

01 STATEMENT UNDER OATH
02 OF
03 JOHN ROGER JACKSON
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Tuesday, January 24th, 2006, at 1:08
13 p.m.

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01 P R O C E E D I N G S

02 -----

03 MR. SWENTOSKY:

04 My name is Dennis
05 Swentosky. I'm an accident
06 investigator with the Mine
07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is James B.
11 Crawford from the Solicitor's
12 office; Brian Mills, with the
13 West Virginia Office of
14 Miners' Health, Safety &
15 Training; and Mr. Davis Stuart
16 for the State.

17 I've been assigned to
18 conduct an investigation into
19 the accident that occurred at
20 the Sago Mine on January 2nd,
21 2006, in which 12 miners died
22 and one was injured. The
23 investigation is being
24 conducted by Mine Safety &
25 Health Administration and West

9

01 Virginia Office of Miners'
02 Health, Safety & Training to
03 gather information to
04 determine the cause of the
05 accident. And these
06 interviews are an important
07 part of the investigation.

08 At this time the
09 accident investigation team
10 intends to interview a number
11 of people to discuss anything
12 that may be relevant to the
13 cause of the accident. After
14 the investigation is
15 completed, MSHA will issue a
16 written report detailing the
17 nature and causes of the
18 accident.

19 MSHA's accident reports

20 are made available to the
21 public in hope that greater
22 awareness about the causes of
23 accidents can reduce their
24 occurrence in the future.
25 Information obtained through

10

01 these witness interviews is
02 frequently included in these
03 reports. Your statement may
04 also be used in other
05 enforcement proceedings.

06 I would like to thank
07 you in advance for your
08 appearance here today. We
09 appreciate your assistance in
10 this investigation. The
11 willingness of miners and mine
12 operators to work with us is
13 crucial to our goal of making
14 the nation's mines safer.

15 We understand the
16 difficulty for you in
17 discussing the events that
18 took place, and we greatly
19 appreciate your efforts to
20 help us in understanding what
21 happened.

22 This interview with Mr.
23 Jackson is being conducted
24 under Section 103(a) of the
25 federal Mine Safety & Health

11

01 Act of 1977 as part of an
02 investigation by the Mine
03 Safety & Health Administration
04 and the West Virginia Office
05 of Miners' Health, Safety &
06 Training into the conditions,
07 events and circumstances
08 surrounding the fatalities
09 that occurred at the Sago Mine
10 owned by International Coal
11 Group in Buckhannon, West
12 Virginia on January 2nd, 2006.

13 This interview is being
14 conducted at the U.S.
15 Bankruptcy Courthouse in
16 Clarksburg, West Virginia, on
17 January 24th, 2006.

18 Questioning will be
19 conducted by representatives
20 of MSHA and the Office of
21 Miners' Health, Safety &
22 Training. This is not an
23 adversarial proceeding.
24 Therefore, cross examination

25 will not be permitted.

12

01 Mr. Jackson, the
02 interview will begin by me
03 asking you a series of
04 questions. If you do not
05 understand a question, please
06 ask me to rephrase it. Feel
07 free at any time to clarify
08 any statements that you make
09 in response to these
10 questions.

11 After we have finished
12 asking questions, you will
13 also have an opportunity to
14 make a statement and provide
15 us with any other information
16 that you believe may be
17 important. If at any time
18 after the interview you recall
19 any additional information
20 that you believe may be useful
21 in the investigation, please
22 contact Richard Gates at the
23 phone number or e-mail address
24 provided to you. We'll get
25 that for you. It's a business

13

01 card.
02 Your statement is
03 completely voluntary. You may
04 refuse to answer any question,
05 and you may terminate this
06 interview at any time. If you
07 need a break at any time, just
08 please let me know.

09 The court reporter will
10 record your interview and will
11 later produce a written
12 transcript of the interview.
13 Please try and respond to all
14 questions verbally since the
15 court reporter cannot record
16 nonverbal responses. Also,
17 please try to keep your voice
18 up. Copies of the written
19 transcripts will be available
20 at a later date, and that
21 would be upon completion of
22 the investigation.

23 If any part of your
24 statement is not based on your
25 own first-hand knowledge, but

14

01 on information that you've
02 learned from someone else,
03 just please let us know.

04 Please answer each question as
05 fully as you can, including
06 any information you have
07 learned from someone else. We
08 may not ask the right
09 questions to learn the
10 information you have, so do
11 not feel limited by the
12 precise question asked.

13 If you have information
14 about the subject area of a
15 question, please provide us
16 with that information. At
17 this time, Mr. Mills, do you
18 have anything that you would
19 like to add on behalf of the
20 Office of Miners' Safety,
21 Health & Training?

22 MR. MILLS:

23 Mr. Jackson, I'm glad
24 you could make it. The West
25 Virginia Office of Miners'

15

01 Health, Safety & Training is
02 conducting this interview
03 session jointly with MSHA, and
04 are in agreement with the
05 procedures outline by Mr.

06 Swentosky for these interviews
07 that will be conducted here
08 today. But the Director
09 reserves the right, if
10 necessary, to call or subpoena
11 witnesses or require the
12 production of any record,
13 document, photograph or other
14 relevant materials necessary
15 to conduct this investigation.

16 MR. SWENTOSKY:

17 Mr. Jackson, you are
18 permitted to have a
19 representative with you during
20 this interview, and you may
21 consult with your
22 representative at any time.
23 You may designate any person
24 to be your representative. Do
25 you have a representative with

16

01 you?

02 MR. JACKSON:

03 Yes.

04 MR. SWENTOSKY:

05 Could you identify him,
06 please?

07 MR. RAJKOVICH:

08 Marco Rajkovich.

09 MR. SWENTOSKY:
10 Thank you. Do you have
11 any questions regarding the
12 matter in which this interview
13 will be conducted at this
14 time?

15 MR. JACKSON:
16 No.

17 MR. SWENTOSKY:
18 Will you swear in Mr.
19 Jackson, please.

20 -----
21 JOHN ROGER JACKSON, HAVING FIRST BEEN
22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 -----
24 BY MR. SWENTOSKY:
25 Q. Did you talk to anyone about

17

01 your interview statement here today,
02 other than Counsel?

03 A. No, sir.

04 Q. For the record, could you
05 please give your full name and spell
06 your last name for us, please?

07 A. John Roger Jackson,
08 J-A-C-K-S-O-N.

09 Q. Could you provide your address
10 and phone number, please?

11 A. [REDACTED]

12 [REDACTED]

13 Q. Are you appearing here today
14 voluntarily?

15 A. Yes, sir.

16 Q. How many years of mining
17 experience do you have, Mr. Jackson?

18 A. Approximately 28.

19 Q. Could you kind of give us a
20 brief description of your mining
21 experience?

22 A. I started on Wilcox facing
23 left side, and then I started --- I
24 done that for about four years, and I
25 got put on a miner, and ran the miner

18

01 for about a year. And I just
02 advanced on to run scoop at Finnish
03 Resources. And from Finnish
04 Resources, I went to Carter-Roag
05 where I was a --- run supply motor.
06 I supplied there for probably 12 to
07 14 years. And when they shut down, I
08 went to Anker Energy at Buckhannon's
09 Spruce Fork Mines. And I worked for
10 them for probably about three years.
11 I run a supply motor for them, and
12 then they changed hands to William
13 Processing and worked for them while

14 they was there. And then Anker
15 Energy took back over. I used to run
16 supply motor for them, too. And then
17 we went --- finished up Spruce Fork,
18 they put me outby foreman. I took
19 red hats and shoveled belts and built
20 stoppings and stuff like that, and
21 that's what I was doing when I worked
22 over at Sago. I was outby foreman.

23 Q. How much time do you spend at
24 Sago total?

25 A. Approximately, I'd say from

19

01 four to six months.

02 Q. And what is your present
03 position?

04 A. Outby foreman. I usually work
05 with red hats cleaning belts and
06 building stoppings.

07 Q. Such as, laying --- you've
08 laid track, and that stuff?

09 A. Yeah, lay track. Just any
10 general labor that needs to be done
11 outby.

12 Q. And how long have you been in
13 that position?

14 A. I'd say approximately three
15 years. Three, four years. See, I

16 started over at Spruce, when I worked
17 for Spruce.

