

STATEMENT UNDER OATH  
OF  
WILLIAM (BILL) CHISOLM

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the U.S. Bankruptcy  
Courthouse, 324 West Main Street,  
Clarksburg, West Virginia, on  
Wednesday, February 15, 2006, at  
11:01 a.m.

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A P P E A R A N C E S (cont'd)

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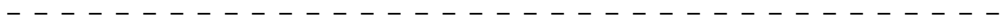
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P R O C E E D I N G S



MR. O'DONNELL:

My name is Joe  
O'Donnell. I'm an accident  
investigator with the Mine  
Safety & Health  
Administration, an agency of  
the United States Department  
of Labor. With me is James

1 Crawford from the Solicitor's  
2 office, John Collins and David  
3 Stuart, with the West Virginia  
4 Office of Miners' Health,  
5 Safety & Training.

6 I've been assigned to  
7 conduct an investigation into  
8 the accident that occurred at  
9 the Sago Mine on January the  
10 2nd, 2006, in which 12 miners  
11 died and one was injured. The  
12 investigation is being  
13 conducted by MSHA and the West  
14 Virginia Office of Miners'  
15 Health, Safety & Training to  
16 gather information to  
17 determine the cause of the  
18 accident, and these interviews  
19 are an important part of the  
20 investigation.

21 At this time, the  
22 accident investigation team

1           intends to interview a number  
2           of people to discuss anything  
3           that may be relevant to the  
4           cause of the accident. After  
5           the investigation is  
6           completed, MSHA will issue a  
7           written report detailing the  
8           nature and the causes of the  
9           accident. MSHA accident  
10          reports are made available to  
11          the public in the hope that  
12          greater awareness about the  
13          causes of accidents can reduce  
14          their occurrence in the  
15          future. Information obtained  
16          through witness interviews is  
17          frequently included in these  
18          reports. Your statement may  
19          also be used in other  
20          enforcement proceedings.

21                           I would like to thank  
22                           you in advance for your

1 appearance here. We  
2 appreciate your assistance in  
3 this investigation. The  
4 willingness of miners and mine  
5 operators to work with us is  
6 critical to our goal of making  
7 the nation's mines safer. We  
8 understand the difficulty for  
9 you in discussing the events  
10 that took place, and we  
11 greatly appreciate your  
12 efforts to help us understand  
13 what happened.

14 This interview with Mr.  
15 William Chisolm is being  
16 conducted under Section 103(a)  
17 of the Federal Mine Safety &  
18 Health Act of 1977 as part of  
19 an investigation by the Mine  
20 Safety & Health Administration  
21 and the West Virginia Office  
22 of Miners' Health, Safety &

1 Training into the conditions,  
2 events and circumstances  
3 surrounding the fatalities  
4 that occurred at the Sago Mine  
5 owned by International Coal  
6 Group in Buckhannon, West  
7 Virginia, on January the 2nd,  
8 2006. This interview is being  
9 conducted at the U.S.  
10 Bankruptcy Court in  
11 Clarksburg, West Virginia on  
12 February 15th, 2006.

13 Questioning will be  
14 conducted by representatives  
15 of MSHA and the Office of  
16 Miners' Health, Safety &  
17 Training. This is not an  
18 adversarial proceeding;  
19 therefore, Cross Examination  
20 will not be permitted.

21 Mr. Chisolm, the  
22 interview will begin by my

1 asking you a series of  
2 questions. If you don't  
3 understand a question, just  
4 ask me to rephrase it. Feel  
5 free at any time to clarify  
6 any statements that you make  
7 in response to the questions.  
8 After we have finished asking  
9 questions, you will also have  
10 an opportunity to make a  
11 statement of and provide us  
12 with any other information  
13 that you believe may be  
14 important. If at any time  
15 after the interview you recall  
16 any additional information  
17 that you believe may be useful  
18 in the investigation, please  
19 contact Mr. Richard Gates at  
20 the phone number and e-mail  
21 address provided to you. And  
22 we'll have a business card for

1           you.

2                       Your statement is  
3           completely voluntary. You may  
4           refuse to answer any question  
5           and you may terminate your  
6           interview at any time. If you  
7           need a break for any reason,  
8           please let us know. A court  
9           reporter will record your  
10          interview and will later  
11          produce a written transcript  
12          of the interview. Please try  
13          and respond to all questions  
14          verbally, since the court  
15          reporter cannot record  
16          nonverbal responses. Also,  
17          try to keep your voice up.  
18          Copies of the written  
19          transcript will be available  
20          at a later time.

21                      If any part of your  
22          statement is based not on your

1           own firsthand knowledge but on  
2           information that you learned  
3           from someone else, let us  
4           know. Please answer each  
5           question as fully as you can,  
6           including any information that  
7           you have learned from someone  
8           else. We may not ask the  
9           right question to learn the  
10          information you have, so don't  
11          feel limited by the precise  
12          question asked. If you have  
13          any information about the  
14          subject area of a question,  
15          please provide us with that  
16          information.

17                        At this time, Mr.  
18                        Collins, do you have anything  
19                        you'd like to add on behalf of  
20                        the State of West Virginia?

21                                MR. COLLINS:

22                                Yes. Mr. Chisolm, the

1 West Virginia Office of  
2 Miners' Health, Safety &  
3 Training is conducting this  
4 interview session jointly with  
5 MSHA and are in agreement with  
6 the procedures outlined by Mr.  
7 O'Donnell for these interviews  
8 being conducted here today.  
9 But the Director reserves the  
10 right, if necessary, to call  
11 or subpoena witnesses or  
12 require the production of any  
13 records, documents,  
14 photographs or other relevant  
15 material necessary to conduct  
16 this investigation. And  
17 here's a card. If you have  
18 any questions or need  
19 additional information or  
20 anything, you can call later.

21 MR. O'DONNELL:

22 Mr. Chisolm, are you

1           aware that you may have a  
2           personal representative  
3           present during the taking of  
4           this statement?

5                   MR. CHISOLM:

6                   I am.

7                   MR. O'DONNELL:

8                   Okay. And do you have  
9           a representative here today?

10                   MR. CHISOLM:

11                   Joe.

12                   MR. O'DONNELL:

13                   And could you identify  
14           him?

15                   MR. CHISOLM:

16                   Identify him?

17                   MR. O'DONNELL:

18                   Yes, his name.

19                   MR. CHISOLM:

20                   Oh.

21                   MR. CRAWFORD:

22                   His name for the

1 record.

2 MR. CHISOLM:

3 Joseph.

4 MR. CRAWFORD:

5 His last name?

6 ATTORNEY YUHAS:

7 Yuhas.

8 MR. O'DONNELL:

9 Okay. Thank you. Has  
10 anyone suggested to you that  
11 you use this representative?

12 MR. CHISOLM:

13 Yes.

14 MR. O'DONNELL:

15 And who would that be?

16 MR. CHISOLM:

17 ICG.

18 MR. O'DONNELL:

19 Are you aware that your  
20 representative may have a  
21 conflict of interest in  
22 representing you while being

1 provided by someone else, such  
2 as the company?

3 MR. CHISOLM:

4 Yes.

5 MR. O'DONNELL:

6 With this  
7 understanding, do you still  
8 want this person as your  
9 representative?

10 MR. CHISOLM:

11 I do.

12 MR. O'DONNELL:

13 And have you been  
14 pressured in any way to accept  
15 this person as your  
16 representative?

17 MR. CHISOLM:

18 No, sir.

19 MR. O'DONNELL:

20 Okay.

21 MR. STUART:

22 Is it your

1           understanding that Mr. Yuhas  
2           is to represent your interests  
3           in this matter?

4                     MR. CHISOLM:

5                     Yes, sir.

6                     MR. STUART:

7                     Do you have an  
8           understanding as to whether  
9           Mr. Yuhas may also represent  
10          the employer, your employer?

11                    MR. CHISOLM:

12                    State that again, sir.

13                    MR. STUART:

14                    Do you have an  
15          understanding as to whether  
16          Mr. Yuhas represents your  
17          employer also?

18                    MR. CHISOLM:

19                    No, he does not.

20                    MR. STUART:

21                    That's your  
22          understanding, that he does

1 not?

2 MR. CHISOLM:

3 (Indicates yes).

4 MR. O'DONNELL:

5 You have to say yes or

6 no for the record.

7 MR. CHISOLM:

8 Yes.

9 MR. O'DONNELL:

10 I'm sorry, did you say

11 yes?

12 MR. CHISOLM:

13 Yes.

14 ATTORNEY YUHAS:

15 Can I clarify one issue

16 ---

17 MR. O'DONNELL:

18 Yes.

19 ATTORNEY YUHAS:

20 --- on a matter of

21 clarification? The process

22 --- Bill indicated that he was

1           in some way --- you know, I  
2           was referred to him or  
3           suggested to him. The way the  
4           process works is that everyone  
5           --- all the hourly people are  
6           notified that if they would  
7           like a representative, someone  
8           is available out there. If  
9           they want to meet with him,  
10          that's fine. If they don't  
11          want to meet with me, that's  
12          fine also. Mr. Chisolm chose  
13          to meet with me and we  
14          discussed all the issues, we  
15          discussed all the potential  
16          conflicts. He knows the  
17          situation. He knows all his  
18          options before he does choose  
19          me for a representative. So  
20          the fact that someone may ---  
21          ICG may have suggested, they  
22          didn't suggest me. They said

1 a representative was out there  
2 if anyone was interested in  
3 talking to them. That's how  
4 the process works. So we  
5 don't --- we try to eliminate  
6 any potential conflicts. And  
7 I personally tried to stay as  
8 insulated and as isolated from  
9 the company as possible so  
10 there are no conflicts.

11 MR. CRAWFORD:

12 Thank you.

13 MR. STUART:

14 And is what he just  
15 said, Mr. Chisolm, your  
16 understanding?

17 MR. CHISOLM:

18 Yes, it is.

19 MR. STUART:

20 Very good.

21 MR. O'DONNELL:

22 Mr. Chisolm, do you

1           have any questions regarding  
2           the manner in which we will  
3           conduct the interview?

4                           MR. CHISOLM:

5                           No, I don't.

6                           MR. O'DONNELL:

7                           Okay. Will you please  
8                           swear him in?

9           -----

10          WILLIAM (BILL) CHISOLM, HAVING FIRST  
11          BEEN DULY SWORN, TESTIFIED AS  
12          FOLLOWS:

13          -----

14          BY MR. O'DONNELL:

15          Q.           Please state your full name  
16          and spell your last name.

17          A.           William L. Chisolm,  
18          C-H-I-S-O-L-M.

19          Q.           And your address and phone  
20          number, please?

21          A.           ██  
22          ██

1 Q. Telephone number?

2 A. [REDACTED]

3 Q. Okay. Thank you. Are you  
4 appearing here today voluntarily?

5 A. Yes, sir.

6 Q. And how many years of mining  
7 experience do you have, Bill?

8 A. About 10 or 11, sir.

9 Q. And are they all at Sago Mine?

10 A. No, sir.

11 Q. Could you give us a  
12 description of your mining  
13 background?

14 A. 1980, Republic Steel, Goldbeam  
15 Coal, Kent Energy until she shut  
16 down. Black Diamond. I have worked  
17 at Moundsville in one of the Consol  
18 mines as a contractor, changing  
19 shields on a longwall, and back to  
20 Spruce Four until it shut down, then  
21 Sago.

22 Q. And how long have you been at

1 Sago?

2 A. Probably close to a year.

3 Well, no, I'd say when ICG took over  
4 and they shut down Spruce Four. So  
5 pretty close to a year.

6 Q. Is that what it is, about a  
7 year?

8 A. (Indicates yes).

9 Q. Okay. And have you had the  
10 same --- you've been a dispatcher the  
11 whole time you've been at Sago?

12 A. Yes, sir.

13 Q. Okay. Now, what did you do at  
14 the other mines? Were you an  
15 underground miner?

16 A. Roof bolter, buggy operator  
17 and dispatcher for probably four  
18 years I'd say.

19 Q. Okay. What kind of mining  
20 certificates do you hold?

21 A. Mining certificates?

22 Q. Yes. Do you have any mining

1 certificates?

2 A. You mean like black hat?

3 Q. Yes.

4 A. Gas cards, stuff like that?

5 Q. Yes. Foreman?

6 A. No, sir.

7 Q. Mine examiner, anything like  
8 that?

9 A. No.

10 Q. All State of West Virginia ---

11 A. Yes.

12 Q. --- and no other states;  
13 right?

14 A. Right.

15 Q. If you would, could you just  
16 describe your normal duties as a  
17 dispatcher? What do you do?

18 A. Check the methane markers, see  
19 if they need calibrated. In which  
20 case if they do, I'm not --- you  
21 know, I'm not doing that. The  
22 lights, take care of the guys'

1 lights, their tags, whatever they may  
2 need. I monitor the computer,  
3 monitor the belt line, monitor the  
4 COs and the gases that, you know,  
5 might be given off. Start up the  
6 belts, shut them down.

7 Q. You can do that from your  
8 location?

9 A. Yes, sir.

10 Q. Okay. Do you do any other  
11 duties besides those duties that you  
12 just described, other than dispatch  
13 the mine?

14 A. I mean, clean up around my  
15 area right there.

16 Q. That's what I mean. You stay  
17 right in that trailer?

18 A. Yes, sir.

19 Q. Do you ever leave it for any  
20 reason?

21 A. If somebody breaks me off.

22 Q. Okay.

1 A. But I have to fill them out on  
2 traffic coming out or going in, ---

3 Q. Okay.

4 A. --- and tell them what's on  
5 the rail.

6 Q. And who's your immediate  
7 supervisor?

8 A. Immediate supervisor? Carl  
9 Crumrine, Jerry Toler.

10 Q. And have they been your  
11 supervisor since you got there, since  
12 you've worked at Sago?

13 A. No. I started up underneath  
14 Johnny Stemple.

15 Q. Bill, now what we're going to  
16 do is we're just going to let you  
17 describe what you did that day from  
18 the time that you got on the  
19 property, started your shift, and  
20 work yourself all the way through  
21 that day until the time you left the  
22 property and what your role was in

1 everything that happened.

2 A. Okay. I arrived at the mine  
3 site probably 3:30, because Fred  
4 Jamison and Terry Helms had to go  
5 under to fire boss, so I had to be  
6 there in time to start by four  
7 o'clock. Had a lengthy conversation  
8 with Terry. We were joking around.  
9 Talked to Fred Jamison. I knew what  
10 mantrip they was --- that they was  
11 going to take in and told them to  
12 check their sanders and make sure  
13 that the trip was safe. They headed  
14 on in to First Left. And they  
15 did --- the phone, when I was talking  
16 to them, this is the mine phone,  
17 because the trolley wasn't rigged.  
18 That's why, because Fred had called  
19 me. He told me that the mantrip was  
20 going --- was low on juice, that he  
21 was going to take it and bring it out  
22 and let it charge up. He told me to

1 tell Terry Helms that his lunch would  
2 be left at the First Left switch. So  
3 when Terry went there to get his  
4 lunch, the Two Left section crew was  
5 there. The Two Left section crew was  
6 there. And I don't know for sure,  
7 but knowing Terry, I'd say he called  
8 the Two Left section crew, you know,  
9 but that's just speculation, because  
10 he might have walked up to the belt  
11 head. And that's about it. Fred  
12 went down on Number One belt. The  
13 crews went in, like I said, Second  
14 Left. And First Left had a trip, and  
15 it was low. So we switched around  
16 until you had number six with First  
17 Left.

18 When them guys went in, they  
19 got as far as the switch. The only  
20 thing I know, the wind was blowing  
21 and a heck of a storm come through.  
22 Now, I lost everything exactly at

1       6:31. That's what the computer time  
2       was telling me. But at 6:31, John  
3       Boni was in the intake. He come out  
4       on Number Four belt, said that his  
5       ears had popped, that there's  
6       something definitely wrong, and --- I  
7       forget the other Boni. Pat Boni,  
8       which was John's son, he was at  
9       Number Three head, he said that the  
10      dust was definitely going in the  
11      wrong direction. They was on the  
12      belt. John directed him a path to  
13      get into the intake and started  
14      walking out. Okay. Nobody had knew  
15      what had happened.

16                And it was probably --- I'd  
17      say within the time, at least 20  
18      minutes that Dick Wilfong and Jeff  
19      Toler and Al Schoonover --- let's see  
20      who else, because there was one more  
21      mechanic, I can't think of his name  
22      right now, went in with them. And

1       that's when they saw the First Left  
2       crew.  Them guys had made their way  
3       out onto the track.  And with Dick  
4       seeing the shape that they was in, I  
5       was notified to call the ambulance  
6       and to call mine rescue teams.  And  
7       the main job is the people down the  
8       line that you have to get in touch  
9       with, I called Johnny Stemple so that  
10      he could do that, because there was a  
11      lot going on right there at the time.  
12      And so to keep things regulated the  
13      way they should be, he had to let  
14      people know what was going on.  Like  
15      I said, I'll never forget it, because  
16      the Second Left section belt, the CO  
17      right there at the tailpiece, the CO  
18      midways at the belt and the alarm at  
19      the tail all turned gray.  I had  
20      Number One belt, Number Two belt,  
21      Number Three belt, Number Four belt  
22      running.  The instant it hit, I lost

1       Number Three belt, Number Four belt,  
2       the power loss. Number Five belt and  
3       Number Six belt, which was on pull  
4       switch at the time, Five belt went to  
5       power loss, Six belt went black, it  
6       went gray. It was like it didn't  
7       exist. And back on First Left I had  
8       the CO at the tail all the way up  
9       through to Four tail, all except for  
10       the one CO that was gray. And  
11       halfway up, all except for the two  
12       COs that was on Four tail --- I mean,  
13       Four drive, was all reading 107 parts  
14       per billion. And I lost a couple  
15       more, including the CO in the middle  
16       of Two belt. Whereupon, I told  
17       Johnny Stemple to get in touch with  
18       the mine rescue teams. I had the  
19       numbers of them right there. Dick  
20       was wanting me to do it.

21                 And after seeing the guys that  
22       came out of the mines, I then called

1 Johnny Stemple to see if the  
2 ambulance was on the way. And he  
3 said that he was getting ready to  
4 dispatch the ambulance and he would  
5 like to know what was going on inside  
6 the mines as far as directing the  
7 air, not jumping the gun but finding  
8 out what kind of situation we had.  
9 But I immediately --- Doc Anderson, I  
10 immediately looked at him. He was in  
11 desperate need for oxygen right then  
12 and there.

13 So I called for the first  
14 ambulance to arrive on the scene with  
15 more information to be as followed.  
16 And the rescue team started arriving.  
17 That's about all I can say. Dick was  
18 in there. Toler was in there. There  
19 was a K Order, but I didn't know  
20 nothing about it. We was waiting on  
21 them to call out. If they called  
22 out, you had to tell them. They'd

1 have to automatically come out of  
2 there. And the rest of the day was  
3 just hectic as the teams started to  
4 arrive. Just a rough day.

5 They decided that they did  
6 have an explosion. I know Owie was  
7 trying to get on Second Left. I do  
8 know that. He had lost his hat. He  
9 was trying to get on Second Left to  
10 see about Jesse and that crew. One  
11 of the guys that had come out, his  
12 name was --- let's see, Hoy Keith or  
13 Keith Hoy. He took over Wilfong's  
14 office and started monitoring the  
15 phone from every --- maybe ten  
16 minutes, yelling for the Second Left  
17 crew, to see if they could get a  
18 response. Just more people was  
19 gathering in at this time, more  
20 teams. They was checking their  
21 apparatuses. It didn't take them ---  
22 as the first team come there, Barbour

1 County team, was monitoring like 300  
2 parts per billion in the lamp house,  
3 which we was evacuated, and about 360  
4 is what I had, you know, but it did  
5 go higher than that. And I was  
6 operating out of Carl's office then.  
7 The rescue teams, I'm not sure about  
8 what time they went under. Really,  
9 you know, I can't say for sure. They  
10 was being monitored. The command  
11 center was set up and they took over  
12 monitoring the rescue teams going in  
13 and out of the mine. I stayed there  
14 until the next dispatcher came on. I  
15 probably stayed there two more hours  
16 over my shift, possibly three, you  
17 know, I'm not saying --- to see what  
18 shape the guys was in and if they was  
19 all right. And that's about all I  
20 can say, I mean, of that day.

