

STATEMENT UNDER OATH  
OF  
HARRISON TYRONE COLEMAN

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  
Court, 324 West Main Street,  
Clarksburg, West Virginia on  
Monday, February 21, 2006, at 1:47  
p.m.

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

2

3       DENNIS J. SWENTOSKY

4       Supv. MS&amp;H Specialist (Ventilation)

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2

3

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

5

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I N D E X

INTRODUCTION 6 - 16

WITNESS: HARRISON TYRONE COLEMAN

QUESTIONS

By Mr. Swentosky 16 - 80

By Mr. Mills 80 - 87

By Mr. Collins 87 - 95

By Mr. Swentosky 96 - 130

CERTIFICATE 131

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EXHIBIT PAGE

PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
One	Mr. Coleman's Business Card	18

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P R O C E E D I N G S

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MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me here is Tim

1 Williams of the Solicitor's  
2 Office, John Collins and Brian  
3 Mills with the West Virginia  
4 Office of Miners' Health,  
5 Safety and Training.

6 I have been assigned to  
7 conduct an investigation into  
8 the accident that occurred at  
9 the Sago Mine on January 2nd,  
10 2006, in which 12 miners died  
11 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  
19 interviews are an important  
20 part of the 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.

5                         After the investigation  
6           is completed, MSHA will issue  
7           a written report detailing the  
8           nature and 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.

16                        Information obtained  
17          through witness interviews is  
18          frequently included in those  
19          reports. Your statement may  
20          also be used in other  
21          enforcement proceedings.

22                        I would like to thank

1           you in advance for your  
2           appearance here today. We  
3           appreciate your assistance in  
4           this investigation. The  
5           willingness of miners and mine  
6           operators to work with us is  
7           critical to our goal of making  
8           the nation's mines safer.

9                        We understand the  
10           difficulty for you in  
11           discussing the events that  
12           took place and we greatly  
13           appreciate your efforts to  
14           help us understand what  
15           happened.

16                       This interview with Mr.  
17           Tyrone Coleman is being  
18           conducted under Section 103(a)  
19           of the Federal Mine Safety &  
20           Health Act of 1977 as part of  
21           an investigation by the Mine  
22           Safety and Health

1 Administration and the West  
2 Virginia Office of Miners'  
3 Health, Safety & Training into  
4 the conditions, events and  
5 circumstances surrounding the  
6 fatalities that occurred at  
7 the Sago Mine, owned by  
8 International Coal Group in  
9 Buckhannon, West Virginia, on  
10 January 2nd, 2006. This  
11 interview is being conducted  
12 at the U.S. Bankruptcy Court  
13 in Clarksburg, West Virginia  
14 on February 21st, 2006.

15 Questioning will be  
16 conducted by representatives  
17 of MSHA and the Office of  
18 Miners' Health, Safety &  
19 Training.

20 Mr. Coleman, this  
21 interview will begin by my  
22 asking a series of questions.

1           If you do not understand a  
2           question, please ask me to  
3           rephrase it. Feel free at any  
4           time to clarify any statements  
5           that you make in response to  
6           the questions. After we have  
7           finished asking questions, you  
8           will also be given an  
9           opportunity to make a  
10          statement and provide us with  
11          any other information that you  
12          believe may be important.

13                        If at any time after  
14                        the interview, you recall any  
15                        additional information that  
16                        you believe may be useful in  
17                        the investigation, please  
18                        contact Richard Gates at the  
19                        phone number and e-mail  
20                        address provided to you. And  
21                        here is his business card with  
22                        that information.

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MR. COLEMAN:

Thank you.

MR. SWENTOSKY:

Your statement is completely voluntary. You may refuse to answer any question, or you may choose to terminate the interview at any time. If you need a break at any time, just let me know.

The court reporter will record your interview and will later produce a written transcript of the interview. Please try and respond to all questions verbally since the court reporter cannot record non-verbal responses. Also please try to keep your voice up. Copies of the written transcripts will be available at a later date.

1                   If any part of your  
2                   statement is based not on your  
3                   own first-hand knowledge, but  
4                   on information that you  
5                   learned from someone else,  
6                   please let us know. Please  
7                   answer each question as fully  
8                   as you can, including any  
9                   information that you have  
10                  learned from someone else.

11                  We may not ask the  
12                  right questions to learn the  
13                  information that you have, so  
14                  do not feel limited by the  
15                  precise question asked. If  
16                  you have information about the  
17                  subject area of a question,  
18                  provide us with that  
19                  information.

20                  At this time, Mr.  
21                  Collins, do you have anything  
22                  you would like to add on

1           behalf of the Office of  
2           Miners' Health, Safety &  
3           Training?

4                           MR. COLLINS:

5                           Yes. Mr. Coleman, the  
6           West Virginia Office of  
7           Miners' Health, Safety &  
8           Training is conducting this  
9           interview session jointly with  
10          MSHA and are in agreement with  
11          the procedures outlined by Mr.  
12          Swentosky for the interviews  
13          being conducted here today.

14                          But the Director  
15          reserves the right, if  
16          necessary, to call or subpoena  
17          witnesses or require the  
18          production of any record,  
19          document, photographs or other  
20          relevant materials necessary  
21          to conduct this investigation.  
22          After the interview, if

1           there's additional questions  
2           or you'd like to provide  
3           information, here's a card for  
4           Mr. Brian Mills.

5                     MR. COLEMAN:

6                     Thank you.

7                     MR. COLLINS:

8                     Thank you, Mr. Coleman.

9                     MR. SWENTOSKY:

10                    Mr. Coleman, are you  
11                    aware that you may have a  
12                    personal representative during  
13                    the taking of this statement?

14                    MR. COLEMAN:

15                    Yes, sir, and I do.

16                    MR. SWENTOSKY:

17                    And who might that be?

18                    MR. COLEMAN:

19                    Mr. Marco Rajkovich, my  
20                    attorney.

21                    ATTORNEY RAJKOVICH:

22                    Let me just state for

1           the record, too. Mr. Coleman  
2           is here in his individual  
3           capacity today to testify to  
4           any facts he knows, but he is  
5           not authorized on behalf of  
6           the company to speak for the  
7           company.

8                           MR. SWENTOSKY:

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

12                          MR. COLEMAN:

13                          Myself.

14                          MR. SWENTOSKY:

15                          Okay. Are you aware  
16                          that the representative may  
17                          have a conflict of interest in  
18                          representing you while being  
19                          provided by someone else, such  
20                          as the company?

21                          MR. COLEMAN:

22                          I see no conflict.

1                   MR. SWENTOSKY:

2                   Okay. Have you been  
3                   pressured in any way to accept  
4                   this person as your  
5                   representative?

6                   MR. COLEMAN:

7                   No.

8                   MR. SWENTOSKY:

9                   With that  
10                  understanding, do you still  
11                  choose to have this person as  
12                  your representative?

13                  MR. COLEMAN:

14                  Most certainly.

15                  MR. SWENTOSKY:

16                  Do you have any  
17                  questions in regard to the  
18                  manner in which the interview  
19                  will be conducted before we  
20                  get started?

21                  MR. COLEMAN:

22                  Not at this time.

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MR. SWENTOSKY:

Okay. Could you swear  
in Mr. Coleman, please?

-----

HARRISON TYRONE COLEMAN, HAVING FIRST  
BEEN DULY SWORN, TESTIFIED AS  
FOLLOWS:

-----

ATTORNEY RAJKOVICH:

I just assume, too,  
everybody in the room is in  
the investigation team?

ATTORNEY WILLIAMS:

That's correct.

MR. MILLS:

That's correct.

ATTORNEY RAJKOVICH:

Thank you.

BY MR. SWENTOSKY:

Q. Could you please state your  
full name and spell your last name  
for us, please?

1 A. Harrison Tyrone Coleman,  
2 C-O-L-E-M-A-N.

3 Q. And could you give us your  
4 address and telephone number, please?

5 A. [REDACTED]

6 [REDACTED]

7 I would rather not give you my phone  
8 number.

9 Q. Okay.

10 ATTORNEY WILLIAMS:

11 This is your business,  
12 is that right?

13 A. Yes.

14 ATTORNEY WILLIAMS:

15 Can we go off the  
16 record a second?

17 OFF RECORD DISCUSSION

18 BY MR. SWENTOSKY:

19 Q. Are you appearing here  
20 voluntarily today?

21 A. Yes, sir.

22 Q. And do you have a business

1 card or some information?

2 A. Yes, sir. It's got my  
3 business contact information.

4 Q. Okay. Thank you.

5 MR. SWENTOSKY:

6 We'll call that Exhibit  
7 One.

8 (Coleman Exhibit Number  
9 One marked for  
10 identification.)

11 BY MR. SWENTOSKY:

12 Q. And could you give a brief  
13 description of your coal mine  
14 employment history, please?

15 A. I started in the mining  
16 industry in 1978 with the United  
17 States Steel Corporation while I was  
18 still in high school. I worked as a  
19 miner 1978 through 1989 at various  
20 positions, hourly and salary,  
21 production, construction and with an  
22 emphasis on health, safety and

1 training.

2 1989 I took a position as mine  
3 safety instructor with the State of  
4 West Virginia Department of Energy,  
5 which is now the West Virginia Office  
6 of Miners' Health, Safety & Training.  
7 And throughout my mining career, I  
8 was a mine rescue team member, mine  
9 rescue team trainer. And with the  
10 state, I was a mine rescue team  
11 trainer and assisted with mine  
12 emergency operations. And I have a  
13 background in mining education and  
14 training. Currently hold various  
15 mining certifications and licenses.

16 Q. Okay.

17 A. For ICG, I'm the manager of  
18 safety for West Virginia and  
19 Maryland.

20 Q. And that was my next question,  
21 what is your present position. Okay.  
22 And just for the record, what is the

1 name of the company you're employed  
2 by?

3 A. International Coal Group.

4 Q. Okay. And that's the full  
5 name of the company?

6 A. To the best of my knowledge.

7 Q. Okay. Sounds good. And  
8 again, how long have you worked in  
9 your present position?

10 A. Since July 27th, 2005.

11 Q. And you've been associated  
12 with the Sago Mine since that date?

13 A. Yes, sir, along with others  
14 within the division as well.

15 Q. Okay. And could you kind of  
16 just describe your normal job duties?

17 A. My emphasis is to manage the  
18 safety program for ICG, along with  
19 the existing program that was there  
20 prior to ICG taking over. I set up  
21 education and training classes,  
22 conduct education and training

1 classes, along with certification  
2 training classes, EMT, mine foreman,  
3 shot fires, such as that.

4 Q. Okay. And what other mine are  
5 you associated with in your position?

6 A. Sycamore, Sycamore II,  
7 Imperial, Sago, Sentinel, Sawmill  
8 Prep Plant, Sentinel Prep Plant,  
9 Vindex, Patriot, those are surface  
10 mines. Stony, underground mine.  
11 That's it so far.

12 Q. Okay. That's plenty. And did  
13 you hold the same position on January  
14 2nd, 2006, the day of the accident?

15 A. Yes, sir, I did.

16 Q. Okay. Did you work on the day  
17 of the accident?

18 A. No, sir, I was off that day.

19 Q. Okay. And what I want to do  
20 is ask you some questions concerning  
21 the post-explosion activities.

22 A. Yes, sir.

1 Q. Okay. Can you tell us when  
2 you first learned of the explosion at  
3 the Sago Mine?

4 A. It was approximately 7:30 a.m.  
5 or thereabouts to the best of my  
6 knowledge. Jerry Waters come to my  
7 residence and notified me that there  
8 was a --- they hadn't been able to  
9 get in touch with the underground  
10 crew.

11 Q. Okay. And who is Jerry  
12 Waters?

13 A. He is our purchasing director.

14 Q. And when you say purchasing  
15 director, is that for Sago Mine or is  
16 that for the company or ---?

17 A. I don't know.

18 Q. Okay. And what information  
19 did he give you at your residence?

20 A. It was really very sketchy.  
21 He said that there was --- something  
22 happened at Sago and I needed to get

1       there and see what's what. They was  
2       unable to get ahold of the men  
3       underground.

4       Q.       Okay. And to your knowledge,  
5       did they try your phone at your  
6       residence or ---?

7       A.       I don't know. There was a ---  
8       I didn't get any calls. My beeper  
9       and cell didn't go off. But there  
10      was a huge storm that morning, so I  
11      don't know if that had anything to do  
12      with it or not. But he came and  
13      knocked on my door.