18 Q. Yes.

19 A. And then when they --- when I
20 transferred over there, they still
21 kept me as outby foreman.

22 Q. Outby foreman. Okay. Were
23 you working on the day of the
24 accident, January 2nd?

25 A. No, sir. I had been off two

20

01 weeks on account of my mother passed
02 away. And I was supposed to went
03 back that following Monday. I was
04 supposed to report back that
05 following Monday. I got a call on
06 Thursday that said that I was going
07 back to Sycamore Mines, because what
08 we do right now, since Spruce shut
09 down, they kept the four foremens
10 more or less together. We've been
11 doing setting belt heads and doing
12 outby work and section stuff. They
13 was going to send us to Sycamore for
14 a couple weeks to set a belt head.
15 And they told me not to report to
16 work on Monday on account of Monday
17 was classified as a holiday for
18 Sycamore, and report to Sycamore on

19 Tuesday.

20 Q. Okay. Sorry to hear about
21 your mother.

22 A. Thank you.

23 Q. What mining certifications do
24 you have?

25 A. I've got mine foreman's card,

21

01 and shop foreman's card.

02 Q. For the State of West
03 Virginia?

04 A. Uh-huh (yes).

05 Q. Do you have any certifications
06 for other states?

07 A. No, sir.

08 Q. Who's your immediate
09 supervisor?

10 A. Right now, Marty Conrad.

11 Q. When you say right now, you
12 mean --- okay. During your time at
13 Sago?

14 A. Marty Conrad.

15 Q. Marty Conrad?

16 A. Uh-huh (yes).

17 Q. And what positions does he
18 hold?

19 A. He's general mine foreman, or
20 ship (sic) foreman, whatever you call

21 it.

22 Q. Okay. Shift foreman?

23 A. That's it.

24 Q. Okay. And he's been your

25 supervisor?

22

01 A. I'd say probably about six

02 months, eight months at Spruce there

03 just before they shut down. He was

04 at Spruce when they pulled their

05 equipment out.

06 Q. Have you ever --- have you

07 made examinations in the mine as part

08 of having --- being certified as a

09 foreman?

10 A. Yes, sir, I have. I was

11 section boss a little while at

12 Spruce, when Dave Dill got hurt. And

13 I section bossed there for them for a

14 while while he was off. And then

15 here about a month, month and a half.

16 I ain't for real sure about the date,

17 but he had to go to Beckley for a

18 two-day training, and I bossed one

19 section that day.

20 Q. How long was that that you had

21 to fill in for him?

22 A. One day. Because he had ---.

23 Q. How long have you been an

24 outby foreman at Sago --- at each
25 mine?

23

01 A. Probably about four to six
02 years.

03 Q. And Sago was your entire
04 length of time that you've been at
05 Sago; right?

06 A. Probably about four --- four
07 to five months were all at Sago,
08 since Spruce shut down.

09 Q. But you've been a foreman
10 there since you started?

11 A. I've been classified as a
12 foreman, but Marty Conrad has been
13 the foreman ---. See, when we
14 finished Spruce up, they was all
15 bosses. We kept all certified people
16 at Spruce to finish Spruce up, pull
17 their equipment out. And we went
18 over there, they didn't have no place
19 for us, so they just kept us on the
20 payroll right then.

21 Q. Are you familiar with the old
22 Two Left main seals in Sago Mine?

23 A. Yes, sir, I am.

24 Q. Okay. Have you made any
25 examination of those seals after they

01 were completed?

02 A. No, sir, I haven't.

03 Q. Do you happen to know when
04 they were built, when they were
05 started?

06 A. The date? No, sir.

07 Q. Were you involved in building
08 them?

09 A. I went up there --- like I
10 said, we worked outby, and when we
11 were doing our work, like if we had
12 an extra hour to the shift, we'd go
13 up to see if they needed any help
14 mixing mud and stuff like that. And
15 we probably helped work on probably
16 three of them. You know, we never
17 did start to finish on any separate
18 seal. We just went up there like an
19 hour or so at the end of our shift to
20 work on them, or help them. Most of
21 the time, I mixed mud and stuff,
22 scooping up, haul block up to them.

23 Q. Okay. Just kind of review
24 what your responsibilities were. I
25 know you did mention a couple, but

01 can you just kind of tell me what
02 phases that you participated in?

03 A. In the seal work?

04 Q. The seal work, yes.

05 A. The only thing I done there

06 was mix mud. You know, I didn't have

07 no responsibility, no ---. We just

08 went up to help the guys that were

09 working on them. And like I said, we

10 only had an hour so left on our

11 shift, because we usually built

12 stoppings, Kennedy stoppings, getting

13 our air right and stuff for the

14 section. And once we finished our

15 stopping, we just go up there to give

16 them a hand to help them work on the

17 seals.

18 Q. Were you ever responsible ---

19 were you ever, as a foreman, ---?

20 A. No, sir. For the seals, no,

21 sir.

22 Q. Had you ever worked on any

23 Omega seals prior to the Sago Mine?

24 A. At one time when I was running

25 supply motors over at Carter-Roag's

01 mine, they sealed down their work

02 shop down in there, and I helped

03 probably couple hours on one of the

04 seals down at the out block into

05 them, and we had like, say, an extra
06 hour to kill, so we just helped them
07 with the seals there.

08 Q. Are those Omega seals you're
09 speaking about?

10 A. Yes, sir.

11 Q. The construction of those
12 seals and the Sago Mine seals, did
13 they seem to --- did procedures and
14 everything seem to be the same?

15 A. They were both the same, yes,
16 sir.

17 Q. Did anybody, whenever they
18 sent you up there to help out with
19 those seals, did anyone ever speak to
20 you or relay any information to you
21 about how they should be constructed?

22 A. No, sir, I don't know. The
23 guy's name is Skip. That's the only
24 thing I know him by.

25 Q. Okay. Yeah, his name pops up.

27

01 A. Okay. He was the guy that was
02 doing the --- the guys up there
03 working on them. And when we were up
04 there helping, he was the guy that
05 was in charge of them. And we did
06 start on the Number One seal ---
07 well, they had started on the Number

08 One seal, and we went up there, and
09 that's the one where the water trap
10 went in. And I did ask them to see
11 the print on how the water trap went
12 in, make sure we had it right.

13 Q. Okay.

14 A. And the only thing we done
15 was, we laid the water trap in and
16 mortared around it real good, and
17 what we wanted to do is set up that
18 line before they went back the next
19 day to finish work. We had the mud
20 and stuff around it pretty good.

21 Q. And when you asked Skip, he
22 did actually have a plan of some
23 sort?

24 A. Yes, sir, he did. He said I
25 got it in my pocket. He had a --- I

28

01 reckon, where he got from the State,
02 or wherever he got the plan from.

03 Q. How many pages were to that
04 plan, do you recall?

05 A. Right off hand, I don't. But
06 I think about three, but I'm not
07 really sure.

08 Q. And he reviewed those
09 instructions with you?

10 A. Yes, sir, he did.

11 Q. Did you happen to look at all
12 the seals, seal areas, or --- let me
13 put it this way. How many seals were
14 built whenever --- the first time you
15 were up there?

16 A. The first time I was up there,
17 they were just starting the first
18 one, the Number Nine seal.

19 Q. Number Nine seal.

20 A. And they had it, I'd say a
21 third of the way done. And we went
22 up and just had about an hour left.
23 See, we quit an hour early, because
24 we worked --- five eights is what we
25 all worked. We worked five eights,

29

01 and then they worked an extra hour
02 longer than we did, so we just worked
03 up to two o'clock and we left to go
04 to the outside.

05 Q. And who is the foreman there?

06 A. Skip, but I don't know his
07 name.

08 Q. Skip?

09 A. When I went to work over
10 there, everybody called him Skip, so
11 that's what I --- when you get a
12 nickname it sort of hangs to you, you

13 know.

14 Q. Yeah, I guess. I got a copy
15 of the map on the next table over
16 there. Can we --- we'll just go over
17 there, and maybe you can mark down
18 what seals that you had worked on
19 whenever you were there. Can you do
20 that? We'll mark this as Exhibit
21 One.

22 (Jackson Exhibit Number
23 One marked for
24 identification.)

25 BY MR. SWENTOSKY:

30

01 Q. Okay. This is ---?

02 A. Number One.

03 Q. That's Number One, okay. And
04 Number Nine is at Number Eight entry?
05 Mark that as Number Nine. And that's
06 the first seal that you worked on,
07 Number Nine?

