

STATEMENT UNDER OATH

OF

ERNEST WEBB

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia on
Friday, February 17, 2006, at 10:58
a.m.

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1 A P P E A R A N C E S

2

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4 Supervisory Coal Mine S&H Inspector

5 U.S. Department of Labor

6 Mine Safety & Health Administration

7 District II

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A P P E A R A N C E S (continued)

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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 and Health
Administration, an agency of
the United States Department
of Labor. With me is Bob
Wilson from the Solicitor's

1 Office, John Collins with the
2 West Virginia Office of
3 Miners' Health, Safety &
4 Training.

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

20 At this time, the
21 accident investigation team
22 intends to interview a number

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

20 I'd like to thank you
21 in advance for your appearance
22 here. We appreciate your

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

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

1 the conditions, events and
2 circumstances surrounding the
3 fatalities that occurred at
4 the Sago Mine owned by the
5 International Coal Group in
6 Buckhannon, West Virginia on
7 January the 2nd, 2006. This
8 interview is being conducted
9 at the U.S. Bankruptcy
10 Courthouse in Clarksburg, West
11 Virginia on February 17th,
12 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. Webb, the interview
22 will begin by my asking you a

1 series of questions. If you
2 don't understand a question,
3 just ask me to rephrase it.
4 Feel free at any time to
5 clarify any statements that
6 you make in response to the
7 questions. After we have
8 finished asking questions,
9 you'll have an opportunity to
10 make a statement and provide
11 us with any other information
12 that you believe may be
13 important.

14 If at any time after
15 the interview, you recall any
16 additional information that
17 you believe may be useful in
18 the investigation, please
19 contact Mr. Richard Gates at
20 the phone number and e-mail
21 address provided to you.
22 We'll have a business card for

1 you when we finish up.

2 Your statement is
3 completely voluntary. You may
4 refuse to answer any question
5 and you may end the interview
6 at any time. If you need a
7 break for any reason, just let
8 us know.

9 A court reporter will
10 record your interview and will
11 later produce a written
12 transcript of the interview.
13 Please try and respond to all
14 questions verbally since the
15 court reporter cannot record
16 non-verbal responses. And
17 also try to keep your voice
18 up. Copies of the written
19 transcripts 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
2 on information that you
3 learned from someone else, let
4 us know. Please answer each
5 question as fully as you can,
6 including any information you
7 have learned from someone
8 else. We may not ask the
9 right question to learn the
10 information that you have, so
11 do not feel limited by the
12 precise question. If you have
13 information about the subject
14 area of a question, please
15 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. Webb, the

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

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MR. O'DONNELL:

Mr. Webb, are you aware that you may have a personal representative present during the taking of this statement?

MR. WEBB:

Yes, I am.

MR. O'DONNELL:

Do you have a representative present with you here today?

MR. WEBB:

Yes, I do.

MR. O'DONNELL:

And who would that be?

ATTORNEY KILPATRICK:

Melanie Kilpatrick.

MR. O'DONNELL:

Has anyone suggested to you that you use this representative?

MR. WEBB:

1 Yes .

2 MR. O'DONNELL:

3 Are you aware that your
4 representative may have a
5 conflict of interest in
6 representing you while
7 provided --- while being
8 provided by someone else, such
9 as the company?

10 MR. WEBB:

11 I'm not really clear on
12 what you mean there.

13 ATTORNEY WILSON:

14 Well, if the company is
15 providing the representative
16 for you, there may be a
17 conflict of interest as far as
18 ---

19 MR. WEBB:

20 Oh, I understand.

21 ATTORNEY WILSON:

22 --- your interest

1 versus the company's. Do you
2 understand that?

3 MR. WEBB:

4 I Understand. Yes,
5 sir.

6 ATTORNEY WILSON:

7 Okay.

8 MR. WEBB:

9 I understand.

10 ATTORNEY WILSON:

11 And are you okay with
12 having Ms. Kilpatrick ---

13 MR. WEBB:

14 Yes, I am.

15 ATTORNEY WILSON:

16 --- as your
17 representative knowing that
18 potential?

19 MR. WEBB:

20 Yes, I am.

21 MR. O'DONNELL:

22 Okay. Have you been

1 pressured in any way to accept
2 this person as your
3 representative?

4 MR. WEBB:

5 No, I have not.

6 MR. O'DONNELL:

7 Okay. Do you have any
8 questions regarding the manner
9 in which the interview will be
10 conducted?

11 MR. WEBB:

12 Not at this time.

13 MR. O'DONNELL:

14 Would you like to swear
15 in Mr. Webb?

16 -----

17 ERNEST WEBB, HAVING FIRST BEEN DULY
18 SWORN, TESTIFIED AS FOLLOWS:

19 -----

20 BY MR. O'DONNELL:

21 Q. Would you please state your
22 full name and spell your last name?

1 A. Full name's Ernest Michael
2 Webb, W-E-B-B.

3 Q. And your address and telephone
4 number, please?

5 A. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. And you are appearing here
9 today voluntarily?

10 A. Yes, I am, sir.

11 Q. How many years of mining
12 experience do you have, Ernest?

13 A. Over 28 years.

14 Q. And could you give us a brief
15 description of your employment
16 history? I mean, just go ---.

17 A. Oh, goodness.

18 Q. You don't have --- you can
19 give us the short version.

20 A. Well, the short version would
21 be I've been in maintenance for 27
22 years and worked at various different

1 mines, most of them in the southern
2 part of the state, West Virginia.

3 Q. And how much time have you
4 spent at the Sago Mine?

5 A. I was hired February the 12th
6 of 2005 by --- at Sago Mine.

7 Q. And what is your present
8 position?

9 A. Maintenance foreman.

10 Q. And how long have you been the
11 maintenance foreman?

12 A. From the day I hired in.

13 Q. Okay. Have you done anything
14 else at the mine, other than being
15 the maintenance foreman?

16 A. Not so far.

17 Q. Okay. Did you hold that same
18 job on January the 2nd, 2006?

19 A. Yes, sir.

20 Q. Were you there the day of the
21 accident?

22 A. No, sir.

1 Q. Okay. Do you have any mining
2 certificates?

3 A. Other than electrical
4 certification certificate and a
5 regular miner's certificate, you
6 know.

7 Q. Okay. All from the State of
8 West Virginia?

9 A. Yes, sir.

10 Q. Any from any other states?

11 A. No, sir.

12 Q. Who is your immediate
13 supervisor?

14 A. Dick Wilfong.

15 Q. And how long has that person
16 been your supervisor?

17 A. Since I hired in.

18 Q. Okay. All easy stuff.

19 A. Yeah.

20 Q. In your capacity as the
21 maintenance foreman, do you counter
22 sign any of the required mine

1 records?

2 A. No, sir.

3 Q. Did you participate in any of
4 the rescue activities that day?

5 A. No, sir, I wasn't there that
6 day.

7 Q. Did you work on the holiday
8 before the accident?

9 A. Yes, sir.

10 Q. What days did you work?

11 A. My regular shift ended January
12 the 1st, Saturday morning at six
13 o'clock, but I was called out to
14 check a pump and some other things on
15 Sunday, January the 1st --- I mean,
16 --- yeah. Let me get my days
17 straight, January 1st.