14      Q.       Starting when you first  
15      learned of the explosion, can you  
16      tell us as much as you can remember  
17      about the activities and follow  
18      through until the time the rescue  
19      efforts were completed. Just kind of  
20      give us a little description.

21      A.       En route, I called Johnny  
22      Stemple, who is my assistant, and

1       told him to go ahead and activate ---  
2       put the mine rescue teams on standby.  
3       He said he had already done so. And  
4       I called the mines while en route.  
5       I'm probably 20 minutes away from my  
6       residence to Sago, plus or minus ten  
7       minutes. I was trying to get  
8       information while I was going.

9               I had contacted the mines and  
10       they said that some of the  
11       supervisors had went underground to  
12       ascertain why they couldn't  
13       communicate, you know, with the men.

14               And when I arrived at the mine  
15       site, the men had already gotten out.  
16       And basically they said that they  
17       felt pressure and some sort of a ---  
18       they said there was some debris. It  
19       sounded like they experienced some  
20       sort of blast or percussion or  
21       concussion.

22               Got on the mine phone and

1       couldn't get ahold of nobody.    And  
2       started notifying the state and MSHA.  
3       And in fact, I had told John Stemple  
4       to do that, and he had some  
5       difficulty because it was a holiday,  
6       but they had already called and left  
7       numbers.

8                 And the first mine rescue team  
9       that got on site was Barbour County.  
10       MSHA had --- Johnny had informed me  
11       that MSHA had issued a verbal (k)  
12       order.    Johnny Stemple.    I don't  
13       remember which inspector it was who  
14       said we was under a (k) at that time.

15                 Then they started arriving.  
16       And we started, you know, just  
17       working the rescue.    When the backup  
18       teams got there, you know, we started  
19       monitoring the fan --- excuse me, the  
20       return, because it's a blow-in  
21       system, and monitoring constituent  
22       levels and just started getting

1 resources to come that way.

2 And we was waiting to see what  
3 type of --- what the constituents  
4 were going to do as far as go up, go  
5 down, what the case may be, because  
6 we didn't know what we was going to  
7 have.

8 Then when they got outside and  
9 surfaced, Jeff Toler, Al Schoonover,  
10 Owen Jones, I think there was maybe  
11 one or two more, but that's what I  
12 can remember, and they said that, you  
13 know, they had gotten to as far as 58  
14 block and had encountered smoke and  
15 debris. And at that time, they  
16 elected to withdraw and we started  
17 working rescue.

18 Q. Okay. I wanted to started  
19 back again and start filling in ---

20 A. Sure.

21 Q. --- some blanks that I might  
22 have and as we go through. So then

1       when you --- after Mr. Waters had  
2       notified you at home, then did you  
3       make any calls before you left your  
4       residence?

5       A.       No. I did everything en  
6       route.

7       Q.       Okay. And the first person  
8       that you called was who?

9       A.       John Stemple.

10      Q.       John Stemple. And ---.

11      A.       Because Johnny --- the reason  
12      why, because Jerry said for me to  
13      call Johnny. And I called him and he  
14      had --- I don't remember who he had  
15      talked to, but said that they ---  
16      said the outside man said that he  
17      couldn't get ahold of them and that  
18      the power had knocked. And that he  
19      had --- because I had told John to  
20      stay at home and just start getting  
21      resources coming that way. And I  
22      told him to keep a timeline because I

1 was going to work the rescue and be  
2 the hands-on part.

3 Q. Okay.

4 A. And I'm glad I did that, too,  
5 because he was more productive there.

6 Q. Okay. So then you --- on your  
7 travels to the mine, you talked to  
8 Mr. Stemple, as you just described.  
9 Did you make any additional calls  
10 while en route to the mine?

11 A. I'm sure I did, but I called  
12 --- I called so many different people  
13 just to say, hey, look, give you a  
14 heads up, we may have an event. Then  
15 we got --- there was a time there  
16 when early on when we had trouble  
17 getting there, getting information to  
18 the mines because everybody was  
19 calling in and calling out.

20 Q. Okay. Just on your route to  
21 the mine in your vehicle, Mr. Stemple  
22 and you don't recall who else you

1 might have called?

2 A. I called Chuck Dunbar, just to  
3 give him a heads up and he said he  
4 was either almost there or there, one  
5 of the two.

6 Q. So he was already aware of the  
7 situation when you spoke to him?

8 A. Well, I don't know how much  
9 aware he was, but he knew we had an  
10 event.

11 Q. Event, okay.

12 A. Something happened.

13 Q. Okay. He was going to the  
14 mine because of the ---

15 A. Yes.

16 Q. --- whatever situation it was?

17 A. Yes.

18 Q. Okay. And approximately what  
19 time did you leave home? Do you  
20 recall?

21 A. To the best of my knowledge,  
22 I'm going to say maybe five or ten

1 minutes, 7:35, 7:40.

2 Q. Okay. I understand.

3 A. I just threw my clothes on and  
4 went straight out the door.

5 Q. And after you had spoken to  
6 Mr. Dunbar then, do you recall any  
7 other phone calls that you made  
8 before getting to the mine?

9 A. No, sir, not right off I  
10 don't.

11 Q. Okay. And who did you speak  
12 to first when you arrived at the  
13 mine?

14 A. I don't remember who first. I  
15 know Carl Crumrine, the outside guy.  
16 I mean, ---.

17 Q. Okay. Do you recall what time  
18 you did arrive at the mine?

19 A. Not specifically, but it's a  
20 20-minute drive, because I was  
21 concentrated on getting resources ---

22 Q. Sure.

1 A. --- and getting people to come  
2 that way.

3 Q. Sure. I understand.

4 A. After I called Mr. Dunbar ---  
5 I want to back up a little bit.

6 Q. Sure.

7 A. I had called Raymond Coleman,  
8 who's the production coordinator ---  
9 he lives in Pocahontas County --- to  
10 start to head that way.

11 Q. And Raymond Coleman, you say  
12 production ---

13 A. Coordinator.

14 Q. --- coordinator. Is that for  
15 just Sago Mine or for the company?

16 A. He's over that division.

17 Q. Okay.

18 A. He's my counterpart.

19 Q. Okay.

20 ATTORNEY WILLIAMS:

21 You said division a few  
22 times. I wanted to be clear.

1           Are you talking about Maryland  
2           and West Virginia, that  
3           division?

4           A.       No.   No, sir.   The Buckhannon  
5           division is made up, at that time, of  
6           Sago, Sycamore, Sentinel and the two  
7           plants.   At that time.

8           BY MR. SWENTOSKY:

9           Q.       That was on the day of the  
10          accident?

11          A.       Yes, sir.

12          Q.       Okay.   And when you referred  
13          previously to division, that's what  
14          you ---

15          A.       Yes, sir.

16          Q.       --- meant by division?

17          A.       Yes, sir.

18          Q.       Okay.   And Mr. Raymond  
19          Coleman, he is the production manager  
20          for that division ---

21          A.       Yes.

22          Q.       --- that you've just

1 described?

2 A. Yes.

3 Q. Okay. And did you notify  
4 MSHA?

5 A. Did I? No. I didn't because  
6 John Stemple had said that he had  
7 taken care of that.

8 Q. Okay. Did he say who he  
9 notified?

10 A. Sir, if he did, I don't  
11 remember, because I just said, you  
12 know, make sure that the notification  
13 gets taken care of.

14 Q. Did he notify the state?

15 A. I was told that he did.

16 Q. Okay. And do you know who he  
17 notified for the state?

18 A. No, sir.

19 Q. Okay.

20 A. At that time, I was focused on  
21 ascertaining what the event was and  
22 the people.

1 Q. Yes. And I do realize all  
2 that, but you know I'm just trying to  
3 ---

4 A. Yes, sir.

5 Q. --- find out if you recall the  
6 certain events.

7 A. Yes.

8 Q. I just like to check at least.  
9 Okay.

10 So you don't know who in those  
11 two agencies, MSHA and the state,  
12 that he --- that Mr. Stemple  
13 notified?

14 A. No, sir.

15 Q. Okay. And would you happen to  
16 know whether he notified MSHA or the  
17 state --- do you know approximately  
18 what time he did that?

19 A. No, sir. I mean, I spoke to  
20 him from --- between 7:35, 7:40 'til  
21 I arrived at the mine several  
22 different times.

1 Q. So it was done before 7:40  
2 when you arrived at the mine, okay.

3 A. I would think so.

4 Q. Yeah, if you said you did, so  
5 it would be before that time; is that  
6 correct?

7 A. He told me that he had.

8 Q. Okay. Good enough. Just let  
9 me ask you one more question about  
10 that. When he, Mr. Stemple, said  
11 that he notified, did he specifically  
12 say he did or did he have someone do  
13 it, or do you know?

14 A. I'm trying to think of the  
15 correct verbiage. He said either ---  
16 I said, the notices is out? He said,  
17 yeah, the state and feds and that's  
18 ---.

19 Q. Okay. That's good enough.  
20 Thank you. Okay. When you arrived  
21 at the mine and you thought you might  
22 have spoken to Mr. Crumrine, but just

1        --- did you talk to the dispatcher at  
2        all or go to the dispatcher's office  
3        at any point?

4        A.        I had a mine phone --- just  
5        when I went right into the door.

6        There was a mine phone in the  
7        superintendent's office.

8        Q.        Okay.

9        A.        And I mean, I could hear them  
10       --- I could hear them calling inside.

11       Q.        Okay. Is that the first  
12       office you went to?

13       A.        Yes, sir.

14       Q.        The superintendent's office?

15       A.        Yeah, just right when you come  
16       in the door, it's there, it's got the  
17       phone and all.

18       Q.        Okay. And who did --- did you  
19       speak to Mr. Toler in there or was he  
20       outside yet?

21       A.        He wasn't outside yet.

22       Q.        Okay.

1 A. I don't --- well, I don't  
2 believe he was. He wasn't in the  
3 office.

4 Q. Okay. And did the --- did you  
5 speak to the dispatcher at all?

6 A. Not initially.

7 Q. Okay. When you got to the  
8 mine then, you went into the --- Mr.  
9 Toler's office there. And then what  
10 did you do next?

11 A. By that time, I was just there  
12 just a few minutes when --- I'm  
13 trying to think who the federal man  
14 was, because it wasn't no time, they  
15 was there. I mean, I don't remember.  
16 I'm sorry.

17 Q. Okay. Well, maybe start at  
18 the first thing that you recall after  
19 arriving at the mine.

20 A. All right. Well, I'd been  
21 there a few minutes and that's when  
22 Jeff and Al had come back from

1       underground and that's when they  
2       started briefing me on what they had  
3       encountered.

4       Q.       Okay. Up to that point  
5       though, had you been relayed any  
6       information concerning any CO alerts  
7       and alarms that morning?

8       A.       Yes, Jerry --- when I had ---  
9       I had talked to --- when Jerry had  
10      talked to me originally, he said that  
11      he couldn't contact them underground,  
12      that Owen Jones --- he said Owen  
13      Jones had called out and he believed  
14      that there had been some kind of an  
15      explosion. And he said that the ---  
16      I don't know if he said that the CO  
17      monitor was going off then or when I  
18      got there, I forget who it was that  
19      told me that it was --- that it had  
20      went off. But the people was already  
21      --- was outside.

22      Q.       Okay.

1 A. I don't remember.

2 Q. Okay. And when you were just  
3 speaking about Jerry telling you this  
4 information, you were speaking ---  
5 you had gone back to where you were  
6 contacted at home that he told you  
7 this?

8 A. Yes.

9 Q. Okay. So then when you got  
10 --- and then going back now to where  
11 we were at the mine and you were ---  
12 at that point there, when was the  
13 first time that anyone had related to  
14 you any CO alert or alarm levels or  
15 spoke to you about that?

16 A. I mean, I knew we had CO  
17 because I was talking to, you know,  
18 Jeff and Al and they said, you know,  
19 that they had smoke, so ---.

20 Q. Well, before they came outside  
21 --- or how long were you at the mine  
22 before you spoke to Mr. Toler or Mr.

1 Wilfong or the office?

2 A. Just a few minutes.

3 Q. Just a few minutes?

4 A. Yeah. I don't know how many  
5 but ---. Because after that it  
6 wasn't --- it was in short order that  
7 MSHA was there and I don't remember  
8 who the first MSHA guy was.

9 Q. All right. Did you ever go up  
10 to the dispatcher's office that  
11 morning?

12 A. That morning? No.

13 Q. Did you ever become aware of  
14 any CO levels the morning of the  
15 accident, that is in parts per  
16 million?