21 Q. What we'll do now is we'll go  
22 back and we'll work through it. Now,

1     you said that there was some storming  
2     going on?

3     A.       There was a storm that come  
4     through there.

5     Q.       Bill, did you see any  
6     lightning strike at the mine portal?

7     A.       No.    Right down directly at  
8     it, no.    I just saw ---.

9     Q.       I mean, what did you see?

10    A.       Just brightness.    The storm  
11    come through there.    And as fast as  
12    it came, it just left.    I mean, it  
13    was like a couple lightning bolts  
14    come down.    One come down, the ground  
15    shook.    I mean, that second, I mean  
16    when it hit, I lost all  
17    communications in the mine.    And like  
18    I said, that was at 6:31.    But they  
19    checked it with the mercury time, and  
20    you know the rest of that.    I mean,  
21    on --- you know what I'm saying?    Or  
22    do you want me to say it?

1 Q. Yes.

2 A. Okay. The mercury time is the  
3 time that the world goes by. It's  
4 the accurate time, the most measured  
5 time. Going from that, they could  
6 see where the computer, where it said  
7 6:31 and I lost everything, actually  
8 the computer clock was off. So  
9 therefore, it was within a second of  
10 everything happening. I'm not sure  
11 what --- the time that it went back  
12 to. I don't know if it was six  
13 minutes off. I'm really not sure.

14 Q. But you said that --- so you  
15 were sitting --- you were ---?

16 A. I was on the phone talking to  
17 Jeff Toler. The wind picked up, a  
18 storm come through. I threw the  
19 phone down because lightning ran in  
20 on the phone. I told Jeff --- I  
21 picked back up the phone and said,  
22 Jeff, there's something wrong. I

1       have immediately lost all  
2       communications. I said, the belts is  
3       going down. As soon as it happened,  
4       I said I lost all the belts and  
5       everything. But when it come down, I  
6       was talking to Jeff when I threw the  
7       phone down.

8       Q.        You said lightning came  
9        through the phone?

10      A.        It popped the phone.

11      Q.        It did?

12      A.        Yeah.

13      Q.        So you had it at your ear ---?

14      A.        Yes, I did.

15      Q.        Well, what did you hear?

16      A.        I mean, just like a (makes  
17        sound effect), like a pop on the  
18        phone itself.

19      Q.        Yeah? Like a --- like static  
20        or ---?

21      A.        No, just like noise, like  
22        electric --- well, yeah. Yeah.

1 Q. It sounded like an electrical  
2 ---?

3 A. Yeah.

4 Q. And you heard that?

5 A. I heard it.

6 Q. And what happened after that?

7 A. I threw down the phone and I  
8 looked --- I mean, a split-second ---  
9 when I was talking to Jeff, I just  
10 threw it down. It hurt my ear. I  
11 picked up the phone and told Jeff  
12 that we lost the belts. Second Left  
13 is showing me just dead.

14 Q. Did you get shocked or  
15 anything?

16 A. I don't think I did, but it  
17 hurt.

18 Q. It hurt you?

19 A. My eardrum, yeah.

20 Q. So you say you started at 3:30  
21 in the morning?

22 A. 3:30. My usual --- go ahead.

1 Q. Go ahead.

2 A. My usual shift is 6:00 in the  
3 morning 'til 6:00 in the afternoon.

4 So what we done there, I was to come  
5 in at like four o'clock in the  
6 morning or be there by 4:00 so the  
7 fire bosses can go under, and then  
8 continue working my shift.

9 Wherefore, Bruce would come on and he  
10 would come in like two hours early.  
11 And that's how we worked.

12 Q. So who was at the mine when  
13 you got there?

14 A. Terry Helms, Fred Jamison.  
15 Now, when I was talking to them, Jeff  
16 Toler, Gary Marsh and Dick Wilfong.

17 Q. They were all there that  
18 early?

19 A. They was there --- well, when  
20 the crews was going under ---.

21 Q. No, no. I'm talking about  
22 when you started.

1       A.       As soon as I walked on the  
2       scene, it was just Fred Jamison and  
3       Terry Helms.

4       Q.       And they were outside when you  
5       got there?

6       A.       They was outside when I talked  
7       to them.

8       Q.       Was there anyone underground  
9       at all?

10      A.       No, sir. They had to go and  
11      fire boss for the oncoming shift.

12      Q.       Right. Was the mine down?

13      A.       It was idle, yeah.

14      Q.       How long was it idle?

15      A.       From the shift before. I'd  
16      just say Sunday.

17      Q.       Sunday? So when was the last  
18      day that you worked?

19      A.       Well, the last day I worked  
20      was Friday.

21      Q.       The Friday before?

22      A.       Right.

1 Q. Okay. But you do normally  
2 relieve somebody?

3 A. Friday?

4 Q. No, whenever you ---.

5 A. Oh, yeah. Yeah.

6 Q. You're always ---?

7 A. Yeah.

8 Q. So you guys worked 12s?

9 A. Right.

10 Q. Okay. And how many  
11 dispatchers are there, just two or is  
12 there three?

13 A. There's Nathan Eye, which we  
14 call him Gander, Bruce Edmond Payne,  
15 Larry Everson (phonetic) and myself.

16 Q. So there's four of you?

17 A. Yes, sir.

18 Q. And you all work --- how does  
19 that work?

20 A. I work through the weekdays,  
21 6:00 to 6:00 Monday through Thursday,  
22 and from 6:00 'til 12:00 on Friday.

1 And how that works in, like Bruce  
2 will work three --- them guys will  
3 rotate, three on, three off.

4 Q. Okay.

5 A. And Gander will be on steady  
6 dayshift on his three, Friday,  
7 Saturday and Sunday.

8 Q. Gander, what's Gander's real  
9 name?

10 A. Nathan Eye.

11 Q. Oh, that's Nathan Eye, okay.  
12 So what time did Helms and --- who  
13 was the other guy?

14 A. Fred Jamison.

15 Q. Fred, yeah. What time did  
16 they go in the mine?

17 A. Four o'clock.

18 Q. And what was their route of  
19 travel? What were they supposed to  
20 examine? Do you know what their  
21 preshift was?

22 A. Yeah. They had to go in and

1       preshift.    They had to go up on First  
2       Left, through the faces, First Left,  
3       Second Left and down around the  
4       seals.    Just a regular preshift.

5       Q.       Do you know who did what or  
6       did they go together?

7       A.       When I called and talked to  
8       Terry, he was coming off of Second  
9       Left.    He come off there to get his  
10      lunch on First Left.    But I'd say  
11      Terry done Second Left.    I don't  
12      really know if he did or not.    See,  
13      they parked the mantrip at First  
14      Left, and so I don't know ---.

15      Q.       Now, do they call you  
16      periodically throughout the preshift?

17      A.       Keeping checks on me.

18      Q.       Yes.    How often do they call?

19      A.       I'd say probably every half  
20      hour.

21      Q.       And did they do that that day?

22      A.       Terry called me and Fred

1       called me.

2       Q.       Okay.

3       A.       I talked to both of them.

4       Q.       How do you track guys in the  
5       mine when you dispatch?

6       A.       How do I track them?

7       Q.       Yes. I have a ---.

8       A.       I write it down. That was a  
9       morning that it was very simple  
10      because we only had --- when they  
11      brought up that one mantrip, we only  
12      had two mantrips going in.

13      Q.       Do you recognize that as your  
14      ---

15      A.       Yes, sir, I do.

16      Q.       --- dispatch report sheet?

17      A.       Yes, sir.

18                               MR. O'DONNELL:

19                               We'll mark that as  
20                               Chisolm Exhibit One.

21      A.       Okay.

22                               (Chisolm Exhibit One

1                                   marked for  
2                                   identification.)

3   BY MR. O'DONNELL:

4   Q.           So just go through it from the  
5   top and explain that to me.

6   A.           From the top, sir?

7   Q.           Yes.

8   A.           Outside, the First Left,  
9   outside.   That's self-explanatory,  
10   sir.

11   Q.           But who is that and what time  
12   and where are they going?

13   A.           At the top of the sheet, I  
14   wouldn't know.   I started ---.

15   Q.           This is your writing?

16   A.           Sir, this is not my writing.  
17   This is my writing.

18   Q.           Okay.

19   A.           Sir, I'd be starting at ---.

20   Q.           Where did this part come from,  
21   the top part?

22   A.           It would have been --- I don't

1 know. It should have been --- I  
2 should have signed it right here and  
3 dated it. Because this would have  
4 had to have been from Saturday.

5 Q. So is that what you do, you  
6 normally --- where you start off, you  
7 put your name down?

8 A. Yeah, and date it.

9 Q. Okay. So this was from  
10 another dispatcher?

11 A. Yes, sir.

12 Q. Okay. So let's go from where  
13 you started here.

14 A. This writing looks like  
15 Gander. I got 4:35, Two Left to the  
16 outside. And that was the mantrip  
17 that they was using. I do not show  
18 the mantrip going in. I show the  
19 mantrip coming out. That is when he  
20 told me that --- to tell Terry Helms  
21 to pick up his lunch at First Left  
22 switch.

1 Q. Who told you that?

2 A. Fred Jamison.

3 Q. Oh, that was Fred.

4 A. Fred Jamison told me that.

5 Q. So what's missing in here is  
6 when they went in?

7 A. When they went in.

8 Q. Okay. Because there were only  
9 two guys in the mine. They went in  
10 on one mantrip?

11 A. Yes, sir.

12 Q. Okay. Go ahead. So Two Left  
13 ---?

14 A. And then the Two Left crew ---  
15 that mantrip from Two Left to the  
16 outside ---

17 Q. Yeah.

18 A. --- had come out. Fred took  
19 off on one belt, like I said, and Mr.  
20 Toler continued on to Second Left.  
21 Usually when he gets there, he always  
22 calls and says, Flea, --- if he knew

1 we was having trouble, they always go  
2 --- they call and say, Flea, we're  
3 clear, Number Eight, Number Six,  
4 whichever mantrip they got.

5 Q. This Two Left outside at 4:30,  
6 is that --- what's that over on the  
7 left side?

8 A. Two Left to the outside at ---  
9 yeah, Two Left to the outside, 4:30.

10 Q. That's what time he come  
11 outside or what time he was leaving  
12 to go out?

13 A. That's what time he was  
14 leaving to go outside.

15 Q. Okay. And did he come  
16 outside?

17 A. No, sir, not at that time. He  
18 had to park up there at First Right.

19 Q. Okay.

20 A. And so there was nobody else  
21 in there, he had plenty of time. He  
22 put it on a little bit of charge and

1 done his walking.

2 Q. So after their preshift was  
3 done, did anybody come outside?

4 A. Fred Jamison did.

5 Q. Fred came outside?

6 A. Right.

7 Q. And did you talk to him at  
8 all?

9 A. Yes, sir, I did.

10 Q. And did he come up to your  
11 dispatch shanty to do the books?

12 A. He come up there to tell him  
13 what the report was for filling out  
14 the books.

15 Q. Okay.

16 A. And he went back down on One  
17 belt. Terry decided that he'd just  
18 go ahead and stay in.

19 Q. Terry stayed in?

20 A. Terry stayed in and called out  
21 his report.

22 Q. Okay. And he called that out

1 from where?

2 A. From Second Left.

3 Q. Terry stayed in Second --- was  
4 he in the section at Second Left?

5 A. That's what I'm thinking, sir,  
6 because ---.

7 Q. Okay.

8 A. But you know, by what I got by  
9 him.

10 Q. Yes.

11 A. Because he had to come down  
12 off of Second Left to get his lunch  
13 that Fred had dropped off at the  
14 First Left switch.

15 Q. So Fred dropped Helms' lunch  
16 off at First Left switch?

17 A. Right.

18 Q. That means that Terry Helms  
19 had to come down --- what does he ---  
20 what do these guys --- like you said,  
21 if his preshift was done, what did he  
22 do usually after that; do you know?

1 A. A beltman. He had Number Six  
2 belt and Number Four belt.

3 Q. Six and Four?

4 A. Six and a little bit of Four  
5 and also right in through there on  
6 Five. He stayed right around that  
7 area.

8 Q. And that was like an everyday  
9 thing?

10 A. Yes, sir.

11 Q. So he would have normally been  
12 working at which drive?

13 A. Six drive.

14 Q. Six drive. And does he call  
15 you from time to time and tell you  
16 where he's at when he got down to the  
17 switch?

18 A. No. That's the last I heard  
19 from him.

20 Q. When he called from Two Left?

21 A. When he called and I told him  
22 that he needed to go down and pick up

1 his lunch.

2 Q. Okay. So for all you know,  
3 that's where he was headed, down to  
4 First Left switch ---

5 A. Right.

6 Q. --- to pick his lunch up?  
7 Okay. Now, we have the guys down at  
8 --- we have --- Helms is in the mine  
9 by himself; right?

10 A. Helms is at the First Left  
11 switch.

12 Q. By himself.

13 A. Fred is out of the mines,  
14 brought up the trip, finished charge.  
15 I had to get his fire boss report.  
16 Terry is on the phone, calling out  
17 his fire boss report. Fred walked  
18 back down on Number One belt, and the  
19 crews start in.

20 Q. And that's what I got here at  
21 six o'clock, outside Second Left,  
22 outside First Left?

1 A. Yes, sir.

2 Q. Okay. So you made no other  
3 entries for that day?

4 A. No, sir.

5 Q. Okay. And that's how you  
6 tracked them. And now after they get  
7 into the mine --- now, let me just  
8 back up here and ask you about some  
9 of the communications before we get  
10 into this part. Describe to me the  
11 types of communications that you do  
12 have at the mine?

13 A. Trolley and mine phone.

14 Q. So the trolley phone is the  
15 one that's on the mantrips?

16 A. Uh-huh (yes).

17 Q. The ---?

18 A. Mine phone.

19 Q. Is the pager phone?

20 A. Yes. But it also comes in on  
21 the mantrips.

22 Q. It does?

1 A. Yes.

2 Q. Is it normally ---?

3 A. Yeah.

4 Q. That's standard stuff?

5 A. It's standard. It's the way  
6 they have it.

7 Q. And what other form of  
8 communication underground?

9 A. What other form?

10 Q. Is there another form?

11 A. No.

12 Q. These are the only two ways  
13 that you call in?

14 A. The mine phone and the  
15 trolley.

16 Q. And I understand that the  
17 crews have walkies; right?

18 A. Yes, sir.

19 Q. Was there any ---?

20 A. Now, I can talk to a section  
21 with my walkie-talkie that I have.

22 Q. You can? How does that work?

1       A.       I can hear them on my  
2 walkie-talkie.  If I want like Gary  
3 Marsh down in the yard, they can get  
4 on the mine phone and tell --- you  
5 know, and have me to tell --- like we  
6 call him Muff, what they want to load  
7 up.  And I'll say, I didn't get that  
8 last part.  I'll say, just page it.  
9 So they can actually, with the mine  
10 phones, talk to that walkie-talkie by  
11 paging.

12       Q.       So you can page ---?

13       A.       You can page and talk to the  
14 outside.

15       Q.       So both systems are  
16 interconnected?

17       A.       Right.

18       Q.       And as long as that line runs  
19 through the mine, you could talk to  
20 anybody on the mine phone and the  
21 pager --- the trolley phone?

22       A.       Yep, all for one exception.

1       When the trolley phone is out,  
2       nothing will come over that speaker.  
3       They was down there and it was just  
4       like you just heard a little bit of  
5       static, and they took off. That's  
6       why this wasn't fully filled because  
7       I couldn't tell what they was saying.  
8       But if they would have went to the  
9       mine phone ---.

10      Q.       Okay.

11      A.       Now, see, the mine phone would  
12      have given me a clearer of what was  
13      going on. But I can't talk on the  
14      mine phone and come across their  
15      trolley when the trolley is out. See  
16      what I mean?

17      Q.       Yes.

18      A.       The trolley has got to be  
19      working. That's why I was waiting on  
20      to get an acknowledgment from them  
21      guys on the section.

22      Q.       So the only communication you

1 had was with the pager phone?

2 A. The mine phone, exactly.

3 Q. Two-way communication ---

4 A. Right.

5 Q. --- to the sections, and that  
6 was all working fine?

7 A. Yes, sir.

8 Q. But you did say --- was it  
9 just unique to this shift or had you  
10 had problems with the trolley phone  
11 before?

12 A. Before.

13 Q. How long has that been a  
14 problem?

15 A. They was having trouble with  
16 it Sunday, but it wouldn't work  
17 Monday morning.

18 Q. Do you have any idea what the  
19 problem was?

20 A. I think it's a splitter down  
21 at Three head, I'm pretty sure. I  
22 think they might have moved it to

1 Four head. There's a splitter in  
2 there, a switch that you throw.

3 Q. So it's a pretty good system  
4 then when it's working right?

5 A. Yeah. Right.

6 Q. What about the section  
7 walkie-talkies that the guys use  
8 between each other?

9 A. I can't receive them.

10 Q. Is there any time you ever  
11 did?

12 A. No.

13 Q. It won't feed through  
14 that ---?

15 A. No. They're on their own  
16 frequency.

17 Q. Okay.

18 A. See, and I'm on frequency two,  
19 which is the mine phones and trolley,  
20 together. So I couldn't even hear  
21 them --- you can't hear them on the  
22 mine phone or trolley. No feedback

1       there.

2       Q.       So now the guys go --- and  
3       let's say --- well, you said --- did  
4       you know that there was a delay  
5       between First Left and Second Left?

6       A.       Yes, sir.

7       Q.       They called you and --- who  
8       would have called you and told you  
9       that we're switching out mantrips?

10      A.       Owie Jones.

11      Q.       Owen. And the foreman on the  
12      Second Left bus, he called you and  
13      reported went in; right?

14      A.       Yeah.

15      Q.       At any time after that, the  
16      Second Left crew went in, did you  
17      ever have any communication with them  
18      again?

19      A.       No communication at all.

20      Q.       That was the last time?

21      A.       That was the last time.

22      Q.       What about One Left going in?

1       A.       First Left, communication with  
2       them, at First Left switch when he  
3       said something has happened. Well,  
4       no, that was --- Owie was on the mine  
5       phone. Owie made it to the mine  
6       phone. Owie said that there had been  
7       some kind of an explosion or a fall.  
8       He's not sure which. It blew the cap  
9       off of his head.

10      Q.       Let me back up just a little  
11      bit, then we'll get to that part.  
12      Before that happened, okay, before  
13      you had any communication with Owie,  
14      that's when you were on the phone;  
15      right?

16      A.       Uh-huh (yes).

17      Q.       And you had the problem with  
18      the telephone?

19      A.       Yeah. I mean, it rang. It  
20      rang in my ear. I mean, it just ---.

21      Q.       And it hurt you?

22      A.       It ran into me on the phone.

1 Q. And that's when your monitors  
2 and everything went out?

3 A. At the same second.

4 Q. So that happened?

5 A. Yeah.

6 Q. Now, what is the next thing  
7 that occurred?

8 A. Owie Jones made it to a phone.  
9 They was talking to him. He said  
10 that something had happened. He  
11 wasn't sure which. He lost his cap,  
12 and he was going to try to make it to  
13 Second Left.

14 Q. Okay.

15 A. Then he was notified to put  
16 the crew in the intake, which there  
17 were some stoppings that blew out, so  
18 they had to go a little ways before  
19 they could get back over into the  
20 track.