18 Q. Okay.

19 ATTORNEY WILSON:

20 Just to clarify, you
21 said Saturday the 1st.

22 Saturday was the 31st.

1 A. Saturday was the 31st, yes.
2 You're correct.

3 ATTORNEY WILSON:

4 Okay. So you worked on
5 Saturday a full shift.

6 A. Yeah, I worked the nightshift.

7 ATTORNEY WILSON:

8 Okay. I just wanted to
9 make sure that was clear.

10 A. Yeah, the 31st I worked and at
11 the end of my shift, the morning of
12 the 31st and I went back out January
13 the 1st to correct some problems.

14 BY MR. O'DONNELL:

15 Q. And what is your normal
16 starting time?

17 A. Six o'clock in the evening
18 until six o'clock the following
19 morning.

20 Q. Okay. So when you came out
21 --- let's just talk about Sunday.
22 When you came out Sunday, what ---

1 did you get called out?

2 A. I received a call Saturday
3 evening requesting --- wanting to
4 know if I could come out the next
5 morning for a brief period of time to
6 help to check a pump that they was
7 having keeping running.

8 Q. Who called you?

9 A. Lonnie Short.

10 Q. And who's Lonnie Short?

11 A. I think his capacity is like a
12 shift foreman.

13 Q. Okay. When you worked on
14 Saturday, let's just clear Saturday
15 off, what did you do on Saturday?

16 A. Well, I worked Friday night
17 through Saturday morning.

18 Q. Okay. The midnight shift?

19 A. Yeah, because our vacation
20 started that Saturday morning, our
21 holiday did, so there wasn't --- you
22 know, we ended it Saturday morning.

1 Q. What did you do that day?

2 A. That night?

3 Q. That shift.

4 A. Well, once the crew quit
5 running coal approximately 12 o'clock
6 Friday night, about 12 o'clock Friday
7 night, then we --- I bounced between
8 the two sections. Make sure --- I
9 made sure that the --- what had to be
10 repaired, because they were going to
11 be back in Monday morning to run
12 coal, what was on the work list had
13 to --- you know, make sure it was
14 being done. If there was any other
15 problems, to assist the section
16 electricians or maintenance force on
17 each section to prepare the equipment
18 for the following Monday when
19 production was to resume.

20 Q. So you had spent time in both
21 sections that night?

22 A. Yes. Yes, sir.

1 Q. Do you remember where any of
2 the equipment was parked? Let's talk
3 about First Left.

4 A. First Left I do remember they
5 had backed --- which consists of two
6 miners. I remember they had --- when
7 I was there, which I wasn't there
8 after 2:30 that night, I wasn't --- I
9 went up to Two Left after that time.
10 But at that time, they were planning
11 to back all the equipment up to pass
12 the last open break for the holiday
13 because they did have some
14 accumulation of water that was
15 accumulating in the faces there and
16 they wanted to make sure the
17 equipment wouldn't be exposed to it.
18 But now that I actually seen it ---
19 no, I didn't actually see it. I was
20 told that's what they were going to
21 do.

22 Q. Okay. Just tell me what you

1 saw.

2 A. Well, what I saw while I was
3 on First Left, I saw three shuttle
4 cars parked at the feeder.

5 Q. Okay.

6 A. Both bolting machines. Let's
7 see, the bolting machine was on the
8 right was already backed up past the
9 last open break. And the one on the
10 left was backed up. The miners they
11 were working, the electricians were
12 working on both, doing maintenance on
13 both the miners. And they were the
14 ones that informed me that they were
15 going to be backing equipment on past
16 the last open break or maybe further
17 back, just in case that there was
18 power failure or something and the
19 water might accumulate.

20 Q. Did you typically leave ---
21 was there a charging station in One
22 Left?

1 A. I'm aware that there was a
2 scoop charging station, yes.

3 Q. Do you know if any equipment
4 was left on charge?

5 A. I will give you a secondhand
6 conversation here. The conversation
7 I received was that they was going to
8 knock the power on all ---
9 everything, chargers and everything,
10 except for pumps, if they had any
11 pumps running at that time.

12 Q. Over the holiday, shut ---?

13 A. Yes, sir.

14 Q. Okay. Do you know if that was
15 done?

16 A. No. I didn't ---. Because
17 see they came out and my shifts ends
18 an hour before their shift ends, so
19 therefore, I was outside at six
20 o'clock and then they came, that was
21 after the crew came out, you know,
22 before 7:00, maybe ten minutes before

1 7:00, something like that.

2 Q. Okay. So let's go up into the
3 Second Left section.

4 A. Okay.

5 Q. Were you physically into the
6 Second Left?

7 A. Second Left section, I was
8 there from probably 2:30 'til 25
9 after 5:00, something in that
10 neighborhood.

11 Q. So we could say that the
12 equipment, as you saw it, was the way
13 the equipment was left until ---

14 A. Pretty well so.

15 Q. --- until Monday morning?

16 A. Not unless they moved it after
17 I left for some reason.

18 Q. Was there anything at the end
19 of the track?

20 A. If I remember right, there was
21 a flat car. And I don't remember
22 exactly what was on it. But it

1 seemed like there was a flat car
2 parked there.

3 Q. Okay. And what about the
4 shuttle cars?

5 A. All three shuttle cars was
6 parked on the deck because they
7 rocked dusted the section real heavy
8 and I ran myself and the rest of the
9 maintenance crew out of the face
10 area. We had to go like two blocks
11 behind the power center for about 45
12 minutes to an hour 'til it cleared up
13 and then they --- after the air
14 cleared where we could go back up,
15 that's probably about around five
16 o'clock, then I had given my tools up
17 because I needed to charge my mantrip
18 a little bit before I went outside.
19 It was getting pretty low on charge,
20 I had to make an extra run that night
21 to get a part for First Left after I
22 --- I went to Second Left, I had to

1 leave to go get a part to take to
2 First Left and then go back to Second
3 Left, you know.

4 Q. Okay. And both miners were
5 pulled back?

6 A. What we call our right-hand
7 miner, which is our Number One miner,
8 was --- there was a water hole
9 approximately 80 foot in front of the
10 power center and they had moved the
11 miner between the blocks right above
12 the water hole. You understand what
13 I'm saying?

14 Q. Yeah.

15 A. The other miner, they had
16 backed it back to the same belt,
17 approximately the same location. Of
18 course, they moved it --- well, they
19 had to move it when they rock dusted,
20 you know. So they moved it back so
21 they could rock dust across the face
22 of it.