17 A. Just when --- you said in the  
18 morning. When we started monitoring  
19 the return, I mean ---.

20 Q. Okay. Prior to that?

21 A. No.

22 Q. Okay. So the next thing you

1 recall was speaking to Mr. Toler and  
2 Mr. Wilfong (sic) and after they  
3 exited the mine; is that correct?

4 A. Yeah. Just telling me what  
5 they encountered.

6 Q. Okay. And what did they  
7 relate to you?

8 A. You know, smoke, debris. They  
9 had tried to take the air up with  
10 them as far as doing some impromptu  
11 ventilation work and they hit smoke  
12 and they withdrew.

13 Q. And what else?

14 A. You know, they started asking  
15 me do we have mine rescue teams on  
16 the way. And I said yes. And you  
17 know, we had resources coming that  
18 way to effect a rescue effort.

19 Q. Okay. Did you personally  
20 check or were you notified of any CO  
21 system readings and make any decision  
22 based on those readings?

1 A. At which time?

2 Q. Let's start with the morning  
3 or the accident.

4 A. No.

5 Q. Were you involved in any way  
6 of the monitoring of the gases at the  
7 mine?

8 A. Now, we're speaking of the  
9 morning of the accident?

10 Q. Yes. Yes.

11 A. I was in the command center  
12 and we was --- you know, we put the  
13 people in place to monitor the return  
14 and started off with, you know,  
15 hand-held instruments.

16 Q. Okay. And what instruments  
17 were you using --- did you have the  
18 people use?

19 A. Well, the instruments that  
20 they have there on the site is a  
21 multi-gas, it's CO/O2 and methane and  
22 they're Industrial Scientific iTX

1 (sic) 310s and 311s.

2 Q. Okay. And at what time did  
3 you have persons and who did you have  
4 monitor the return?

5 A. Just we assigned --- I don't  
6 know names because like I said, I  
7 haven't worked with them individual  
8 that much, because I mean, I just  
9 told Crumrine, you know, we need to  
10 monitor and get the information back  
11 up there so we know what we got.  
12 Nobody goes in the mines.

13 Q. Okay. At that time, did you  
14 know --- was there a (k) order on the  
15 mine?

16 A. I don't remember, because it  
17 was real close. It was either just  
18 before or right after.

19 Q. Okay. And when the  
20 individuals, whoever they were, went  
21 to monitor or check the return for CO  
22 and the methane and oxygen, what did

1       you --- what were the results?

2       A.       Well, the CO was --- we did  
3       have CO levels, but I don't remember  
4       the specific levels. I know at no  
5       time during the rescue did it go over  
6       2,300 parts per million. So  
7       initially, you know, it was anywhere  
8       from --- you know, from ---.

9       Q.       Did you happen to speak with  
10       any of the individuals that conducted  
11       any of those readings?

12       A.       Carl Crumrine had took some of  
13       the tests with his instrument, but I  
14       --- that was either, like, for a  
15       backup or something.

16       Q.       And what was his readings?

17       A.       I don't remember specifically,  
18       but it was --- it was above 50 parts  
19       per million because it was alarming.

20       Q.       Okay. And after you spoke  
21       with Mr. Toler and Mr. Schoonover,  
22       and at that point here, then you ---

1 did you set up the command center  
2 then?

3 A. Yeah.

4 Q. Or who set the command center  
5 up? Did you start that ---

6 A. Yes.

7 Q. --- setting up of that command  
8 center?

9 A. Yes, setting up the command  
10 center, assigning positions, posting  
11 the guards. Just basically, you  
12 know, implemented our mine emergency  
13 plan.

14 Q. And what positions did you  
15 assign?

16 A. You know, monitoring the mine  
17 entrances, placing guards, you know,  
18 at the gate. Make sure that we got,  
19 you know, the communications there in  
20 the superintendent's office, brought  
21 us some extra chairs, put a place for  
22 engineering to set up.

1 Q. Okay. And I believe you said  
2 already that the mine rescue teams  
3 had been notified?

4 A. Yes, sir.

5 Q. And did you say Mr. Stemple  
6 did that?

7 A. Yes, sir.

8 Q. And did he tell you what team  
9 that he notified?

10 A. Barbour County was the first.

11 Q. Okay. And what was the second  
12 team notified and who did that? Just  
13 tell me about the events, the rescue  
14 teams' notification and just lead me  
15 through that if you would, please.

16 A. Barbour County, you know, it's  
17 part of 49 Station so that's two  
18 teams. And you know, we contacted  
19 every team that, you know, we could  
20 get ahold of. But as far as who and  
21 what and when, you know, all total,  
22 we had over 20-some teams there.

1 Q. Did you notify the police?

2 A. I didn't.

3 Q. You didn't?

4 A. No.

5 Q. Did anybody?

6 A. I don't know.

7 Q. Well, if you don't know, you  
8 don't know how they were notified or  
9 anything. Were they there?

10 A. Yes, but I can't tell you  
11 when.

12 Q. Okay. Did you notify the  
13 emergency medical service?

14 A. I didn't, but they were there.

15 Q. It was done. And who did  
16 that?

17 A. I don't know.

18 Q. Okay. After you set up the  
19 command center and --- wait a minute,  
20 let me back up a second. When you  
21 arrived at the mine, were the  
22 telephones inoperative at that point

1 or do you know anything about the  
2 telephones, the pager phones?

3 A. You're talking about the mine  
4 phone, sir?

5 Q. Excuse me, I did say mine  
6 phone --- pager phone. The  
7 telephones, the Bell phones, were  
8 they ever inoperative at any point  
9 that you can recall?

10 A. You're speaking of the mine  
11 phones?

12 Q. Yes.

13 A. The commercial phones?

14 Q. The commercial phones, yes.

15 A. Okay. I know of no time that  
16 they were inoperative.

17 Q. Okay.

18 A. Now, there was --- I had  
19 trouble sometimes getting in because  
20 there was, you know, congested, but  
21 not inoperative.

22 Q. Okay. And was the power to

1 the outside off before or after the  
2 event even if only for a brief time,  
3 the power outside, on the surface?

4 Yeah.

5 A. The power underground was ---  
6 it knocked.

7 Q. Okay.

8 A. Because that was one of the  
9 reasons why they initiated --- the  
10 outside man said power had knocked  
11 and he couldn't get ahold of the  
12 crews.

13 Q. How about the surface power,  
14 on the surface, was it ever off at  
15 any point?

16 A. Not that I'm aware of, sir.

17 Q. Okay.

18 A. Of the 52 hours that I was at  
19 the command center, the lights never  
20 went off.

21 Q. Okay. And you did not notify  
22 any mine rescue teams. Other person

1       that work for you did that?

2       A.       Yes, sir.

3       Q.       Okay. And did you happen to  
4       have any involvement in drilling the  
5       boreholes into the mine?

6       A.       I don't understand what you  
7       mean by involvement. I talked to the  
8       engineer, and as far as from a rescue  
9       point, as far as, you know, where  
10      would the best place be, where they'd  
11      most likely be, I had discussion and  
12      input pursuant to that.

13      Q.       Okay. And so you're talking  
14      about the selection of the location  
15      of the hole, that's what you had ---?

16      A.       On the mine map.

17      Q.       Yes.

18      A.       Yes, sir.

19      Q.       Okay. Tell me a little bit  
20      about that. What were the reasonings  
21      behind the selection of the position  
22      and you know, just kind of take me

1 through that, how you and others  
2 decided that that would be the place  
3 to put the hole.

4 A. Well, one we wanted to, you  
5 know, get to the area that we thought  
6 where they were at in hopes of maybe  
7 of communicating or supplying air and  
8 we put a camera down to look for ---  
9 you know, we took constituent levels  
10 and we put a camera down to check for  
11 blast damage. And I didn't get to  
12 look at the camera footage, but the  
13 person, you know, called me on the  
14 phone and said, you know, that the  
15 cable were hung in a workman-like  
16 fashion and you could see the rock  
17 dust and the buggy on the feeder.

18 Q. Okay. And I guess what I'm  
19 really asking is how was the  
20 selection of that hole determined? I  
21 mean, was that location selected?

22 A. That's where they was

1 assigned, their work location, and we  
2 wanted to know why weren't they  
3 coming out. Was there --- did we  
4 have a fire? Did we --- you know,  
5 what kind of CO levels would we get,  
6 what kind of constituent levels would  
7 we get.

8 Q. Okay. And the drilling  
9 company, who was involved in the  
10 selection of the drilling company?

11 A. Our chief engineer handled  
12 that. Well, the engineering  
13 department had input on it. I don't  
14 know, sir.

15 Q. Did you have any input in that  
16 selection of the drilling company?

17 A. No, sir, I would have let you  
18 drill the hole if you'd been there.

19 Q. Okay. And do you know --- do  
20 you happen to know why --- or how and  
21 why the selection of that particular  
22 drill company was made?

1 A. No, sir.

2 Q. Okay. Were there other drill  
3 companies that contacted you, and I  
4 say you meaning, you know, the  
5 company, with offering their  
6 services?

7 A. Sir, there was --- I don't  
8 remember a specific company, but I  
9 know that I had people come to me and  
10 says, well, this one --- you know,  
11 there was like one or two had called  
12 and you know, engineering was  
13 handling that because of the size of  
14 the drill, you know, where it was  
15 located and such that was taken into  
16 consideration.

17 Q. And do you recall whether or  
18 not there were any logistical  
19 problems encountered prior to  
20 starting the drilling?

21 A. You know, not specifically.  
22 You know, I had asked for, you know,

1       mobe times, when they was going to  
2       mobilize and were out and stuff like  
3       that. But as far as logistical  
4       problems, I'm not aware of any.

5       Q.       Okay. Did they have any  
6       problem with like the road or getting  
7       the road through or anything like  
8       that, do you recall?

9       A.       I don't --- I won't refer to  
10      it as a problem. We had to do the  
11      engineering to find where point A is  
12      on the map versus point A on the  
13      surface.

14     Q.       Okay. And can you --- what  
15     about the times and the dates that  
16     those decisions were made, do you  
17     recall any of those times and times  
18     they started or anything like that at  
19     all?

20     A.       No, sir. And again, I'm not  
21     trying to be evasive, but that ---  
22     you know, that was 52 hours of trying

1 to get, you know, 13 people out. But  
2 I'm sure that with everybody that was  
3 there, it wouldn't be hard to get a  
4 timeline.

5 Q. Were you involved at all in  
6 any of the surveying of the borehole?

7 A. No, sir.

8 Q. Who was it that did that? Do  
9 you recall?

10 A. That was --- that was handled  
11 by Joe Andrews. He had told me who  
12 the company was but I don't remember,  
13 sir.

14 Q. The surveying was done by a  
15 contractor?

16 A. Yes, sir.

17 Q. Okay.

18 A. All of our surveying is done  
19 by outside contractors. Usually  
20 either Alpha Engineering or Kenny  
21 Moran. It's Moran Engineering,  
22 something like that. Those are the

1 two that we usually use.

2 Q. Were you involved in  
3 contacting those people at all?

4 A. No, sir, I was not.

5 Q. And who would have done that?

6 A. Joe Andrews, our chief  
7 engineer.

8 Q. He's chief engineer for ICG?

9 A. He's the chief engineer for  
10 the Buckhannon Division.

11 Q. Of ICG?

12 A. Yes, sir.

13 Q. Okay. And that division that  
14 you're speaking about is the same one  
15 we spoke about earlier?

16 A. Yes, sir. But to clarify, we  
17 do provide services for two other  
18 divisions on an as-needed basis.

19 Stony River, which is a deep mines  
20 that's under the Vindex division.

21 And Vindex surface and Patriot  
22 surface, I provide safety oversight

1 for.

2 Q. And did you know anything  
3 about any kind of a problem that was  
4 --- that had developed in locating a  
5 hole concerning the GPS unit?

6 A. Not first hand.

7 Q. Okay. What about second hand?

8 A. Okay. I believe after --- I  
9 believe there was an issue that Joe  
10 had spoke of briefly that there was a  
11 problem with a certain instrument  
12 that one company or provider had  
13 versus that of another, as far as  
14 getting the survey tight enough.