21 Q. But when your sensors went  
22 out, ---

1 A. Yes, sir.

2 Q. --- did you or anybody else  
3 make a call to the inside?

4 A. I made the call for them.

5 Q. You did?

6 A. Yes.

7 Q. Okay. So you had this event  
8 that happened and now you're trying  
9 to call inside?

10 A. Right.

11 Q. And then is that when Owen  
12 answered the phone?

13 A. Yeah.

14 Q. Okay. And what did you tell  
15 him?

16 A. I told him that I lost the  
17 belts. He said something happened  
18 and he's not sure what it was, but he  
19 felt the force from it. He said he  
20 thought that it might have knocked  
21 the stopping out. Dick told him to  
22 get into the intake, for him to get

1 the guys into the intake.

2 Q. So you called into the  
3 section, you called into the mine to  
4 get ahold --- some way to alert them.  
5 Owen answers the phone?

6 A. Right.

7 Q. Now you're having this  
8 communication with Owen, ---

9 A. He's putting his guys into the  
10 intake.

11 Q. --- and you mentioned that  
12 somebody else broke into the  
13 conversation.

14 A. Yes, sir, John Boni.

15 Q. And?

16 A. Pat Boni. And I mean at the  
17 same time, I mean, all this was going  
18 on.

19 Q. That's what I mean, yeah.

20 A. John Boni, on Four belt, he's  
21 only --- he was back in there  
22 checking his pumps when it happened,

1 John Boni. He come out on the belt  
2 line and, of course, he's wanting to  
3 know what wrong with the belts. He  
4 said that his ears popped. Pat Boni  
5 got on there and said that something  
6 was wrong, that the dust was going  
7 the wrong way, rock dust.

8 Q. Which way does it normally go?

9 A. Intake.

10 Q. And it's reversed?

11 A. Yeah, it was reversed.

12 Q. Okay. But then you said  
13 somebody else called, too. You said  
14 they told them to get into the  
15 intake.

16 A. Dick.

17 Q. Dick.

18 A. Dick told them something must  
19 have happened. He told them to get  
20 into the intake.

21 Q. Was that Dick Wilfong?

22 A. Yes, sir.

1 Q. Okay. Where was his location?

2 A. Dick was --- he was over in  
3 his office.

4 Q. Okay.

5 A. No, sir. I got that wrong.  
6 He was in the dispatcher's center.

7 Q. He was with ---?

8 A. Because we was talking and he  
9 was using the phone.

10 Q. And he was with you?

11 A. Yes, sir. Because by that  
12 time it was Fick Wilfong and Gary  
13 Marsh.

14 Q. Who's Gary Marsh?

15 A. Muff.

16 Q. Muff?

17 A. The forklift operator.

18 Q. So Muff is as forklift  
19 operator?

20 A. Uh-huh (yes).

21 Q. And his name is?

22 A. Gary Marsh.

1 Q. Gary Marsh, okay. That's  
2 Muff. All right. Didn't know who  
3 Muff was. So now Wilfong --- how did  
4 Wilfong realize that something had  
5 happened? I mean, some of this stuff  
6 may seem real obvious to you, but we  
7 have to do this to piece it together,  
8 okay.

9 A. Dick was in the office. Like  
10 I said, I was talking to Jeff Toler  
11 on the phone when all this occurred.

12 Q. What phone were you talking to  
13 Jeff on?

14 A. On the mine phone.

15 Q. On the mine phone?

16 A. Yes, sir.

17 Q. So Jeff was somewhere else on  
18 the surface?

19 A. Jeff was in his office on the  
20 mine phone, and I was talking to him.

21 Q. Okay. I understand there was  
22 a lot of confusion, and we're just

1       trying to sort it out.    When this  
2       happened, when all the phones went  
3       down and you lost all of that, did  
4       you ever lose power?

5       A.       Power, as far as ---?

6       Q.       The mine power.

7       A.       No, sir, just a belt line.

8       CO ---.

9       Q.       But the main mine power was  
10      still on?

11     A.       It was still on, sir.

12     Q.       It never kicked?    Just what  
13     you know.

14     A.       Well, power loss.

15     Q.       Yes.

16     A.       Power loss.    I mean, it's  
17     kicking, I mean, Number Two belt,  
18     Number Three belt.    There's power  
19     loss.    I had them running.

20     Q.       But the first --- One, Two and  
21     Three were still running?

22     A.       One, Two and Three --- let's

1 see, One and Two belt was on. I had  
2 them all running, all except for Two  
3 section belt to start with. It was  
4 on pull switch. When that lightning  
5 hit, what I lost was Three belt and  
6 Four belt was on power loss and Five  
7 belt was on power loss and Six belt  
8 was just gray, along with the CO.

9 Q. Now, we have --- so Wilfong is  
10 --- he's on the phone. Are you still  
11 on another phone or ---?

12 A. I was talking to --- told Dick  
13 that something had happened. Dick  
14 got on the phone and he said a couple  
15 things to Owie, like get your guys in  
16 the intake. Dick then immediately  
17 come over, he grabbed his light, he  
18 got on the phone, and he was like  
19 finishing his conversation. Jeff  
20 Toler was getting ready to go under  
21 --- well, he was just slapping stuff  
22 on. Al Schoonover and --- I still

1       can't think of the other mechanic's  
2       name.

3       Q.       Did you hear any other  
4       conversations from the First Left  
5       crew after they had begun the  
6       evacuation?   So who ordered the  
7       evacuation?

8       A.       Dick.

9       Q.       Dick ordered the evacuation?

10      A.       Told them that something had  
11      definitely happened.   Of course, they  
12      knew that.

13      Q.       Yeah.

14      A.       They couldn't see in front of  
15      them.   Tell you the truth, that phone  
16      that Owie had got on, I don't know  
17      where that was, unless it would be  
18      right there at the drive itself.   It  
19      had to have been.   That's the only  
20      thing I know.

21      Q.       See, is there any way that you  
22      could determine what phone a person

1 is talking on?

2 A. No. I mean, that's ---.

3 Q. There's no way to monitor  
4 that?

5 A. No. But now I could --- like  
6 say a smoky situation, there is, I  
7 mean, for like you trained for, like  
8 are you at First Left switch? Click  
9 once for yes, twice for no. Stuff  
10 like that. But they was all like in,  
11 you know, --- except for Doc, you  
12 know, with ---.

13 Q. Doc, meaning Denver Anderson?

14 A. Denver Anderson.

15 Q. Okay. So the guys all started  
16 --- now, what was the next thing that  
17 happened after they called and the  
18 evacuation began? Now what happened?

19 A. Dick and them was on their way  
20 under, because they did not know what  
21 had happened, to see if they could  
22 help out. When he saw Owie's crew,

1 he met them on the track. Like I  
2 said, it had to have been by ---  
3 let's see, by First Left switch. I'm  
4 thinking like Four head, in through  
5 there.

6 Q. Yeah.

7 A. He called. He told me, you  
8 know, to get in touch with these  
9 people. And he took one look at them  
10 and knew what was going on.

11 Q. Yeah. So who brought them  
12 out?

13 A. Who brought the guys out?

14 Q. Yeah.

15 A. There was a trip, I think it  
16 was on First Right, that them guys  
17 got.

18 Q. Did anybody stay in the mine?

19 A. Yes, sir.

20 Q. Who stayed in the mine?

21 A. Dick was in there, Jeff Toler,  
22 Al Schoonover.

1 Q. Did Owen ever come out?

2 A. Sir?

3 Q. Owen Jones, did he ever come  
4 out?

5 A. Yes, sir, he did.

6 Q. When did he come out?

7 A. With Dick and them.

8 Q. Okay. But he didn't come out  
9 with the crew?

10 A. No, sir.

11 Q. He stayed in ---?

12 A. To see what he could do.

13 Q. Okay. So now we have the crew  
14 out of the mine. And you said that  
15 Wilfong --- was it Wilfong that ---

16 A. Yes, sir.

17 Q. --- directed you to call who?

18 A. Mine rescue.

19 Q. Okay.

20 A. But first the ambulance, the  
21 medical team and mine rescue.

22 Q. Now, when was that? Was it

1 after he had --- before he went in  
2 the mine or ---?

3 A. No, sir, after he seen the  
4 guys in the situation that they had.

5 Q. Okay. So ---?

6 A. And he was taking fresh air  
7 with him as he went.

8 Q. How soon was that after the  
9 --- all right. They get ready, they  
10 go in the mine, they find the guys  
11 that are walking out.

12 A. Close, but not on the money?

13 Q. Yeah, just ---.

14 A. Let's see. That's 6:31, so it  
15 was probably --- well, right about  
16 6:45, 6:50.

17 Q. Okay. So they're picking the  
18 guys up. He sees their condition,  
19 ---

20 A. Right.

21 Q. --- and then he calls you?

22 A. Right.

1 Q. That's when he called you?

2 A. Yes, sir.

3 Q. So it was about 20 minutes  
4 after ---

5 A. Yes, sir, because ---.

6 Q. --- the explosion?

7 A. Yes, sir.

8 Q. And he told you to call mine  
9 rescue teams?

10 A. Yes, sir.

11 Q. And who else, the ambulance?

12 A. Yeah.

13 Q. So who did you call?

14 A. I called --- I tried Dunbar.  
15 I tried all the people down the list  
16 that I'm trying to get in touch with,  
17 Raymond, all of them. It was a  
18 holiday. Could not get in touch with  
19 any of them. I called Johnny  
20 Stemple.

21 Q. Do you have a list that you go  
22 by?

1 A. Yes, sir.

2 Q. Okay. And at the top of that  
3 list, what is there? You said you  
4 were instructed to call the mine  
5 rescue team?

6 A. Yes, sir.

7 Q. So what time specifically did  
8 you call?

9 A. Team, sir?

10 Q. Yeah. I don't know ---.

11 A. I called --- I got the  
12 ambulances rolling on it. Johnny  
13 took care of the rescue teams, which  
14 Barbour County was the first that  
15 arrived on scene.

16 Q. Okay. Barbour County is the  
17 rescue team?

18 A. Yes, sir.

19 Q. That's your company's rescue  
20 team, your ---? But that's who you  
21 call first. And what ambulance  
22 company did you call?

1 A. Buckhannon 9-1-1.

2 Q. Okay. And ---?

3 A. I related to them that we had  
4 a situation going on. They asked me  
5 what kind of an emergency. I said we  
6 needed to roll an ambulance right now  
7 on scene to deliver oxygen, but more  
8 will be available on the scene, more  
9 will be available. And that is when  
10 they seen what they had as looking,  
11 you know, through the guys back there  
12 at the bathhouse, and then it was  
13 Code Red.

14 Q. So these initial contacts were  
15 made 20 minutes after you discovered  
16 that you had a problem?

17 A. When Dick told me to call, I  
18 went down through the names, like I  
19 said, which I could not find the  
20 first time, and I called Johnny  
21 Stemple immediately, told him what we  
22 had, what was going on. He was

1       wanting to know, like I said, if  
2       there's people hanging curtain, what  
3       actually do we have. I told him Dick  
4       has been through it before and he  
5       knows what he's talking about as far  
6       as there has been an explosion.

7       Q.       Now, when you called Stemple,  
8       where was Stemple at?

9       A.       At his house.

10      Q.       He was home. And you told him  
11      that --- your conversation with him,  
12      you informed him that you had an  
13      explosion?

14      A.       I informed him that Dick  
15      thought that we had an explosion ---

16      Q.       Okay.

17      A.       --- and we had not heard from  
18      the Second Left and we need to get  
19      the mine rescue team running.

20      Q.       Okay. So that's the person  
21      that was then designated to contact  
22      the mine rescue teams; is that right?

1       A.           Right.  And I was taking care  
2       of the ambulances.  And like I said,  
3       Gary Marsh, which is Muff, he was  
4       there.  That was it.  That was it.  
5       And I don't know if Carl came in a  
6       little bit later.  I'm really not  
7       sure.  Because Carl --- Carl came in  
8       after that.  I'm really not sure  
9       where he was.  But anyway, a K Order  
10      had been put on the mines.  So my  
11      mission was if them guys called back  
12      out again, if Dick or anybody called  
13      out for any reason whatsoever, they  
14      was to pull theirselves away.  And I  
15      didn't hear from them.  They come out  
16      on their own.

17      Q.           Just so I make this clear.  We  
18      need to make this clear.  When you  
19      were on the phone, you were on the  
20      bell phone, the telephone?

21      A.           I was on the telephone.

22      Q.           That's the regular bell

1 telephone?

2 A. Yes, sir.

3 Q. And you were talking to who?

4 A. Johnny Stemple.

5 Q. And that's when you got the  
6 crack?

7 A. No.

8 Q. That's what I need to  
9 find ---.

10 A. Yeah. I was talking to Jeff  
11 Toler, ---

12 Q. Jeff Toler?

13 A. --- the mine foreman, when  
14 that storm come through. I told him,  
15 I said, as soon as that lightning hit  
16 and it jarred, I lost the belts and  
17 everything. I mean, I just threw the  
18 phone down.

19 Q. That was the mine phone you  
20 were on, ---

21 A. Yes, sir.

22 Q. --- the pager phone?

1 A. Yes, sir.

2 Q. Okay. But then you could  
3 still use that phone afterwards?

4 A. Yeah.

5 Q. Oh, okay. You just heard ---?

6 A. It just snapped just like a  
7 --- if you're going on like a bell  
8 phone, ---

9 Q. Yes.

10 A. --- you know, how lightning  
11 will run in on it, ---

12 Q. Yes.

13 A. --- it just cracked, snapped.  
14 But you still --- I mean, you were  
15 still able to use the phone, but I  
16 don't like to.

17 Q. So now while these four guys  
18 are in the mine, are they telling you  
19 what they're doing?

20 A. They are.

21 Q. And what did they do? Did  
22 they go from phone to phone or ---?

1 A. They are gathering curtain and  
2 keeping the phone right with them.

3 Q. Do you know if they brought  
4 any supplies in with them?

5 A. I don't know.

6 Q. Okay. Did they park their  
7 mantrip anywhere and start to walk in  
8 ---?

9 A. I think --- sir, I think they  
10 did take supplies with them.

11 Q. Okay.

12 A. Because I remember Al carrying  
13 some out of the back end of the  
14 trailer, first-aid stuff. Yes, I  
15 remember that.

16 Q. So they took some stuff in  
17 with them?

18 A. Yes, sir.

19 Q. And how far did they ride in?  
20 Do you know how far they got?

21 A. Until they --- I'd say  
22 probably around Four head. I'm just

1       guessing on this.    Because he saw  
2       Owie's crew and he went to the phone.  
3       That's all basically.   It might have  
4       been Three head, but it was at a  
5       head.    But I'm thinking Four head.

6       Q.       And they told you they were  
7       getting off the mantrip and they were  
8       going to start to walk or ---?

9       A.       Dick and them left their  
10      mantrip right there.   Being that  
11      close to it, the guys walked all the  
12      way up because they didn't know what  
13      they had had and they didn't need no  
14      sparks flying off the rail from the  
15      mantrip.   So it stayed there.

16      Q.       Did they tell you what number  
17      stoppings they were repairing?

18      A.       No, sir.

19      Q.       Did they tell you that you did  
20      have stoppings that were blown?

21      A.       Did have stoppings out.

22      Q.       And they told that --- how

1        were they repairing them?

2        A.            Just hanging curtain, trying  
3        to direct the flow of air until the  
4        last block that they got to, they  
5        couldn't do it.

6        Q.            How far did they get into the  
7        mine; do you know?

8        A.            I don't --- 57, 58 block.

9        Q.            Okay. How many times did you  
10       have a discussion with them as they  
11       were going in and what period of time  
12       was it?

13       A.            I'd say --- I only had it  
14       twice. I'm not sure how many checks  
15       they hung up, but I only had  
16       communication with them twice. And  
17       Carl was going to go in, and that was  
18       a no-no. And the K Order was in  
19       effect. And I was told if I heard  
20       from the guys, tell them the K Order  
21       was in effect and they was to pull  
22       themselves away.

1 Q. So the next time that you did  
2 hear from them was when?

3 A. They was out.

4 Q. Oh, they were out?

5 A. After that, yes, sir.

6 Q. So you didn't --- how did you  
7 know that they made it to 57?

8 A. Just by Dick saying that they  
9 did.

10 Q. So he told you that ---?

11 A. And talking, because they was  
12 --- after seeing Owie's crew, they  
13 was going on with hanging apparatus  
14 down through there. I'm not even  
15 sure how many pieces they had to hang  
16 to get that far, but just by Dick  
17 saying that they was --- at what  
18 block that they was at.

19 Q. So that was a conversation  
20 that you had later on?

21 A. When he was out, yes, sir.

22 Q. But the conversations that you

1 had while they were underground was  
2 just kind of --- help me with that.

3 A. Dick was just saying that they  
4 had stoppings blowed out, was talking  
5 to Carl, at least I think it was  
6 Carl. They was having a  
7 conversation. I'm really not sure.  
8 The ambulance was arriving on the  
9 scene and give Denver Anderson  
10 oxygen, because he needed it.

11 Q. How long did it take for their  
12 attempt to go in and try to get into  
13 that Second Left? From the time that  
14 they went underground until the time  
15 they got out, about how much time had  
16 --- if you can remember?

17 A. I'd say from 6:31 to --- it  
18 was an hour, I'd say. I can't ---  
19 you know, I mean, just nail it right  
20 on the head, but ---. And John  
21 Collins was there at that time.

22 Q. Did they ever call out any CO

1 readings to you? Did they call and  
2 tell you about any conditions that  
3 they had, like smoke, heat, fire, CO  
4 levels, methane levels?

5 A. At the last curtain they had  
6 CO. They had high CO. And I'm not  
7 sure about the methane.

8 Q. How high was it; did they say?

9 A. I don't know, sir.

10 Q. Your CO monitoring system,  
11 when it --- you said that it was 107  
12 part per million?

13 A. Yes, sir.

14 Q. Is that the high end level?

15 A. That's the high end level.

16 That's the highest you'll be.

17 Q. Right. And once they do that,  
18 then they have --- they're fouled;  
19 right?

20 A. Right.

21 Q. And they are no longer  
22 accurate; is that right?

1       A.       She will regain herself ---  
2       the batteries will keep it going at  
3       107.

4       Q.       Right.

5       A.       If fresh air is added, then  
6       they could respond to that.  Because  
7       there's ones that come back that was  
8       on 107, but that was afterwards.

9       Q.       Afterwards?

10      A.       Not during that shift, not  
11      during --- the next two shifts to  
12      follow.

13      Q.       So all the levels that topped  
14      out at 107, all the sensors stayed at  
15      107 for the rest of that day, is that  
16      what you're saying?

17      A.       Yes, sir.  And matter of fact,  
18      until we recalibrate them.  This was  
19      during my shift.  This was Monday,  
20      Monday or Tuesday.

21      Q.       Did any of the CO sensors  
22      remain functional during the event?

1 A. Yes, the ones at the pit  
2 mouth.

3 Q. That was the only ones?

4 A. One belt was functional. Two  
5 belt, the CO in the middle Two belt,  
6 we lost it. Lost Two tail, too. So  
7 they was all --- on Three belt you  
8 had three of them in the yellow that  
9 just kept on going higher as we went.  
10 But they was all reading a little  
11 bit. One belt, just going up  
12 wouldn't have set it off, you know  
13 what I mean? Wasn't enough to set  
14 the alarm off because it goes up,  
15 parts per billion goes up, and when  
16 it comes back down to nine parts per  
17 billion --- parts mer million, it  
18 just --- it clears itself.