08 A. Yes, sir. We went up there
09 for about an hour, worked on the
10 Number Nine seal. And I'm not real
11 sure about that, but I think it was
12 one of these two down here. We just
13 went up there probably pretty well
14 finished it. We started laying block

15 on top until it was finished.

16 Q. Okay. And that was ---.

17 A. Six.

18 Q. Number Seven seal; is that the
19 one you're speaking about?

20 A. Yes. And Number One helped
21 with the cut. It was Number One ---.

22 Q. Does this kind of represent
23 approximately how they were located
24 up there as far as you locating the
25 distance between the block?

31

01 A. Yes, sir.

02 Q. Okay. When you went up on
03 this Number Nine seal, how far was it
04 ---?

05 A. I'd say it was probably about
06 halfway.

07 Q. Was there any kind of remnants
08 of a partial seal or anything outby
09 that they were installing? Did it
10 look like one had been started and
11 tore down or anything like that?

12 A. I never paid no attention,
13 but Jeff Toler did go up there and
14 they had started one of them, but I
15 couldn't --- I didn't know which one.
16 He didn't like the way they had it
17 started, so they had to tear it down

18 and move it back.

19 Q. How did you find that out?

20 A. Just hearsay. I don't

21 remember who told me.

22 Q. What all was said during that

23 conversation with whatever individual

24 it might have been?

25 A. Just said that they started

32

01 too close to the corner rib, and they

02 had to tear it down and move it back.

03 Q. And Mr. Toler had given that

04 order, he was at that location?

05 A. Yes, sir.

06 Q. The location of those seals,

07 were they, say, --- how far inby the

08 rib line were those seals?

09 A. They ranged from 10 feet to 40

10 feet.

11 Q. Okay. Do you know how far

12 they're supposed to be inby?

13 A. They're supposed to be inby at

14 least ten feet.

15 Q. Ten feet.

16 A. Inby.

17 Q. Is that part of what Mr. ---?

18 A. Skip went over the plan. He

19 told me about the plan.

20 Q. Okay. Did you notice any
21 screen on the roof at all?
22 A. Where the seals were built
23 that a screen area was cut out with a
24 pair of bolt cutters.
25 Q. Okay. Did you actually

33

01 observe that, or was that what was
02 told to you?
03 A. When we up there one day, they
04 said they were going to start sealing
05 the next, and they had to have the
06 screen cut out.
07 Q. Okay.
08 A. And if I'm not mistaken,
09 either Harmon Jordan or Mike Triplett
10 was one that went down to the other
11 and cut --- started cutting the
12 screen out of it.
13 Q. You observed him cutting it
14 out?
15 A. Yes, sir.
16 Q. You stood there and observed
17 that? And he cut them with bolt
18 cutters?
19 A. That's right.
20 Q. Do you recall what length of
21 --- or how much screen in length was
22 cut out?

23 A. They cut out between two
24 bolts, probably four feet.

25 Q. And just --- a length of two

34

01 bolts, in between two bolts?

02 A. Across the whole width.

03 Q. Yes. So that would --- do you
04 know what bolt centers are on?

05 A. Four-foot center.

06 Q. Okay. So that would be
07 roughly four foot; am I correct?

08 A. Four foot by --- the length of
09 screen's 14 feet in length.

10 Q. What about the material, or
11 the site preparation, did you ever
12 observe anyone doing site preparation
13 while you were down there for a seal?

14 A. You mean, clean it up or ---?

15 Q. Yeah. Loose material or
16 anything like that?

17 A. Yes, sir, I did.

18 Q. You did? Okay.

19 A. Or I just --- like I said,
20 when I went up and run the scoop, I
21 go down in a --- if I'd run a scoop
22 hauling block, and they'd say they
23 was going to build the next one the
24 next day, I'd take the scoop down

25 there and clean out the debris and

35

01 stuff away, to have a good foundation

02 to work off of.

03 Q. Okay. That cleanup process

04 that you're speaking about, was that

05 in addition to actually mixing

06 mortar, what you were speaking about

07 earlier and assisting in the ways

08 that you identified?

09 A. Yes.

10 Q. Was that scooping done in the

11 other entries, other than those three

12 that you have mentioned about?

13 A. They cleaned them all, as far

14 as I know.

15 Q. How many did you clean?

16 A. Probably one or two of them.

17 Q. Do you remember which area

18 that was in, what area those seals

19 would have been?

20 A. No, not right off hand. No,

21 sir.

22 Q. What was the bottom look like

23 whenever you were completed? Did you

24 get off and go look, or check it,

25 or ---?

36

01 A. No. It was pretty clean in

02 there, but a lot of wet mud and
03 everything and water. We had a lot
04 of water and stuff around.

05 Q. Were you able to get down on a
06 hard bottom, or firm ---?

07 A. A firm bottom, yes, sir.

08 Q. When you were cleaning with
09 the scoop, did the scoop want to go
10 deeper or anything than you wanted,
11 or were you able to really ---?

12 A. No. It seemed like it ---
13 yeah, I run it on low is what I run
14 the scoop back on when I clean. It
15 seemed like it done a fair job.

16 Q. What about the ribs? Did you
17 clean off any ribs and then scoop it
18 up, or ---?

19 A. No. Where I cleaned, I got
20 rid of all the debris that was laying
21 along the ribs that I could get. And
22 what I couldn't get, I reckon they
23 cleaned up with a shovel.

24 Q. You weren't involved in any
25 cleaning of the rib, or ---

37

01 A. No, sir.

02 Q. --- scooping off the rib or
03 anything?

04 A. No, sir.

05 Q. How much of an area did you
06 clean up, you know, in length?

07 A. Probably better than half the
08 breaker, you know, where they go to
09 seal, because they usually had a mark
10 on the rib, you know, where they was
11 going to build the seal at.

12 Q. Those marks on the rib, were
13 they just exactly where the seal was
14 going to be, or were they the entire
15 length they wanted you to clean up?

16 A. No, just they would put a
17 marker, it could be a paint mark or
18 something like that they'd stick on
19 the rib where they was going to put
20 the seal, or --- in the neighborhood
21 they was going to put. That's where
22 they wanted cleaned.

23 Q. Okay. They had a mark where
24 the seal was going to go; right? Is
25 that what you said?

38

01 A. They had a mark on the rib
02 where the seal should be.

03 Q. Should be, okay. And then you
04 cleaned on each side of it, or did
05 they put a mark on the rib at the
06 area that you wanted it?

07 A. I just clean it where they
08 tell me where to clean. You can go
09 out and look see where they had
10 marked or the particular wall they
11 painted, and I cleaned both sides,
12 15, 20 feet on both sides.

13 Q. Was there any standing water
14 or anything up there that you
15 noticed? And I know you said mud and
16 water in general, but was there any
17 standing water holes, and ---?

18 A. There was some in the entry
19 outby the seals.

20 Q. Okay.

21 A. What would be, I reckon, at
22 the return when they finished the
23 seals up, it would be the return for
24 the seals.

25 Q. Okay. And this is actually

39

01 where the seals were going to be
02 installed in the entries?

03 A. Yeah.

04 Q. After you cleaned up, did you
05 notice, like were there any cracks in
06 the bottom, or abnormalities in the
07 bottom?

08 A. None that I noticed, sir.

09 Q. Did you notice like roof
10 support in the area inby the seals or
11 outby the seals that were installed?

12 A. Well, they built cribs inby
13 the seals.

14 Q. Okay. How many cribs did they
15 place inby the seals, do you recall?

16 A. If I'm not mistaken, they put
17 two cribs on behind each seal.

18 Q. These are cribs that you
19 observed when you were in that area?

20 A. Yes, sir.

21 Q. Did you see any --- were you
22 up there after the seals were built
23 and they had --- where they had cribs
24 built in any one of those seals?

25 A. After the seals were built?

40

01 Q. Yes.

02 A. No, sir.

03 Q. Okay. Were any seals
04 completed --- well, you had said you
05 worked on Nine.

06 A. I worked on 9-A. I don't know
07 if they finished that up the day that
08 we was up there or not, because they
09 was almost up to the top, and our
10 quitting time came, and we were
11 always at the section until the

12 product runs out.