15 Q. Okay. More or less the exact  
16 location?

17 A. Yes.

18 Q. Okay. And you say Joe. That  
19 would be Joe who?

20 A. Joe Myers, he chief engineer.

21 Q. And that's all you know about  
22 that?

1 A. Yes, sir.

2 Q. And who made the final  
3 decision to drill the borehole in Two  
4 Left? Who would have made that  
5 decision?

6 A. That was a --- we had input  
7 from state and federal, but you know,  
8 it was more or less mine and Joe  
9 Myers' decision on where to --- and  
10 we also had to take into  
11 consideration some topography, ---

12 Q. Sure.

13 A. --- because out there where we  
14 ended up putting it, it was more or  
15 less on the end of a ridge or a  
16 knoll. I mean, one side of the face  
17 was just very abrupt and steep and  
18 away from that, it was pasture land  
19 but it was --- it sloped down  
20 abruptly. So that caused some  
21 problems.

22 Q. Okay. So those would be some

1 of the logistic problems that you  
2 kind of ran into whenever ---

3 A. Yes, sir.

4 Q. --- which I had asked you  
5 about earlier? Okay.

6 A. I had interpreted your  
7 question as far as logistical  
8 problems as far as it getting from  
9 point A to point B. I didn't take  
10 into consideration the topography.

11 Q. Okay. That's fine. So then  
12 you and Mr. Myers, with the help of  
13 the others in there, made the final  
14 decision ---

15 A. Yes, sir.

16 Q. --- to put the hole where it  
17 as located? Okay. And do you recall  
18 when the survey for the hole was  
19 completed?

20 A. No, sir, I do not.

21 Q. Do you recall when the road  
22 toward the Two Left borehole was

1 started?

2 A. No, but it was shortly after  
3 we got the survey tight.

4 Q. Okay. And when you say tight,  
5 you mean the proper location?

6 A. Yes, sir.

7 Q. Okay. So you wouldn't know  
8 when the or would you know when the  
9 road to the borehole was completed?

10 A. No, sir, but I do know that we  
11 already had the dozer there.

12 Q. Okay.

13 ATTORNEY RAJKOVICH:

14 Do you need a break or  
15 anything? Do you need a break  
16 or anything?

17 A. I'd like some water.

18 MR. SWENTOSKY:

19 All right. Let's take  
20 a break. Off the record.

21 SHORT BREAK TAKEN

22 BY MR. SWENTOSKY:

1 Q. During the day of the  
2 accident, did you take any notes or  
3 any record, written record, of any  
4 sort?

5 A. In the command center, kept a  
6 log.

7 Q. Did you keep any personal  
8 notes or anything?

9 A. No.

10 Q. No. Okay. So that would be  
11 the company's command center log?

12 A. Yeah.

13 MR. MILLS:

14 You asked for that and  
15 we sent the log.

16 ATTORNEY WILLIAMS:

17 We have asked you for  
18 that, I think in our records  
19 request; right?

20 A. Yes, sir.

21 BY MR. SWENTOSKY:

22 Q. And I did ask you about the

1 Bell phone and I guess you and I kind  
2 of thought we were talking about the  
3 other thing. But let me ask you this  
4 now, the pager phones, at any times  
5 were those inoperative during the  
6 day?

7 A. The mine phone?

8 Q. Yes.

9 A. We had to change the one out  
10 in the command center once.

11 Q. And do you recall when that  
12 might have been?

13 A. It was during that first 42  
14 hours.

15 Q. Okay. And was it a problem  
16 with just your phone or was there a  
17 problem with other phones? Just your  
18 phone, I mean, the one in the command  
19 center.

20 A. Just in the command center.  
21 Dick Wilfong, he traded it out. Of  
22 course, we had an extra one right

1       there.    Just a matter of minutes.

2       Q.        Okay.    And you mentioned that  
3       Raymond Coleman that you had spoken  
4       to and you had just alerted him to  
5       --- that there was a problem at the  
6       mine?

7       A.        Yes, sir, after I talked to  
8       Chuck Dunbar.

9       Q.        Right.    And what was the  
10      reason for notifying him?

11     A.        That I wanted him there as a  
12     resource, as I would my other  
13     managers.

14     Q.        Okay.    And did he take --- was  
15     he part of the command center  
16     whenever he arrived?

17     A.        No, sir, he was critical  
18     support.

19     Q.        What do you mean by critical  
20     support?

21     A.        If I needed something, he made  
22     it happen.

1 Q. Because he was high enough up  
2 in the company that he could make  
3 those decisions, I guess, is that a  
4 way of putting it?

5 A. Well, I mean, you know, he  
6 knew the mines and he knew the  
7 people. He knew what was on the  
8 supply yard. He knew what rail  
9 capabilities we had.

10 Q. Do you know when the power was  
11 removed from underground?

12 A. Well, removed, sir, ---.

13 Q. De-energized?

14 A. Yeah, but it was my  
15 understanding that the power was off,  
16 knocked, a little after 6:30 a.m. and  
17 we didn't re-energize it.

18 Q. Okay. Were you involved at  
19 all with the activities at the  
20 borehole at the location?

21 A. At what time, sir?

22 Q. Any time.

1 A. Yes, sir.

2 Q. What were those activities and  
3 when was it?

4 A. Okay. My ---.

5 Q. And for clarification, we're  
6 speaking about the Two Left borehole.

7 A. Okay. Now, I know --- I'm  
8 trying to figure what number we call  
9 that. I went there after the fact.

10 Q. After the fact, what do you  
11 mean after the fact?

12 A. After the rescue effort.

13 Q. Okay.

14 A. Because for the --- before we  
15 could go back --- well, no, I was ---  
16 let me think, now. I was involved  
17 with the boreholes as far as when I  
18 went there physically. It was after  
19 that 42, 45 hours, because I knew  
20 that we couldn't get back, you know,  
21 in there, until we got that two-foot  
22 hole down.

1 Q. So that was after the borehole  
2 was completed and they had put the  
3 camera down?

4 A. Yeah, it was after the fact.

5 Q. Okay. And what was your  
6 purpose there for again?

7 A. Just to get that two-foot hole  
8 down, to make it happen.

9 Q. Okay. And what did you do to  
10 make that happen by going to the  
11 borehole site?

12 A. You know, everything that we  
13 did was --- we had to modify the (k)  
14 order. Everything as far as a rescue  
15 and recovery effort was the  
16 modification of the (k). And I would  
17 have to have designed, and some  
18 places I designed myself, the  
19 modifications that would allow us to  
20 do certain things.

21 Q. Okay. And so why did you  
22 visit the borehole site then?

1 A. To see what I had. I mean, to  
2 put provisions in place for safety  
3 and to ensure the safety of the  
4 contractors, to ensure the safety of  
5 the people that's there. As far as  
6 pipes, being able to, you know, vent  
7 constituent levels out.

8 Q. Okay. And were you involved  
9 with the decision to first send mind  
10 rescue teams underground?

11 A. Yes.

12 Q. Okay. And based on everything  
13 that you knew at the time, what did  
14 you think happened in the mine and  
15 where did the explosion come from?  
16 At that time, what was your thought  
17 process?

18 A. From what I was told and what  
19 I could ascertain at that time, that  
20 there had been some type of an  
21 explosion. As far as from where and  
22 from what, at that time, I didn't

1       have that information, and if I had a  
2       mine fire or not.

3       Q.       And was there a place that you  
4       thought the explosion might have  
5       occurred? I know you, of course,  
6       didn't know. But in reviewing when  
7       to send those teams underground, what  
8       was your thought process at the time?

9       A.       You know, my thought process  
10      was that it probably originated from  
11      the sealed area, because from what  
12      they had said, the direction of the  
13      blast and the debris, and I couldn't  
14      think of no other place. But it was  
15      --- you know, it was very --- it was  
16      surprising.

17      Q.       When you say what they told  
18      you, who are you speaking about?

19      A.       From, you know, Al and Jeff  
20      and you know, the direction.

21      Q.       Okay.

22      A.       That's the only thing I had in

1 a straight line above that, but now,  
2 I didn't know. I just said, well,  
3 that's probably, you know, maybe  
4 where it come from.

5 Q. Okay. Did you ever think that  
6 it might have come from the existing  
7 Two Left section?

8 A. Well, I just knew that ---  
9 well, I didn't know. You know, logic  
10 would dictate that it either come  
11 from either straight ahead or from  
12 Two Left, so ---. And I hadn't, you  
13 know, had any problems with Two Left.  
14 I hadn't had any problems with the  
15 seals. I mean, they were relatively  
16 new.

17 Q. Yeah.

18 A. So this was a surprise.

19 Q. At that time then, you did  
20 think that it possibly came from inby  
21 the seals?

22 A. Yes.

1 Q. And that's the information  
2 that you used to start the rescue  
3 efforts, send the teams underground?

4 A. Yes.

5 Q. Okay. Were you in charge of  
6 the mine rescue efforts for ICG?

7 A. I was the representative  
8 within the command center.

9 Q. Okay. You're the person that  
10 represented ICG in the command  
11 center?

12 A. Yes, sir.

13 Q. Okay.

14 A. Because within the --- within  
15 the command structure, ---

16 Q. Yes.

17 A. --- we had that divvied up  
18 into certain areas. Joe Myers was  
19 the engineering, engineering support.  
20 Raymond Coleman, critical support  
21 surface. Tim Martin, mine rescue  
22 team coordination and surface

1 support. And I always kept two  
2 people --- I always kept one of the  
3 two there for critical information  
4 was Carl Crumrine or Jeff Toler or Al  
5 Schoonover.

6 Q. And who is Tim Martin?

7 A. He's the corporate safety  
8 director for ICG.

9 Q. Okay. And you worked under  
10 him?

11 A. No, sir. He's lateral.

12 Q. Okay.

13 A. My immediate supervisor is  
14 Chuck Dunbar.

15 Q. I know you had mentioned that,  
16 but then with the corporate safety, I  
17 thought you might have had something  
18 in there. Okay. So you were in  
19 charge of the mine rescue efforts.  
20 Okay.

21 A. Yes, sir.

22 Q. And ---.

1       A.       Now, within our incident  
2       command structure and with the way  
3       the (k) order was, the --- you know,  
4       MSHA had a representative and the  
5       state had a representative. And we  
6       would --- we would look at  
7       information that come in and come up  
8       with the best scenario and the  
9       shortest time and we would write a  
10      plan to modify the (k), and we would  
11      execute it.

12     Q.       Okay. And were you involved  
13      in the decision to systematically  
14      explore the mine starting from the  
15      portal?

16     A.       We started --- we originally  
17      looked at that, but it was not  
18      needed. In fact, we clarified that  
19      just after a very short amount of  
20      time.

21     Q.       Okay. That was the original  
22      thought process though ---

1 A. Yes.

2 Q. --- to systematically ---?

3 A. Because the thoughts were  
4 that, you know, we needed to get up  
5 to 52 block and start from there  
6 because that's where we encountered  
7 the debris and the smoke and such.

8 Q. When you say that's where we  
9 did, you're speaking of Mr. Toler ---

10 A. Yes, sir.

11 Q. --- in that initial  
12 exploration of the mine?

13 A. Yes, sir, that was first-hand  
14 information.

15 Q. Okay. And so when was that  
16 --- when was that decision --- that  
17 was the initial thought process; is  
18 that correct, to start at the portal?

19 A. Yes.

20 Q. Okay. And the reason for not  
21 doing that was ---?

22 A. Constituent levels.

1 Q. Constituent levels?

2 A. Yeah.

3 Q. And explain that to me a  
4 little bit.

5 A. Okay. Do you use a mine  
6 rescue team and mine rescue efforts  
7 when you've got less than 19.5  
8 percent oxygen or one percent methane  
9 and greater than 50 parts per million  
10 CO, that's what we have --- well,  
11 that's what I have used in training  
12 mine rescue teams and being on a mine  
13 rescue team as a member.

14 Q. Okay. And what were those CO  
15 levels and oxygen/methane at time  
16 whenever we were --- you were first  
17 talking about sending the mine rescue  
18 teams in, do you recall?

19 A. Not verbatim, sir. We had  
20 running log in the command center.

21 Q. Okay.

22 A. As those came in and we would

1 review that information as a group  
2 within the incident command  
3 structure, and proceed from that.

4 Q. And were you involved in the  
5 decision to have the teams establish  
6 power to parts of the mine and to  
7 pump the water before they could  
8 continue exploration?

9 A. Yes, I had input into that.

10 Q. And why was that decision made  
11 to do that?

12 A. Would you state your question  
13 again, please?

14 Q. Okay. Sure, no problem. Were  
15 you involved in the decision to have  
16 the teams to establish power to parts  
17 of the mine and to pump the water  
18 before they could continue  
19 exploration? I think there was power  
20 --- or water that needed to be pumped  
21 and you needed to establish power to  
22 those points so you could do that;

1       wasn't that correct?