19 Q. Yeah.

20 A. But that tells you if any ---  
21 if a belt is burning, if a scoop is  
22 charging, mantrip is on charge, high

1 CO as well as methane, just detects  
2 it all.

3 MR. O'DONNELL:

4 Do we need a break?

5 Let's take a short break. And  
6 this would be a good time to  
7 break it off.

8 SHORT BREAK TAKEN

9 MR. O'DONNELL:

10 Mr. Collins, do you  
11 have any questions?

12 MR. COLLINS:

13 Yes.

14 BY MR. COLLINS:

15 Q. Mr. Chisolm, ---

16 A. Yes, sir.

17 Q. --- if you would, I'd like to  
18 back up a little bit and go through  
19 my notes. I'm a little bit confused  
20 there on what happened, when and just  
21 get a little more understanding of  
22 some of the times maybe. I know

1       you've been through this quite a bit  
2       here, but --- what time did you  
3       arrive at the mine again?

4       A.       3:30. I had to be there so  
5       them guys could go under at four  
6       o'clock.

7       Q.       And that's a little earlier  
8       than normal?

9       A.       Yeah. I'm usually 6:00 to  
10      6:00.

11      Q.       And you're pretty sure you  
12      arrived at 3:30?

13      A.       3:30, yeah. 3:35, yeah.

14      Q.       And what time did the  
15      examiners go underground?

16      A.       When I got there, they was in  
17      the bathhouse. They come over and  
18      talked. Right around 4:00.

19      Q.       Now, Fred Jamison and Terry  
20      Helms were the examiners?

21      A.       That's all.

22      Q.       And when they went

1       underground, there was no one else  
2       underground?

3       A.       No.

4       Q.       There was no other equipment  
5       operating on the track?

6       A.       No, sir.

7       Q.       And they were both going on  
8       one mantrip?

9       A.       Yes, sir.

10      Q.       Okay. Do you know for sure  
11      who was going to fire boss what?

12      A.       No, because they left the trip  
13      at First Left.

14      Q.       How do you know that, Flea?

15      A.       Well, I mean, they told me. I  
16      mean, Fred was at First Left. They  
17      might have took it on up on First  
18      Left, but I'm saying that when Fred  
19      called, he said, Flea, I'm leaving  
20      Terry's lunch right here at First  
21      Left switch. The mantrip --- I'm  
22      coming outside. Now, John, I don't

1 know if he went up on Second and come  
2 back up, but that's the only --- you  
3 know what I mean?

4 Q. What time was that when Fred  
5 called you?

6 A. I'd say 25 after.

7 Q. 4:25?

8 A. Yeah.

9 Q. When the examiners went  
10 underground, they didn't report back  
11 to you and say, well, I finished One  
12 Left or I finished Two Left?

13 A. No.

14 Q. Just called and said --- Fred  
15 said he was going to leave Terry's  
16 lunch ---?

17 A. At the switch. It was like  
18 4:25 he then called --- 4:35 for  
19 clearance.

20 Q. Did you talk --- that was  
21 clearance, he was coming outside?

22 A. He was going to go to First

1 Right switch. I don't know why. You  
2 know what I mean? I don't know their  
3 usual routines, but that's where he  
4 went.

5 Q. Okay. Then Terry Helms, did  
6 he call you?

7 A. I called Terry Helms, got in  
8 touch with him. I told Terry Helms  
9 what Fred Jamison said, that his  
10 lunch was left down at First Left  
11 switch.

12 Q. Do you know where Terry was  
13 then?

14 A. No. That's what I'm saying, I  
15 don't. The only reason I'm saying,  
16 John, that he --- I say he might have  
17 went with the crew just because his  
18 --- was because his bucket was on the  
19 mantrip. I heard that it was. I  
20 heard that it was. I don't know.

21 Q. So you don't know where Terry  
22 was it when he called you?

1 A. No. He said that he had to  
2 get his bucket. I think ---.

3 Q. You called him. I'm sorry.

4 A. Yeah, I called him.

5 Q. And you were telling him about  
6 his lunch bucket?

7 A. To get his lunch bucket.

8 Q. But you don't know where he  
9 was at at that time?

10 A. No.

11 Q. And what time was that? And  
12 if you don't know, you don't know.

13 A. I don't know.

14 Q. Okay. So you gave Freddie  
15 Jamison clearance to come back to the  
16 outside?

17 A. Correct.

18 Q. And then the dayshift crew  
19 starts showing up?

20 A. Correct.

21 Q. And about what time do they  
22 start showing up?

1       A.       They was already out there  
2       when Fred come out. Fred gives his  
3       fire boss report. Terry Helms was on  
4       the phone. He called his out, Terry  
5       did. So whoever he give his --- that  
6       fire boss report to, unless he got a  
7       ride --- you know, he might have set  
8       there with his bucket or he might  
9       have walked up to his drive. I'm not  
10      real sure which one he done, but  
11      whoever he give his fire boss to, an  
12      exception, if he talked to any of his  
13      crew members or got a ride with them,  
14      that was the last time I heard from  
15      him.

16      Q.       So then you cleared the two  
17      dayshift mantrips to go in the mines?

18      A.       One.

19      Q.       One dayshift mantrip?

20      A.       Yeah, Second Left.

21      Q.       So you cleared the Second Left  
22      mantrip to go inside. And when the

1 mantrip normally gets on the section,  
2 do they call you ---

3 A. They always call.

4 Q. --- that they're clear?

5 A. Yeah.

6 Q. Did they call back outside on  
7 this day?

8 A. No, sir.

9 Q. Then you cleared the First  
10 Left crew from outside the First  
11 Left?

12 A. They had trouble with a  
13 mantrip, had to get another mantrip.  
14 That's why First Left crew was  
15 delayed. They would have been up on  
16 their section.

17 Q. So now it gets --- and you  
18 talked about your duties. Some of  
19 your duties is to watch this CO  
20 monitoring system?

21 A. Monitor.

22 Q. Which is along the belt lines?

1 A. Yes, sir.

2 Q. And I think you said earlier  
3 that --- don't let me tell you what  
4 you said, but from the time you  
5 cleared the crews underground at  
6 around six o'clock or so, then what  
7 happened next? What was the next  
8 event that drew your attention?

9 A. John Boni, he was checking his  
10 pump over in the intake. He had come  
11 over to the belt line, said that he  
12 had heard --- his ears had popped.

13 Q. He called you, Flea?

14 A. Yes, sir.

15 Q. On the mine phone?

16 A. Yes, sir.

17 Q. Go ahead.

18 A. Said that his ears had popped.  
19 And right after that, Pat Boni got on  
20 the phone. He said that --- I don't  
21 know if there's trickle duster that  
22 was on the belt line, but the air was

1 moving in the wrong direction.

2 Q. Pat Boni called you on the  
3 mine phone also?

4 A. Yeah.

5 Q. Do you know what time that  
6 was?

7 A. 6:31, 6:32.

8 Q. Had the CO monitors went off  
9 yet?

10 A. Yeah.

11 Q. Now, as soon as the CO  
12 monitors went off, I believe you said  
13 something about you were talking to  
14 Jeff Toler, the mine superintendent?

15 A. I was talking to Jeff. Yes,  
16 sir.

17 Q. And he's in his office?

18 A. Right.

19 Q. But the mine phone is also in  
20 his office, and the mine phone is in  
21 your office?

22 A. Right.

1 Q. So you guys are talking on the  
2 mine phone?

3 A. Correct.

4 Q. And is that when you heard the  
5 noise on the mine phone?

6 A. No, I heard it when --- I lost  
7 it when the lightning come down. We  
8 tried to get that ---.

9 Q. So the lightning came down  
10 before ---?

11 A. Yeah. When they was talking  
12 about that their ears popped on the  
13 belt line and then it was gone, it  
14 was before that. Well, reading out  
15 was 6:31 exactly.

16 Q. This mine phone thing, you've  
17 been a dispatcher for several years.  
18 Have you ever experienced anything  
19 like that before?

20 A. Lightning you mean?

21 Q. I don't know ---.

22 A. Yes, sir.

1 Q. On the mine phone, ---

2 A. Yes, sir.

3 Q. --- you've had that on the  
4 mine phone?

5 A. Yes, sir.

6 Q. At this mine?

7 A. No.

8 Q. Which mine?

9 A. Spruce.

10 Q. What did it normally do to the  
11 phone?

12 A. It just cracked. I don't know  
13 if it's just the circuitry on the  
14 board or what it is, but it just  
15 cracked.

16 Q. Is that the same one this  
17 time?

18 A. It's different than --- it's  
19 different like if you're at the house  
20 and you pick up a phone and lightning  
21 comes down and you hear it ring.  
22 Well, a mine phone just pops.

1 Q. So the mine phone pops, ---

2 A. And you hear static.

3 Q. --- a storm is coming through,  
4 and ---?

5 A. I threw the phone down.

6 Q. And picked it back up?

7 A. Picked it back up. Told Jeff  
8 that I lost my belts.

9 Q. You yelled at Jeff on the mine  
10 phone then ---

11 A. Yes.

12 Q. --- and said we've lost our  
13 belts?

14 A. I said, Jeff, something is up.  
15 I said, I lost my belts.

16 Q. Okay. What did Jeff say?

17 A. Jeff said he's coming over. I  
18 heard Owie come on there after that  
19 and said something had happened.

20 Q. Owie comes on the phone ---

21 A. Yes, sir.

22 Q. --- about the same time then?

1 A. Uh-huh (yes).

2 Q. And what does Owie say?

3 A. Owie said that there was some  
4 type of an explosion or a big fall  
5 because there's just stuff  
6 everywhere.

7 Q. And he's telling you?

8 A. He is telling Dick.

9 Q. On your phone?

10 A. Yeah, that something is  
11 happening. And Dick says, get ---  
12 no, not on my phone. Owie was inside  
13 talking and Dick was in over at his  
14 office.

15 Q. Okay.

16 A. And Dick was telling Owie to  
17 get his guys outside.

18 Q. So Owie was at the mouth of  
19 One Left, ---

20 A. Correct.

21 Q. --- Dick was in his  
22 office, ---

1 A. Correct.

2 Q. --- and Jeff Toler was also on  
3 the phone?

4 A. Jeff Toler was listening on  
5 the phone, telling Owie to get ---.

6 Q. And Owie said, we've had some  
7 kind of an explosion?

8 A. Right.

9 Q. And that would have been at  
10 6:31?

11 A. Exactly.

12 Q. And Dick told Owie to get his  
13 men outside, did you say?

14 A. Yeah, get them in the intake,  
15 get them in fresh air.

16 Q. Get them in the intake, get  
17 them outside. So then there's a crew  
18 consisting of Dick Wilfong, Jeff  
19 Toler, Al Schoonover and Vernon  
20 Hofer?

21 A. Vernon, okay.

22 Q. They go underground?

1 A. They go under.

2 Q. Did they ask you for  
3 permission to go underground or  
4 clearance to go underground?

5 A. No. Al started gathering up  
6 first-aid stuff and they did --- they  
7 did yell for clearance to go  
8 underground. They was seeing if they  
9 could help or what had happened. And  
10 I was constantly hollering for Second  
11 Left, to get any kind of  
12 communications going to the guys  
13 whatsoever.

14 Q. Did you ever obtain anything?

15 A. Never did, no.

16 Q. So this mantrip that these  
17 individuals are on, it goes  
18 underground?

19 A. Yes, sir.

20 Q. And that's --- is that the  
21 same mantrip that brings the One Left  
22 crew back outside?

1 A. No, sir.

2 Q. What mantrip do they use to  
3 bring that crew back outside?

4 A. They went up to First Right,  
5 got that mantrip that Fred had on  
6 charge, I believe.

7 Q. So as Fred Jamison --- he  
8 called you for clearance to come  
9 outside, but he doesn't bring the  
10 mantrip all the way outside?

11 A. He was doing --- at the time  
12 he calls, like 4:35, and that's not  
13 enough time. I don't know what he  
14 was doing on --- you know, I mean,  
15 checking the belts? I don't know. I  
16 don't know his routine, what he does.

17 Q. Okay. Do you know if Dick  
18 Wilfong brought this One Left crew  
19 back outside?

20 A. No.

21 Q. When did Dick Wilfong call  
22 you?

1       A.       He seen Owie's crew. He gave  
2 me a call, said that they had a  
3 situation ---.

4       Q.       Excuse me.

5       A.       He saw Owie's crew.

6       Q.       Underground?

7       A.       Underground.

8       Q.       And he called you?

9       A.       Coming out into the fresh air.

10      Q.       And how does he call you?

11      A.       He said, Flea --- he just keep  
12 yelling my name, get ahold of the  
13 ambulance and the mine rescue. It  
14 looks like we've had an explosion.  
15 Get ahold of them now. So I went  
16 down through the list of the guys ---  
17 like I said, that Saturday --- or  
18 Sunday was a vacation. There's  
19 nobody working Sunday, so everybody  
20 was home.

21      Q.       What time was that that Dick  
22 told you that?

1 A. Took Owie's crew from 6:31  
2 probably about 7:31, within an hour's  
3 time. 6:30, 7:00, yeah, about an  
4 hour's time. But within 15, 20  
5 minutes Dick had already seen the  
6 crew and was on the phone to me,  
7 so ---.

8 Q. What phone was he talking to  
9 you?

10 A. I'm thinking the phone at Four  
11 head. That's the only one --- you  
12 know what I mean? I mean, with the  
13 map, that's the only phone that's in  
14 that vicinity.

15 Q. Now, Flea, as a dispatcher,  
16 when mine power goes off, do the  
17 trolley phones work?

18 A. No, sir.

19 Q. So Dick tells you to call an  
20 ambulance and mine rescue team?

21 A. Mine rescue team.

22 Q. Do you have a list of names

1 that you're supposed to call, people?

2 A. Yes, sir.

3 Q. And did you have that list  
4 that day?

5 A. Yeah.

6 Q. And who's at the top of that  
7 list?

8 A. Let me see. Dunbar.

9 Q. You called him?

10 A. Coleman.

11 Q. What time did you call Dunbar?

12 A. 6:40.

13 Q. No answer?

14 A. No, I couldn't get a hold ---  
15 like I said, I give --- the list of  
16 them guys Johnny Stemple had. I got  
17 him one and told him to sit ---.

18 Q. You tried Raymond Coleman?

19 A. Raymond.

20 Q. No answer?

21 A. No.

22 Q. Then the third person you

1       tried was Johnny Stemple?

2       A.       They've got their --- most of  
3       them on that list right there, what  
4       you got, is --- some of them's got  
5       very few homes. It's usually a pager  
6       to where I can see the production and  
7       get on the computer and page them and  
8       let them know what's going on. Other  
9       than that, it will be like their cell  
10      phones, but ---.

11      Q.       What time did you call Johnny  
12      Stemple?

13      A.       6:45, probably as close as I  
14      can make it.

15      Q.       What did you tell Johnny?

16      A.       When Dick seen the guys --- I  
17      told Johnny that Dick was underground  
18      and Dick had said to call --- get the  
19      ambulance squad running and get the  
20      mine rescue teams rolling on it.

21      Q.       Do you remember if you told  
22      Johnny that we have had an explosion?

1       A.       Yes.    And he said to make sure  
2       --- he was wanting to know who was  
3       putting up curtain, was there  
4       somebody that was --- you know, in  
5       other words, how did we know what had  
6       happened?  He was wanting to know if  
7       anybody was hanging curtain.  And he  
8       was wanting to know if it was real  
9       before he called, more or less, I  
10      guess, in other words, to know what  
11      was going on before, you know --- he  
12      wanted some facts.

13     Q.       You called 9-1-1?

14     A.       Yeah.

15     Q.       After Johnny Stemple?

16     A.       I told Johnny to call them,  
17     and he said, wait and see what we  
18     have.  And them guys come out of the  
19     pit and Keith Hoy and Denver Anderson  
20     --- Denver needed oxygen right there.  
21     I got the first medical team there  
22     and told them that --- as they was on

1 their way that --- more or less, like  
2 more updates would be forthcoming.  
3 Because I couldn't tell them what I  
4 had, you know.

5 Q. Do you know what time that was  
6 you called 9-1-1?

7 A. That was, I'd say, within  
8 five, ten minutes, 9:50 --- not 9:50.  
9 No, I don't. I would say I don't  
10 because it's just all running  
11 together here, John.

12 Q. But you've been a dispatcher  
13 for quite a while and you've called  
14 emergencies ---

15 A. Several times.

16 Q. --- several times?

17 A. Yes, sir.

18 Q. Have you ever had to use this  
19 emergency chart before?

20 A. Yeah. 9-1-1, I mean, is ---  
21 if they're inside and they say call,  
22 you usually call. But when they say

1       like 9-1-1 for emergency call and  
2       then you're faced with rescue teams  
3       coming out, you got to know what you  
4       got, which Dick told me what he had,  
5       so I ---.

6       Q.       So is it set up, Flea, for you  
7       to call the mine rescue teams or for  
8       you to call someone else to call the  
9       mine rescue teams?

10      A.       I have to get in touch with  
11      safety to let them know what's going  
12      on, then get in touch with the mine  
13      rescue team, which Johnny said that  
14      he would do. I wanted to go wait on  
15      the ambulances because on first  
16      sight, I mean, the guys needed them  
17      right then. And when they got there,  
18      told them more information. As Dick  
19      come out, he let them know what was  
20      going on, and it turned into a Code  
21      Red. I don't know about the rescue  
22      teams getting there any faster

1       because Sunday being a holiday, they  
2       was all at their house, with their  
3       families. That's all I got.

4       Q.       So you called Jeff Dunbar,  
5       Raymond Coleman ---

6       A.       Tried to get in touch with  
7       Jeff.

8       Q.       --- and Johnny Stemple?

9       A.       Yeah.

10      Q.       And that was it ---?

11      A.       Well, I put that on Johnny  
12      because, I mean, somebody had to do  
13      something.

14      Q.       We do have this ---?

15      A.       There is protocols that they  
16      want you to --- if that's what you  
17      mean.

18      Q.       And that's on a list at the  
19      mine ---

20      A.       Yes, sir.

21      Q.       --- in the dispatcher's  
22      office?

1 A. Dispatcher, yes.

2 Q. You were talking about  
3 electrical disruption, that the CO  
4 monitoring system went off?

5 A. Yes.

6 Q. Was there any other  
7 disruptions that you know about?

8 A. The Five belt --- I mean, like  
9 Six belt. Like I said, the CO right  
10 there at the Four tail, it turned  
11 completely gray. The one down in the  
12 middle of Six belt turned completely  
13 gray. The one at the tail turned  
14 gray. The belt line itself turned  
15 gray. As you started on the one  
16 outby the tailpiece, it was a 107  
17 parts per million. All First Left  
18 was 107 parts per million. It  
19 continued on the way down Four belt,  
20 all except for the two COs right  
21 there at the drive. They had not yet  
22 turned, but shortly they would reach

1 107 parts per million. Number Three  
2 belt and Four belt went off on power  
3 loss.

4 Q. And Flea, if the fan --- did  
5 the fan go off?

6 A. No, sir.

7 Q. If the fan had went off, would  
8 you have known?

9 A. Yeah.

10 Q. And how would you have known  
11 that?

12 A. By the alarm.

13 Q. And is that located in the  
14 dispatcher's office?

15 A. Yes.

16 Q. Earlier you said something  
17 about that the One Left crew did not  
18 bring the mantrip back out because of  
19 sparks or something.

20 A. Dick took in that one mantrip.  
21 And when they got down in there, they  
22 needed a mantrip to get out. It

1 definitely wouldn't have been the one  
2 that Owie and them was on. They  
3 wanted that mantrip to stay there.  
4 Dick's mantrip stayed back for that  
5 ride being out there. And told them  
6 to hit the intake. They come walking  
7 out the mine. That's about all I  
8 know, John, I mean on that part.

9 Q. Just what you know.

10 A. That's just what I know.

11 Q. What about the K Order you're  
12 talking about? Who advised you that  
13 there had been a K Order?

14 A. Carl was directed to get some  
15 curtain and other apparatus and stuff  
16 to go under and help Dick and them  
17 out. And that's when I found out  
18 about a K Order, because you can't do  
19 that --- matter of fact, John, it  
20 might have been you. Was it you,  
21 sir?

