Fork?

22 A. Logan's Fork.

23 Q. Okay.

24 A. And when we come back, it was a one man show.

25 Q. And I think we've heard that before.

1 A. And then he was, the day of this right there, from
2 what I've been told.

3 RE-EXAMINATION

4 BY ATTORNEY BABINGTON:

5 Q. When you say, this right here, you're pointing at
6 the doors ---

7 A. The doors.

8 Q. --- at 78 Break?

9 A. The doors that crosses the intake, where you get
10 --- dumbest thing I ever seen. I didn't even think
11 that would be allowed in the coal mining industry.

12 MS. MONFORTON:

13 And for the record, when you're talking
14 about the one man show, you're talking about Mr.
15 Blanchard?

16 A. Yes.

17 MS. MONFORTON:

18 Thank you.

19 ATTORNEY BABINGTON:

20 Anything else? Okay. As we noted at the
21 beginning, there's two marked exhibits. R.E. Williams
22 One will be a copy of the subpoena. R.E. Williams Two
23 will be a copy of the return receipt of the subpoena.
24 On behalf of MSHA and the Office of
25 Miners' Health, Safety and Training, I want to thank

1 you for appearing and answering questions today. Your
2 cooperation is very important in the investigation as
3 we work to determine the cause of the accident. We
4 request that you not discuss your testimony with any
5 person aside from a personal representative. After
6 questioning other witnesses, we may call you if we
7 have any follow-up questions.

8 If at any time you have additional
9 information regarding the accident that you'd like to
10 provide to us, please contact us at the contact
11 information previously provided. If you wish, you may
12 now go back over any answer you've given during this
13 interview, and you may also make any statement that
14 you'd like to make at this time.

15 A. I really have nothing to say other than what I've
16 said, you know? I liked working there. I was treated
17 good and I didn't mind the work, neither.

18 ATTORNEY BABINGTON:

19 All right. Well, thank you. And again,
20 I want to thank you for your cooperation in this
21 matter.

22 * * * * *

23 STATEMENT UNDER OATH CONCLUDED AT 5:03 P.M.

24 * * * * *

25

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