1 Q. How many scoops do you keep in
2 the section?

3 A. At that particular night, I
4 think there was two scoops on the
5 section.

6 Q. Okay. And what kind of ---
7 what kind of scoops are those?

8 A. Fairchild's.

9 Q. Okay. What about low tracks?

10 A. What's that?

11 Q. Then you don't have them if
12 you don't know what they are.

13 A. Well, your terminology might
14 be applied to something I do know ---

15 Q. No.

16 A. --- and might call something
17 else.

18 Q. But anyway, what other types
19 of equipment are on the section?

20 A. On Two Left, you have your
21 normal, you have two Joy miners, two
22 Fletcher double headed bolt machines,

1 two Fairchild scoops and three Joy
2 --- well, I call them Joy, but other
3 than that, shuttle cars.

4 Q. No personnel carriers or ---?

5 A. Oh, yes. On each section they
6 have a small battery powered
7 personnel carrier.

8 Q. Is it a three wheeler or ---?

9 A. Four.

10 Q. It's a four.

11 A. Damascus.

12 Q. Okay. Do you remember where
13 that was located?

14 A. It was --- on First Left it
15 was located one block behind the
16 power center.

17 Q. Okay.

18 A. Second Left, theirs was I
19 think two blocks behind the power
20 center. I'm not really sure.

21 Q. Okay.

22 A. I'll say in that area.

1 Q. So we're probably within three
2 or four breaks of --- well, the power
3 box is how many breaks outby the
4 loading point?

5 A. Well, the power center is kept
6 behind the loading point.

7 Q. Right. So that would be how
8 many breaks outby the tail?

9 A. Where the mantrip's at?

10 Q. Where the Damascus was at.

11 A. It'd be two, two breaks. Some
12 people call them blocks, two breaks.

13 Q. Yeah. So you recall that it
14 was left pretty close to the section?

15 A. I'm thinking it's in that
16 area. You know that's something I
17 didn't pay too much attention because
18 I have, you know ---.

19 Q. All right. And what about the
20 curtain? You say they rock dusted
21 the whole section.

22 A. Yes, sir.

1 Q. Did they push and dust the
2 whole section? And that's what they
3 were doing cleaning up for the
4 holiday?

5 A. Yes, they was using a rock
6 duster to fit in a scoop bucket and
7 they went completely across the face
8 area, last open break and in across
9 to the --- they even covered up the
10 shuttle cars. They rock dusted in
11 front of the power --- that's what
12 got us, you know, when they got back.
13 They got back there. We had to
14 leave.

15 Q. Could you tell me --- explain
16 how the curtains were left in the
17 section?

18 A. Well, I can explain to you
19 prior to rock dusting, they had all
20 the --- the entries that I were in at
21 that particular time, which would in
22 Number Two entry. I was in Number

1 Three entry. I was in Number Five
2 and Six. And the curtain was up like
3 it should be, ventilation was
4 established. A gentleman bossing
5 that night, his name is Rick. I
6 can't remember his last name. But
7 he's very particular about that. And
8 then like I said, they rock dusted
9 the whole section and they also rock
10 dusted a little bit behind the power
11 center.

12 Q. Do you recall were you in One,
13 Two or Three?

14 A. Face area itself? No, I'm
15 referring to --- I was in last open
16 break. I could see up in Two and
17 Three, Five and Six, I believe. I
18 might have been in --- I might have
19 been up in Four, I can't remember
20 exactly if I did or not.

21 Q. And just briefly, the Number
22 Two and Number Three, do you recall

1 how that was set up?

2 A. When I looked up in there, I
3 seen curtain was run up to the face
4 area. I didn't go up in there and
5 see exactly how far it was. But it
6 was run up into the face area and it
7 was across the crosscut ventilating
8 the face areas.

9 Q. From Number Three to Four?

10 A. The curtain was across the
11 entry ventilating Number Three entry
12 and I can't even tell you about Four
13 because I didn't visually see Four.

14 Q. Okay.

15 A. And like I said, Five and Six
16 I can verify that it was in good
17 shape in that area.

18 Q. Okay. Is there anything that
19 you would like to add about the
20 condition of the Second Left section?

21 A. The condition, other than the
22 water hose that was there about 60,

1 80 foot in front of the power center,
2 which they wanted to --- that was one
3 of the reasons that we was there on
4 Sunday is they wanted that water to
5 be pumped because they gave it time
6 to settle, you know, because the
7 shuttle cars were being run through.

8 Q. On that midnight shift, did
9 you have --- were you the only people
10 in the mine, the maintenance crew,
11 your crew?

12 A. No, sir. You know, as I
13 explained earlier, you had your boss
14 and short crew on each section that
15 night getting the section ready for
16 the following Monday production.

17 Q. And how many men do you have
18 working for you at that --- on that
19 particular shift?

20 A. Let's see, on Second Left that
21 particular night, I had two
22 electricians on First Left. I had

1 two electricians and a trainee on
2 Second Left that particular night.

3 Q. And did they stay in the
4 section the whole time?

5 A. Yes. I was the only one that
6 had to leave to go get a part to take
7 to First Left.

8 Q. Okay. I understand that you
9 had --- there was a temporary shop
10 being ---

11 A. Constructed.

12 Q. --- inby the Second Left
13 switch.

14 A. Yes, sir.

15 Q. Was there any energized
16 equipment in that area?

17 A. No, not that night, other than
18 there was a --- beside the track,
19 there was a charger to charge our
20 battery powered mantrips or rail
21 liners if you want to call them that.

22 Q. Okay. What about a battery

1 charger for --- like scoop chargers
2 or ---?

3 A. No, sir.

4 Q. Do you recall if there was a
5 stopping installed at the end of that
6 track?

7 A. Yes, sir. I had --- that
8 stopping had a door in it and that
9 particular night, I had --- when I
10 returned from taking the part to
11 First Left, I stuck my mantrip on
12 charge for a few minutes there and
13 grabbed me a sandwich and I went and
14 peeked through that door to just see
15 if there had been any parts or wheels
16 or anything had been left between the
17 stopping and the seals that we might
18 need to get, you know. You know,
19 that is part of my job, to keep up
20 the parts.

21 Q. Did you go through the door?

22 A. No. I just opened it up and

1 looked up in that area to see.

2 Q. What did you see?

3 A. Well, I seen, you know, as far
4 as I could see, I didn't see nothing.

5 Q. As far as rock dusting goes?

6 A. Well, there was rock dusting.
7 You know, it's white. It had been
8 rock dusted up in that area.

9 Q. Okay. Have you ever walked up
10 through the seal area at all?

11 A. No, sir. Never. Never been
12 there.

13 Q. Okay. So that would be your
14 only involvement, was looking through
15 the door?

16 A. Yes, sir.

17 Q. And you do recall that it was
18 pretty well rock dusted?

19 A. Yes, sir, as far as I could
20 see.

21 Q. What about to the right, do
22 you know where the I-beam was put in?

1 A. Okay. Let me focus on ---.

2 Q. The straight of ---.

3 A. The only I-beam I'm familiar
4 with is the one that they put in
5 temporary shop before you get to a
6 stopping at the end of the track.

7 Q. Right. Was there also a
8 stopping at the end of that?

9 A. Yes, sir. The intake stopping
10 was there.

11 Q. Okay. Were you involved in
12 any of the recovery of equipment in
13 the old Second Left, that would be
14 inby the seal area? The section ---.