22 Q. So the K Order language you're

1 using, is this something Carl told  
2 you?

3 A. No. Just Carl walked around  
4 with his head down. I heard that  
5 they had a K Order, but I was  
6 notified you have to stop and, how do  
7 you call it, desist and just leave.  
8 You have to get out of there with a K  
9 Order. Wherefore, if I would have  
10 heard from the guys, Carl was going  
11 to tell them just to have them come  
12 out. I did not hear from them. The  
13 next thing I knew, Dick and them was  
14 outside.

15 Q. And I'm also not clear on  
16 that.

17 A. What's that?

18 Q. When you said the phone  
19 popped, did you mention something  
20 about lights, the lights flickered?

21 A. No.

22 Q. Okay.

1       A.       No, that phone --- when that  
2 lightning hit, like I said, I was  
3 talking to Jeff and it hit, and I  
4 threw the phone down. And I got back  
5 on and just said, man, I said, Jeff,  
6 I just lost the belts. It had  
7 already happened. I mean, it was  
8 already done and over with. Like I  
9 said, as fast as that storm come, it  
10 was gone just as fast.

11       Q.       And also, Flea, you've had  
12 other emergencies as a dispatcher,  
13 called the ambulance several times  
14 and stuff. During this rescue  
15 attempt that these guys went  
16 underground right after this event  
17 occurred, were you in charge of that?

18       A.       You're saying Dick?

19       Q.       When Dick, Jeff, Al and Vern  
20 Hofer went underground, were you in  
21 charge of that?

22       A.       They went in there to help out

1 with Hoy Keith, to get Hoy Keith out  
2 of the way. They did dispatch and  
3 went down there and assessed the  
4 situation. They was hanging curtain.

5 Q. Did they call back outside and  
6 say, ---

7 A. Yeah. Sometime they did,  
8 yeah. Yeah.

9 Q. --- Flea, I'm hanging a  
10 curtain, ---

11 A. Yeah.

12 Q. --- I'm hanging a curtain here  
13 ---?

14 A. And get some help here.  
15 There's definitely been some kind of  
16 an explosion. It was uncertain,  
17 though, what it was at that point.

18 Q. One question here, Flea. When  
19 the two examiners showed up that  
20 morning and they're going  
21 underground, did they cover with you  
22 like what they were going to examine?

1 A. On a regular fire boss run,  
2 --- I don't know about fire bossing,  
3 but I --- you know, like John, I  
4 don't know if --- belts and tracks  
5 and faces, to me, I mean, that's ---  
6 if you're a fire boss up at the mine.

7 Q. Belts, tracks and faces. The  
8 reason I ask that ---.

9 A. And the pumps, I mean, you  
10 know, ---.

11 Q. The reason I ask that, Flea,  
12 because earlier I thought you said  
13 seals, and I was wondering why you  
14 thought they were going to check  
15 those seals.

16 A. I don't know. I mean, I don't  
17 know, John. If it would have been a  
18 --- if they had to have been checked  
19 so often or every day or --- you  
20 know, I don't know. I honestly don't  
21 know.

22 Q. And also, Flea, during this

1       you said the command center was set  
2       up?

3       A.       Yes, sir.

4       Q.       And the command center  
5       communicated with the mine rescue  
6       teams underground, ---

7       A.       Yes, sir.

8       Q.       --- and you were present  
9       during some of that at the mine?

10      A.       Yeah.

11      Q.       But is it true that you were  
12      not the communication person during  
13      this time or ---?

14      A.       No, I was not.

15      Q.       And you never sat in on a  
16      communication system or, you know,  
17      you never discussed with the mine  
18      rescue teams or ---?

19      A.       Oh, no, sir. No.

20      Q.       Okay. Flea, you said that Al  
21      Schoonover and Jeff and them were  
22      going underground also to help with

1 Hoy Keith?

2 A. Yeah. They got ---.

3 Q. How did you know they were  
4 going to help with Hoy Keith?

5 A. They went in there --- Hoy  
6 Keith was lagging behind, so --- he  
7 had talked to them. I guess some  
8 guys walk faster than others. With  
9 Denver Anderson, he had done  
10 swallowed too much dust, what the ---  
11 I guess the explosion give off. I  
12 mean, he was bad, wheezing, and along  
13 with Hoy. Hoy needed some help  
14 getting out of there. When the guys  
15 come out, how come I knew that is  
16 because Hoy and them was lagging in  
17 the back. And they had the guys stay  
18 back there with them. They all got  
19 together right there. Dick went on  
20 --- Dick, Al Schoonover, Jeff Toler  
21 and you say Vern.

22 Q. Vern.

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MR. COLLINS:

I believe that's all I  
have right now, Flea. Thank  
you very much.

BY MR. O'DONNELL:

Q. When you said the lightning  
struck, it hit, ---

A. Uh-huh (yes).

Q. --- how do you know that other  
than what happened with the phone?

A. How do I know other than?

Q. Yeah. What told you that it  
was lightning?

A. I mean, it lit up. I mean,  
---.

Q. Well, that's what I want you  
to tell me.

A. Yeah. I mean, it lit up. I  
mean, and the ground's --- but when  
it hit, it just --- I've never seen  
nothing like it, if that's what you  
want to know.

1 Q. Yeah. You have windows around  
2 your dispatch ---?

3 A. Yeah. It jarred the  
4 dispatcher center I was in and it  
5 jarred the bathhouse.

6 Q. It shook the building?

7 A. It shook the building.

8 Q. And you saw a flash?

9 A. Gary Marsh was in his  
10 forklift, he heard me yelling when  
11 the belt --- as soon as it hit, he  
12 heard me yelling. He come in there.  
13 That's why, I mean, he knows, you  
14 know. He knows everything I'm  
15 saying.

16 Q. Usually you see lightning and  
17 then hear thunder; right?

18 A. Yeah.

19 Q. How was this?

20 A. When this thing come down, the  
21 ground shook. It lit up. You  
22 couldn't tell where it was coming

1 from, but it was a lightning strike.  
2 And I only remember like two at the  
3 most, I'd say.

4 Q. So you ---?

5 A. Usually like four, you know,  
6 but I mean, it was there, it hit, I  
7 lost everything. The trailer shook.  
8 I mean, ---.

9 Q. So you would say that it was  
10 very close to where you were, is that  
11 what you're saying?

12 A. I don't --- I can't say.

13 Q. Well, I mean, have you ever  
14 experienced anything like this  
15 before?

16 A. No, sir.

17 Q. Okay. Did you try to call on  
18 the trolley phone? You said that the  
19 trolley phone wasn't operable, you  
20 had problems with it?

21 A. The trolley phone was out.

22 Q. Did you try using it at all?

1 A. That morning it was staticing  
2 a little bit, then there's no trolley  
3 phone at all.

4 Q. Okay.

5 A. And like usually, like I say,  
6 the mine phones will come across the  
7 trolley phone to where I can get the  
8 phone and page them and tell them to  
9 hold up, but the trolley has got to  
10 be working.

11 Q. About what time did you start  
12 the belts that day?

13 A. Fred was out. Terry Helms was  
14 under. Had to wait on the fire boss  
15 reports.

16 Q. That's your procedure, you  
17 wait for the preshift to get done?

18 A. Yeah. And that way you know  
19 it's safe.

20 Q. Right.

21 A. And usually if there's  
22 somebody working the shift before,

1       you just can't fire up the belts.  
2       They could belt splice or anything.  
3       Just never assume.

4       Q.       What other things does the ---  
5       at your station --- now, you said  
6       that you watched CO monitors,  
7       sensors, you can monitor belts  
8       starting and stopping?

9       A.       Right.

10      Q.       Is there anything else that  
11      they monitor?

12      A.       Yeah, if they're --- I mean,  
13      different kind of gases. It could be  
14      a post leaning against a belt, making  
15      it smoke, it will pick it up. The  
16      mechanics, when they're burning and  
17      cutting, they've got to tell me what  
18      they're doing and where at they're  
19      doing it at, because it will  
20      definitely pick it up. And you have  
21      to have somebody to monitor that. If  
22      they go off, you have got to send

1       somebody to that and check it out on  
2       the monitor. And if it stays off, I  
3       mean, you have to have somebody there  
4       to stay right there with it until  
5       it's replaced. Or you know, if it's  
6       going out, they have got to get a new  
7       one in there. But as long as they've  
8       got them in there, hooked up, they've  
9       got to be monitored.

10      Q.       So you have a procedure that  
11      if someone is doing cutting, welding,  
12      burning, ---?

13      A.       They're supposed to tell me.  
14      But if it goes off, I holler. And if  
15      it's a beltman or whoever it is, try  
16      to find the closest person to it. If  
17      not, somebody is going to have to go  
18      in from the outside. It has to be  
19      checked.

20      Q.       Like you talked about graying  
21      out. What does that mean, graying  
22      out?

1 A. Dead belt line.

2 Q. Okay.

3 A. Wires and everything.

4 Q. So it's like it doesn't ---?

5 A. Doesn't exist.

6 Q. Okay. And then you said a  
7 Code Red, too?

8 A. Yes, sir. When the ambulance  
9 arrived on the scene, I filled them  
10 in on what was going on, and Dick  
11 Wilfong --- Dick was then out. Dick  
12 was then on his way out. They went  
13 to Hoy and tried to give him oxygen  
14 and stuff like that. And Hoy said,  
15 no, I'll be all right, which he  
16 wasn't, but --- you know what I mean?  
17 But he's wanting to do something.  
18 Hoy went into Dick's office and  
19 monitored Two Left, yelled all day  
20 long, tried to --- just to try to get  
21 somebody on Two Left to answer the  
22 phone. Then they took care of Doc.

1 And then they hollered on the phone  
2 and said that we might have guys  
3 trapped inside. We're pretty sure we  
4 do. Let's make this a Code Red. And  
5 that's when we got the others, as far  
6 as ambulance and fire trucks, ---

7 Q. That's what you ---

8 A. --- not the mine rescuers.

9 Q. --- are saying, that --- yeah,  
10 that's what your part in it was?

11 A. Yeah.

12 Q. Okay.

13 A. I knew we was going to have to  
14 have one. Didn't know to what extent  
15 until we got further information.  
16 And then that's when it become a Code  
17 Red.

18 Q. When did you --- at what part  
19 of the morning were you taken away  
20 from your dispatch duties and someone  
21 else took over?

22 A. What part of the morning?

1 Q. Or were you involved in ---?

2 A. Four o'clock.

3 Q. Four o'clock ---

4 A. Yeah, because I usually work  
5 6:00 to 6:00.

6 Q. --- in the afternoon?

7 A. Right. So I worked 4:00 in  
8 the morning until 6:00 in the  
9 afternoon. And it was Bruce Payne.  
10 Bruce Payne would have been my  
11 relief.

12 Q. But during the day --- were  
13 you involved in notifying the state  
14 or the federal?

15 A. Johnny was. State and federal  
16 was both Johnny.

17 Q. Johnny ---

18 A. Stemple.

19 Q. --- Stemple ---

20 A. Yes, sir.

21 Q. --- did that?

22 A. Uh-huh (yes).

1 Q. So notification by the  
2 agencies was done by him.

3 A. Because you had to --- you  
4 just can't call everybody and tell  
5 them what you got going on. You  
6 know, I figured the head of the  
7 Safety Committee, you know, I mean,  
8 he's got to know.

9 Q. Oh, yeah.

10 A. And get in touch with them  
11 guys because I had my hands full  
12 doing --- there's no way that you can  
13 --- you got to get help to where it's  
14 needed.

15 Q. And your part was the  
16 ambulance ---

17 A. Yes, sir.

18 Q. --- and the --- who called the  
19 mine rescue teams?

20 A. I gave Johnny the numbers of  
21 all the mine rescue team, which is in  
22 the dispatcher shanty.

1 Q. Now, no one is in the mine;  
2 right? Everybody is out, ---

3 A. Okay.

4 Q. --- except the people that  
5 were unaccounted for.

6 A. Okay.

7 Q. What happened from that time  
8 on? Tell me about who was in charge  
9 --- who was the main guy in charge of  
10 the surface then? Who was directing?

11 A. I don't know. It was done  
12 from the command center, the command  
13 post, going along with the federal  
14 and state.

15 Q. How long was it before any of  
16 those agencies got there and formed  
17 this command center that you're  
18 talking about?

19 A. I'm not sure. Barbour County  
20 was our first, and they had their  
21 backup, but I'm not sure of the time.  
22 I'm not sure of the time.

1 Q. Where was the command center  
2 located?

3 A. It was in the back office, you  
4 know where Jerry's office is at?  
5 Okay. If you ---.

6 Q. Is it across from your office?

7 A. Yeah. I mean, it's in the  
8 other building.

9 Q. That's what I mean. Yeah.

10 Okay. But when this command --- were  
11 you involved in any of the  
12 documentation of who was entering the  
13 mine and who was leaving the mine?  
14 Were you involved in any of that?

15 A. Writing down their names, sir,  
16 yes, I was.

17 Q. Okay. And how was it  
18 documented, where?

19 A. On paper.

20 Q. I mean, was it your  
21 sign-in/sign-out sheet ---

22 A. Yes, sir.

1 Q. --- that was used like when we  
2 were at the mine there?

3 A. Right.

4 Q. So you have a record of who  
5 went in and who come out ---

6 A. And what time.

7 Q. --- and what times. Okay. So  
8 that would be in your  
9 sign-in/sign-out sheet. All right.  
10 As far as --- and you accounted for  
11 everyone that went in and went out;  
12 right?

13 A. Yes, sir.

14 Q. That was your job?

15 A. Yes.

16 Q. What other duties did you have  
17 other than that?

18 A. Just making out tags, because  
19 some of them were still putting them  
20 on the board, making out tags and  
21 writing down people's names. That's  
22 just ---.

1 Q. That was your involvement?

2 A. That's basically it.

3 Q. And the rest of it was taken  
4 care of by management ---

5 A. Yeah.

6 Q. --- and the agencies? Okay.

7 A. And answering the phones,  
8 which it never did ---.

9 Q. Never quit ringing, huh?

10 A. Never quit.

11 Q. This is a copy of your  
12 printouts for your CO monitoring  
13 system.

14 A. Yes, sir.

15 Q. I'm going to give you a copy  
16 of this. And I'd like to review some  
17 of it so we can understand what it  
18 means.

19 A. Okay.

20 Q. Okay?

21 A. Yep.

22 MR. O'DONNELL:

1                   And we can mark this  
2                   Exhibit Two.

3                   (Chisolm Exhibit Two  
4                   marked for  
5                   identification.)

6                   BY MR. O'DONNELL:

7                   Q.           We'll just start on the first  
8                   page, and maybe you can just give us  
9                   an explanation of ---

10                  A.           12/29th?

11                  Q.           --- yeah, what it means. And  
12                  then we're going to jump ahead to  
13                  that morning, all right.

14                  A.           Okay. 12/29th, as you go up  
15                  to the top?

16                  Q.           Yes.

17                  A.           Okay. Oh, 1732?

18                  Q.           Yes.

19                  A.           Okay. Number Five belt, more  
20                  or less.

21                  Q.           Okay.

22                  A.           Stop, pulled switch. Okay.

1 7017 ---.

2 Q. Flea, does that mean that  
3 someone pulled the Jabco?

4 A. Yes, sir. If I would do it  
5 from the computer, it would show  
6 local stop.

7 Q. So a local stop. Now, you  
8 can't start --- can you start the  
9 belt when he pulls the Jabco?

10 A. On pull switch?

11 Q. Yes.

12 A. No.

13 Q. Okay. So once somebody has,  
14 you see that pull switch, that belt  
15 is down until they put it physically  
16 on ---?

17 A. Exactly.

18 Q. Okay.

19 A. And especially if they call  
20 me, they're going to do a splice on  
21 it and they want me to shut it down.  
22 I can shut it down from the outside.

1 But they've got to tag it out.  
2 They've got to have control of it  
3 right there in front of them. Don't  
4 leave it up to a computer.

5 Q. Okay. The next one, Number  
6 Seven belt boss, ---?

7 A. Yes, sir, sequence. That's  
8 just going down the line in sequence  
9 there. Number Five belt, pull the  
10 switch, Number Seven. This is ---  
11 this one had a Number Seven belt on  
12 it. That's 12/29th?

13 Q. Yes.

14 A. Although it wasn't --- okay, I  
15 see what it is.

16 Q. All right. Let's ---.

17 A. Although it was on there, it  
18 wasn't --- I mean, it wasn't charged  
19 up. They hadn't broken off that  
20 panel.

21 Q. Okay.

22 A. I had it on the screen because

1        --- .

2        Q.            So the next series is belts  
3        starting and belts running and  
4        someone sequencing, and we got that.  
5        And then it says communication dead.  
6        What kind of communication? Is it  
7        the system communication or ---?

8        A.            Belt boss.

9        Q.            So the belt boss you are  
10       referring to ---?

11       A.            That went to 183.

12       Q.            Okay.

13       A.            Inby Four tail.

14       Q.            Which is the monitoring  
15       system; right?

16       A.            Yes, sir.

17       Q.            That's the name of the  
18       monitoring system, the belt boss, ---

19       A.            Yes, sir.

20       Q.            --- so we know that. Now, we  
21       have One Left section alarm, CO  
22       monitor gained.

1 A. Yes, sir.

2 Q. What's that mean?

3 A. That means that it has gained  
4 communications with the outside, the  
5 belt boss, and it can --- it will  
6 continue on.

7 Q. And it's picking up?

8 A. Right.

9 Q. Then it goes ---.

10 A. It is receiving and  
11 transmitting.

12 Q. Then the next one says,  
13 warning, ten ppm.

14 A. Yes, sir.

15 Q. What's that mean?

16 A. Ten parts per million.

17 Q. I know that. But I mean, what  
18 is it telling us? Is that what the  
19 system does when it's starting up?

20 A. No, sir.

21 Q. Go ahead.

22 A. No, sir.

1 Q. Go ahead.

2 A. Huh?

3 Q. What's it mean?

4 A. It means I set off the section  
5 alarm.

6 Q. You set it off?

7 A. Yes, sir.

8 Q. How do you do that?

9 A. Just by --- if you're having  
10 trouble getting a hold of a section,  
11 it could be maybe your mom called,  
12 she's in the hospital or anything.

13 Q. So this ---?

14 A. Those are alarms right there.

15 Q. It says warning. So you can  
16 turn an alarm on?

17 A. First Left, yeah.

18 Q. And ---?

19 A. And Second Left.

20 Q. And the reason you do that is  
21 because you ---?

22 A. If Carl would want --- if they

1        was going to go and --- say supplies  
2        on a section, if nobody is coming to  
3        that mine phone and I've got a loader  
4        in there, a car is loaded and need a  
5        scoop down the track and yelled and  
6        yelled and yelled, that alarm let's  
7        you know that there's something going  
8        on. The noise that it makes and the  
9        lights that flashes on it lets  
10       somebody know to go to the phone.

11       Q.        Now, does it do both? Does it  
12       alarm --- an audible alarm and a  
13       visual alarm?

14       A.        Spruce did.

15       Q.        Okay. Well, what's the  
16       difference then between a warning and  
17       an alarm?

18       A.        A warning?

19       Q.        The warning is the ---?

20       A.        Okay. When you go to set it,  
21       ---

22       Q.        Okay.

1       A.       --- okay, you go to set it,  
2       okay you have to push to set the  
3       alarm.  And when you do it, it's a  
4       warning.  You command it to do so.  
5       It comes up into alarm.  It will say  
6       warning.  I mean, it will just show  
7       you.  But that is putting your ---  
8       like flashing your CO on your belt  
9       boss itself, I mean, more or less on  
10      the alarm system.