13 Q. And so when you were there
14 working on Number One, some of the
15 other seals had already been
16 installed?

17 A. Yes, sir.

18 Q. Okay. Did you see any roof
19 support on the outby side of those
20 seals that had already been
21 completed?

22 A. They had to go back to do
23 that. They're going to put their
24 cribs in them, and they come back and
25 re-crib. You're always supposed to

41

01 have crib from the outside, so I'm
02 sure they did.

03 Q. Okay. But you never observed
04 any?

05 A. I never went back over to
06 check them.

07 Q. Okay. Did you notice if there
08 were any trenches in the rib where
09 the seal was supposed to be
10 installed, notches in the rib at all?

11 A. No, sir.

12 Q. Okay. In the bottom?

13 A. No, sir.

14 Q. Approximately, how high was
15 those --- did you ever measure the
16 height of that area?

17 A. No, sir, I didn't.

18 Q. What about width?

19 A. Approximately 18 feet.

20 Q. But you never measured that
21 width or anything?

22 A. Never measured it.

23 Q. You had mentioned that most of
24 the time you were up there you mixed
25 mortar?

42

01 A. Yes, sir.

02 Q. Did you ever lay any blocks
03 down for them?

04 A. It might have been five or
05 six. There wasn't very many, because
06 most of the time, I mixed mud.

07 Q. Do you know if they used all
08 new blocks, or was there some that
09 were reused or anything like that?

10 A. They used all new blocks, sir.

11 Q. All new? When they laid them
12 down, were the blocks wet?

13 A. They laid a base down and they
14 smeared the whole block, they
15 recovered it.

16 Q. Did you ever observe one that

17 was started at the bottom? Did you
18 ever observe them doing that?

19 A. No.

20 Q. Were you involved at that
21 time?

22 A. They already had the bottom
23 started when we usually got up there.
24 Because like I said, it's usually
25 late in the day when we're going up

43

01 there.

02 Q. How thick were those seals?

03 A. Forty (40) inches.

04 Q. They use ---?

05 A. They turn one sideways and one
06 long ways, 16 and 24, something like
07 that.

08 Q. One horizontal, one ---

09 A. Yeah.

10 Q. --- vertical --- or traversed-
11 typed, staggered joint?

12 A. Yes. Uh-huh (yes).

13 Q. What type of mortar did you
14 --- were you using?

15 A. It was a special mortar. Them
16 blue bags.

17 Q. Was the entire bag blue, or
18 was it ---?

19 A. It was white with blue
20 stripes. There is a different type,
21 but I do know at one time they had to
22 wait for mortar to come in because
23 they ran out of mortar before they
24 could do more work on the seals.
25 Q. Okay. If they didn't have

44

01 any, did they ever just straight
02 mortar anything ---

03 A. No, sir.

04 Q. --- if you get in a hurry or
05 something like that?

06 A. No, sir.

07 Q. Were there instructions on
08 those bags?

09 A. I'm sure there was, you know.
10 Mixing instruction?

11 Q. Yes.

12 A. I'm sure there was, but as far
13 as me observing it, I never ---.

14 Q. You never read that?

15 A. That's correct.

16 Q. How did you mix them, I mean,
17 the contents, you know, the water and
18 so on and so forth? What was the ---
19 how much water and how much mortar?

20 Can you give me kind of an idea?

21 A. Well, we just put water in

22 there and started mixing until we got
23 a good mix. For the water quality of
24 it, or stuff, I couldn't tell you,
25 I'm not sure.

45

01 Q. Okay. When the blocks are
02 laid down, you're putting what on the
03 blocks when you laid them down?

04 A. I put wet mud on them.

05 Q. Wet mud on them. So the
06 blocks were actually dry whenever
07 they put the mortar on them?

08 A. Yes, sir. That's what I call
09 wetland, you know.

10 Q. Yeah, I understand. But they
11 didn't --- was there ever any water
12 applied to the block before you put
13 the mortar on?

14 A. Not to my knowledge.

15 Q. Was the mortar applied to the
16 vertical and horizontal joints?

17 A. Yes, sir.

18 Q. How was that applied?

19 A. It was when they took the
20 block down, they laid one block down
21 and then they put on another one, do
22 the sides of it, and they'd do the
23 sides and stuff of the other block

24 before they put it in. The bottom
25 and they'd do they sides and the top

46

01 of it.

02 Q. Do you recall what maybe
03 thickness was it at, that mortar
04 joint?

05 A. They told us it needed to be a
06 quarter-inch thick.

07 Q. Okay. Do you recall whether
08 there was any pilasters installed in
09 those?

10 A. Pilasters?

11 Q. Yes. An offset in the seal.
12 Meaning, you start across and then
13 you build out from the seal a short
14 distance across and then back in,
15 like a reinforcing-type ---.

16 A. No, sir.

17 Q. So they were just straight
18 across?

19 A. Yes, sir.

20 Q. Both sides, inby and outby?

21 A. Right.

22 Q. Okay. The consistency of the
23 mortar --- I know we were talking
24 about that a moment ago, was it like
25 a runny mix or a thicker mix?

47

01 A. About a medium mix. It wasn't
02 real runny, but we mixed it so that
03 it would stick pretty good to the
04 blocks and stuff.

05 Q. Okay. And they continued this
06 staggered joint configuration until
07 they reached the roof, or up near the
08 roof?

09 A. Yes, sir.

10 Q. Can you describe to me, how it
11 was finished off?

12 A. The main top of it?

13 Q. Yes.

14 A. No, sir.

15 Q. Were you ever there whenever
16 they ---?

17 A. We was up at that one seal,
18 they was almost finished, but like I
19 said, quitting time come before we
20 got done, and I went back the next
21 day shift to see if it was finished
22 or not.

23 Q. The blocks against the rib,
24 when you went up against the rib, how
25 were those wedged in, or were they

48

01 wedged in, or how was that done?

02 A. They were wedged in.

03 Q. Well, how were they wedged in?
04 A. With a pole axe.
05 Q. Pardon me?
06 A. With a pole axe. Throw a
07 wedge down in there, get them tight
08 and then mortar it real good.
09 Q. Explain that to me a little.
10 Now, we're speaking of the seal that
11 goes across the entry and then the
12 seal butts up --- the blocks butt up
13 in the rib; right?
14 A. Uh-huh (yes).
15 Q. Okay. And when the blocks
16 would be just slightly short, or ---?
17 A. They tried to get where the
18 mortar and stuff that come right to
19 the rib, you know, where they get a
20 good bead of mortar down in there.
21 Q. Okay. And they use wedges
22 sometimes to wedge that up?
23 A. Sometimes.
24 Q. And they were installed with a
25 --- what did you call it?

01 A. A pole axe.
02 Q. A pole ax. They'd drive them
03 down in there pretty hard?
04 A. Pretty hard, yeah.
05 Q. How close to the roof did they

06 --- I guess you said you were only
07 there once. How close to the roof
08 did they get that up there?
09 A. They probably had another row
10 of blocks to go across to be at the
11 top.
12 Q. Okay. How did they reduce the
13 size of the block? If you needed a
14 piece of a block, you know, not a
15 complete block, how did they do that?
16 A. A bow saw.
17 Q. Did you ever see any planks or
18 anything laying around the seal?
19 A. Planks?
20 Q. Planks. Wooden planks, wooden
21 boards.
22 A. There's boards around it, but
23 you know ---.
24 Q. Do you know if that's what
25 they put on top of it?

50

01 A. I don't know.
02 Q. Were you ever around whenever
03 they --- what did they apply to the
04 face, the outside? Once it was
05 completed, do you recall what they
06 put on the outside of the seal?
07 A. They used the mortar. They

08 refaced it again.

09 Q. Refaced them again. Both
10 sides?

11 A. Yeah.

12 Q. How did they do the back side?

13 A. Well, see, the back side ---
14 we had a stopping on the back side.
15 So we'd have our air and stuff come
16 up there right. When they'd get
17 down, they'd have a bunch of mud and
18 stuff on the back side when they do
19 back side, and then they come back
20 around.

21 Q. That was the same material
22 as ---?

23 A. The block bond.

24 Q. You used block bond?

25 A. Yes, sir.

51

01 Q. How thick was that material
02 placed on that? Did you ever apply
03 the mortar to the outby?

04 A. No, sir, I never.

05 Q. Okay. After the seal was
06 completed and they faced it, was
07 there any additional mortar applied
08 around the perimeter of the seal?