15 A. The ---.

16 Q. Do you want me to point it out
17 on the map?

18 A. The area that you got in gray
19 referring to, the area that we sealed
20 off?

21 Q. We're going to have to go to
22 the map so we can put that ---.

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MR. O'DONNELL:

We'll mark this Webb
Exhibit One.

(Webb Exhibit One
marked for
identification.)

BY MR. O'DONNELL:

Q. That's the area that we ---.

A. Correct.

Q. The Second Left seal area.

Were you involved in any of the
recovery of any of the equipment in
that area?

A. Not other than --- well,
obviously the mine right there
because my shift we had three on and
three off and it was on our three off
day. And the next time I reported
out there wouldn't be any mining in
this area.

Q. You talk about working on
pumps. Were there any pumps in the

1 area?

2 A. When we was driving that
3 section?

4 Q. Yes.

5 A. Well, we always maintained a
6 couple of pumps up in the face.

7 Q. And I take it they were all
8 electric pumps?

9 A. Yes, sir.

10 Q. Not air. Do you use air pumps
11 in the mine at all?

12 A. We use T&T pumps.

13 Q. Okay. Was there any equipment
14 abandoned or left in the area?

15 A. To my knowledge, no, sir.

16 Q. Okay. You can sit down. The
17 main source of power to that area
18 would have been what?

19 A. High voltage.

20 Q. Okay. And is it 7,200?

21 A. 7,200.

22 Q. Okay. And to the best of your

1 knowledge, was it all recovered?

2 A. To the best of my knowledge,
3 yes, sir.

4 Q. What about the --- so you
5 weren't involved in removal of track
6 or any of that?

7 A. No, sir, I wasn't. No.

8 Q. Or any recovery of equipment
9 in the area?

10 A. No, sir.

11 Q. Belt structure, anything like
12 that?

13 A. No, sir.

14 Q. Okay. Now, the next day that
15 you worked.

16 A. Referring to Sunday the 1st.

17 Q. Yes. Okay. What was your
18 involvement --- what was your job
19 that day?

20 A. Mr. Short called me and said
21 he had a problem with a T&T pump that
22 he would like me to come out. And I

1 said, there's no problem. He waited
2 --- he was kind enough to wait until
3 that evening so I had, you know, a
4 little bit of sleep. So I reported
5 out that --- I told him I could be
6 there at seven o'clock so I did. I
7 reported out at 7:00, got dressed and
8 got with him about 7:30 and talked to
9 him a few minutes about what we was
10 going to do. You know, he talked to
11 me about the problems with the pump.

12 Q. Would that be the T&T pump in
13 the Second Left section?

14 A. No. It's the T --- it was the
15 T&T pump that --- I think it was 40
16 --- it was around 46 on Four belt
17 Nine before you get to First Left
18 switch.

19 Q. Okay. And how many people
20 were in the mine that day when you
21 were working?

22 A. The was two motormen, our

1 motormen and his helper, who was
2 ballasting the track, putting gravels
3 on the track.

4 Q. And that's it?

5 A. That's it.

6 Q. And you were the only one that
7 was inby?

8 A. Mr. Short and I, we got on a
9 mantrip. The motor crew went in
10 ahead of us. We proceeded and as
11 soon as I cleared the drift mouth, I
12 called clearance to the road and then
13 we went on.

14 Q. So how long did you work there
15 that day?

16 A. Well, on our way in
17 communication on the trolley phone
18 had stopped and I had a good idea
19 what the problem was, so we proceeded
20 to I think it's Number Ten block or
21 Ten break on Four belt line, it's
22 across from the underground supply

1 storage area that's been built, a
2 simple --- for some reason, a 110
3 receptacle kick, the one that GCGF
4 --- IC --- GFIC it had kicked. We
5 kicked it back on and that
6 established the trolley phone. The
7 underground mine phone was still
8 intact, working fine. Then we went
9 on to the pump, the T&T pump and
10 proceeded to troubleshoot it which
11 was no --- wasn't nothing really
12 major, you know. Got it up and
13 running.

14 Q. What was the problem with it?
15 Was it an electrical issue?

16 A. Well, actually it was a
17 mechanical issue.

18 Q. Okay.

19 A. And it wasn't maintained
20 really. So we repaired it. We got
21 it up and running and then we met the
22 motor crew at First Left switch. Mr.

1 Short asked me if I would run to the
2 end of Two Left track, that he wanted
3 to go up there and kick that pump on
4 and then since the water and mud and
5 everything settle and pump that down
6 then shut it back off, you know,
7 before --- so it'd be in good shape
8 for the following Monday. So we
9 spoke to the motor crew and they said
10 they was going outside and would be
11 back in the Second Left switch to
12 assist Mr. Short if there was any
13 problems. And I said, well, I'll ---
14 just hold up for me, that way I can
15 come on, straight outside, you know,
16 I'll be out of your way. So we
17 proceeded. I took Mr. Short to the
18 end of the track, let him off, asking
19 if he wanted me to help him. He
20 said, no problem, you know. I said,
21 okay, and I called for the road and
22 went back outside. And when I got

1 outside, the --- shortly after that,
2 the motor crew, they went inside.
3 And that was it.

4 Q. Do you know if the power had
5 been shut off then? You said that
6 they were going to de-energize all
7 the face power and just leave pumps
8 ---?

9 A. No, they was going to
10 de-energize all the battery chargers.

11 Q. Okay. The battery chargers.

12 A. Not the actual ---

13 Q. I got you.

14 A. --- power centers.

15 Q. Do you know if they had done
16 that?

17 A. The chargers?

18 Q. Yes.

19 A. Like I said, I was informed
20 that's what they were going to do. I
21 have no firsthand knowledge that that
22 was actually --- that that actually

1 happened.

2 Q. Okay. Do you know if anybody
3 did any cutting or welding or burning
4 the day before the accident or on the
5 31st, the day that you worked the
6 midnight shift? Was any of your
7 people involved in any cutting,
8 welding or burning?

9 A. Mr. Short had me to do a short
10 about five minute tact job on a ---
11 maybe ten minutes at the most on the
12 First Left belt drive.

13 Q. Okay. First Left belt drive?

14 A. Uh-huh (yes). There was some
15 sort of problem with the shoot that
16 shoots the coal down on the belt.

17 Q. So when was your next
18 scheduled day back?

19 A. Let's see, let me think.
20 Well, it would have been Wednesday
21 evening.

22 Q. Okay. Have you had any

1 methane issues in the mine?

2 A. What do you mean?

3 Q. As far as when you're doing
4 your maintenance work, ---

5 A. No.

6 Q. --- are you aware of any
7 maintenance --- or methane problems?

8 A. On the times that we've done
9 cut the welding and took a methane
10 test, we've had, you know, no
11 problems with that. And if there's
12 been other problems, then I am not
13 aware of it.

14 Q. Okay. Are you familiar with
15 that fresh waterline that enters the
16 mine at the belt line, the pit mouth?

17 A. Other than just they get ---
18 you know, knowing where the cutoff
19 valve is at the pit mouth or the main
20 waterline, which they made me, you
21 know, aware of that, in case there
22 was a line busted or something and I

1 was available to turn it off.