11      Q.       You're talking about your ---  
12      that's when you manually put it on;  
13      right?

14      A.       Yeah.

15      Q.       Okay.  Does it make the noise  
16      and flash in your station also when  
17      you do that?

18      A.       Yes, sir.

19      Q.       Okay.

20      A.       But you can't acknowledge it.

21      Q.       Now, does it know --- the  
22      system, like here, how does it know

1        --- it says a warning, ten ppm. So  
2        the system knows that you manually  
3        put it off; right?

4        A.        Yes, sir.

5        Q.        Okay. Now, let's go back to  
6        whenever --- well, let's see here.  
7        How does it go through this? It went  
8        through 155 to 156 and that's all  
9        within a minute; right?

10       A.        Right.

11       Q.        Then it goes through warning,  
12       warning, maximum CO value obtained,  
13       alarm condition was ten ppm, alarm,  
14       alarm, latch. What happens when the  
15       alarm latch? What does that tell us?

16       A.        Alarm latch?

17       Q.        Yes.

18       A.        That's when you got to reset  
19       the system ---

20       Q.        Okay.

21       A.        --- and get it back to zero.

22       Q.        Okay. And that's what, 156,

1 5610, --- yeah.

2 A. Yes, sir.

3 Q. Okay. I see what that's  
4 doing. So let's say that you're  
5 there monitoring, right, ---

6 A. Uh-huh (yes).

7 Q. --- and you get a ten ppm, is  
8 that an alarm?

9 A. Yes, sir, it is.

10 Q. Okay.

11 A. Well, no, not --- I mean, it's  
12 a warning sound. I mean, that could  
13 be on ---.

14 Q. Okay.

15 A. See, I mean, if they're  
16 picking up CO, is that what you're  
17 saying?

18 Q. Yeah, like ---.

19 A. CO, any kind of gas, yes, sir.

20 Q. You get a warning here?

21 A. Then it should clear itself at  
22 nine, nine ppm.

1 Q. But let's say we got a really  
2 --- for some reason we're picking up  
3 ten ppm.

4 A. Okay.

5 Q. What happens to the system  
6 when that occurs?

7 A. It alarms. It throws it up  
8 there, it alarms, it lets you know  
9 there's something going on with it.  
10 It's flashing back and forth.

11 Q. It flashes to you so you know  
12 that you have a ---

13 A. Yes, sir.

14 Q. --- problem? But what else  
15 happens in the coal mine?

16 A. It could be a fire or ---?

17 Q. No. I mean, does it go into  
18 that section that's affected?

19 A. Well, no. That's just like at  
20 the alarm, at the tailpiece. But  
21 these other ones that's going off, I  
22 mean, they can tell it underground if

1 I sent them that particular block,  
2 where that CO is at. Is that what  
3 you're saying?

4 Q. No. Here's what I'm asking  
5 you. You got an alarm, a ten ppm  
6 warning.

7 A. Right.

8 Q. Without you calling inside,  
9 how does the crew know that that  
10 condition exists?

11 A. I tell them.

12 Q. No, without you telling them.

13 A. Well, they wouldn't know on  
14 the belt line or nothing.

15 Q. They wouldn't?

16 A. No.

17 Q. They wouldn't have a ---?

18 A. They wouldn't have an alarm  
19 on.

20 Q. There's no signal underground  
21 to them?

22 A. No, not the alarm.

1 Q. Okay.

2 A. Just on the sections.

3 Q. So let's say that you give  
4 them --- you said --- what did you  
5 say, on the section?

6 A. The section's got the section  
7 alarm.

8 Q. That's the point I'm getting.  
9 You got ten ppm.

10 A. Right.

11 Q. It's flashing where you're at,  
12 but then we also have a signal in the  
13 section tail; is that right?

14 A. No. I'll have to alarm them  
15 on the section tail just because that  
16 --- see, I control the alarm.

17 Q. Okay.

18 A. Okay. When that box flashes  
19 up, it will say, CO 182 at the tail  
20 Four.

21 Q. Okay.

22 A. So that tells me to send

1       somebody there at the tail Four, who  
2       tells me to alarm the section and let  
3       them know what's going on.

4       Q.        So you have to manually alarm  
5       the section?

6       A.        Yes, sir.

7       Q.        And what happens when you do  
8       that?

9       A.        It gets their attention.

10      Q.        I mean, are we talking about  
11      an audible and a visual?

12      A.        Yes, sir.

13      Q.        Okay. So when that occurs,  
14      who do you call?

15      A.        If it's on the belt line, the  
16      closest belt guy to it. Or like I  
17      said, mechanic, anybody I can get to  
18      that place and see what's going on.

19      Q.        And that's your procedure?

20      A.        Because it could be going bad.  
21      But if it's not going bad, yeah, you  
22      have got to monitor, because there

1       could be methane around it, it could  
2       be a board smoking, it could be a  
3       scoop charging, anything.

4       Q.       So what does the crew do, the  
5       section, whenever you give them ---  
6       you press the button and you give  
7       them the alarm at the tailpiece?

8       A.       They answer the phone.

9       Q.       And what's your instructions?

10      A.       Well, whatever is wrong.  
11      Sometimes it will go out on a slip.  
12      Maybe they're setting posts or  
13      something and their belts out on slip  
14      or underspeed, you don't know if the  
15      belt is Two or not. You got to get  
16      somebody to that place, I mean, from  
17      section to the head, depending on  
18      where Helms was at or depending on  
19      who's in the area, just anything that  
20      needs done.

21      Q.       Do you pull them from the  
22      working face?

1 A. You have to if --- I mean, if  
2 they ---.

3 Q. Just on the warning now, the  
4 ten ppm, you called somebody, you  
5 told them that they have a problem  
6 and they need to check it out, ---?

7 A. They've got to be --- yeah,  
8 that's got to be monitored.

9 ATTORNEY YUHAS:

10 Joe, can I clarify one  
11 thing. You know, we're  
12 talking about the ten ppm,  
13 your system tells you exactly  
14 where in the mine, what's in  
15 it. So maybe it would be  
16 better, you know, is this a  
17 warning from the section or  
18 the main belt. He may do  
19 different things when he ---  
20 you know, just depending on  
21 where this ---

22 A. They have got to ---.

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ATTORNEY YUHAS:

--- comes from.

A. If one's going up, if like ---  
if you got one right there going up,  
they're so many feet down the belt  
line. If you got yourself a serious  
situation, it's going to start with  
the air. You're going to have one  
going off, you're going to have  
another one going off, you're going  
to have another one going off.  
That's the times you pull people off  
the sections, ---

BY MR. O'DONNELL:

Q. Right.

A. --- because you got a serious  
situation.

Q. So whenever the system  
malfunctions --- is that what you're  
talking about, a malfunction?

A. No. I mean, just one going  
off?

1 Q. Yeah.

2 A. Yes. I mean, COs, if the  
3 battery is going dead in them or for  
4 whatever reason.

5 Q. How do you know --- how does  
6 the system tell you the difference  
7 between a --- that it's sensing CO or  
8 it's a malfunction?

9 A. It does not. The man is going  
10 to tell me that I'm going to send ---

11 Q. Okay.

12 A. --- to check ---.

13 Q. So the system doesn't go into  
14 malfunction?

15 A. No.

16 Q. It just tells you like ---?

17 A. I mean, like at 107 parts per  
18 billion or something like that, you  
19 know, like it did, but it won't say  
20 like malfunction --- sometimes it  
21 will say lost data or no response,  
22 but you still have to have it checked

1 out.

2 Q. What about when it goes to 15  
3 or higher?

4 A. That's cause for --- you still  
5 have to have it checked out.

6 Q. Okay.

7 A. And in both of them cases, if  
8 you check it and there's no gas  
9 there, just because that CO went out  
10 on you, there's got to be somebody  
11 there to monitor that. It's there,  
12 it's supposed to be working, it does  
13 not work, it needs to be monitored.

14 Q. Okay. When it hits 15, do you  
15 still have to --- you're still going  
16 to call the section, tell them you  
17 got a monitor that you're having  
18 checked out; right?

19 A. Yes, sir.

20 Q. When does the system ever  
21 automatically alarm or audible or  
22 visual alarm at that tailpiece? When

1 does it do it automatically where you  
2 don't have to physically warn them?

3 A. At that tailpiece?

4 Q. Yes.

5 A. Don't know. It doesn't.

6 Q. It doesn't do that?

7 A. No, sir.

8 Q. So you must be there ---

9 A. Yeah.

10 Q. --- to see it happen ---

11 A. Right.

12 Q. --- and alert the section?

13 A. If it's on Six belt, which  
14 would be Two Left section, like I  
15 said, if Terry is not available,  
16 somebody on that section has got to  
17 go check out that belt, and usually I  
18 get my cast going. It's just  
19 whoever's ---.

20 Q. And your instructions to the  
21 section, whenever you get ahold of  
22 them, is it any different between the

1 10 and the 15 or is it the same? Or  
2 do you just say, we're checking it  
3 out and if we have a problem we'll  
4 let you know?

5 A. No, they got to check it out  
6 right away. It's not something that  
7 you put off.

8 Q. No. But I mean, the crew,  
9 what's the crew know?

10 A. If it's on Six belt ---

11 Q. Yeah.

12 A. --- or even down the line, it  
13 just says like the readings on them,  
14 but you've got to let them know. And  
15 there's got to be somebody there,  
16 like I said, monitoring at all times.

17 Q. Have you ever taken them off  
18 the section and told them to go out by  
19 that sensor until you can determine  
20 that it is a malfunction?

21 A. Yes, sir, I have.

22 Q. You have?

1 A. Uh-huh (yes).

2 Q. What would make you do that?

3 A. Let me think here a second. I  
4 believe it was the scoop and it was  
5 hydraulics.

6 Q. You had a problem with the  
7 scoop that ---

8 A. Yep.

9 Q. --- the system went into alarm  
10 ---?

11 A. And set them all off.

12 Q. How did you know it was the  
13 scoop?

14 A. I didn't know what it was. I  
15 knew it was something because it was  
16 --- one followed, the next one  
17 followed, the next one followed, the  
18 next one followed.

19 Q. So you saw the trend?

20 A. So whatever it was, it was  
21 moving, and that's ---.

22 Q. But whenever you don't see a

1 trend, ---

2 A. Okay.

3 Q. --- you just have one sensor,

4 ---

5 A. Okay.

6 Q. --- and you have in excess of  
7 15 ppm, do you ever pull them out?

8 A. You have to pull them out past  
9 that, is that what you're saying?

10 Q. Yeah, that's what I'm asking.

11 A. You got to pull them out past  
12 that CO, I mean, out past that point.

13 Q. That's what I'm asking you.

14 A. Yeah.

15 Q. That's what you do. Is that  
16 your procedure?

17 A. You have to.

18 Q. Okay. See, that's what I was  
19 getting at. Is that your procedure  
20 all the time?

21 A. You have to. I mean, that's  
22 like a ---.

1 Q. I understand what you're  
2 saying.

3 BY MR. COLLINS:

4 Q. I just need to back up just a  
5 second, Flea, if you don't care. You  
6 called Johnny Stemple, I think you  
7 said, at 6 --- around 6:45?

8 A. That's about right.

9 Q. And you told Johnny that you  
10 had some kind of emergency and an  
11 explosion? Did you tell him you had  
12 an explosion?

13 A. A possible explosion.

14 Q. And you asked him to call the  
15 mine rescue team?

16 A. I told him --- I said, Dick  
17 --- yeah, Dick said call the  
18 emergency squad and get the mine  
19 rescue teams rolling.

20 Q. Did you also ask him to call  
21 the state and federal?

22 A. No. Johnny knew. I mean, we

1 talked.

2 Q. Johnny knew that?

3 A. We talked, yeah. Yeah.

4 Matter of fact, I believe you was  
5 first, John.

6 Q. Did Johnny call you back and  
7 tell you ---

8 A. Yes. Yes, he did.

9 Q. --- that that had been  
10 accomplished?

11 A. Yep, stayed in touch.

12 Q. What time did he call you  
13 back?

14 A. Maybe ten minutes. Maybe 10,  
15 15. He stayed in touch as he got ---  
16 see, I got ahold of Carl, which was  
17 the only body that I was able to get  
18 in touch with, besides John ---.

19 Q. You called Carl?

20 A. Yeah, besides getting ahold of  
21 Johnny. I knew that was going to  
22 take a while right there, when you

1 had a situation going on.

2 Q. And when Johnny Stemple called  
3 back, he did talk to you?

4 A. Yeah. And he told me that he  
5 had gotten ahold of Dunbar, he had  
6 gotten ahold of Randy (sic) Coleman,  
7 he had gotten ahold of Ty, every time  
8 he got in contact.

9 Q. And he did tell you that he  
10 had got a hold of the state?

11 A. Yeah.

12 Q. And that was me?

13 A. I believe you was the first,  
14 yeah.

15 Q. And what time did he ---?

16 A. Because you live the closest.

17 Q. Do you know what time that was  
18 that he said he got ahold of me?

19 A. I did. I don't know.

20 Q. When you arrived at the mine  
21 that morning, Flea, were all the  
22 belts off?

1 A. Yes, sir.

2 Q. And you were the one that  
3 started those belts?

4 A. Correct.

5 Q. And what time did you start  
6 them?

7 A. After Terry called out his  
8 preshift, after Fred Jamison had his  
9 preshift. Start the stacker about  
10 First, let One, Two, Three, Four.  
11 Like I said, I had One, Two, Three,  
12 Four. They was running. Five and  
13 Six was on pull switch at the start  
14 of the shift.

15 Q. Which means that you started  
16 ---?

17 A. You don't let your section  
18 belt run until the crew gets there  
19 and the boss does his run.

20 Q. And Five is the section belt  
21 for One Left?

22 A. Five is a section belt.

1 Q. And Six is the section belt  
2 for Two Left?

3 A. For Two Left.

4 MR. COLLINS:

5 That's all we have.

6 BY MR. O'DONNELL:

7 Q. If you go to page six of  
8 Exhibit Two, down at the bottom  
9 there, is there an ink mark on there?

10 A. Yes, sir.

11 Q. So you know where I'm at?

12 A. Yep.

13 Q. And that would be --- is that  
14 the time that you would have started  
15 the belt, Flea?

16 A. Yes, it is.

17 Q. Okay. So that would be 5:27.  
18 So that is when Number One, Two,  
19 Three and Four came on?

20 A. Right.

21 Q. And like you said, Number Five  
22 was on pull cord, so it wouldn't have

1 started?

2 A. And Six also.

3 Q. And Six, which you can't start  
4 because it's on pull cord?

5 A. Right.

6 Q. Right.

7 A. Yeah, you don't fire them up  
8 like that before the crews get there.

9 Q. Right. So then we go on here  
10 to --- at 6:09. One Left section  
11 alarm.

12 A. 6:09?

13 Q. It's right down below the belt  
14 boss start of Number Four.

15 A. Okay.

16 Q. It says taken off scan. What  
17 does that mean?

18 A. Taken off scan?

19 Q. Yes.

20 A. Let's see. It was --- that's  
21 the one that had to be replaced.

22 Q. Okay. Tell me about that. I

1 mean, ---.

2 A. Well, it --- what was going on  
3 with it is the alarm would stay on.

4 I mean, when the box went out, it  
5 threw up your alarm like you're  
6 talking about. And the alarm and  
7 your visual just started up. So I  
8 can't just say take --- you know,  
9 take off. Right here, like if you  
10 see where it says take off, ---

11 Q. Yeah.

12 A. --- it's doing away with it so  
13 to stop alarming, but he's got to put  
14 that there. I mean, he's got to put  
15 it back.

16 Q. So how did you know that that  
17 was being done? How did you know  
18 that the One Left section alarm  
19 was ---?

20 A. Because it was alarming  
21 itself.

22 Q. Oh, in your shanty?

1 A. Yeah, without me doing  
2 anything.

3 Q. Right. And that was the only  
4 one?

5 A. Right.

6 Q. So you hit that?

7 A. That's the section alarm at  
8 Two.

9 Q. And then we see at 6:10 ---.

10 A. See where it says like --- the  
11 only thing I know to do right there,  
12 it says, take off.

13 Q. Yeah.

14 A. Analyzing.

15 Q. Yeah.

16 A. Okay. I took it off, analyzed  
17 them, put it on.

18 Q. Yeah.

19 A. See right there where it says  
20 alarm down below that?

21 Q. Yeah.

22 A. It was not, it wasn't. It's

1       just taking it off scan, putting it  
2       on scan, it wasn't picking back up.  
3       So it was replaced.

4       Q.       So it was a malfunction?

5       A.       Yes, sir.

6       Q.       And that's how you determine  
7       if it's a malfunction?

8       A.       Yeah.

9       Q.       Okay.

10      A.       On alarm.

11      Q.       On alarm, yeah. And then it  
12      says here --- here's where we get  
13      Muffy. The next page, page seven.

14      A.       Okay.

15      Q.       User, Muffy, supervisor,  
16      privileged time out defaulting to  
17      public.

18      A.       Yes, sir.

19      Q.       What does that mean?

20      A.       Well, let's see. Let me go on  
21      down through.

22      Q.       It's on the top.

1       A.       Okay.  Those are being  
2       calibrated.  One-third's pit mouth,  
3       146, 145.  Those are being  
4       calibrated, sir.  It starts off at  
5       the pit mouth, ten parts, then it  
6       clears itself.  Every CO you got have  
7       got to calibrate it.

8       Q.       I know.  But I think maybe you  
9       need --- we need to look at that a  
10      little bit better.  Because that's  
11      --- that might be a ---.

12      A.       Well, Muffy is my code name  
13      inside the computer.

14      Q.       That's what I want to find  
15      out.

16      A.       Yeah.

17      Q.       Okay.  You're Muffy?  That's  
18      your username?

19      A.       Yeah.  That's my username.

20      Q.       Okay.  So at 6:25, you went in  
21      and --- or maybe --- does that do it  
22      automatically, since you weren't

1 using the system?

2 A. No.

3 Q. So you've got to go in ---?

4 A. Yeah. There's no way.

5 Q. And why would you do that?

6 A. To put in my name. In case a  
7 CO went bad, ---

8 Q. Uh-huh (yes).

9 A. --- you put in your name to  
10 get into that CO. You just can't  
11 slap CO there. You've got to address  
12 it as such as being 1.29 CO at pit  
13 mouth. And you've got to put at pit  
14 mouth. You can't put nine blocks  
15 ahead.

16 Q. Okay.

17 A. Do you know what I'm saying?

18 Q. Yeah.

19 A. Everything's got to be  
20 addressed.

21 Q. So at 6:31, this is when the  
22 explosion happened; right?

1 A. Yes, sir.

2 Q. Okay. Now, we have the pit  
3 mouth warnings at 10:00?

4 A. Yeah.

5 Q. Obtained alarm condition, then  
6 57 block, alarm, 51 ppm?

7 A. Yes, sir.

8 Q. And then we go with the Number  
9 Four belts all maxed at 107, 107.

10 A. Right.

11 Q. So this is telling me that  
12 this is when it happened; right?

13 A. Yes, sir.

14 Q. And we can ---.

15 MR. O'DONNELL:

16 Let's take a short  
17 break.

18 SHORT BREAK TAKEN

19 BY MR. O'DONNELL:

20 Q. In front of you, you have  
21 Exhibit Two, the printout of the CO  
22 alarm system. And to better

1 understand what occurs when we have  
2 different printouts on this page,  
3 what we want to do is go through it  
4 on a line-by line.

5 A. Okay.

6 Q. And what we'll do is we'll  
7 start like on page six. At 12/31/05  
8 at 4:48:36, which would be the tenth  
9 line from the top, where it says  
10 alarm latch.

11 A. Okay. What do you need to  
12 know?

13 Q. Okay. Here's what I will do.  
14 I'll give you the date, and we're  
15 going to go straight down there.  
16 I'll give you the time, and then I  
17 want you to go across and tell me  
18 what that means. And we're going to  
19 go all the way through that 'til  
20 about ten o'clock on the 2nd. Okay?