2       A.       See, we always had power to  
3       the --- that pump at the seals, and  
4       we didn't put any other power in  
5       place until during the recovery  
6       effort.

7       Q.       Okay. But the power was taken  
8       off the mine; right, initially, the  
9       morning of the accident?

10      A.       Yeah.

11      Q.       The power was de-energized  
12      from the underground portion of the  
13      mine; right?

14      A.       It was --- for some reason, it  
15      was knocked.

16      Q.       Yes.

17      A.       Okay. Had been out. As far  
18      as someone going and de-energizing  
19      it, I --- you know, like I say, it  
20      was knocked and we didn't put it back  
21      in.

22      Q.       Okay. So then --- but there

1        became a point that you had to  
2        establish power to do some pumping of  
3        water underground, re-establish  
4        power; am I correct?

5        A.        Yes.

6        Q.        Okay.    And why was that  
7        decision made?

8        A.        There were so many different  
9        plans that we wrote and signed off on  
10       that I would --- I'd like to refer to  
11       those plans before.    I just don't  
12       remember right off.

13       Q.        You don't recall why the  
14       decision was made to take the power  
15       and start the pumping?

16       A.        I mean, you've got to have  
17       power to make the pump pump and the  
18       pump's got to move the water, so ---.

19       Q.        Okay.    Do you know whether One  
20       Right and Two Right were explored as  
21       the team progressed into the mine?

22       A.        No, didn't have nothing over

1       there.

2       Q.       Okay.    And I'm just asking.  
3       They did not explore that; correct?

4       A.       Yeah.

5       Q.       And why was that decision  
6       made?

7       A.       There's nothing over there.

8       Q.       When you say there's nothing  
9       over there, what do you mean by that?

10      A.       No --- you know, there's no  
11      ignition source.

12      Q.       Okay.    Do you know whether the  
13      One Left area was explored as the  
14      teams progressed into the mine?

15      A.       We went up there --- we went  
16      up there, I believe it was probably  
17      five or six breaks.

18      Q.       Okay.    And that's the furthest  
19      advancement of the teams?

20      A.       I mean, after we seen that  
21      there was, you know, no damage,  
22      constituent levels okay and we come

1 out and just went ahead and pushed  
2 forward.

3 Q. And that's what the decision  
4 as based on, what you described?

5 A. From the command center, yeah.

6 Q. And do you know whether the  
7 old Two Left and seal location was  
8 explored as the teams progressed into  
9 the mine?

10 A. No. The difficulty that I'm  
11 having is because I also overseen the  
12 recovery, okay?

13 Q. Sure.

14 A. And these two events are  
15 overlapping.

16 Q. I understand.

17 A. I mean, it would help me to  
18 look at the plans that we had in  
19 place because I'm --- they're  
20 overlapping on me. I'm sorry.

21 Q. Okay. But right here until  
22 that time, you don't know why that

1 decision was made? Okay.

2 A. No. I mean, you know, you  
3 don't want to take a mine rescue team  
4 past something that could be a  
5 potential ignition source.

6 Q. I understand.

7 A. And once you rule out the  
8 ignition source or the potential then  
9 you go past it.

10 Q. Okay. After the empty mantrip  
11 was found in the Two Left area, were  
12 you involved in the decision to  
13 explore the faces of Two Left, even  
14 though the communication would be  
15 extended?

16 A. Yes, sir. And I had input in  
17 that decision?

18 Q. And why was that decision  
19 made?

20 A. Well, we was in hopes that  
21 they would be somewhere close around  
22 that conveyance.

1 Q. Okay. And were you in the  
2 command center when the  
3 miscommunication came out that all  
4 the miners were alive? And can you  
5 describe the events to the best of  
6 your recollection until the time it  
7 was learned that there was only one  
8 survivor?

9 A. Unfortunately, yes. I was in  
10 the command center. I wasn't manning  
11 the phone. And in fact, I was --- I  
12 was just basically listening to the  
13 mine phone and it came over the phone  
14 we have --- we found 12 alive. And  
15 this was late in the hour. And I  
16 thought, you know, maybe I didn't  
17 hear right. And the room got loud  
18 and I couldn't remember who was next  
19 to me, and I said, what did he say.  
20 Did you hear what I said? He said,  
21 yeah, 12 alive. And then after he  
22 said that, the room quieted down

1 somewhat. It was said two more  
2 times. And ---.

3 Q. That was said over the mine  
4 phone?

5 A. Over the speaker of the mine  
6 phone.

7 Q. Yes. Okay.

8 A. I mean, every --- not just I,  
9 sir, but others in the command center  
10 heard it.

11 Q. Sure.

12 A. And I've only --- at that  
13 time, I had only been drunk once in  
14 my life, but it was absolutely  
15 euphoric, the feeling there, because,  
16 you know, I had done the math a  
17 couple times before and I didn't  
18 expect to hear that, as far as, you  
19 know, one cubic air --- one cubic  
20 yard per hour per man at rest. And I  
21 have to say even with the birth of my  
22 children, that was the happiest, most

1        --- best news I had ever heard in my  
2        life.

3                    But unfortunately, I said, you  
4        know, we got to confirm, you know,  
5        let's clarify it. And the room  
6        erupted, but we were still doing  
7        business. And I had never seen so  
8        many old hairy guys cry in my life.

9                    But I was outside stretching  
10       my legs. I had sat in my chair so  
11       long that I was having trouble with  
12       my feet. And I don't know, it was  
13       sometime there after then, they  
14       called me back in, and they had used  
15       the code word, because we had told  
16       them not to say bodies over the  
17       phone.

18       Q.            Yes, I understand.

19       A.            To use the word, you know,  
20       items. And that --- you know, that  
21       confused us. And that's when, I  
22       don't know who it was, said they had



1 as far as the investigation is  
2 still ongoing.

3 ATTORNEY WILLIAMS:

4 Let me just say ---.

5 ATTORNEY RAJKOVICH:

6 He can speak to facts,  
7 but I mean, he's not going to  
8 give an opinion as to what he  
9 thinks it is.

10 ATTORNEY WILLIAMS:

11 Okay. Let me just say  
12 you're here voluntarily ---

13 ATTORNEY RAJKOVICH:

14 Right.

15 ATTORNEY WILLIAMS:

16 --- and if you're  
17 comfortable answering the  
18 question, that's fine. But  
19 I'm not sure what the basis  
20 for an objection would be, but  
21 you know, this is not a court.

22 ATTORNEY RAJKOVICH:

1 I understand.

2 ATTORNEY WILLIAMS:

3 We're just asking for  
4 opinions as well as facts.  
5 And if you have an opinion,  
6 we'd love to hear it. That  
7 doesn't mean we're going to  
8 hold you to it in any kind of  
9 way. We're asking for  
10 everybody's opinion whether  
11 it's based on facts or not.

12 A. Yes, sir, but my reservation,  
13 and I would like to answer and give  
14 you my opinion from the experience  
15 that I have, but I don't think that I  
16 would be prudent because, I mean,  
17 this is a legal proceeding. So I  
18 would respectfully decline to answer  
19 that at this time.

20 BY MR. SWENTOSKY:

21 Q. And I'll ask you these few  
22 questions here. And if you don't

1       feel comfortable ---

2       A.       Yes, sir.

3       Q.       --- answering them, just say  
4       so.

5       A.       Yes.

6       Q.       Do you think methane was  
7       involved?

8       A.       Yes, sir, I do.

9       Q.       What about coal dust?

10      A.       I would ---.

11                               ATTORNEY RAJKOVICH:

12                               Can we step out and  
13                               talk a minute?

14      A.       Yeah.

15                               ATTORNEY WILLIAMS:

16                               Okay. We'll go off the  
17                               record.

18      WITNESS AND COUNSEL CONFER

19      OFF RECORD DISCUSSION

20      BY MR. SWENTOSKY:

21      Q.       Okay. We were talking about  
22      methane and you felt that methane did

1       have a --- and I said coal dust and  
2       then we took a break I think.

3       A.       Yeah.

4       Q.       Okay. Do you feel coal dust  
5       was involved?

6       A.       I don't know at this time.

7       Q.       Okay.

8       A.       We'll just have to wait and  
9       see what the investigation will have  
10      to say.

11      Q.       Do you have any idea what the  
12      ignition source might have been?

13      A.       Nothing definitive.

14      Q.       And do you have any type of an  
15      opinion on why the seals might have  
16      failed?

17      A.       I wasn't aware that the seals  
18      failed. I was aware that they was  
19      destroyed as a result of a blast.

20      Q.       Okay. Thank you. And do you  
21      have any idea why? Why they were  
22      destroyed?

1 A. No.

2 MR. SWENTOSKY:

3 John, do you have  
4 anything up to this point?

5 MR. MILLS:

6 Yes, we're both going  
7 to do a couple. He was out of  
8 the room a little bit.

9 MR. SWENTOSKY:

10 All right.

11 BY MR. MILLS:

12 Q. Mr. Coleman, were you  
13 scheduled to work the day of the  
14 explosion?

15 A. No, sir.

16 Q. But you did work the day of  
17 the explosion?

18 A. Yes, sir.

19 Q. You mentioned when you get to  
20 the mines, you spoke with some of the  
21 guys about a puff or wind or ---?

22 A. Yes, sir, they said that they

1       felt pressures.

2       Q.       Okay. Was the One Left crew  
3       or was that the Wilfong bunch, do you  
4       remember, the Wilfong, Toler,  
5       Schoonover guys?

6       A.       Well, they had made statements  
7       to that effect from speaking to the  
8       crew that had come off.

9       Q.       So that information was  
10      relayed to you from the ---

11     A.       Through them, yes.

12     Q.       --- One Left crew. Okay. I'm  
13     going to bounce around here a little  
14     bit. The Jeff Toler/Wilfong group,  
15     when they got outside, you mentioned  
16     that they sort of debriefed you on  
17     what they had?

18     A.       Yes, sir.

19     Q.       Did they mention to you any  
20     ventilation repairs that they had  
21     made, specific ventilation repairs?

22     A.       Not specifically. They said

1       that they had took some curtain with  
2       them to --- you know, in case they  
3       needed it.

4       Q.       And that they did make some  
5       repairs to ventilation controls, do  
6       you remember them telling you that?

7       A.       Let's see.  Yes, they said  
8       that they had put up some checks.

9       Q.       Okay.  Johnny Stemple notified  
10      the mine rescue teams?

11     A.       Yes, sir, that's my  
12     understanding.

13     Q.       Do you know what time of the  
14     day or roughly?

15     A.       No, sir.  You know, I left my  
16     home at around 7:30 and I called him  
17     directly after, so it was after 7:30  
18     in the a.m.

19     Q.       Do you know which teams he  
20     notified?

21     A.       He said Barbour County.

22     Q.       So when we're talking Barbour

1 County mine rescue, we're talking  
2 more than one team?

3 A. Yes, sir, that's a Part 49  
4 Compliance Station. It's two teams.

5 Q. Okay. And that's --- do you  
6 know, are those the only teams that  
7 Mr. Stemple notified?

8 A. Those are the ones that comes  
9 to mind, because I mean, there we had  
10 around 20-some teams to work that  
11 rescue, and less for the recovery.

12 Q. I believe you mentioned that  
13 somewhere along the early morning,  
14 the Barbour County teams arrived. Do  
15 you know how many members were there  
16 combined?

17 A. No, sir, not right off. I  
18 would --- because --- I don't  
19 remember right off.

20 Q. So you don't know how many  
21 team members were available when you  
22 got there?

1 A. They arrived after I got  
2 there.

3 Q. Do you know what time the next  
4 mine rescue team arrived, not the  
5 Barbour County teams, the next  
6 outside mine rescue team, I'll use  
7 that.

8 A. No.

9 Q. Okay. You mentioned that you  
10 represented the Sago Mines in the  
11 command center?

12 A. Yes, sir.

13 Q. Were there other persons  
14 assigned to represent Sago on your  
15 behalf when you took a break or  
16 whatever?

17 A. Yes, sir. There was a ---  
18 well, I had people there that would  
19 man the phone so I could get off and  
20 have a little bit of a break, but I  
21 was there for the duration of the  
22 entire rescue.

1 Q. Okay. And do you remember the  
2 names of the people that represented  
3 Sago in that command center besides  
4 yourself?

5 A. May I ask for a clarification?  
6 I had people there in the command  
7 center to assist with various things,  
8 communication, even taking the log,  
9 even assisting to type the plans as I  
10 dictated them.