2 Q. Would that be the shutoff
3 that's on the same level that the
4 dispatcher building is on?

5 A. No.

6 Q. That's at the top of the pit
7 mouth or ---?

8 A. No. This cutoff valve
9 concerning the fresh water that goes
10 into the mines is right behind their
11 Number One belt drive.

12 Q. Okay. You're talking about
13 the inside cutoff?

14 A. Yes, that's the only one I
15 know about.

16 Q. Okay. Have you had any
17 involvement with the surface fresh
18 waterline or know where it goes?

19 A. No, sir.

20 Q. Okay. But you know it does
21 enter the mine inside the belt drive;
22 right?

1 A. Yes, I am aware of it, yes.

2 Q. And when you left that day,
3 you said that --- did the trolley
4 phone go down while you were working
5 that day or was it down and you
6 repaired it?

7 A. To my knowledge, the motor
8 crew said that --- because I asked
9 the motor crew and they said --- when
10 I talked to them at First Left
11 switch, I remember they said that it
12 had went down when they was going in,
13 because they was using the trolley
14 phone. And so I --- you know, that's
15 all I know about that.

16 Q. But you did repair it?

17 A. Yes.

18 Q. And when you left, ---?

19 A. Yeah, I called for road from
20 Second Left to make sure that the
21 motor crew hadn't started in yet.

22 Q. Do you do any examinations,

1 other than your own personal
2 examinations for cutting and welding,
3 those type tests?

4 A. What do you mean?

5 Q. Doing any pre-shift, on-shift?

6 A. No, sir. I'm not qualified to
7 do that.

8 Q. Okay.

9 MR. O'DONNELL:

10 John, do you have any
11 follow-up questions at this
12 time?

13 MR. COLLINS:

14 If I might, just a
15 couple.

16 BY MR. COLLINS:

17 Q. I missed a little bit. I
18 thought you said that when you were
19 on Two Left, they were going to set a
20 pump inby the feeder to pump some
21 water over the ---.

22 A. In the power entry.

1 Q. First, I thought you said
2 that's why you were going --- you
3 were called out on Sunday.

4 A. No. That's separate. That
5 had been --- that pump was set on
6 Saturday night. It was set on
7 Saturday night and they intended to
8 let the --- whoever's going to be in
9 there --- evidently, they knew
10 someone was going to be in there
11 Sunday, because they wanted to let
12 the water settle, because they was
13 rock dusting that Saturday night.
14 There was no way that you could, you
15 know, pump the water. Then I was
16 called out for a separate issue which
17 was the T&T pump that I was speaking
18 about.

19 Q. That was at 46 block on Four
20 belt?

21 A. I believe --- it's in between
22 40, 46, somewhere in that area on the

1 Four belt line on the left side of
2 the track.

3 Q. Okay. And then on the
4 Saturday when you were up there on
5 your Saturday shift, I think you said
6 as you left Two Left, you charged
7 your mantrip?

8 A. Yes, sir, I charged my mantrip
9 not at Two Left. There's a charger
10 station at the old First Right. But
11 during the night, I had charged at
12 the charger at Two Left.

13 Q. Okay. And is that when you
14 went and looked through the door at
15 the end of the track?

16 A. Yeah, it's somewhere in that
17 area. Like I said, that night my ---
18 I had left my mantrip there at that
19 charging station and walked back to
20 the section after I had to make a run
21 for First Left. And sometime that
22 night is whenever that --- I went in

1 and looked through the door just to
2 make sure we hadn't --- it wasn't
3 anything in there that pertained to
4 maintenance that needed to be got
5 out, a tire or whatever, you know, in
6 that area.

7 Q. Did you notice if there was
8 any power cables running through that
9 man door at the end of the track or
10 ---?

11 A. No, sir. I didn't see any
12 power cables running through the
13 door, through the stopping that
14 night.

15 Q. Did you also check or look ---
16 not check, but look in the area where
17 you're going to build the new shop?

18 A. Yeah, I had looked in there
19 because there was an issue over what
20 size transformer was going to be used
21 and I was looking to see if there was
22 a transformer there.

1 Q. When you were looking around
2 in that area, did you see anything
3 out of the ordinary, such as power
4 still left on a welder or ---?

5 A. The welder was there, but it
6 was not powered up. I know that for
7 a fact, because I reached down to
8 turn it on to see if it was powered
9 up and it wasn't powered.

10 Q. I think you stated, too --- I
11 want to move down to where you reset
12 a breaker on a GFCI breaker at ---

13 A. Yeah.

14 Q. --- 46, Four belt?

15 A. That would --- that is at Ten
16 on Four belt, across from their
17 underground ---.

18 Q. Ten of Four?

19 A. Yeah. That's for the
20 communication on the trolley.

21 Q. Does that power the repeater
22 there at Nine block?

1 A. Yeah, at Nine or Ten, that's
2 what powers the repeater.

3 Q. And when you reset that
4 breaker, the trolley phones then ---?

5 A. Worked fine then.

6 Q. No reason as to why that ---?

7 A. We have no idea why that it
8 --- because see I used it that
9 morning about 25 minutes to 6:00 when
10 I called out that Saturday morning.
11 And then, you know, of course, this
12 is a Saturday and a Sunday morning
13 and we have no --- I don't know if
14 the power --- have any knowledge of
15 the power being off or anything, but
16 it --- for some reason, it was
17 kicked.

18 Q. And back to the original Two
19 Left ---

20 A. Yes, sir.

21 Q. --- you pointed at the map.
22 You know where I'm talking about ---

1 A. Uh-huh (yes).

2 Q. --- the original Two Left? In
3 the face area of old Two Left, was
4 there an electric feed watering pump
5 when they were pulling out of there,
6 as far as you know?

7 A. Not to my knowledge. As far
8 as I know, there wasn't any pump set
9 up in there or any pumps energized in
10 that area.

11 Q. As far as you know, as they
12 were coming back out of there, they
13 did not maintain a pump in the face
14 of that area?

15 A. No, not to my knowledge.

16 Q. Okay.

17 A. Somebody else might know
18 better but I don't.

19 Q. That's all right. Just what
20 you know. So you don't know of a
21 pump being used up there or a cable
22 so therefore, there was no cable

1 coming out of there.

2 MR. COLLINS:

3 I think that's all we
4 have right know, Mr.
5 O'Donnell.

6 MR. O'DONNELL:

7 Okay.

8 MR. COLLINS:

9 Thank you.

10 BY MR. O'DONNELL:

11 Q. Oh, what was your role in the
12 CO monitoring system in the mine?

13 A. I knew of it but I never was
14 involved in installing any of the CO
15 monitors. They had designated
16 another gentleman to do that.

17 Q. Okay. Did you ever do
18 calibration?

19 A. No, sir. I know how but no, I
20 never did do it.

21 Q. Okay. And you --- did you
22 ever on any occasion have to work on

1 it for any reason?