21 A. Okay.

22 Q. So that's what we're going to

1 do. We'll go line-by-line. All  
2 right. You can start with the 4:48  
3 time.

4 A. Okay. The latch alarm, sir?

5 Q. Uh-huh (yes). Yes.

6 A. Okay. Section alarm, CO  
7 monitor, alarm latch.

8 Q. Yeah. What does that mean?

9 A. It's an engaged signal alarm  
10 latch set off a warning.

11 Q. Okay. And 4:48:36, the next  
12 one down?

13 A. CO1?

14 Q. Uh-huh (yes).

15 A. Alarm latch. Same thing.

16 Q. And what happens when that  
17 occurs?

18 A. That's not doing anything.  
19 Just to alarm the section.

20 Q. And you would say that that  
21 would be like when someone was trying  
22 to signal them?

1 A. Yeah.

2 Q. Is that what that means?

3 A. Yeah.

4 Q. Okay. Because we weren't  
5 clear on that. We didn't ---. So go  
6 ahead. The next one, 12 ---.

7 A. Okay. Alarm latch, and plus,  
8 you have your warning to --- that's a  
9 signal.

10 Q. 12/31/2005, 4:48:53. Just  
11 tell me what that is.

12 A. Which one are you on?  
13 Forty-three (43)?

14 Q. Fifty-three (53). 4:48:53.

15 A. That's one. That's still your  
16 alarm.

17 Q. Okay. What does it say?

18 A. For like a --- if your ---  
19 like on your assessment,, an alarm  
20 section, right here it says gain,  
21 gain communications, alarm latch. We  
22 alarm the section and warning. I

1 mean, you'll get that when you're  
2 doing that.

3 Q. Okay.

4 A. Obviously, what you're ---.

5 Q. Well, it's like this. We want  
6 you to explain it so that we can  
7 understand exactly what it means when  
8 it occurs. Like the alarm latch  
9 reset 25 ppm, what we've just  
10 discussed.

11 A. Uh-huh (yes).

12 Q. And you're saying that is  
13 whenever you signal the section;  
14 right?

15 A. That would have been on ---  
16 well, that would've been on ---  
17 that's when you're signaling the  
18 section, trying to get in touch with  
19 somebody.

20 Q. That's what that means?

21 A. Yes, sir.

22 Q. Okay. Now, the next line, is

1       that the same?

2       A.       They are.    It's just --- well,  
3       a printout and series of alarms  
4       warning and where it's gained.   It's  
5       going to print out in a series.

6       Q.       So that's what --- that's  
7       happened all the way down to ---.

8       A.       All the way down to ---.

9       Q.       4:49:42?

10      A.       49:42, yes, sir.

11      Q.       So that was a series of ---

12      A.       Alarms.

13      Q.       --- alarms?

14      A.       Uh-huh (yes).

15      Q.       Manual alarm?

16      A.       Yeah.

17      Q.       Okay.    Now, we're down to  
18      13:38:09.

19      A.       Okay.    Belt boss stopped.  
20      Remote master station.   It was Number  
21      Nine --- Number One belt shut off  
22      with the remote control, but from

1       inside, from the computer. Shutting  
2       that down --- they shut down Number  
3       One belt from --- that's the 31st.  
4       They shut it down from inside. The  
5       dispatcher shut it.

6       Q.       From your station?

7       A.       Yeah.

8       Q.       Okay.

9       A.       Master station.

10      Q.       That's where you work?

11      A.       Right.

12      Q.       And that's what the next three  
13      are; is that right?

14      A.       Yeah.

15      Q.       Now, we're down to this  
16      sequence on 12/31/2005, beginning at  
17      13:51, ---.

18      A.       Okay. Number One belt, belt  
19      boss, belt start. Okay?

20      Q.       Uh-huh (yes).

21      A.       Okay. It's just the sequence  
22      I go through when you --- when I put

1       it on belt start. I click up on  
2       start, and it asks me, do you want to  
3       send the command to start this belt,  
4       and I hit yes. And the belt stays  
5       red. And it will turn green and you  
6       see like little lines on it where  
7       it's running. It's just going  
8       through the start sequence right  
9       there.

10               And where it says sequence  
11       went out on Number One, it's just  
12       building up start, Number One, Number  
13       Two, Number Three belt is starting  
14       up. And then it's got Number One,  
15       Number Two, Number Three belt  
16       shutting back down again. That right  
17       there is a sequence. This says stop  
18       sequence. That could be a Hawkeye.

19       Q.       Are you referring to 9:48:58  
20       on 1/1/06?

21       A.       That's a belt shutting down on  
22       sequence.

1 Q. Okay. And what ---?

2 A. I said it's the Hawkeye, sir.

3 Q. Okay. Now, we're going to go  
4 to 1/2/2006, which is right after  
5 that 9:49 on 1/1. Stop on sequence.  
6 Let's pick it up on 1/2/2006 at  
7 5:27:16, and just, let's walk through  
8 each one through the explosion.

9 A. Okay. You want to start ---  
10 5:27?

11 Q. Yes.

12 A. Okay. 5:27. Number One belt,  
13 belt start, 5:27. Number One belt  
14 shows that you gave it the run  
15 command and it is running. 5:28,  
16 Number Three belt --- or Number Two  
17 belt has started. 5:30, Number Four  
18 belt is kicking in, right down the  
19 line. Those are the four belts that  
20 I had running.

21 Q. Okay.

22 A. And then, One, Two, Three and

1 Four, and like I said, Five and Six  
2 was on pull switch until sections got  
3 there.

4 Q. Okay. And then just stay on  
5 page six. On 1/2/06, 6:09:50.

6 A. Let's see. First section ---  
7 let's see. One Left section alarm,  
8 take off. Okay. One Left section  
9 alarm, energizing. First Left  
10 section alarm, placing on at 6:10.  
11 6:10, also, First Left alarm CO,  
12 alarm, 26 ppm.

13 Q. And you had explained that  
14 before, saying that you had a  
15 malfunction; is that right?

16 A. Yes, sir.

17 Q. And that's why --- that's the  
18 explanation of that sequence?

19 A. Yeah.

20 Q. Okay. Let's go to page seven  
21 and begin with the first line.

22 A. Okay. 6:25, number six user,

1 Muff --- Muffy password.

2 Q. Okay.

3 A. Okay. 6:31, 1:30, which is  
4 the pit mouth, CO warning, ten.

5 Okay. 6:31, still showed maximum CO  
6 valve obtaining during alarm  
7 conditions was 10 ppm. 6:31, 146 CO,  
8 57 block Four belt. Alarm, 51 ppm.

9 Q. Okay. Now, that is the time  
10 that the explosion occurred; correct?

11 A. Correct.

12 Q. But we have an alarm at the  
13 pit mouth. I mean, how can we  
14 explain --- what do you --- can you  
15 tell me about that?

16 A. Sir, the alarm at that pit  
17 mouth was ten when the rest of them  
18 was showing me much higher than that.

19 Q. Uh-huh (yes).

20 A. As you get to the pit mouth, I  
21 mean, your ten alarm, you're going to  
22 be getting some stuff out of the pit

1       mouth.    Because it took it a little  
2       bit longer, but it was coming.    I  
3       mean, it was coming right down the  
4       line.    But that says by 6:31.

5       Q.       6:31, which was ---.

6       A.       Yeah.    Like on Four belt, 107  
7       ppm, having that much, I --- it might  
8       have just threw it out of --- you  
9       know what I mean?    It just might have  
10      just jumped it up.    I don't know.    I  
11      can't say.

12      Q.       Have you ever had the pit  
13      mouth alarm like that before?

14      A.       No.    It's one outside.    Right  
15      at the pit mouth.

16      Q.       That's what I mean.

17      A.       No.    It's usually the one at  
18      the third CO down.    It'd be the one  
19      at the motor bar.

20      Q.       Uh-huh (yes).

21      A.       Because they charge the  
22      batteries.

1 Q. So would you think that that  
2 was unusual that that alarmed at the  
3 pit mouth?

4 A. No. But that jumped it up  
5 right there. I mean, it's not  
6 throwing them up in sequence.

7 Q. Uh-huh (yes). And then the  
8 next one, 6:31:31.

9 A. Right.

10 Q. Go ahead. Explain that one.

11 A. Okay. 6:31:31. Okay. 146 CO  
12 57 block on the Four belt. Resting,  
13 51.

14 Q. Okay.

15 A. Okay. 6:31, 1:45, 49 block on  
16 Four belt, resting, 107 ppm. Okay.  
17 6:31 again, Two Left section belt,  
18 alarm. Well, that's Four tail again,  
19 107. But communication's dead.  
20 They're dead and they're no longer  
21 picking up anything. That's on Two  
22 Left. 6:31, it's station 199. One

1 Left section alarm, alarm latch.  
2 That is on First Left. It is ---  
3 it's high reading, sir. It's just  
4 --- there's just blinking. I mean,  
5 there's no stopping it. Matter of  
6 fact, we never stopped them 'til when  
7 you guys let us check the COs.

8 Q. But wasn't that the one that  
9 was taken off scan?

10 A. Yeah.

11 Q. It was taken off, but now it's  
12 back on?

13 A. No. See, you can take it off  
14 scan, yeah. It just kept on jumping  
15 back on scan ---

16 Q. Okay.

17 A. --- until Pete Capaldo ---.

18 Q. 'Til you could get it fixed?

19 A. No. They got it --- yeah. To  
20 replace it, is what I'm saying.

21 Q. Yeah. Okay. So ---.

22 A. But right now, it's going.

1 Q. Right. Okay. Now, at  
2 6:31:57.

3 A. Okay. Number Four belt, power  
4 loss. Okay. 6:32, Number Five belt,  
5 communications dead. 6:32, Number  
6 Six belt boss at Six drive,  
7 communications dead. 6:32 again,  
8 let's see, break Number Two belt,  
9 communications dead. 6:32, 148 CO,  
10 monitor two breaks outby Six tail.  
11 Communications dead. 6:32, Number  
12 Three belt, belt boss stopped, power  
13 loss. Okay. 6:32, CO at Four tail.  
14 CO, communications dead. Okay. 6:51,  
15 Number One belt stopped sequence.  
16 6:51, Number Two belt stopped  
17 sequence.

18 Q. Now, does that tell me that  
19 somebody stopped it?

20 A. Yes, sir. I did it.

21 Q. You did? Okay.

22 A. Yeah.

1 Q. Go ahead.

2 A. Okay. 7:19, 37 break, Four  
3 belt, alarm, 15 ppm. 7:30, 1.82,  
4 hatch one block outby Number Seven  
5 belt, warning, five. Okay. 7:31,  
6 182, one block outby Number Seven.  
7 Maximum CO. Value contained during  
8 this condition was five ppm.

9 Q. What does that mean?

10 A. It says that it's on Number  
11 Seven drive?

12 Q. Yeah.

13 A. Number Seven drive, sir,  
14 shouldn't --- they weren't on Number  
15 Seven drive. At that time of this,  
16 it's --- okay. You've got the Five  
17 drive coming off of it.

18 Q. Yeah.

19 A. Every time they split a panel  
20 off of it like this, I have to put a  
21 drive there. I put Seven drive on  
22 there like three times.

1 Q. Uh-huh (yes).

2 A. So I've just been keeping it  
3 out. I've just been keeping it like  
4 it's there. It's not going to read  
5 itself until they actually put it in.

6 Q. Okay.

7 A. But I kept it there out of  
8 order in the gray. It's just picking  
9 it up. But it's not working. The  
10 one that is working is Five belt.

11 Q. Okay. But where was this  
12 located at? Number Seven?

13 A. Yeah. It's coming off Five  
14 belt.

15 Q. Okay. So it's at Five belt,  
16 too?

17 A. Yeah.

18 Q. Okay. Go ahead.

19 A. Okay.

20 Q. That would be --- pick it up  
21 at 7:38:35.

22 A. Picking up Seven drive, which

1 is not there. Okay. 7:38, 22 block  
2 Five belt, CO alarm, five ppm. Okay.  
3 7:41, 22 block, Number Five belt,  
4 alarm, ten ppm. Okay. 8:14, 199,  
5 One Left section alarm. Alarm latch,  
6 107 ppm.

7 Q. And that means that that one  
8 is maxed out; right?

9 A. It's maxed out. It can't go  
10 no higher. Okay. 8:14, first left  
11 section alarm warning, latch reset.  
12 107 ppm. 8:15, 14 brake on Five  
13 belt, alarm, ten ppm. 8:45, Three  
14 belt, communications dead. This is  
15 reading out right here, sir. It's  
16 actually --- it's venturing back and  
17 forth. Actually, they were stuck at  
18 107 ppm.

19 Q. Uh-huh (yes).

20 A. Is what it was reading to me  
21 on the screen.

22 Q. Uh-huh (yes). And the rest of

1       this just continues?

2       A.       Just continues.   And it ---.

3       Q.       Until the system was shut off;  
4       is that right?

5       A.       Right.

6       Q.       And when did that happen?

7       A.       When the state along with  
8       federal inspectors come in there and  
9       they shut down the computer, took  
10      stuff off the hard drive.   And as a  
11      rescue --- as rescuing was going on,  
12      they knocked power off the CO, below  
13      the uninterrupted power supply, which  
14      is on the wall, so it wouldn't be  
15      sparking inside with that much CO.

16      Q.       What time was it?   What time  
17      was that?

18      A.       What time was what?

19      OFF RECORD DISCUSSION

20      BY MR. O'DONNELL:

21      Q.       Yeah.   What time did they shut  
22      the computer system off?

1 A. Well, let me see here.

2 OFF RECORD DISCUSSION

3 BY MR. O'DONNELL:

4 Q. Page 12. Sir, page, 12.

5 A. Take off scan, communications  
6 dead. This sheet was --- Bruce done  
7 it. Bruce turned the doggone thing  
8 off. And I had to go back into it.  
9 And I printed off all this stuff  
10 right here.

11 Q. Oh, so you went back in to  
12 print this?

13 A. I had to print all that stuff  
14 off right there. Because it had  
15 information on it like --- it tells  
16 every time the CO was checked.

17 Q. Uh-huh (yes).

18 A. Every time ---.

19 Q. So we're looking at page 12.

20 Then you would say --- what would the  
21 date that you took it off scan, off  
22 the system, out?

1 A. I'd say First 11th. No, that  
2 can't be right. Might have put it  
3 back on then. I'm not sure. The  
4 only thing I know, when I come back  
5 after my shift, I went home and I  
6 come back.

7 Q. Would you say it was the next  
8 day?

9 A. The next day, it was turned  
10 off.

11 Q. Okay. That's what I was  
12 getting at.

13 A. But I had to reboot it. I had  
14 to go into it when you guys asked me  
15 to and retrieve this from it.

16 Q. Whenever you were doing any of  
17 your --- that day, did you keep a log  
18 of everything that you did?

19 A. No.

20 Q. Other than the check-in,  
21 checkout, but I mean, from ---.

22 A. Early that morning?

1 Q. Yeah. Did you keep a personal  
2 log or notebook or anything like  
3 that?

4 A. I got to find it. Of what  
5 happened?

6 Q. Yes.

7 A. As far as my work?

8 Q. Yeah. A record of what you  
9 did.

10 A. Yeah. It should be there.

11 Q. Where would that be?

12 A. That should be on the yellow  
13 sheet of paper inside the  
14 dispatcher's office.

15 Q. Okay. Would we be able to get  
16 a copy of that?

17 A. I don't see why not.

18 Q. Okay.

19 A. Got to find it first, but it's  
20 there.

21 Q. Okay. Very good.

22 A. But I never had time when all

1 this was going on.

2 Q. That would help us out a lot.

3 A. To go --- you know, to go from  
4 this to this to this to this. But  
5 later on that afternoon, I did make  
6 one.

7 Q. Good. Okay. That'll be good.  
8 During an evacuation, according to  
9 the fire evacuation plan, who is the  
10 responsible person?

11 A. Doing the evacuation?

12 Q. Yes. Who's the person  
13 responsible for the evacuation of the  
14 mine?

15 A. Dispatcher.

16 Q. Flea, do you have any idea  
17 when they de-energized all the power  
18 underground?

19 A. I know the first rescue team  
20 went in there. Right in behind them.  
21 It might have been day two. I'm  
22 really not sure. Because they went

1 in there and saw a red light on one  
2 of the COs, and so they still had  
3 power on it. And they was wondering  
4 if there's battery backup.

5 Q. But I mean the mine --- the  
6 main mine power. That was the  
7 backup.

8 A. It would have to have been the  
9 same day. The main mine power.

10 Q. Okay.

11 A. It would had to have been the  
12 same day. Because I shut the belts  
13 off and they went and started from  
14 the outside and went in. Started  
15 with the stacker belt. At that time,  
16 we only had power on the Number One  
17 and Number Two belt.

18 Q. Is there a map or a schematic  
19 of each belt flight and the details  
20 of the monitoring system? Is it  
21 posted anywhere at the mine?

22 A. Yeah.

1 Q. Where is it posted at?

2 A. Should be over in that  
3 hallway.

4 Q. Over in the other building,  
5 across from your dispatcher?

6 A. Yeah. As soon as you walk  
7 through the door right to Dick's  
8 office.

9 Q. Uh-huh (yes).

10 A. It's a big board over there.  
11 Every time you add a belt or take one  
12 off.

13 Q. Okay.

14 A. You take off a copy of it.

15 Q. And do you know if the system  
16 operates for four hours when the  
17 power's off?

18 A. Yes.

19 Q. Okay. COs?

20 A. Yes, they do.

21 Q. Have you ever been able to  
22 determine that by having mine power

1 off and still be able to watch your  
2 monitor?

3 A. Yeah.

4 Q. You have done that?

5 A. Uh-huh (yes).

6 Q. Okay.

7 A. Because it was down all that  
8 time, and we got it back up on.

9 Q. Do you know what the automatic  
10 kill feature is?

11 A. The automatic kill feature?  
12 Let me think. Have to be on the  
13 alarm.

14 Q. Okay.

15 A. Automatic kill feature. I'm  
16 not very sure what you're ---.

17 Q. It disconnects all the  
18 batteries when the fans go down.  
19 You've got a button to do that with?

20 A. No. They done it from the  
21 UPS.

22 Q. What's UPS?

1 A. UPS is up above the computer.

2 Q. Yeah.

3 A. It will send a signal to all  
4 your monitors posted in the mine.

5 Q. Uh-huh (yes).

6 A. They unplug that so that they  
7 would have no juice inside the mines,  
8 in other words, on any of the COs,  
9 while the rescue teams was  
10 underground.

11 Q. But does it automatically do  
12 that when the fan goes down?

13 A. No.

14 Q. It doesn't?

15 A. Not that I know of, no.

16 Q. Okay.

17 A. Not that I know of.

18 Q. The only time it should stay  
19 running is if you have mine power  
20 out, fan on. Fan goes down ---.

21 A. Because you're on two  
22 separate.

1 Q. Yeah.

2 A. But there's nothing on that  
3 mine fan, except for ---.

4 Q. All right. You've been a  
5 dispatcher when the fan's gone down?

6 A. Right.

7 Q. Okay.

8 A. The alarm comes on.

9 Q. What happens to your monitor  
10 system?

11 A. The belt monitor system?

12 Q. Uh-huh (yes). The fan goes  
13 down.

14 A. It wasn't down very --- I  
15 mean, it wasn't down very long to  
16 change the COs. But that was ---  
17 that never happened at Sago.

18 Q. Okay.

19 A. No. But I get what you're  
20 trying to say. Yeah. They would  
21 start reading. They'd have to.

22 Q. Yeah. Okay. How often do

1       they --- when the computer time and  
2       the real time are checked and  
3       adjusted --- do you know how we were  
4       talking about the mercury time?