09 A. I didn't see it then. They
10 first went back on all the seals and

11 refaced them all.

12 Q. Is that something that was in
13 the plan, or was that something you
14 heard someone tell someone?

15 A. I guess I heard them talking
16 about, you know, had to reface all
17 the seals and make sure they had
18 enough mortar to get quarter inch
19 that's supposed to be on.

20 Q. Who said --- who was talking
21 when that ---?

22 A. I just heard the guys talking
23 up there on the track, you know. I
24 reckon, the guys were going to work
25 their job today was to --- they were

52

01 going to reface the seals.

02 Q. Okay. The seal with the water
03 trap was Number One you said?

04 A. Yes.

05 Q. How was that water trap
06 installed? By that I mean, how did
07 you configure the block to lay the
08 water trap in?

09 A. You put the block over, check
10 for air on the seal. The water trap
11 where it come off the ground, it had
12 to be up so many inches, I think.

13 Q. Do you remember what those
14 inches were?

15 A. Not right off hand. I think
16 12 inches or something like that off
17 the ground.

18 Q. Right. Okay. Go ahead,
19 continue how you did that.

20 A. Okay. I had the block over
21 there, and then laid the tight end
22 there, and then mortared everything
23 down and I had to let that set up
24 overnight before they ---.

25 Q. They had cut a notch in, or

53

01 they left them spaced --- a space
02 between them?

03 A. Well, I come over with the
04 block, brought the block over and the
05 pipe would go through, and they just
06 kind of just grooved a little bit in
07 the block. That pipe sat down, and
08 they just mortared the whole pipe.

09 Q. Okay. When they grooved the
10 block, how did they do that?

11 A. Bow saw.

12 Q. Bow saw. The water trap, did
13 it have any --- at the joints, were
14 there any screws, or how would they
15 attach that thing, the joint --- the

16 different pieces of the water trap,
17 how did they join those?
18 A. They was supposed to be glued.
19 The joint they had done the day I was
20 there was put the pipe through the
21 block.

22 Q. In other words, they didn't
23 have the outby portion, the trap part
24 of it attached, they just ---?

25 A. No, they had it there, but

54

01 they didn't have it attached.

02 Q. Was it put together?

03 A. No. But they was going to
04 glue it together. PVC pipe or
05 something like that.

06 Q. Did you ever observe that?

07 A. No, sir.

08 Q. So then they left it set
09 overnight, you said, or at some
10 length of time?

11 A. Yeah, overnight. We have ---
12 I'm sure they went back the next day.
13 We never went back up there.

14 Q. You never went back there?

15 A. No.

16 Q. Just for a moment, can we go
17 back over to the map. And how far

18 --- well, let's go to the map first.
19 Looking at this Number One seal, can
20 you show me the approximate location
21 of that seal, how it was configured?
22 As we look at this map here, at the
23 Number One entry, it's an angled
24 seal, and I noticed that on this
25 particular map we had a seal

55

01 constructed right at the corner,
02 across the corner there. Can you
03 tell me how that seal was located?
04 Was it outby this corner? That would
05 be the left corner. Outby, or was it
06 inby?

07 A. If I'm not mistaken, it was
08 around this corner.

09 Q. Okay.

10 A. I ain't sure if it was inby or
11 outby, because I don't recall seeing
12 corners there. It was around the
13 face here.

14 Q. Okay. Where that seal was
15 located, did it seem to be any wider
16 in that area than it did in the other
17 seals?

18 A. Not to my knowledge, no, sir.

19 It might have been a tad wider than
20 the other seals, but we never

21 measured them.

22 Q. Okay. Thank you. Do you
23 recall what size that water trap was?

24 A. If I'm not mistaken, four
25 inch.

56

01 Q. And you said you thought it
02 was PVC-type pipe?

03 A. Yeah.

04 Q. What color was it?

05 A. White.

06 Q. Did you have any involvement
07 in installing the gas sampling tube
08 at all?

09 A. No, sir. At the Number Ten
10 --- I was not over around Number Ten.
11 I did all the block in Number Ten,
12 but they were hauled up there,
13 because we was doing some stopping
14 work outby, and when the mortar crew
15 brought the block in, they unloaded
16 them right away. I asked the boss
17 what do you want me to do with them,
18 and he said just take up them to
19 where the seal area's at. So I just
20 took them up there and set them at
21 Number Ten entry.

22 Q. Was that Skip?

23 A. No, it was Marty Conrad.

24 Q. Marty Conrad?

25 A. Yeah. He told me where I need

57

01 to move the block, because we was
02 doing the stoppings, you know,
03 getting the air right when they turn
04 off that thing over there.

05 Q. Do you recall how that area
06 was ventilated? Was the air going
07 away from you into the old Two Left
08 mains?

09 A. The intake's swept in front of
10 the seals until they got everything
11 done, got their overcastting across
12 where they can split it.

13 Q. Okay. So the front of the
14 seals, the air was moving from left
15 to right or right to left?

16 A. Going to the section?

17 Q. No, I mean, across the front
18 of the seals.

19 A. Okay. Across the front of the
20 --- going from right to left and come
21 up Number Ten entry. I think there's
22 two intakes coming outside Number
23 Nine and Number Ten, and swept in
24 front of the seal and went to the
25 section. And after the seals was

01 pretty well completed, they put them
02 --- they split the air, and go
03 overcast across the intake air going
04 to the section and across the belt
05 and the track.

06 Q. Did you have a methane
07 detector at all when you were up
08 there?

09 A. I didn't have mine with me at
10 that time.

11 Q. Did anybody have one?

12 A. Yes. Marty Conrad had his
13 and ---.

14 Q. And Skip?

15 A. Yes.

16 Q. Did you ---?

17 A. And I'd say Mike Triplett or
18 Harmon Jordan might have had theirs.

19 Q. Did you ever hear of any
20 methane being detected up there
21 during the construction, or did you
22 ever hear anybody's detector going
23 off at all or anything?

24 A. No, sir.

25 Q. I noticed you said that you

01 didn't see the seals being topped

02 off, but how far from the roof was it
03 whenever you last saw that seal?

04 A. Number One?

05 Q. Any of them.

06 A. The last one I saw was over at
07 Number Nine, it was like a little
08 block.

09 Q. Just one little block?

10 A. Yeah.

11 Q. Do you know any other
12 employees that --- the names of the
13 other employees that worked on those
14 seals?

15 A. A couple of the red hats.
16 George and --- I can't think of his
17 last ---. One's name is George and
18 the other is Short. I can't think of
19 his first name. I think his last
20 name was Short, because I called him
21 Stubby.

22 Q. But you don't know the other
23 guys?

24 A. And Skip. I mean, I couldn't
25 tell you his name. When I started

60

01 work over there, everybody called him
02 Skip.

03 Q. Did you ever see Mr. Toler up
04 there, or Mr. Crumrine or anyone up

05 there during the construction of the

06 --- your time at the seals?

07 A. At my time at the seals? No,

08 sir.

09 Q. Do you know if he was up there

10 at any time?

11 A. I assume he was, because he

12 worked on stoppings up there outby

13 the seals there along the track, and

14 they come up there with inspectors,

15 but I'm sure when they come up there

16 that they went across the seal area

17 where the work was done. But as far

18 as me seeing them, no, sir.

19 Q. When you say inspectors, who?

20 A. We get so many, it's hard to

21 keep up with them.

22 Q. Who in terms of management

23 specifically was up there?

24 A. Jeff Toler. I know he was

25 there.

61

01 Q. At the seal?

02 A. Up at the seal area.

03 Q. Did you see him?

04 A. I didn't see him, no, sir.

05 But he's the one that moved the one

06 seal back, so that's a pretty good

07 indication that he was there.

08 Q. Okay. Did you see any other
09 management personnel up there? Did
10 you personally observe any other
11 management personnel up there?

12 A. Marty Conrad was up there. He
13 should have been there.

14 Q. Did he give any instructions
15 or anything, or what did he look at?
16 What can you tell me about his visit?

17 A. Well, he was there with us.
18 You know, like I said, we all worked
19 together, me and him. Just me and
20 Marty Conrad and Mike Triplett and
21 Harmon Jordan, we all worked
22 together. When we was outby working
23 we'd finish up or something, we'd go
24 up there to see if any of them needed
25 any help with the seals. In about a

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01 period of two weeks or so. We both
02 went to Sycamore during the process
03 of building the seals, so I don't
04 know how many got completed while we
05 was down there.