2 A. No, sir, other --- no, sir,
3 other than make sure it was moved up
4 every time that the belt was moved,
5 you know. That was about it.

6 Q. Moved up in what way?

7 A. Well, you know at the end of
8 your --- at the end of your line, you
9 have your monitor and your alarm box
10 to make sure it was moved up, every
11 time the belt line was moved up.

12 Q. Okay. Alarm box, how does the
13 alarm system work? Was it an
14 audible?

15 A. Yes, sir. You have an audible
16 alarm along with your CO monitor
17 that's right there with it, that it
18 goes off, sounds an audible alarm if
19 in case that the CO enter.

20 Q. Was there also a visual?

21 A. There's lights on it, there's
22 a --- if I remember right, there's a

1 light on --- lights on it.

2 Q. And whenever you installed ---
3 when you put that system --- when you
4 had cable, you move it up, how do you
5 determine if it's functional?

6 A. I don't ever ---.

7 Q. Is there a test button on it
8 or ---?

9 A. Yeah, there's a test button.
10 I don't ever remember having to do
11 that. But anyway, there is a test
12 button on the CO monitors and there
13 is a --- it should read zero in fresh
14 air, which you look for. And also
15 there is a test button that you can
16 push on it, and generally it will ---
17 the dispatcher outside will come on
18 and say, you know, what the problem
19 --- because it will alarm his system
20 outside.

21 Q. And you did that whenever you
22 installed it? You do go through that

1 process?

2 A. I don't. Like I said, I don't
3 do that. I have knowledge of it.

4 Q. Okay.

5 A. Now at this mine, I don't do
6 it.

7 Q. Okay.

8 MR. O'DONNELL:

9 Let's take a quick
10 five-minute break and we'll be
11 right back.

12 A. All right.

13 SHORT BREAK TAKEN

14 BY MR. O'DONNELL:

15 Q. Ernest, I have a map here of
16 the Second Left section.

17 A. Yes, sir.

18 Q. And if you would please ---.

19 MR. O'DONNELL:

20 We'll mark this Webb
21 Exhibit Two.

22 (Webb Exhibit Two

1 marked for
2 identification.)

3 BY MR. O'DONNELL:

4 Q. And if you would, we'd like
5 you to use the red marker to to the
6 best of your ---

7 A. Knowledge.

8 Q. --- knowledge, mark down the
9 equipment, the location of the
10 equipment --- what it was and then
11 we'll use the black pen to mark the
12 curtains.

13 A. Okay. Do you want me to
14 include the power center?

15 Q. Yeah. Why don't you start
16 with the power box.

17 A. Okay. This is ---.

18 ATTORNEY KILPATRICK:

19 What was Exhibit One?

20 Oh, did we mark on that?

21 Okay.

22 MR. O'DONNELL:

1 No.

2 ATTORNEY KILPATRICK:

3 But you still want to
4 put it?

5 MR. O'DONNELL:

6 We don't have to.

7 ATTORNEY KILPATRICK:

8 It doesn't matter to
9 me.

10 A. Okay. Our power center would
11 be located right here. And the
12 feeder would be located right here.

13 BY MR. O'DONNELL:

14 Q. All right. That's the tail?

15 A. Right here, yeah.

16 Q. Why don't you, if you would,
17 please, just mark what it is on the
18 side there? You can draw a little
19 arrow to it. Right here. And the
20 Damascus?

21 A. I'm thinking, I'm not really
22 sure, but I'm thinking that it was

1 located in this area. I'm not really
2 certain.

3 Q. Okay.

4 A. I'm not sure.

5 Q. But somewhere in that
6 vicinity?

7 A. I think, yes.

8 Q. Okay. And the shuttle cars
9 you said were ---.

10 A. When I was on the section,
11 well let's see, they moved them to
12 rock dust, but there was one right
13 here.

14 Q. Yeah, you can just put SC.

15 A. Okay. And one right here, one
16 right here.

17 Q. Do you know if they were empty
18 or full?

19 A. At that particular time, they
20 were empty. I just happened to
21 remember.

22 Q. All right. And the two

1 miners.

2 A. Okay. We had right here was
3 the water in question, the water
4 hole.

5 Q. Go ahead you can mark it water
6 hole.

7 ATTORNEY WILSON:

8 H2O.

9 A. That works for me. And this
10 one miner was parked right here. I
11 know that for a fact. It was Number
12 One mine. Okay. And the best of my
13 remembrance --- okay. And I believe
14 --- I believe this miner was back
15 about here.

16 BY MR. O'DONNELL:

17 Q. Okay.

18 A. I'm not certain about this
19 Number Two miner, you know.

20 Q. The pump, okay.

21 A. This wasn't activated at
22 night.

1 Q. Oh, it wasn't?

2 A. No.

3 Q. But there was a pump not
4 energized?

5 A. Right. Because they wanted to
6 settle --- you know, to settle.

7 Q. The charging station.

8 A. Oh, goodness.

9 Q. If you don't know that's all
10 right.

11 A. I'm trying to remember. I
12 don't think I was at the scoop
13 charging station that night.

14 Q. Okay. Do you recall where the
15 scoops were at?

16 A. When I left, they had parked a
17 scoop right here. Of course, the
18 power center is longways, it's
19 actually like this ---

20 Q. Yes.

21 A. --- you know what I mean?
22 They had parked the scoop. I

1 remember seeing a scoop parked right
2 here. The other scoop I have no idea
3 where it was at.

4 Q. Okay. What about the roof
5 bolters?

6 A. Okay. I'm thinking that the
7 --- I can't remember. I can't
8 remember exactly where they were at.
9 It would be a guess.

10 Q. All right. Any other
11 equipment that you recall that I
12 didn't mention?

13 A. That's it, the shuttle cars
14 and ---.

15 Q. Okay. If you would, could you
16 mark the ventilation controls that
17 you remembered?

18 A. Okay. I remember because I
19 went to this miner, I remember this
20 curtain here was up because I had to
21 go through the corner of it. This
22 curtain was up up in here, I remember

1 that. And when I went over through
2 here, let's see ---.

3 Q. Was it all the way up or just
4 what you ---?

5 A. Oh, yeah, it was all --- as
6 far as I could see, it was up in
7 there as far as I can remember.

8 Q. Okay. We'll just mark this as
9 a line curtain.

10 A. Uh-huh (yes). I wasn't over
11 in this

12 Q. Just mark it line curtain.

13 A. Okay.

14 Q. That way we'll know it's all
15 controls.

16 A. I remember --- let's see, let
17 me think how I walked around there.
18 Okay. I remember this one being up
19 in here, too, this Nine curtain.

20 Q. This is the face.

21 A. Okay.

22 Q. I don't think it ---.

1 A. Well, see there was a curtain
2 or a check or something. I better
3 not --- I better not say that because
4 I'm not really sure about that. I do
5 remember this one because I had to go
6 --- I went around here and went to
7 the corner, to go down here at this
8 miner. They was servicing the miner
9 and they had this --- I wanted to
10 look at it, go around, walk around
11 and take a look at it before I left
12 that night. I remember this. I
13 remember there was something ---.