11 Q. Okay. Who took your role in  
12 there in your absence? Could you  
13 give me those names?

14 A. I didn't relinquish command  
15 responsibility at no time.

16 Q. When you were out of the  
17 command center for any reason, who  
18 filled your role?

19 A. No one.

20 Q. Okay. Can you give me some of  
21 the names of the other people that  
22 assisted you?

1 A. Yes, sir.

2 Q. Go ahead.

3 A. We had Dick Curry, Greg  
4 Nestor. Randall Bird was at the  
5 church. Johnny Stemple. That's it  
6 as far as I can remember.

7 Q. And their roles were what?  
8 Explain that to me again.

9 A. Communications liaison,  
10 maintain the log. But I mean, as far  
11 as mine plan decision making, as far  
12 as that, that come from --- come from  
13 me.

14 Q. I think I just have one more,  
15 then I'll ---. You mentioned --- No,  
16 I've got a couple more. You're  
17 familiar with the Sago Mines;  
18 correct, somewhat familiar? What is  
19 your understanding of why it is  
20 critical to run the pumps at Two Head  
21 One Tail, the area of the seals?

22 A. As it was conveyed to me by

1 Carl Crumrine, it is because of it  
2 readily floods, if not.

3 Q. And what would it flood,  
4 intakes, returns, track, belt, old  
5 areas of the mine?

6 A. As I was briefed, it would be  
7 the return and it would go --- it  
8 would migrate over.

9 Q. Okay. One last question. You  
10 mentioned representative groups in  
11 the command center. You said the  
12 state, MSHA and Sago. Were there any  
13 other representative groups in the  
14 command center making decisions or  
15 helping with the decisions?

16 A. Making decisions? No.

17 Q. Or input into the decisions?

18 A. Not that I readily aware of.

19 MR. MILLS:

20 Okay. John, I covered  
21 while you were out.

22 MR. COLLINS:

1                   Yeah, I apologize for  
2                   leaving during the interview  
3                   and interrupting things. My  
4                   ear started bleeding so I had  
5                   to leave.

6                   MR. SWENTOSKY:

7                   Oh, I'm sorry.

8                   BY MR. COLLINS:

9                   Q.           I just wanted to clarify a  
10                  couple things. As I'm sure you  
11                  remember, I was also in the command  
12                  center ---

13                 A.           Yeah.

14                 Q.           --- during this time.

15                 A.           Most welcome.

16                 Q.           And you know, these are really  
17                  the first questions about the command  
18                  center, so you know, just sort of a  
19                  clarification, but we talked about  
20                  problems with the phone and the  
21                  problem that I remember with the  
22                  phone in the command center was only

1 the fact that it would not page  
2 constantly. Is that the problem  
3 you're speaking of? Because I think  
4 earlier ---?

5 A. Oh, the --- no, we had trouble  
6 with the handset and we traded it  
7 out.

8 Q. Because the phone would just  
9 page constantly when someone tried to  
10 talk to us. I guess what I'm trying  
11 to say, Ty, when Dennis asked you the  
12 question, you know, I sort of the got  
13 the feeling that he was --- and I'm  
14 putting words in someone --- but I  
15 thought Dennis was asking if we had  
16 trouble with the mine communication  
17 and ---.

18 A. Oh, mine's communications, no.  
19 We had --- we changed the phone out  
20 one time in the command center.

21 Q. And he can certainly clarify  
22 this, but did we ever lose contact

1 with a mine rescue team ---

2 A. No. At no time. Even when we  
3 changed the phone out, John, we still  
4 had communications with the phone  
5 that was in the mine foreman's office  
6 where your people were stationed.

7 Q. Then also you said something  
8 about the highest CO reading that day  
9 was 2,300 parts per million?

10 A. No. I didn't say for that  
11 day, through --- that I remember from  
12 the rescue effort was 2,300 parts per  
13 million.

14 Q. But we do have all this on a  
15 record, on a log?

16 A. Yeah.

17 Q. All right.

18 A. We've got what was posted out  
19 there, which was turned over to  
20 engineering who did the logging and  
21 gave us the trending analysis. We  
22 got trending analysis every hour.

1 Q. That was later in the day when  
2 ---?

3 A. Yeah.

4 Q. Approximately what time did we  
5 set this command center up?

6 A. I don't know. It was set up  
7 before noon is my --- that's my  
8 thinking. I may be --- I may be  
9 wrong, but I thought we had it set up  
10 before noon.

11 Q. And then if I might revisit  
12 just a little bit about the way that  
13 the mine rescue teams were exploring  
14 the mine.

15 A. Uh-huh (yes).

16 Q. Do you remember how they  
17 entered the mine first?

18 A. Yeah, there at the pit mouth.

19 Q. What entry?

20 A. Just the --- Three.

21 Q. Through the fan?

22 A. Yeah, when they --- we made

1 all entries.

2 Q. Well, yes, I agree they  
3 examined all entries. Then they  
4 entered through the fan and traveled  
5 inby to the Number Three Belt head  
6 and came out onto the track. Do you  
7 remember that?

8 A. Yes.

9 Q. Okay. And then is it true we  
10 continued to explore up the track?

11 A. Yes.

12 Q. So then the questions came up  
13 about this water that was at Number  
14 Two Belt head in the return there.  
15 Do you remember sending that team  
16 back down to explore that? And only  
17 if you can remember, Ty, because I do  
18 remember, you know.

19 A. I mean, I had ---.

20 Q. Well, that got a little  
21 confusing on the record here as to  
22 how that occurred, you know.

1       A.       Well, I'm not --- like I said,  
2       you know, I worked the rescue, then I  
3       designed and overseen the recovery  
4       and some of this stuff, you know,  
5       overlaps and I apologize for that  
6       confusion. It's not intentional.  
7       But I do remember that we wanted to  
8       check that return to make sure that  
9       we didn't lose it, because we was  
10      --- we was afraid of the water during  
11      this --- during the initial rescue,  
12      so we wouldn't lose that return.

13      Q.       And then like when we got to  
14      the One Right, Two Right, that was a  
15      joint decision not to go in there?

16      A.       Nothing over there.

17      Q.       Then when we get --- when we  
18      got to One Left, we did --- the mine  
19      rescue teams did explore or did  
20      examine the entrances to that area,  
21      One Left? I believe you said that we  
22      did that.

1       A.       Yeah, it was either --- we  
2       pushed three or four breaks, did the  
3       intake and return constituent level  
4       on it. It was --- you know, we got  
5       good numbers and we come back and,  
6       you know, we pushed.

7       Q.       And the reason we pushed or  
8       the reason that we pushed it?

9       A.       Well, fresh air push was to,  
10      you know, get to the people.

11     Q.       Okay. Getting --- and I think  
12     that's been clarified some. I guess  
13     I just got a little turned around on  
14     that, you know, maybe I knew more  
15     about the situation than I should  
16     have.

17                But the seal plan that was  
18     submitted for these seals, Ty, did  
19     you have anything to do with that?

20     A.       I looked at it prior to having  
21     Johnny Stemple submit it and I had  
22     --- and Jeff Toler had approached ---

1 had approached me, and I don't know  
2 if he had called me or Johnny had  
3 told me that he was wanting to use  
4 Omega blocks, Omega seals. And I had  
5 used them before and hadn't had a  
6 problem.

7 Q. You have used them at other  
8 companies?

9 A. Yes, sir.

10 Q. In what areas of the state?

11 A. Southern West Virginia.

12 Q. Do you know if the same plan  
13 was submitted up here that was used  
14 and I assume approved down there?

15 A. John, it --- you know, to me  
16 it looked verbatim. I mean, there  
17 was nothing --- there was nothing  
18 peculiar or spectacular about that  
19 plan. It was pretty cut and dry.

20 Q. Then about Tim Martin, is he  
21 --- I think you stated that both of  
22 you hold the same job title.

1 A. No, not the same job title. He  
2 is corporate safety director for the  
3 entire ICG and I'm manager of safety  
4 for West Virginia and Maryland.

5 Q. And where does he normally  
6 work? Where is he based out of?

7 A. Ashland.

8 Q. Was he in West Virginia on  
9 January the 2nd or did he --- I mean,  
10 after the explosion?

11 A. I don't remember where he was.

12 Q. Okay. Because I know it seems  
13 as though he got there pretty fast.

14 A. I mean, he was close, but I  
15 don't know where he was.

16 Q. And I'd like for you to  
17 clarify what you said he was in  
18 charge of.

19 A. Okay. When we set up the  
20 command center, we basically used the  
21 incident command structure to --- so  
22 that all the command center would do

1 is to review pertinent information  
2 that it needed to make the decisions  
3 to go forth and plan the rescue and  
4 oversee the rescue attempt. Tim and  
5 Dave --- and Dave Shemp (phonetic)  
6 were --- they coordinated the mine  
7 rescue teams as far as who we had, we  
8 called it on deck and who was ready  
9 to go, and they would give us a  
10 lineup as far as what resources we  
11 had in the command center and we  
12 would draw from those resources. And  
13 also he took your logistics as far as  
14 food, water, housing, along with  
15 anything that they may need.

16 MR. COLLINS:

17 I think that's all we  
18 have right now. Thank you,  
19 Mr. Coleman. Dennis?

20 BY MR. SWENTOSKY:

21 Q. Mr. Collins mentioned to you a  
22 little bit about --- or spoke to you

1 a little bit about the Omega seals  
2 and that Mr. Toler had contacted ---  
3 or discussed whether they could use  
4 those seals or not or something to  
5 that effect.

6 A. He had requested to use those.

7 Q. Okay. And did he say why he  
8 wanted to use those particular seals?

9 A. He was familiar with them and  
10 had used them previously.

11 Q. So that was the only decision  
12 that you're aware of, was the reason  
13 why he wanted to use them, just  
14 because he used them before and they  
15 were installed successfully?

16 A. Yes, sir. And I had used them  
17 before as well, as well as others.

18 Q. And what --- I believe the  
19 other seals in the Sago Mine are  
20 Packsetter, I believe; is that  
21 correct, the ones up there in the  
22 First Mains?

1 A. Yes, sir, that's correct. But  
2 the reason --- I don't know that  
3 first hand, but Al Schoonover, the  
4 safety director, I had asked him  
5 about that, and he had said that they  
6 were Packsetter seals.

7 Q. I was just trying to get to a  
8 point of why was a decision made to  
9 use Omega seals rather than  
10 Packsetters or any other seals.

11 A. I mean, let me ask you, sir,  
12 for a clarification. Is your  
13 question, why did we use Packsetter  
14 --- excuse me, Omega seals alone or  
15 ---?

16 Q. Why as the decision made to  
17 use Omega seals rather than any other  
18 seal?

19 A. That's what the superintendent  
20 wanted. I didn't have a problem with  
21 it. I hadn't any bad experiences  
22 with it in the past. Basically,

1       that's it.

2       Q.       Okay.

3       A.       I like them. I did like them.

4       Q.       Fairly early on when we spoke  
5       just initially or initial  
6       conversations with Mr. Stemple, and I  
7       apologize for asking you again,  
8       because I think you did answer it.  
9       But your first initial discussion  
10      with Mr. Stemple on a telephone, at  
11      that point, had he already contacted  
12      the mine rescue teams?

13      A.       Yes.

14      Q.       Okay. And so he just did that  
15      based on information that he had  
16      prior to him discussing --- speaking  
17      to you?

18      A.       Yes.

19      Q.       Okay. And was it Mr. Stemple  
20      who, if you know, that contacted the  
21      other mine rescue teams? I know he  
22      contacted the first couple mine

1 rescue teams, but who contacted the  
2 others?

3 A. I don't know, sir.

4 Q. And as part of the command  
5 center, was Mr. Kitts, Sam Kitts and  
6 Chuck Dunbar, were they part of the  
7 command center?

8 A. They were --- at times, they  
9 were there, and they would ask for  
10 periodic briefings, which I would  
11 give them.

12 Q. Okay. How long have you been  
13 the safety director for ICG?

14 A. I've been the manager of  
15 safety for ICG since July 27th, 2005.

16 Q. And how many mines --- and I  
17 believe a couple of these things,  
18 you've already said. But how many  
19 mines and what area they located that  
20 you're responsible for?

21 A. Well, Sentinel is located at  
22 Philippi, Sycamore's near Clarksburg,

1 Sago at Sago Road, Imperial which is  
2 --- we haven't started --- we haven't  
3 broke dirt on it, but that's going to  
4 be right above Sago. And then the  
5 two prep plants.