06 Q. Did you notice if there was
07 any piers built underneath any of the
08 seals? Piers meaning a slab of
09 concrete?

10 A. No, sir.

11 Q. They were all started with
12 Omega block?

13 A. Well, they always use the
14 mortar and stuff.

15 Q. Yes, yes.

16 A. They all used that.

17 Q. And the mortar that you used,
18 that was all one of the same type?

19 A. Right. Yes, sir.

20 Q. Did that mortar come in
21 anything else besides bags at any
22 time during the construction?

23 A. No, sir. I never seen
24 nothing.

25 Q. The mortar was applied to both

63

01 sides, I think you said?

02 A. Both sides going from ---.

03 Q. Have you ever experienced or
04 heard anyone talk about any
05 difficulties that they encountered
06 during the construction of the Omega
07 seals?

08 A. No, sir.

09 Q. The boards that you saw laying
10 around, how thick were those?

11 A. That would be fly board. I'd

12 say they were an inch thick, six
13 inches wide.
14 Q. Six inches wide, how thick?
15 A. An inch.
16 Q. An inch thick?
17 A. I'm pretty sure they were an
18 inch. I'm not even a hundred percent
19 sure on that. I'm pretty sure the
20 fly boards are --- I'm pretty sure
21 they're an inch.
22 Q. Did you actually observe the
23 mortar applied to both sides, or did
24 you just hear that they were applied
25 to both sides?

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01 A. They applied the biggest part
02 on the seals coming up with them.
03 They kept both sides coming up with
04 them and they go back over it. I
05 never seen it, but they were supposed
06 to go back over and replace all the
07 seals.
08 Q. Okay. But during that time
09 there, you had somebody on the inby
10 side, and as they were going up, you
11 actually saw them applying mortar to
12 the ---
13 A. Yes, sir.
14 Q. --- inby side? Both sides

15 actually.

16 A. Yes, sir.

17 Q. Did you notice any pipes or

18 cables or any metallic type material

19 in the area of those seals?

20 A. No, sir.

21 Q. Any cable ---?

22 A. The cables that was used to

23 mine that panel, or ---?

24 A. Yes. Well, anytime or

25 anything, metallic pipes, or like

65

01 when they hung the high voltage cable

02 or something like that, you know,

03 cables running through there. Was

04 the track broke?

05 A. The track was broke and pulled

06 out. It was pulled all the way up

07 out of, the whole panel. See, when

08 they first started out, after some

09 repair, they pulled that track out of

10 there.

11 Q. Pulled the track out of there?

12 A. Uh-huh (yes).

13 Q. Do you recall, when you're

14 pulling --- did you assist in pulling

15 the equipment out of old Two Left

16 main?

17 A. No, sir. The crews done that,
18 because they was --- they got a
19 permit to take the bottom coal,
20 because they took the top coal going
21 in. They got a permit to take the
22 bottom coal coming out and the crews
23 that worked up there brought the
24 equipment out of the --- brought the
25 coal out on the bottom.

66

01 Q. Were you ever up there after
02 everything was out?

03 A. No, sir.

04 Q. No? Did you ever hear any
05 discussions about any --- that they
06 left maybe some old batteries or
07 anything like that up in there?

08 A. No, sir.

09 Q. Any old equipment at all,
10 whatever it might be?

11 A. No. All that equipment is
12 pretty new, sir. I don't think they
13 left any of that.

14 Q. Okay. No pipes or cables,
15 or ---?

16 A. No.

17 Q. Did you ever think or have a
18 reason or hear anyone speak about the
19 construction of the Two Left seals,

20 any problems that they might have had
21 with the construction of them, or did
22 everybody seem satisfied with the
23 construction?

24 A. To my knowledge, when I heard
25 from everybody, it seemed like it was

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01 pretty well built there.

02 Q. And I may have asked you this
03 before, and I apologize if I did.

04 But after they were completed, did
05 you ever hear anyone speak about, you
06 know, finding some methane at the
07 seals or anything like that?

08 A. No, sir.

09 Q. No one talked about that at
10 all?

11 A. No, sir.

12 Q. Do you know who in the company
13 is responsible for gaining approval
14 from MSHA on those seals? Did you
15 ever hear that discussed?

16 A. I never heard it discussed,
17 but I would say it would probably go
18 through the safety department.

19 Q. Who is the individual that was
20 responsible for the construction of
21 it? Who is the main individual

22 responsible for the construction of
23 those seals? Do you know who?
24 A. You're saying the boss on the
25 job, or ---?

68

01 Q. The main --- the person giving
02 the most instruction for those seals.

03 A. That would be Skip and Jeff
04 Snyder, I believe.

05 Q. Do you know why mining was
06 stopped up in the Two Left area? Did
07 you ever hear why that was stopped up
08 there?

09 A. Water.

10 Q. Water. Do you recall anyone
11 talking about any additional methane
12 problems or just seeing additional
13 methane while they were in the Two
14 Left area?

15 A. No, sir, I haven't.

16 Q. Did you ever hear of anyone
17 cutting through any uncharted
18 boreholes or charted boreholes or
19 mining into any holes?

20 A. No, I haven't heard anybody
21 say anything about it.

22 MR. SWENTOSKY:

23 Brian, do you have
24 anything?

25 BY MR. MILLS:

69

01 Q. John, at any time did you
02 perform a pre-shift or a non-shift
03 exam of that site?

04 A. The seals, no, sir.

05 Q. Okay. You mentioned you were
06 there when they started Number Nine
07 seal?

08 A. We went up there after they
09 started. They were probably halfway
10 done with it.

11 Q. Was there wire screen above
12 that area?

13 A. Not that I recall.

14 Q. Okay. What about when they
15 were finishing up Number Seven seal?
16 Was there wire roof screen above that
17 seal?

18 A. I ain't sure which end did
19 have the screen in it, but one had
20 the screen that they cut out.

21 Q. Okay. Number One seal, where
22 you worked on the water trap, was
23 there a wire screen in that heading?

24 A. I'm not real sure.

25 MR. SWENTOSKY:

70

01 Can we go off the
02 record? Just take a short
03 break.
04 SHORT BREAK TAKEN
05 BY MR. SWENTOSKY:
06 Q. For clarification, you had
07 mentioned --- I believe this was what
08 you were speaking about, but the
09 persons who worked on those seals,
10 did you mention a gentleman by the
11 name of Mike Triplett?
12 A. Triplett, yeah.
13 Q. Triplett.
14 A. Yeah, he worked with us.
15 Q. Am I pronouncing it ---
16 Triplett?
17 A. Triplett, yeah.
18 MR. RAJKOVICH:
19 He's got another
20 clarification that he'd like
21 to give to you.
22 MR. SWENTOSKY:
23 Sure, go ahead.
24 MR. MILLS:
25 Before we get to that

71

01 one, can you just clarify that
02 again, as far as Triplett and
03 who? Go ahead. I'm sorry.

04 BY MR. SWENTOSKY:

05 Q. Okay. Mr. Triplett, what did
06 Mr. Triplett perform, or what was his
07 position?

08 A. Like I say, he's a general
09 mine foreman, or shift foreman from
10 the other mines, you know, because we
11 was all --- like, we had Harmon
12 Jordan, he was the weekend shift
13 foreman. Mike Triplett, he was the
14 evening shift foreman, and Marty
15 Conrad, he was dayshift shift
16 foreman.

17 Q. Okay.

18 A. And we all finished up coming
19 from the other mine over. And his
20 --- what he had done up there, he
21 spread mud.

22 Q. Okay. At which mine?

23 A. Sago Mine.

24 Q. Sago Mine. Okay. So he was
25 involved with those seals that we're

72

01 speaking about?

02 A. Yeah. That was the only time
03 he was up there, was the same time we
04 was.

05 Q. Okay. And he mixed mud

06 and ---?

07 A. Well, I mixed the mud and

08 he ---.

09 Q. And he put it on. All right.

10 MR. MILLS:

11 Does he have another

12 clarification?

13 MR. SWENTOSKY:

14 Yeah, he's got a ---

15 yes.