14 ATTORNEY WILSON:

15 I'm sorry. Just so the
16 record is clear, when you say
17 you remember this. You're
18 referring to the curtain just
19 inby the Number Two miner; is
20 that right?

21 A. Yes, sir. I looked up, the
22 curtain was across here. I went to

1 the corner, when I looked up, the
2 curtain was up in there.

3 ATTORNEY WILSON:

4 And would that be the

5 Number ---

6 A. Two.

7 ATTORNEY WILSON:

8 --- Two entry?

9 A. Two entry, yeah.

10 ATTORNEY WILSON:

11 And then the curtain

12 that you drew in the Number

13 Three entry, you're saying

14 you're not sure about that?

15 A. I'm not really sure about

16 that. I do remember that there was

17 something right here, some line

18 curtain across this entry.

19 ATTORNEY WILSON:

20 And that would be the

21 Number 24 crosscut?

22 A. Uh-huh (yes).

1 ATTORNEY KILPATRICK:

2 Do you want to have him
3 put a question mark on that
4 curtain in the Three entry?

5 A. Yeah, because I'm not really
6 certain. I was over --- let's see,
7 there was --- this miner sitting
8 right here, there was a check curtain
9 across here, fly pads. I remember
10 that, there was fly pads across here.

11 MR. O'DONNELL:

12 Do you know what, could
13 you just draw a line and tell
14 what they are?

15 A. All right. I remember that
16 clear, that miner was sitting right
17 there and the fly pads was there.

18 ATTORNEY WILSON:

19 That's the Number One
20 miner that you drew?

21 A. Number One miner, yeah.

22 BY MR. O'DONNELL:

1 Q. In Number Five entry?

2 A. Number Five entry.

3 Q. And you also indicated another
4 fly pad at Number Four; is that
5 right?

6 A. If I remember right, there
7 was, yeah.

8 Q. Okay. Just mark it in there
9 if you would.

10 A. Okay. Let's see now, there's
11 the pump one over, there's the charge
12 line. It seemed like there was a
13 sump --- let's see, --- okay, I know
14 that there was a line curtain. Let's
15 see, let me make sure I'm right,
16 because I remember they had ran a
17 discharge line from this pump over in
18 this area to a sump. There's a sump
19 over here in this area somewhere.
20 And I walked the line and I had to go
21 through a check curtain or something.
22 I'm trying to remember if it was a

1 check or if it was actually --- and
2 that's what I was referring to
3 earlier. I seen curtain in Five and
4 Six. Let me make sure. Okay. There
5 was a curtain behind the power
6 center. Let's do it this way.

7 Q. Yeah.

8 A. Let's just do it this way.
9 Okay. There was curtain and fly pads
10 across here. I'm going to put down
11 what I remember.

12 Q. That's good.

13 A. Okay. And there was fly pads
14 here, you know, across here. I'm not
15 sure about the check. It seemed like
16 there was a check curtain here but
17 I'm not definite about that, behind
18 the feeder. Let me think here. I
19 believe there was a --- some sort of
20 check curtain across the back of Nine
21 feeder.

22 ATTORNEY WILSON:

1 Check is fine.

2 A. Okay. As long as you
3 understand. Okay. Because I
4 remember I went through this for
5 sure. I went through that one.

6 ATTORNEY WILSON:

7 And that's One, Two,
8 Three, Four, Five, Six, Number
9 Six entry?

10 A. Yes, across here. I remember
11 walking through that that night.
12 Definitely remember walking through
13 this one.

14 BY MR. O'DONNELL:

15 Q. That would be Five?

16 A. Uh-huh (yes). And something
17 there I did or something anyway, that
18 I looked and I seen this one across
19 there, that particular time. I'm
20 pretty sure, Number Three was
21 curtained and behind the feeder had a
22 check across it and Five --- I mean,

1 Four. And then Five, I know that for
2 a fact. And I know that this was
3 there for a fact at Number Six.

4 Okay. And this pump was here. There
5 was a discharge across here.

6 Q. You refer to the discharge
7 that ---?

8 A. From the pump.

9 Q. And the pump is located in
10 Number Five?

11 A. Number Five, the pump right
12 here.

13 Q. And the discharge runs in
14 crosscut 24 extending over to ---?

15 A. There was some sort of sump or
16 something over here.

17 Q. Near Seven?

18 A. Yeah, near Seven there was a
19 sump that they had put in this area.
20 That's where that pump was
21 discharging to.

22 Q. Okay.

1 A. Okay. Let's see now. And
2 like I said, I remember that this
3 discharge line went through a check
4 curtain or something right in here.

5 Q. Okay.

6 A. Because I had to go --- I went
7 --- I was tracing out the discharge,
8 I remember that.

9 Q. And you refer to the crosscut
10 24 between Number Five and Six?

11 A. Yeah, it was either that ---.

12 Q. Between Six and Seven?

13 A. Let me think here, make sure.
14 It was either that or it was over
15 here. I remember going through it,
16 but I can't remember the exact
17 location.

18 Q. That's okay. Just what you
19 remember.

20 A. I'm going to question that.
21 I'm going to put a question there,
22 because I'm not really --- I can't

1 remember. When you got so many
2 things you're taking care of, you
3 don't --- you know, this is not a
4 particular detail that I'm --- in my
5 category that I'm looking for.

6 Q. Right. You're involved with
7 the equipment ---

8 A. Exactly.

9 Q. --- and that's why you're much
10 better with the location of the
11 equipment. If that's all you can
12 remember, that's fine.

13 A. This doesn't --- I mean, the
14 map doesn't seem right to me. Well,
15 the best I can remember, that's all
16 that I can remember being there, just
17 like that.

18 Q. Okay.

19 A. Like I said, I've got two
20 questions because I'm not really sure
21 I remember. I don't remember exact
22 location of that.

1 Q. It's better you only put what
2 you remember and not what you think
3 was there. It's better.

4 A. I'll put question marks there.

5 Q. Okay. We're going to leave it
6 here. If you ---.

7 A. Let me look at this just for a
8 minute.

9 Q. You take your time.

10 A. That's about --- that's all I
11 can remember right now.

12 Q. Okay. That's good. Okay.
13 Back to Exhibit One. The two
14 stoppings that you said that you
15 looked --- the one stopping you said
16 you looked through, ---

17 A. Yes, sir.

18 Q. --- could we mark that one?

19 A. Okay.

20 ATTORNEY KILPATRICK:

21 Do you want to take the
22 microphone over? Okay. We

1 will.

2 BY MR. O'DONNELL:

3 Q. We're at Webb Exhibit One.

4 A. This is all tracking here.

5 Q. And you're referring to inby

6 58 crosscut?

7 A. That should be right there.

8 Oh, yeah. Okay. Fifty-nine (59),

9 okay, the tracking all up in here,
10 that short distance. Okay if I mark?