6 Q. Okay. And when did ICG take  
7 over Sago Mine, take over at Sago  
8 Mine? Do you recall?

9 A. I don't know, sir.

10 Q. And does the Sago Mine have a  
11 safety director?

12 A. Yes, Al Schoonover.

13 Q. And does he have an assistant  
14 or is there an assistant safety  
15 director, assistant safety inspector,  
16 anything like that?

17 A. No, sir.

18 Q. Okay. And how often do you  
19 meet with your safety directors?

20 A. It depends, but I try --- you  
21 know, I try to have a meeting at  
22 least once a month. It's according

1 to what all's going on.

2 Q. But that's kind of a basic  
3 type thing?

4 A. That's what I shoot for.

5 Q. Yeah. And at some point in  
6 time, have you reviewed the duties of  
7 the safety director and assistant  
8 with each of them during your  
9 meetings or ---?

10 A. I distributed that, I'm trying  
11 to think, probably August or  
12 September and we had talked about it  
13 at one or two of the meetings, but it  
14 wasn't a --- it wasn't just for that  
15 purpose.

16 Q. Okay. What other purpose was  
17 ---?

18 A. We did accident prevention,  
19 violation review, what we've got in  
20 the pipeline for conference, you  
21 know, what training is scheduled up,  
22 what --- I've also begun an employee

1 development program specifically for  
2 the safety directors which is using  
3 the national mine academy and my  
4 friends down there.

5 Q. Okay. Do you have or have you  
6 created a task or a job online for  
7 the safety director, like a --- like  
8 a web site-type thing or anything,  
9 done anything like that with the  
10 safety directors?

11 A. No, sir.

12 Q. Okay.

13 A. A clarification, please?

14 Q. Sure.

15 A. Now, I have referred and  
16 discussed with them as a resource,  
17 using web-based materials from the  
18 MSHA web site.

19 Q. Okay. What safety programs  
20 did Sago have in place when you  
21 started over there, just in general,  
22 any type programs that they might

1 have had?

2 A. They had an assortment of  
3 things on paper.

4 Q. Okay.

5 A. And I had looked at some of  
6 those but as far as singling, you  
7 know, one out, it was --- from what I  
8 could see it was pretty much, you  
9 know, MSHA-driven as far as if a plan  
10 needed modified, as far as like, you  
11 know, the responsible person  
12 training, it would be using the MSHA  
13 template, and there was other items  
14 that was similarly developed.

15 Q. Okay. Since they took over,  
16 what other programs have you put in  
17 place? And I know you just mentioned  
18 one about meeting with their safety  
19 director once a month and going over  
20 and ---. What other items have you  
21 put in place since that time?

22 A. Yes, sir. We have a --- we

1       have a mentor program.   And the  
2       mentor program is anyone that we hire  
3       as a new miner --- if we hire Miner  
4       A, we'll assign him to a mentor that  
5       will basically act as a resource and  
6       an aide and a guide to him for the  
7       first year.   And that's heavily  
8       driven with the superintendent and  
9       also the frontline supervisor and  
10      safety director.

11               We have also the advanced  
12      apprentice miner training program,  
13      which is in place, but we haven't  
14      initiated it yet.   It is a task  
15      intensive program that basically  
16      teaches equipment operating skills,  
17      underground equipment operating  
18      skills in a surface environment.  
19      Basically what that means is we draw  
20      the outline of a section on a parking  
21      lot and we operate shuttle cars and  
22      scoops and miners out there in that

1 area. That's at the Sentinel  
2 Training Center. We've got --- it  
3 should --- we should have everything  
4 in place for that hopefully by early  
5 summer.

6 We have also have mine  
7 supervisory training and this  
8 training is a follow-up where a  
9 person is --- he's already a  
10 certified foreman, and we take him  
11 --- this has worked with the National  
12 Mine Academy, where it's two days'  
13 training. It covers communications.  
14 It covers 110 of the Mine Act. We  
15 give them a federal book, a state law  
16 book and we also give them the MSHA-  
17 generated materials. I don't know if  
18 you're familiar with the pocket  
19 reference guides for mine gases,  
20 winter alert, accident prevention,  
21 accident investigation, firefighting.  
22 I'm doing this off the top of my

1 head.

2 But they have enough materials  
3 that we basically give them a  
4 backpack to put this in. We talk to  
5 them about note taking, role playing  
6 as far as how to interact with their  
7 people, how to interact with health  
8 and safety regulatory officials.  
9 Then we take the classroom the second  
10 day, we go over to the simulated mine  
11 lab and we have ---.

12 I originally wrote this  
13 program when I was with Massey Energy  
14 and now it is a stand-alone program  
15 at the academy. And basically we  
16 teach them pre-shift, on-shift  
17 requirements pursuant to not only the  
18 state and federal law, but pursuant  
19 to the ventilation and roof control  
20 plans, which I'm sure everybody's ---  
21 you know, they have gotten very  
22 sophisticated and they go from the

1        --- and they're shown examples and  
2        they have a question-and-answer  
3        session.

4                    And then we take them into the  
5        mine lab and they do pre-shift and  
6        on-shift inspections of a driving  
7        section. We also have a portion of  
8        the mine set up as a bleeder entry  
9        with weekly examinations. As far as  
10       to --- a big emphasis especially on  
11       bleeder points, where to take your  
12       constituent readings at, as far as is  
13       it a valid sample, is it not a valid  
14       sample.

15       Q.            And ---.

16       A.            Oh, excuse me. May I add  
17       something?

18       Q.            You may add whatever you like.

19       A.            I had forgot that we've --- we  
20       also do, we call it crew training,  
21       and --- because we bring the crews in  
22       together, in an eight-hour session in

1 a classroom setting, which is not at  
2 the mine site. Okay? And we go over  
3 ventilation plan, roof control plan,  
4 do accident and violation review,  
5 along with task responsibility. Now,  
6 not task training, but if you are a  
7 miner operator, then we go over with  
8 --- you know, your requirements of  
9 law, what you have to do, your gas  
10 test, where to stand, your reflective  
11 material, what's in the roof control  
12 plan, and those --- that's ongoing.

13 We have also initiated an in-  
14 house EMT training. We just had 18  
15 people to pass that. We've got a new  
16 class that started in Philippi this  
17 evening. And we also have in-house  
18 training on initial mine foreman  
19 which allows you to gain your West  
20 Virginia miner certification. That's  
21 in partnership with West Virginia  
22 University of Mining Extension.

1                   And we also do advanced  
2 training with them on firefighting.  
3 They --- I wish I had brought my  
4 tape. You actually do live  
5 firefighting with a hand-held fire  
6 extinguisher. And we also use their  
7 truck. It has a maze in it and a  
8 smoke machine that we use and they  
9 actually get to use --- to wear an  
10 SCSR and go through that. And what I  
11 have planned also is to take ---  
12 they're going to do that at least  
13 twice a year within this division and  
14 we'll also do the smoke training that  
15 Brian Janna (phonetic) did with the  
16 state but we'll be taking it  
17 underground. I want to at least do  
18 that twice a year as well.

19 Q.           Okay. And the information  
20 that you've just gone over and the  
21 plans that you have, have any of the  
22 miners at the Sago Mine since you

1 have ---?

2 A. Yes, sir, they went through  
3 the crew training.

4 Q. Have any of the miners at the  
5 Sago Mine since you have taken over  
6 on July 27th, 2005, ---

7 A. Yes, sir.

8 Q. --- have they participated in  
9 any of those trainings that you've  
10 just described?

11 A. Yes, sir.

12 Q. All of them?

13 A. No, sir, not all of them. We  
14 got all of them --- all of them at  
15 Sago went through the crew training.  
16 Okay. And we had some there and the  
17 EMT was voluntary, you know, and we  
18 would pay them for taking it, but  
19 they had to pass. And the mine  
20 foreman, we made that available, but  
21 that was volunteer. And the smoke  
22 and SCSR training, that was on the

1 slate but I couldn't get on the  
2 schedule until --- until after  
3 January. I talked to --- coordinated  
4 that with Jim Dean.

5 Q. And when I said since you have  
6 taken over, I'm talking about since  
7 the July 27th ---

8 A. Yes, sir.

9 Q. --- of 2005 until the day of  
10 the accident?

11 A. Yes, sir. They've  
12 participated in the EIG meetings, the  
13 violation reduction programs.

14 Q. Okay.

15 A. Accident reviews, accident  
16 prevention.

17 Q. Okay. And since you have been  
18 with ICG, have you monitored any of  
19 the training that the safety  
20 directors or the assistants have  
21 conducted, specifically at Sago Mine?

22 A. I haven't monitored an

1 eight-hour annual at Sago. I had at  
2 Sentinel.

3 Q. And the Sago Mine, who would  
4 the instructors have been?

5 A. That would have been --- that  
6 would have been Al Schoonover. Well,  
7 I want to correct that. I did  
8 observe Al. I did monitor him during  
9 the pre-training.

10 Q. And when would that have been?

11 A. I'm going to say August,  
12 September, sir, but I'm not for sure.  
13 I'm thinking August, September.

14 Q. Okay. And so there was one  
15 occasion that you had monitored Mr.  
16 Schoonover?

17 A. No. On the pre-training, sir,  
18 it was probably --- probably at least  
19 four different times on the pre-  
20 training.

21 Q. And on the --- and the one  
22 with Mr. Schoonover, was that --- and

1       you may have said this and I missed  
2       it.    But was that like an annual  
3       retraining for ---?

4       A.       No, sir.   This is in addition  
5       to.

6       Q.       In addition to.   Have you  
7       monitored any annual refresher  
8       training that MSHA requires during  
9       your time?

10      A.       Not with Mr. Schoonover.

11      Q.       Okay.   And during any of the  
12      monitoring, did you discover any  
13      problems with the instructors and  
14      maybe had to correct maybe what they  
15      were doing or anything like that?

16      A.       No.    But in our meetings and  
17      I, you know, emphasized the program  
18      of instruction, you know, the CFR 30,  
19      along with pertinent outlines, which  
20      basically is driven from the CFR 30  
21      and the program of instruction.

22      Q.       Have you reviewed the plans,

1 that being the training, emergency  
2 evacuation, roof control for the Sago  
3 Mine?

4 A. I had reviewed the roof and  
5 the vent. Those were the only two  
6 that I had looked at because --- and  
7 the reason was because it was in the  
8 plan modifications.

9 Q. What do you mean by plan  
10 modifications? You looked at them  
11 --- oh, because it was being ---

12 A. Yes.

13 Q. --- modified?

14 A. Yes.

15 Q. Okay. And you reviewed the  
16 modifications?

17 A. No. I reviewed the plan.

18 Q. The plan, okay. And what  
19 about the training plan? Did you  
20 review it?

21 A. I had --- I'm going to say  
22 that I looked at it. It's pretty

1 much cut and blanket standard.

2 Q. Did you --- were there any  
3 modifications that were made to the  
4 plan based on your review of it?

5 A. I had instructed my people to  
6 update the certified instructors'  
7 list, to put me on it, which would  
8 allow me to teach if need be.

9 Q. Was there any modifications  
10 made to the firefighting evacuation  
11 plan at all?

12 A. Not --- no.

13 Q. Did you review it?

14 A. Not that one in particular,  
15 no.

16 Q. And when you're saying not in  
17 particular, I'm talking about Sago  
18 Mine.

19 A. Yes, sir.

20 Q. And in your opinion, did the  
21 training plans appear adequate after  
22 those couple modifications?

1 A. Yes, sir.

2 Q. ICG, do they have job safety  
3 analysis and safe work instruction  
4 for the mining, different mining  
5 operations?

6 A. I'm not a big proponent of job  
7 --- well, let me say this. As far as  
8 for ICG, I don't know, but I know  
9 what I --- what I brought with me.

10 Q. Okay. Do you have those job  
11 safety analysis and work --- safe  
12 work instruction for the Sago Mine?

13 A. We have them for --- it's  
14 pretty much a --- I mean, it's pretty  
15 much a task outline for the  
16 classifications as far as a miner  
17 operator, roof bolter operator, scoop  
18 operator and so forth.

19 Q. So you do have job safety  
20 analysis and safe work instruction in  
21 place?

22 A. That is part of the ongoing

1 crew training, yes. Now, not the job  
2 safety analysis. I'm not a big  
3 proponent of that.