5       A.       Yeah.

6       Q.       How often do they check those  
7       out and set them?

8       A.       Still haven't.

9       Q.       Have you ever seen it happen?

10      A.       How they set it?

11      Q.       Yeah.

12      A.       I don't know how they counted  
13      for that. Well, the mercury's your  
14      actual time. So what they done was  
15      just took the actual time of that day  
16      and seen what it was compared to what  
17      this one would have been.

18      Q.       Uh-huh (yes).

19      A.       And I don't know. I don't  
20      know how they done it exactly. They  
21      just told me that it came to the  
22      second.

1 Q. Can you select your monitoring  
2 functions separately? Like belts on  
3 with the AMS off?

4 A. Oh, yes, sir. We can.

5 Q. You can?

6 A. I set those up. We had a guy  
7 from Pyott-Boone come in, had to give  
8 me a class on it. It was a 12-hour  
9 --- after he walked in the mines and  
10 seen what was here, then he come out  
11 there and sat down and made me do it.

12 MR. O'DONNELL:

13 Mr. Collins, do you  
14 have any follow-up questions?

15 MR. COLLINS:

16 Yes, for me, please.

17 And I hope it'll be short.

18 BY MR. COLLINS:

19 Q. I'd like to revisit the  
20 question that I asked you about, what  
21 time did Jamison and Terry Helms  
22 enter the mine.

1 A. Okay.

2 Q. And I think you said four  
3 o'clock.

4 A. Well, I had to be there by  
5 4:00. It was right around 4:00.

6 Q. Right around 4:00 when they  
7 went into the mine?

8 A. Because I had to have, what is  
9 it, John, two or four-by-four? I  
10 don't know how that worked. That's  
11 why I had to be ---.

12 Q. On the dispatcher log, it says  
13 4:35, Two Left, dispatched from Two  
14 Left.

15 A. Uh-huh (yes).

16 Q. Dispatched to outside.

17 A. Yeah. That's what he said  
18 that he was going to bring up, but he  
19 was talking First Right. And that's  
20 why I'm thinking that --- because,  
21 now, the left --- the next time, when  
22 I see Fred Jamison, he was saying,

1 Flea, I'm out. He was in the  
2 dispatcher shanty.

3 Q. Uh-huh (yes).

4 A. And he was giving his report.

5 Q. What time was that?

6 A. So what --- right before the  
7 crews went in.

8 Q. Okay.

9 A. Because he walked down on one  
10 belt and then the crews was going in.

11 Q. So when Fred ---.

12 A. But now, he didn't say  
13 anything about that trip. That's  
14 what I'm saying, John. If it would  
15 have been down the First Right, they  
16 would have explained about the crew.

17 Q. When they called you from Two  
18 Left asking for permission to come  
19 outside at 4:35, you don't know that  
20 he left right then or ---?

21 A. Right.

22 Q. The only thing you know ---

1 the next thing you know, he got  
2 outside shortly before day shift went  
3 in?

4 A. In First Left?

5 Q. No. Two Left to outside.

6 A. Oh, the mantrip. Yeah. He  
7 just told me to tell --- see Jamison  
8 was on that.

9 Q. Uh-huh (yes).

10 A. From Two Left out. But he  
11 just said, tell Terry that his lunch  
12 was down near the First Left switch.

13 Q. And how long does it take to  
14 come from One Left to the outside  
15 normally?

16 A. Normally? I'd say half an  
17 hour. Half an hour, 20 minutes.  
18 It's 25 to half an hour.

19 Q. Okay. Do you know what time  
20 Terry Helms called outside?

21 A. No. But it will --- should be  
22 there. I mean, he called. And the

1 last person we talked to was the fire  
2 boss. He called out his report.  
3 That should be documented.

4 Q. And I need to revisit a little  
5 bit about the conversation we had  
6 about when you called Chuck Dunbar  
7 and Raymond Coleman.

8 A. Uh-huh (yes).

9 Q. You said that you --- or did  
10 you say that they had their phones on  
11 pager?

12 A. No. I forget where it is.  
13 There's a --- actually, how the  
14 computer's set up. Okay. When I go  
15 on pager, they've all got their  
16 little pager on their side. And I  
17 can put on there, First Left, 120  
18 feet, so many tons. And it's --- and  
19 then it goes to like Dunbar, Raymond,  
20 and the buzzers on the side, that's  
21 pagers. So no matter where they're  
22 at, they'll know what that shift's

1       doing, done. Like at half time and  
2       at the end of the shift. So that's  
3       one way I tried.

4       Q.       You tried that this time?

5       A.       Yeah. And ---.

6       Q.       What did you type in?

7       A.       That we needed them to get in  
8       touch with the mines. And not only  
9       their pagers. Some of them just had  
10      their cell phones. But where Johnny  
11      was helping, then he had their home  
12      phones. Because on a normal given  
13      day, if they told me to get in touch  
14      with the guys there, hey, John ought  
15      to be calling the main office.  
16      That's where everybody's at. Dunbar,  
17      Raymond, Johnny Stemple.

18      Q.       So the numbers on this  
19      emergency list is cell phones?

20      A.       Cell phones, pager numbers.  
21      Now, there might be some home phones,  
22      but that couldn't rouse anybody up.

1 Q. So you had Johnny Stemple's  
2 home phone?

3 A. Yeah. I called Johnny and I  
4 figured, get ahold of safety.

5 Q. Okay. The check in and out  
6 system that you were maintaining  
7 during rescue attempt where it was  
8 written down on a piece of paper ---

9 A. Right.

10 Q. --- of the people and teams  
11 that went underground and came out.

12 A. Right.

13 Q. That's a separate system than  
14 we use every day?

15 A. I guarantee you.

16 Q. The system that we use every  
17 day, what is that?

18 A. Check-in, checkout, tags.

19 Q. On the board? On the board?

20 A. Yes, sir.

21 Q. And that's a metal tag?

22 A. Yes, shift in and out.

1 Q. And who's responsible for that  
2 check in and out system?

3 A. I am. I mean, you've got to  
4 know your guy's going home, because  
5 they could be home eating, you know,  
6 and this shows that they're still  
7 underground.

8 Q. So like at the end of your  
9 shift, do you check them?

10 A. Yeah. You've got to know your  
11 guys.

12 Q. Okay. Then one more thing I  
13 need to revisit. When you called  
14 Johnny Stemple, did you say something  
15 about Johnny said to wait and see  
16 what had happened?

17 A. Johnny was wanting to wait,  
18 because he wanted to take my --- the  
19 whole rescue team. He asked me ---  
20 well, I'm not going to say that. I'm  
21 not going to say that. It's just  
22 that he wanted to make sure that we

1 had what we said we had. You know,  
2 he just wanted to make sure. I told  
3 him that Dick's been in it before.  
4 And he rolled them.

5 Q. But you didn't wait on  
6 anything else, then? Because that's  
7 --- really, once you notified Johnny  
8 ---.

9 A. Yeah. And Johnny notified me  
10 that it was done. But the ambulance  
11 was there first. Because he couldn't  
12 --- I was there, you know what I'm  
13 saying, to see what the effect was on  
14 the guys. So by getting that first  
15 ambulance there, and more information  
16 forthcoming. Like I said, as far as  
17 ambulances and fire rescue, then he  
18 got the mine rescue rolling.

19 MR. COLLINS:

20 Okay. Thanks. Mr.

21 O'Donnell?

22 BY MR. O'DONNELL:

1 Q. Back to Stemple. So did you  
2 --- both of you coordinate between  
3 each other the notification process,  
4 is that what you're saying?

5 A. Yes. Yes.

6 Q. And did he tell you what time  
7 that the agencies were notified, or  
8 if they, in fact, had been notified?

9 A. He told me that they, in fact,  
10 had been.

11 Q. And what time was that?

12 A. I'm not sure, sir.

13 Q. Do you have any idea when he  
14 said that they notified --- I mean,  
15 anything?

16 A. I wouldn't want to guess on  
17 that.

18 Q. Okay.

19 A. He called me every time that  
20 he said he got ahold of somebody. He  
21 called back to say that the Barbour  
22 County team was --- was coming on the

1 scene.

2 Q. Uh-huh (yes).

3 A. That their backup was coming  
4 on the scene. And every time he got  
5 ahold of somebody, he let me know.  
6 But it was just everything coming  
7 down at once.

8 Q. Okay. Did anyone go back in  
9 the mine after Wilfong and that crew,  
10 Toler, come out?

11 A. No, sir.

12 Q. No?

13 A. The next ones in was the  
14 rescue team.

15 MR. O'DONNELL:

16 Okay. Let's take one  
17 more quick break and then  
18 we'll get into some training  
19 questions.

20 SHORT BREAK TAKEN

21 BY MR. O'DONNELL:

22 Q. All right. Bill, we have to

1 go back just one more time and try to  
2 get a better idea of whenever Toler,  
3 Wilfong, Schoonover entered the mine  
4 and started doing some work.

5 A. Okay.

6 Q. Okay. So how soon after the  
7 explosion did they reenter the mine?

8 A. Ten minutes, 15. Just enough  
9 to get their belt and ---.

10 Q. Okay. And they went into the  
11 mine?

12 A. Yeah.

13 Q. And they encountered One Left  
14 crew; right?

15 A. Right.

16 Q. When was the first time that  
17 you had any communication with them  
18 on the pager phone?

19 A. It was with Dick. And he told  
20 me --- the first thing he said to do  
21 was run the emergency team, get the  
22 medical team there and get mine

1 rescue.

2 Q. Okay. Where was he at when he  
3 called you?

4 A. Now, that, I'm not sure. I'm  
5 thinking Four head. That's what I  
6 keep on thinking to myself. But I  
7 never did --- I didn't get that out  
8 of him.

9 Q. Would that have been after the  
10 One Left crew was taken out?

11 A. One Left crew. Right.

12 Q. They were already out of the  
13 mine?

14 A. They was on the way out.

15 Q. Okay.

16 A. He was going further. They  
17 was coming out. Jeff and Dick was  
18 advancing along with Al and keeping  
19 the fresh air going.

20 Q. Okay.

21 A. With Vern. First Left crew  
22 was walking out.

1 Q. How much time had passed  
2 between that conversation and when  
3 they first went in?

4 A. When they first went in there?

5 Q. Yeah. You said ten minutes  
6 after ---.

7 A. Yeah. Just enough to get out  
8 of the mantrip. And Al was going  
9 through his stuff back there, safety  
10 ---.

11 Q. Okay. And then they got in,  
12 they called?

13 A. And they got inside and they  
14 called back out.

15 Q. Yeah.

16 A. When they saw First Right  
17 crew?

18 Q. Yeah.

19 A. Ten minutes.

20 Q. Okay. And then the next ---.

21 A. Maybe 15 minutes at the most.

22 Q. Ten, 15 more minutes. And

1       then the next conversation that you  
2       had with someone in the mine?

3       A.       It was Dick.

4       Q.       And where was he at that time,  
5       the next time?

6       A.       I don't know.

7       Q.       What did he talk to you about?

8       A.       He was sitting --- he just ---  
9       he told me twice to get the rescue  
10      teams there.

11      Q.       Uh-huh (yes). And that he was  
12      putting curtain up?

13      A.       Yeah. That he was hanging  
14      curtain up.

15      Q.       Did you talk to Owen Jones at  
16      all after Wilfong and the rescue  
17      attempt began? Do you know what the  
18      --- Schoonover and those guys, when  
19      they went in there, did you have any  
20      conversation with Owen Jones after  
21      that?

22      A.       No. He was --- he told Dick

1       that he was going to see if they  
2       could get up on Second Left.

3       Q.       Yeah.

4       A.       And he told Dick that.    But he  
5       never made it.

6       Q.       But I mean, I know --- we know  
7       he didn't make it.    But he was still  
8       in the mine?

9       A.       Owen Jones was.

10      Q.       Yes.

11      A.       Yeah, at the time that Dick  
12      and them was in there.

13      Q.       Right.

14      A.       Correct.

15      Q.       Do you know if he had moved to  
16      a phone or anything and called out to  
17      see if it had worked?

18      A.       If Dick had?

19      Q.       If Owen Jones did.

20      A.       Not that I know.    No.

21      Q.       So you don't recall any  
22      conversations that you had with Owen

1 after the explosion or ---?

2 A. Well, after the explosion, I  
3 mean, the first thing that come on  
4 there was --- he said that --- he  
5 told Dick, he said that there's been  
6 some kind of explosion or fall.

7 Q. I mean after that.

8 A. Not until I seen him out, no.

9 Q. Okay.

10 A. But Dick --- I mean, Dick and  
11 them did. You know what I mean?

12 Q. So ---.

13 A. But I can't ---.

14 Q. So from the time that they  
15 went in 'til the time that they got  
16 out, they were in the mine putting  
17 curtain up, trying to advance, try to  
18 get into the mine. How much time do  
19 you think passed from the time that  
20 they went in 'til the time they got  
21 out? Was it ---?

22

ATTORNEY YUHAS:

1                   Let's clarify that a  
2                   little bit. From the time  
3                   they got in, two different  
4                   groups came in at two  
5                   different times.

6                   BY MR. O'DONNELL:

7                   Q.           Right. When they first ---  
8                   when Toler, Schoonover, Wilfong ---.

9                   A.           From the time they first went  
10                  in ---.

11                  Q.           When they first went in until  
12                  the last time they came out.

13                  A.           I'd say an hour.

14                  Q.           Okay.

15                  A.           Maybe a little bit more,  
16                  because it took the guys an hour.

17                  Q.           Okay. So it was ---.

18                  A.           Because there wasn't much they  
19                  could do. I mean, everybody was out  
20                  except for them guys.

21                  OFF RECORD DISCUSSION

22                  BY MR. O'DONNELL:

1 Q. When they first called out ---  
2 when he first called out and said he  
3 was putting curtains up, okay, he  
4 told you to call rescue teams at that  
5 time?

6 A. He told --- yeah, when he went  
7 in.

8 Q. And how much time had passed  
9 between the time he went in until he  
10 told you to call rescue teams?

11 A. He saw those guys, like I  
12 said. It was 15 minutes, I'd say.

13 Q. Okay.

14 A. At the most.

15 Q. Were they setting curtains at  
16 a later time than that? I mean, had  
17 they put curtains up yet?

18 A. Yes, they had.

19 Q. Okay. All right. Thank you.  
20 And let me ask you just some training  
21 questions and we'll finish this up.  
22 When was the last time you had annual

1 retraining?

2 A. The past year. I don't know  
3 the exact date.

4 Q. In 2005, do you remember when?

5 A. No.

6 Q. Do you remember having it?

7 A. Yeah.

8 Q. Oh, okay.

9 A. Yeah, I just don't ---. Just  
10 don't know, you know, exact.

11 Q. Okay. Do you have your annual  
12 retraining separate from the  
13 underground guys?

14 A. Yeah.

15 Q. You have it separate? Okay.

16 A. Well, I have it with the  
17 underground guys. Sorry about that.

18 Q. Like your whole eight hours of  
19 training is with the underground  
20 guys?

21 A. Yep.

22 Q. Okay. Have you ever worked

1       underground at Sago Mine?

2       A.       No.

3       Q.       Okay. And who was your  
4       trainer for the annual retraining?

5       A.       See, you got me. I don't know  
6       if it was Al or if it was --- let me  
7       think a minute. I think it was Al  
8       Schoonover. I'm not sure.

9       Q.       Okay.

10      A.       I can't even think of who they  
11      had over there at Spruce, know what I  
12      mean?

13      Q.       Uh-huh (yes).

14      A.       Spruce Fork. So I would have  
15      took it over there. I'm just trying  
16      to think who the heck it would have  
17      been.

18      Q.       Okay. We went over this.  
19      We've gone over that part. Part of  
20      your training, did you go over any of  
21      the procedures that you're to follow  
22      in case of an explosion?

1 A. Yes, sir.

2 Q. The mine emergency evacuation  
3 plan and all that?

4 A. Yes, sir. Where the fire taps  
5 are located at.

6 Q. Uh-huh (yes).

7 A. Where the barrels are located  
8 at.

9 Q. What about the emergency  
10 firefighting material? Emergency  
11 materials in the mine? Do you know  
12 where they're located?

13 A. Yes. Yes, sir.

14 Q. Where would that be?

15 A. Well, you're talking about the  
16 hoses or what they mark with?

17 Q. No.

18 A. The firefighting equipment?  
19 As far as the barrels and the hose?

20 Q. The boards, rock dust, the  
21 nails, hammers?

22 A. Down at the head of the

1 section.

2 Q. The head of the section?

3 A. Well, I mean, there should be  
4 one right there at --- down by Six  
5 head.

6 Q. Okay.

7 A. Now as far as the emergency  
8 sleds, I don't know.

9 Q. The section sleds, yeah. I'm  
10 not asking about that. I'm asking  
11 about the 2,000 board feet.

12 A. You lost me.

13 Q. Okay. Did you get hands-on  
14 SCSR training?

15 A. Yeah.

16 Q. What would they give it to you  
17 for?

18 A. Because I wanted to take it.

19 Q. Oh, okay. Do you ever get any  
20 specific surface training?

21 A. Dispatcher? You mean like  
22 dispatcher or ---?

1 Q. Doing your annual retraining  
2 just for surface in addition to the  
3 underground training.

4 A. Yeah. Yeah, I did.

5 Q. Where, and what was it?

6 A. I can't remember if it was  
7 John, but, I mean, as far as going  
8 over the computer and stuff like that  
9 you mean? Training in the field that  
10 I do?

11 Q. Hazards related to working on  
12 the surface.

13 A. Test training?

14 Q. No. It's annual retraining.  
15 But well, you had first aid and all  
16 that, I take it?

17 A. Uh-huh (yes).

18 Q. And SCSR training and --- I  
19 guess they even went over the  
20 ventilation plan and roof control  
21 plan with you?

22 A. No. I was keeping up my gas

1 card, though, which I have here.

2 Q. You do?

3 A. No. I said I was keeping it  
4 up.

5 Q. Okay.

6 A. When you get certified for it,  
7 how you make your checks.

8 Q. Uh-huh (yes).

9 A. You still should know that.

10 MR. O'DONNELL:

11 John, do you have any  
12 follow-up?

13 MR. COLLINS:

14 No, we don't, thank  
15 you.

16 MR. O'DONNELL:

17 All right. Let me find  
18 this closing statement. Here  
19 we are.

20 On behalf of MSHA, I  
21 want to thank you for  
22 appearing and answering

1            questions today. Your  
2            cooperation is very important  
3            to the investigation as we  
4            work to determine the cause of  
5            the accident. We ask that you  
6            not discuss your testimony  
7            with any person who may have  
8            already been interviewed or  
9            who may be interviewed in the  
10           future. This will ensure that  
11           we obtain everybody's  
12           independent recollection of  
13           the events surrounding the  
14           accident. After questioning  
15           other witnesses, we may call  
16           you if we have any other  
17           follow-up questions that we  
18           feel we need to ask you. If  
19           at any time you have  
20           additional information  
21           regarding the accident that  
22           you'd like to provide us,

1           please contact us at the  
2           contact information that was  
3           --- that will be provided to  
4           you.

5                         The Mine Act provides  
6           certain protections to miners  
7           who provide information to  
8           MSHA and, as a result, are  
9           treated adversarially. If at  
10          any time you believe that you  
11          have been treated unfairly  
12          because of your cooperation in  
13          this investigation, you should  
14          immediately notify MSHA. If  
15          you wish, you may now go back  
16          over any answer that you gave  
17          during the interview and make  
18          a statement at this time, if  
19          you'd like.

20         A.           No.

21                                 MR. O'DONNELL:

22                                 Again, I want to thank

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you for your cooperation in  
this matter. Thanks a lot.

\* \* \* \* \*

SWORN STATEMENT

CONCLUDED AT 2:26 P.M.

\* \* \* \* \*

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