16 MR. MILLS:

17 Unless you do.

18 MR. SWENTOSKY:

19 No, we're done with

20 that clarification.

21 MR. MILLS:

22 All right.

23 A. In fact, when I went over and

24 worked on Number Nine seal I told you

25 that Jeff Snyder and Skip was the

73

01 ones that was over the seals. And

02 when we was up there at Number Seal,

03 Jeff Snyder was the boss at that

04 time.

05 BY MR. SWENTOSKY:

06 Q. Okay. Jeff ---?

07 A. Yeah. He was up at Number

08 Nine seal.

09 Q. Okay. And it wasn't Skip?

10 A. No, not Number Nine. No, sir.

11 Q. Okay.

12 A. Skip and Jeff both was the
13 bosses over the seals and then I
14 think he took Jeff off for other
15 reasons. I don't know what, but I
16 think they had to walk airways or
17 some little stuff or something. I
18 ain't sure what.

19 Q. Do you know if they
20 constructed seals --- the seal
21 construction continued through into
22 the second shift, third shift, or was
23 it just one shift?

24 A. No, just one shift.

25 Q. One shift. Did you have ---

74

01 go ahead.

02 A. We got sent to Sycamore in the
03 process of them being built. So we
04 were down there for a couple weeks at
05 that time.

06 Q. Okay. Did you happen to take
07 any notes during the construction of
08 these seals or your time up there?

09 A. No, sir.

10 Q. How was the rock dust in the

11 area? Kind of describe that a little
12 bit for me, would you, on the inby
13 side and the outby side?

14 A. The inside it was, you know,
15 pretty wide like, and the outby side,
16 they took the machine duster up there
17 and dusted all that. And then over
18 where we built the stopping and
19 stuff, we dusted that with the
20 machine duster before we opened air
21 up to go down the other way before
22 they built --- finished everything
23 up, and put the overcast in. We
24 machine dusted all that, and once
25 they done that --- and they were

75

01 already machine dusted from the
02 beginning.

03 Q. Okay.

04 A. One of them machine dusters.

05 Q. Okay. How much --- when you
06 were there, how much dust did they
07 have? Was there any thickness to it?

08 A. I couldn't tell you what
09 thickness it was, but they bought it
10 in ton bags, so they used several
11 there.

12 Q. In what?

13 A. In ton bags.

14 Q. One ton bags?
15 A. A big ole bag, yeah. I think
16 it was ---. You got to pick them up
17 and hang them up with a scoop.
18 Q. Okay. When you say they pick
19 them up and hang them, do you mean
20 they hung them from the roof?
21 A. Yeah, hung up. Chain, hang
22 them up, and pull your scoop under
23 them and cut them open and dust come
24 out. Bulk dusting.
25 Q. Oh, okay. I see what you're

76

01 saying. You pick them up and then
02 you cut them open and spread it
03 around. Okay. Is that what they did
04 in that area?
05 A. Yes, sir.
06 Q. Did you assist in that
07 process?
08 A. Not at the seal area we
09 didn't, but see, you had your seal
10 --- go ahead and come down with your
11 seals, and you had your return wall.
12 And you had that neutral heading
13 there at the time. When we done it,
14 it was a neutral heading. And the
15 other heading was neutral. So we

16 dusted all them when they was
17 neutral. And see, when the air got
18 changed around they built the
19 overcast to where they had to sweep
20 ventilation. That's when they opened
21 up the intake on the section. We
22 already had it all dusted before they
23 opened it up.

24 Q. And just a moment, if we can
25 go back to plastering both sides or

77

01 facing both sides of the seal. How
02 many times did you observe that both
03 sides were plastered, or --- was it a
04 process of being plastered?

05 A. All three times I was over,
06 they worked on them every time I was
07 over there.

08 Q. On all three seals?

09 A. All three seals, yes. Uh-huh
10 (yes). Because I do remember Skip
11 saying they had to be a quarter-inch
12 thick. And it was hard to get a
13 quarter-inch of mud to stick to the
14 wall without letting it dry a little
15 bit and then taking more over.

16 Q. Is that they did that, they'd
17 put it on a little bit and then dry
18 and put on a little bit ---

19 A. Yeah. Uh-huh (yes).

20 Q. --- to gain that thickness?

21 Okay. When was the last time that
22 you had an annual retraining class
23 that you participated in?

24 A. I'm not sure the date of it,
25 but we just had it before we went

78

01 over there. Dick Curry was the
02 instructor.

03 Q. That would have been at
04 Spruce?

05 A. Yeah, before we went to Sago.

06 Q. When you went to Sago, what
07 type of training did they provide to
08 you?

09 A. Al Schoonover, he went over
10 their escapeways and stuff with us.
11 Just more on escapeways and stuff.

12 Q. Did he review like the
13 ventilation plan with you, the roof
14 control plan?

15 A. Yes, sir.

16 Q. Was that a couple days after
17 you started, or the day you started,
18 or what was that?

19 A. I'm not sure exactly what day.

20 It was right after we started over

21 there.

22 Q. Okay. But I mean, your first
23 day at the mine, was that discussed
24 with you the first day you were at
25 the mine, or a couple days later,

79

01 or ---?

02 A. It was the day we was going
03 over to the mines, because he comes
04 out ---. When we finished Spruce up
05 there, I think he was up there when
06 we locked the doors on Spruce. Al
07 Schoonover, and I think that's the
08 day he come over, because we had to
09 go over to the mine and we took our
10 clothes and stuff over to the
11 bathhouse. And he come out and
12 explained all that to us.

13 Q. He actually went over to
14 Spruce with you?

15 A. Uh-huh (yes). He brought the
16 maps and everything. Showed us the
17 maps of escapeways and stuff.

18 Q. And discussed the roof control
19 plan?

20 A. I said Al Schoonover, his name
21 is James Schoonover. I call him ---
22 that's another nickname.

23 Q. So Mr. Schoonover did that?

24 A. Uh-huh (yes).

25 Q. Your training, did you sign a

01 form of any sort after you had the

02 training?

03 A. Yes, sir. When I had the

04 training --- I was supposed to bring

05 it today, but I couldn't find it.

06 Q. Okay.

07 A. I went to stick it in my shirt

08 pocket, and either my wife --- I

09 found them all clear back to 2002.

10 Johnny Stemple gave them to us, and I

11 couldn't find the one I had the other

12 day. So evidently, it was in my

13 shirt pocket, my wife washed or

14 something.

15 Q. Blame it on your wife.

16 A. I don't blame too much on her.

17 I'm trying to quit now.

18 Q. Did Mr. Schoonover also sign

19 that paper?

20 A. Yes, sir.

21 Q. Was the mine emergency and

22 evacuation firefighting program ---

23 the firefighting plan, was it

24 discussed with you?

25 A. Firefighting plan? Yes, sir.

01 Q. Okay. What was involved in
02 that discussion? What instructions
03 do they give you concerning that?
04 A. Fighting the fire and stuff?
05 Q. Yes.
06 A. Where everything was kept at
07 over at the mines, the fire
08 extinguisher and that. We tap into
09 the water lines and stuff like that,
10 belt heads, and they're marked with a
11 --- I think he said an orange ribbon
12 along the water taps and the fire
13 hose and stuff and all belt heads.
14 Q. Do you know who the
15 responsible person is at the mine on
16 each shift when an emergency occurs
17 as it related to that plan? In other
18 words, who directs the responsible
19 person that directs the evacuations?
20 A. I'd say the shift foreman.
21 Q. Do you recall anybody telling
22 you who was the responsible person?
23 A. No.
24 Q. Are you familiar with the
25 emergency materials supplied at the

01 mine, that is brattice, as far as
02 brattice material, hammers, nails?

03 A. Yeah, they're stationed just
04 outby One Left switch.
05 Q. Okay.
06 A. You got the doors and rock
07 dust, B-bond, nails, hammers, saws.
08 Q. Okay. Did anybody ever
09 explain or are you familiar with the
10 evacuation procedures in case of an
11 explosion?
12 A. Use the primary escapeway and
13 head out, try to make it to the
14 surface.
15 Q. Did anybody ever discuss with
16 you the barricading procedures, when
17 you barricade --- what you do when
18 you barricade?
19 A. No, I know pretty well off
20 hand, you know, what to do, you know.
21 Find a good place with good air, and
22 shut off as big an area as you can.
23 Q. Okay. When would you use
24 barricading?
25 A. Me?