4 Q. Okay. So you don't have job  
5 safety analyses in place?

6 A. No.

7 Q. And safe work instruction?

8 A. Yes.

9 Q. Have you found any problems  
10 with the state and MSHA qualification  
11 of any of the ICG employees?

12 A. No.

13 Q. Do you know who conducts the  
14 electrical recertification for 2005  
15 for ICG?

16 A. It should be Larry Reed.

17 Q. Does ICG have an approved  
18 electrical recertification plan?

19 A. Does ICG? I don't know. I  
20 would hope that the mine would have.

21 Q. Okay. But you're not sure at  
22 this time?

1 A. No.

2 Q. And Mr. Schoonover he's  
3 responsible for the training at the  
4 Sago Mine, or are you responsible for  
5 it, or who is responsible for that  
6 training at the Sago Mine?

7 A. My hesitation is due to the  
8 broadness of your question.

9 Q. Okay.

10 A. Okay. Mr. Schoonover is  
11 responsible for certain aspects of  
12 the training at the Sago Mine.

13 Q. Okay. And what aspects are  
14 those?

15 A. That'd be for experienced at  
16 our annual, to see that the task  
17 training has been initiated and/or  
18 completed.

19 Q. Okay.

20 A. Gas testing, you know, off the  
21 top of the my head that would be ---.

22 Q. And have you ever conducted

1 any training at the Sago Mine?

2 A. At the mine site, no.

3 Q. Let's put it this way, have  
4 you ever conducted any training for  
5 the employees at Sago Mine?

6 A. Yes, sir, the pre-training.  
7 Okay.

8 Q. And where was that conducted?

9 A. At the Buckhannon Training  
10 Center. It's there in Buckhannon at  
11 our division office.

12 Q. And have you ever conducted  
13 any training on the Sago Mine site?

14 A. No, sir.

15 Q. And the crew training that you  
16 spoke about a moment ago, is that the  
17 only training that you have provided  
18 for the miners at Sago Mine?

19 A. No, sir.

20 Q. And what other training was  
21 that?

22 A. EMT, mine foreman.

1 Q. Okay. Was that --- excuse me.  
2 Was that prior to January 2nd? That's  
3 what I'm speaking about.

4 A. Yes, sir.

5 Q. Go ahead.

6 A. Yes, sir, that was prior to  
7 January 2nd.

8 Q. And that's the extent of the  
9 training that you have provided for  
10 those miners?

11 A. And the supervisory training.

12 Q. Okay. And to ensure that  
13 there --- that the proper instruction  
14 is being conducted, you monitor  
15 those. But I know you had mentioned  
16 that you had not had the opportunity  
17 to monitor the one at Sago; is that  
18 ---?

19 A. Yes, I monitored one at Sago  
20 and participated in it.

21 Q. Okay.

22 A. I said that I hadn't gotten to

1 monitor Al Schoonover in eight-hour  
2 annual.

3 Q. Okay. Thanks for that  
4 clarification.

5 A. Okay. I'm sorry.

6 Q. That's all right. And how do  
7 you verify that the training has been  
8 conducted?

9 A. Basically the schedule and the  
10 log.

11 Q. Okay. There's a log kept and  
12 you review that?

13 A. Uh-huh (yes).

14 MR. SWENTOSKY:

15 Okay. Do you have any?  
16 Can we take a five-minute  
17 break, and then we'll finish?

18 SHORT BREAK TAKEN

19 BY MR. SWENTOSKY:

20 Q. I had asked you, and I'll  
21 repeat this question and maybe I need  
22 to clarify a little bit. Have you

1 found any problems with the state or  
2 MSHA qualifications for any of the  
3 ICG employees. And what I meant by  
4 that is, the instructors, methane  
5 certification, electrical  
6 certification, have you found any  
7 problems where certain people were  
8 not qualified for that or anything  
9 like that?

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

11 Q. Okay. What about  
12 qualification for impoundment  
13 inspection or preparation plant  
14 inspections?

15 A. Not to my knowledge, sir.

16 Q. Okay. You mentioned about  
17 JSAs, you're not a proponent of that  
18 and why is that?

19 A. Sir, the JSA concept is a good  
20 concept and one reason I'm not crazy  
21 about it is, it becomes so large and  
22 so convoluted, it's really hard to

1 use. I like a different procedure  
2 where you break down the steps of the  
3 job and then look at the --- and then  
4 look at the hazards associated, and  
5 the ergonomics that's associated with  
6 each step and move from there.

7 Q. Okay. How did Mr. Schoonover  
8 become a part of the Sago Mine over  
9 there? Where did he work before and  
10 did you bring him over there or ---?

11 A. No, sir. When I came on  
12 board, the safety directors that are  
13 in place within that division were  
14 already in those positions.

15 Q. Okay. So Mr. Schoonover was  
16 already there at Sago Mine when you  
17 took over ---

18 A. Yes, that is correct.

19 Q. --- in July?

20 A. Yes, sir, that's correct.

21 Q. Okay. Who is the responsible  
22 person at the Sago Mine? And by

1 responsible person I'm talking about  
2 the person that is discussed in the  
3 firefighting evacuation plan?

4 A. That would be the dispatcher  
5 on the surface.

6 Q. Okay. And how was he trained?  
7 Have you provided any training since  
8 you've taken over the mine for the  
9 dispatcher?

10 A. No, sir.

11 Q. And has anyone --- since your  
12 takeover at Sago Mine, has anyone  
13 provided training for them?

14 A. Not to my knowledge, sir.

15 Q. Have any of the miners at Sago  
16 Mine been provided training with the  
17 --- concerning the evacuation  
18 procedures, emergency procedures for  
19 the Sago Mine since July when you  
20 took over?

21 A. Not to my knowledge, but I  
22 would like to add a statement.

1 Q. Sure.

2 A. During the safety director  
3 meetings and also with my  
4 communications to the safety  
5 directors, and I called them friendly  
6 reminders, that I had communicated  
7 both in meetings and also when I  
8 would visit the mines, as far as make  
9 sure that their books was up, their  
10 drills was up as far as their  
11 escapeway drills and such. So I know  
12 that those friendly reminders had  
13 been out. But now, as far as who and  
14 when, I couldn't comment on that.

15 Q. And you mentioned about the  
16 books being up and they were  
17 everything was listed, but do you  
18 ever just ask anyone did they have  
19 any kind of training or have they  
20 been trained on evacuation  
21 procedures?

22 A. I had asked the directors that

1 both singular and in groups from time  
2 to time, a --- you know, where are  
3 you at on your escapeway drills,  
4 where are you at on your firefighting  
5 drills and they would, you know,  
6 respond accordingly. Either oh, no,  
7 that's due. I got to look at the  
8 book. It's due this week. Oh,  
9 foreman X did it last week with crew  
10 A.

11 Q. And the dispatchers, have you  
12 ever had any discussions with those  
13 dispatchers concerning the --- their  
14 duties as a responsible person?

15 A. No, sir.

16 Q. Have you ever instructed Mr.  
17 Schoonover to do that?

18 A. Not that I recall specifically  
19 the way that you have asked that  
20 question. I have given instructions  
21 to the safety directors to make sure  
22 that their task training is current,

1 complete and up to date, okay, and  
2 that would come under that  
3 classification. But to say  
4 specifically if John Q. was the  
5 dispatcher, have we went through the  
6 responsible person training out loud  
7 with him? No, sir.

8 Q. Okay. Well, what is his ---  
9 what is a dispatcher's duties as far  
10 as the firefighting evacuation plan  
11 as the responsible person? What are  
12 his duties?

13 A. Okay. From his station, he is  
14 to readily monitor the CO readouts  
15 and to take appropriate action and  
16 initiations from those readouts,  
17 alarm at 10, action at 15, outby  
18 call.

19 Q. And does he conduct the  
20 evacuation of the mine in case of  
21 emergency?

22 A. Okay. He is trained to do

1       that and also to use a --- to notify  
2       a manager to get additional  
3       resources.

4       Q.       Does he initiate the  
5       evacuation of the mine ---

6       A.       Yes.

7       Q.       --- in case of emergency?

8       A.       Yes.

9       Q.       Okay. Earlier in response to  
10      a question concerning the Omega  
11      seals, ---

12     A.       Yes, sir.

13     Q.       --- you said that you thought  
14     that they were a good seal.

15     A.       Uh-huh (yes).

16     Q.       And then you kind of said, I  
17     did think they were a good seal.

18     A.       Well, I want ---.

19     Q.       Has that opinion changed?

20     A.       No, sir. It may change  
21     pursuant to the findings of the  
22     investigation.

1 Q. What is the company structure  
2 as far as who is the lead person as  
3 far as ICG at the mine level?

4 ATTORNEY RAJKOVICH:

5 Now, again, he can't  
6 speak for the company but to  
7 his knowledge is ---

8 MR. SWENTOSKY:

9 Yes.

10 ATTORNEY RAJKOVICH:

11 --- what you're saying?

12 MR. SWENTOSKY:

13 Yes. Yes.

14 ATTORNEY RAJKOVICH:

15 Who answers to who?

16 MR. SWENTOSKY:

17 Yes.

18 A. Okay. My immediate supervisor  
19 is Chuck Dunbar.

20 BY MR. SWENTOSKY:

21 Q. Okay. And what position is  
22 he?

1 A. General manager.

2 Q. Okay. And above him?

3 A. Chuck Dunbar reports to Mr.  
4 Kitts, Sam Kitts.

5 Q. Okay. And Mr. Kitts is ---  
6 what title is he?

7 A. I'm not for sure of his title.  
8 It's --- he's over the West Virginia  
9 and Maryland operation.

10 Q. And do you know anybody above  
11 him?

12 A. Do I know who he reports to?

13 Q. Yes. Yes.

14 A. No, sir, I don't know first  
15 hand.

16 Q. Do you know second hand?

17 A. I don't. I'd be guessing.

18 MR. SWENTOSKY:

19 Do you have anything?

20 BY MR. SWENTOSKY:

21 Q. Has anyone offered you  
22 anything or made a promise to you in

1 exchange for your appearance here  
2 today?

3 A. No, sir.

4 Q. And do you have anything that  
5 you would like to add that may be  
6 relevant to the investigation at this  
7 point?

8 A. I would like to make a brief  
9 statement, if I may?

10 Q. Say anything you want, Mr.  
11 Coleman.

12 A. Okay. Since the coming with  
13 ICG of June (sic) 27th, 2005, they  
14 have been fully supportive of my  
15 recommendations pursuant to the  
16 safety program and putting in place  
17 and the training initiatives that we  
18 wished to do. I really feel, and I'm  
19 looking forward to the end result of  
20 the investigation so that we can find  
21 out the reasons why. I want to thank  
22 everyone for their kindness and

1 professionalism shown during this  
2 hearing. It helps things quite a  
3 bit. And I'm in hopes what I can  
4 bring here I helpful and this  
5 statement is given to the best of my  
6 knowledge, going through a very  
7 difficult time that covers a very  
8 long period. Thank you and good day.

9 MR. SWENTOSKY:

10 Thank you. I have a  
11 closing statement I'd like to  
12 read. On behalf of MSHA, I  
13 would like to thank you for  
14 appearing and answering  
15 questions today. Your  
16 cooperation is very important  
17 to the investigation as we  
18 work to determine the cause of  
19 the accident.

20 We ask that you not  
21 discuss your testimony with  
22 any person who may have been

1           already interviewed or who may  
2           be interviewed in the future.  
3           This will ensure that we  
4           obtain everyone's independent  
5           recollection of the events  
6           surrounding the accident.  
7           After questioning other  
8           witnesses, we may call you if  
9           we have any follow-up  
10          questions that we feel we need  
11          to ask. If at any time you  
12          have additional information  
13          regarding the accident that  
14          you would like to provide,  
15          please contact us at the  
16          information that was  
17          previously provided to you,  
18          and that's on the business  
19          card that we gave you.

20                        The Mine Act provides  
21                        certain protections to miners  
22                        who provide information to

1 MSHA, and as a result, are  
2 treated adversely. If at any  
3 time, you believe that you  
4 have been treated unfairly,  
5 because of your cooperation in  
6 this investigation, you should  
7 immediately notify MSHA.

8 If you wish, you may  
9 now go back over any answer  
10 that you have provided during  
11 this interview and you may  
12 also make a statement --- any  
13 statement that you would like  
14 to make at this time.

15 A. No, sir.

16 MR. SWENTOSKY:

17 Okay. Thanks again for  
18 your cooperation in this  
19 matter, Mr. Coleman. We  
20 appreciate it.

21  
22

\* \* \* \* \*

SWORN STATEMENT

CONCLUDED AT 4:31 P.M.

\* \* \* \* \*

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