11 Q. Yeah, that's your map. You
12 can have it.

13 A. I don't want it.

14 Q. We're keeping it, but you can
15 mark on it.

16 A. Okay. And then that's the
17 door.

18 Q. Okay. Why don't you just put
19 an arrow? There you go and write
20 down ---.

21 A. Okay. That's the door I
22 opened up and looked through. And I

1 could see over in this general area
2 right here. I never actually
3 physically went through the door, I
4 just opened it up and looked up in
5 there in this area. Like I said, I
6 was looking to see if there was any -
7 -- because, you know, the track had
8 extended up in here until we pulled
9 it back. And at one time, we did
10 have some supplies in there.

11 Q. Do you recall where the end of
12 the track was then?

13 A. The end of the track was
14 approximately, I'd say, somewhere
15 between Four and Five and at the end
16 of the track was a stopping.

17 Q. Just draw a line to mark the
18 end of the track. Did you look at
19 the other stoppings?

20 A. No, not that particular night.

21 Q. Did the air hit you in the
22 face or did it go through the door?

1 A. I wasn't paying attention. I
2 just opened the door up, glanced up
3 in there and ---.

4 Q. Okay. You talked about the
5 oxygen tanks on the Second Left. Did
6 you say --- no, you didn't.

7 A. No, I never said anything
8 about any oxygen tanks.

9 Q. Okay. Do you remember that
10 there were oxygen tanks in the Second
11 Left section?

12 A. Yes, sir, there was acetylene
13 oxygen on the section.

14 Q. Okay. Do you know if they
15 were empty or full?

16 A. I believe that one of the
17 electricians told me that night that
18 they were empty.

19 Q. They were empty. How do they
20 usually mark the oxygen tanks empty?

21 A. They wrap tape around them and
22 they take some sort of chalk or

1 something and write EMT or empty, you
2 know.

3 Q. And that's how they do it?

4 A. Uh-huh (yes). But generally,
5 they just wrap the tape around the
6 top of it, which always the custom of
7 that --- know that that means empty.

8 Q. Okay. Good. Do you have any
9 idea what time that you fixed the
10 trolley phone?

11 A. Okay. Let me see, we --- I
12 think it was about 7:30 that we
13 started underground. The motor crew
14 was ahead of us. It takes
15 approximately eight minutes to ten to
16 get from where we was at to where the
17 problem was at, so in a ballpark, 15
18 to 10 minutes 'til 8:00, something
19 like that, Sunday morning.

20 Q. Sunday morning. And when was
21 the last time that you heard it or
22 used it?

1 A. I used it at 25 'til 6:00
2 Saturday morning, Saturday morning
3 when I called for clearance for the
4 road. And then I was in the dispatch
5 office when I heard the other crews
6 call when they were coming out
7 between 6:30 and 7:00.

8 Q. 6:30 and 7:00 ---

9 A. Saturday morning.

10 Q. --- Saturday morning?

11 A. Uh-huh (yes).

12 Q. So after you fixed it on ---

13 A. Sunday morning.

14 Q. --- Sunday morning ---?

15 A. I used it again about --- oh,
16 somewhere between 11:30 and 12:00
17 when I called for the road to make
18 sure --- from Two Left to make sure
19 that motor crew hadn't started in on
20 it yet.

21 Q. Okay.

22 A. I mean, I had places to get

1 out of the way but I just like to
2 have a straight shot out.

3 Q. So that was the last time you
4 used it or heard that it was in
5 operation?

6 A. Right.

7 Q. Okay.

8 A. The trolley phone?

9 Q. Yes.

10 MR. O'DONNELL:

11 John, do you have any
12 follow-up questions right now?

13 MR. COLLINS:

14 Just one real quick.

15 BY MR. COLLINS:

16 Q. Mike, you said you looked
17 through the door at the end of the
18 track to see if there was any
19 maintenance stuff left?

20 A. Yeah. You know, I heard that
21 there was a bolt machine tire that
22 was missing. We had a bolt machine

1 over, they hadn't been scheduled at
2 that time yet for our annual. I had
3 had annual retraining prior to coming
4 to that mine.

5 Q. Uh-huh (yes). And your
6 electrical retraining?

7 A. It's up to date. I had
8 electrical. As soon as I hired in,
9 they sent me to electrical class.
10 And even though my card was still
11 good, they sent me to another
12 electrical class and updated my card.

13 OFF RECORD DISCUSSION

14 BY MR. O'DONNELL:

15 Q. Have you ever been searched
16 for smoking articles?

17 A. Yes.

18 Q. And have you ever observed
19 anyone smoking underground?

20 A. No, sir.

21 Q. At this mine.

22 A. At this mine.

1 Q. Have you found any smoking
2 articles underground?

3 A. No, sir.

4 Q. Has anyone offered you
5 anything or made you a promise in
6 exchange for you appearing here
7 today?

8 A. No, sir.

9 Q. Would you like to add --- is
10 there anything you would like to add
11 or that's relevant to the
12 investigation?

13 A. No, sir. You have all the
14 information I have available.

15 MR. O'DONNELL:

16 On behalf of MSHA, I
17 want to thank you for
18 appearing and answering
19 questions today. Your
20 cooperation is very important
21 to the investigation as we
22 work to determine the cause of

1 the accident.

2 We ask that you not
3 discuss your testimony with
4 any person who may have
5 already been interviewed or
6 who may be interviewed in the
7 future. This will ensure that
8 we obtain everyone's
9 independent recollection of
10 the events surrounding the
11 accident. After questioning
12 other witnesses, we may call
13 you if we have any other
14 follow-up questions that we
15 feel that we need to ask you.
16 If at any time you have
17 additional information
18 regarding the accident that
19 you'd like to provide to us,
20 please contact us at the
21 contact information that we
22 gave you.

1 The Mine Act provides
2 for certain protections to
3 miners who provide information
4 to MSHA, and as a result, are
5 treated adversely. If at any
6 time, you believe that you've
7 been treated unfairly because
8 of your cooperation in this
9 investigation, you should
10 notify MSHA immediately.

11 If you wish, you may go
12 back now over your answers
13 during this interview and you
14 may also make a statement.

15 A. Is there any more questions?
16 Is there anything I've said that's
17 not been clear that I need to clear
18 for you?

19 MR. O'DONNELL:

20 Just that you ---
21 whatever you feel you might
22 want to go back and clear up

1 or make a statement. Anything
2 that you would like to say
3 about the investigation.

4 A. I have no statement at this
5 time.

6 MR. O'DONNELL:

7 Again, I'd like to
8 thank you for your
9 cooperation. Appreciate you
10 coming forward. Thanks,
11 Ernest.

12 * * * * *

13 SWORN STATEMENT

14 CONCLUDED AT 12:10 P.M.

15 * * * * *

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Scale: 1" = 100'

Area Shown on Map
Scale: 1" = 50'



End of Mining
BJM Coal Company, Inc.
11/15/2001

MG GPS Well Location (Prod. Gas)
47-097-01262 (5/06/04)

ADVERSE CONDITIONS
ENCOUNTERED
End of Mining
PMS 3-20-2002

Surveyed Well Location (Prod. Gas)
47-097-01250 (1/06/05)

Well Location (Prod. Gas)
47-097-01251 (1/06/05)

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