83

01 Q. Yeah.
02 A. Never.
03 Q. Never?
04 A. Well, after this last one,

05 never.

06 Q. Did anybody ever explain to

07 you when you should use barricading?

08 A. When your primary and

09 secondary escapeways are blocked and

10 you can't get out due to smoke or

11 fire.

12 Q. Have you been qualified for,

13 or certified for your methane and

14 oxygen tests?

15 A. I don't know.

16 Q. Okay. Were you qualified by

17 demonstrating how to test for methane

18 and oxygen deficiency and how to use

19 the detector?

20 A. Yeah, Johnny Stemple.

21 Q. Do you know when that was?

22 A. Not right off hand, no.

23 Q. Was the hazard of carbon

24 monoxide ever discussed with you in

25 any training classes, or in general

84

01 or anything?

02 A. Not to my knowledge.

03 Q. I believe you said the

04 escapeways were discussed with you by

05 Mr. Schoonover, I think you said.

06 A. Yeah.

07 Q. Have you ever participated in

08 any escapeway drills?

09 A. No, sir.

10 Q. Did anyone ever --- did you
11 walk any of the escapeways in the
12 mine with another individual?

13 A. Walking --- I worked in
14 different parts of them, but as far
15 as walking them continuous from one
16 point to the other, no.

17 Q. You did, though, as part ---
18 you walked those as part of an
19 examination; is that what ---?

20 A. No. Work detail.

21 Q. Oh, okay.

22 A. I'd take a number showing us
23 where we needed to work at or what we
24 needed to do or anything like that.

25 Q. So then you haven't ever

85

01 started at one end of an escapeway at
02 a section or something, and then ---
03 or an area and walked out to the
04 surface?

05 A. Not at Sago I haven't. Spruce
06 I have.

07 Q. With a foreman or something?

08 A. I'd take my guys who worked
09 outby. We had to do it every so

10 often, and I took my guys in there.
11 Go one section to the other, because
12 we always worked outby off the
13 section. I would just go to the
14 section, we'd get in the escapeway
15 and head to the outside. We already
16 done it before the end of the shift.
17 That way we'd be outside at quitting
18 time.

19 Q. Okay. How are the escapeways
20 identified in Sago Mine?

21 A. Your primary is green. Your
22 secondary is red.

23 Q. Did you ever participate in
24 any fire drill at Sago Mine?

25 A. No, sir, I haven't.

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01 Q. How about Spruce Mine?

02 A. Spruce, I did. They had
03 demonstrations, a demonstration up
04 there. Kenny, and I think the State
05 was in on that, too. They had come
06 in there. Number Three tailpiece
07 caught on fire. We had to go fight
08 part of that.

09 Q. As a drill?

10 A. As a drill. Uh-huh (yes).

11 Q. Have you received this SCSR
12 training, self-contained, self-

13 rescuer training?
14 A. Yes, sir. Johnny Stemple.
15 Q. Johnny Stemple. At Sago Mine,
16 or ---?
17 A. Spruce.
18 Q. At Spruce?
19 A. Yeah, he was safety director
20 at Spruce there for a long time.
21 Q. What did you have to ---?
22 A. They'd go over it also in our
23 annual retraining.
24 Q. Can you explain that training
25 for me a little bit, please, just
87
01 what occurred during that particular
02 training?
03 A. They'd tell you how to put it
04 on and stuff, like you put your nose
05 clip on, put your Vaseline on, and
06 then when you break it open, you put
07 it in your mouth and bite down, you
08 know, and put your hat on and stuff
09 and you're ready to go.
10 Q. You had to demonstrate how to
11 do that? What did they use for that?
12 A. A training canister.
13 Q. A training canister?
14 A. Uh-huh (yes).

15 Q. You actually took it apart?

16 A. Yep. Uh-huh (yes). Which it
17 looks identical to.

18 Q. Pardon me?

19 A. It looks the same as the
20 rescuer, but they're used for
21 training, training purposes only.

22 Q. Okay. Did you ever have to
23 use one?

24 A. No.

25 Q. Was first aid covered in the

88

01 training that you had?

02 A. Yeah, they covered portions of
03 first aid too.

04 Q. What part of first --- can you
05 just tell me a little bit about the
06 things that were discussed?

07 A. No. Not right now, no. But I
08 do know they went over first aid.

09 Q. Have you ever had an occasion
10 whenever there was a change in the
11 ventilation plan that was discussed
12 with you before going in at the
13 beginning of the shift, or when a
14 change was made that the mine
15 operator, just someone from the mine
16 operator discussed that with you?

17 A. Ventilation change?

18 Q. Yes.

19 A. One time over at Spruce they
20 was making an air change, and they
21 had to have a permit to do it or
22 something, and we had established a
23 lot of stoppings, and I had to help
24 route the stopping work. On the day
25 that it was done, it was done on our

89

01 shift.

02 Q. When there are changes in the
03 escapeways, do they go over that with
04 you at all?

05 A. When there's changes made,
06 yeah. They have a bathhouse meeting
07 in the morning any time you're
08 changing anything like that. They go
09 over all of it, yeah

10 Q. Do you feel the training was
11 adequate that you had?

12 A. Yeah. Uh-huh (yes).

13 Q. Is there anything that should
14 be added to it, do you think?

15 A. There's probably a lot of
16 stuff that could be added, but I call
17 it pretty good training, yeah.

18 Q. Have you ever been searched
19 for smoking materials?

20 A. Yes, sir.

21 Q. How often is that?

22 A. Once a week.

23 Q. Who conducts that?

24 A. Usually the shift foreman, or
25 he would catch you as you're going

90

01 out the door or something like that.

02 Or sometimes they'd catch you down at
03 the mantrip, check before you get on
04 the mantrip.

05 Q. Have you ever observed anyone
06 smoking in the mine?

07 A. No, sir, I haven't.

08 Q. Have you ever found any
09 smoking materials underground,
10 cigarette butts, matches or anything
11 like that?

12 A. I found them in the mantrip,
13 but --- you know, people walking down
14 getting on the mantrip, you can pick
15 them up on your shoe.

16 Q. Okay. That's at Sago Mine?

17 A. No, sir. That's Carter, when
18 I worked at Carter's.

19 Q. But never at Sago Mine?

20 A. No, sir.

21 MR. SWENTOSKY:

22 Do you have anything

23 else, Brian?

24 MR. MILLS:

25 No.

91

01 BY MR. SWENTOSKY:

02 Q. Has anyone offered you
03 anything or made any promises to you
04 in exchange for you appearing here
05 today?

06 A. No, sir.

07 Q. Do you have anything that you
08 would like to add that may be
09 relevant to the investigation, that
10 would help us out in any way, or any
11 information that you might have?

12 A. No, sir.

13 MR. SWENTOSKY:

14 On behalf of MSHA, I
15 would like to thank you for
16 your appearing and answering
17 the questions today. Your
18 cooperation is very important
19 to the investigation as we
20 work to determine the cause of
21 the accident. We ask that you
22 not discuss your testimony
23 with any person who may have
24 already been interviewed, or

25 who may be interviewed in the

92

01 future. This will ensure that
02 we obtain everyone's
03 independent recollection of
04 the events surrounding the
05 accident.

06 After questioning other
07 witnesses, we may call you if
08 we have a follow-up question
09 that we feel that we need you
10 to answer. If at any time you
11 have additional information
12 regarding the accident, that
13 you would like to provide to
14 us, please contact us at the
15 contact information that was
16 previously provided to you,
17 and that was on the business
18 card.

19 The Mine Act provides
20 certain protections for miners
21 who provide information to
22 MSHA and as a result are
23 treated adversely. If at any
24 time you believe that you have
25 been treated unfairly because

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01 of your cooperation in this

02 investigation, you should
03 immediately notify MSHA.

04 If you wish, you may
05 now go back over any answer
06 you have given during this
07 interview and you may also
08 make any statement that you
09 would like to make at this
10 time. Do you have anything
11 that you would like to add
12 or ---?

13 A. No.

14 MR. SWENTOSKY:

15 Again, I want to thank
16 you for your cooperation in
17 this matter. Thank you very
18 much.

19

20 * * * * *

21 SWORN STATEMENT

22 CONCLUDED AT 2:35 P.M.

23 * * * * *

24

25



Scale: 1" = 50'

