

STATE OF UTAH)
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COUNTY OF SALT LAKE)

Jose Luis Payan, being duly sworn, hereby states and deposes as follows:

1. My name is Jose Luis Payan. I am twenty-nine (29) years old.
2. My brother Juan Carlos Payan was trapped, killed and entombed by the collapse of the South Barrier of the Crandall Canyon Mine on August 6, 2007.
3. I began working for Genwal Resources in 2003. Prior to that I had worked at the Co-Op Mine.
4. During the entire year of 2007, I worked for Genwal Resources, Inc.
5. From January 2007 to August 2007, I worked at the Crandall Canyon Mine.
6. In January, 2008, I left the employment of Genwal Resources, Inc.
7. I worked as a miner operator while at the Crandall Canyon Mine in the North Barrier during the months of January, February and March of 2007. We were pulling pillars at the crosscuts 134 through 138.
8. In the early part of March, 2007, roof and floor conditions were bad in the North Barrier. I was nervous working in that section of the mine as I had never experienced such conditions before in my mining experience.
9. On March 10, 2007, I was on the swing shift that worked from approximately 3pm to midnight.

10. Upon arrival to work on March 10, 2007, I was informed by my shift supervisor Angelo Kanakis that there had been a large bump in the North Barrier and that much of it had collapsed.

11. I was instructed from the previous shift supervisor whose name I cannot recall, to use the miner to clear a path to the trapped mining equipment so that it could be removed, because Genwal Resources and the other mine owners and operators were going to close the North Barrier of the mine because it was unsafe.

12. Once I entered the mine, I was surprised by the massiveness of the collapse. I have never seen such a bump in my entire mining career.

13. I spent the day of March 10, 2007 digging a path to the mining equipment and setting wood posts to help secure the roof while the extraction operations occurred.

14. I dug a path of approximately 100 feet and provided roof support for about 80 feet until we could reach the belt feeder and remove it from the mine. I spent the entire shift on March 10, 2007, doing this labor.

15. I was never told by anyone from Genwal Resources how extensive the collapse on the North Barrier was, but only that was a big bump. I was not aware how extensive the collapse was until MSHA showed me several months later at the family briefings.

16. I never saw anyone from MSHA in the North Barrier after the March bump nor was I aware whether anyone from Genwal Resources or any of the other mine operators called MSHA to report the bump.

17. After my brother was killed, I was told by one of my supervisors, that when he was pulling pillars at the 130 crosscut, the floor would erupt upwards and break the belt. This happened several times. Finally, he quit his job because he was afraid that the North Barrier of the Crandall Canyon mine was going to collapse.

18. I understand this affidavit will be used by the Committee on Education and Labor of the United States House of Representatives as part of its investigation of the death of my brother and the other five other trapped miners, and the death and injuries to the rescue crew, resulting from the collapses in August, 2007.

DATED this 1th day of March, 2008.

By Jose Luis Payan
Jose Luis Payan

Subscribed and sworn to me this 1th day of March, 2008.

Heidi F. McEwen
Notary Public

My Commission Expires:

