

NATIONAL TRANSPORTATION SAFETY BOARD

-----:

IN RE: :

:

THE FIRE THAT OCCURRED ON : NTSB Accident No.

THE CARIBBEAN FANTASY THAT : DCA16FM052

OCCURRED ON AUGUST 17, 2016 :

:

-----:

INTERVIEW OF: IGOR NAGYBYN

Sunday,

August 21, 2016

Conference Room

USCG Sector San Juan

Puerto Rico

BEFORE

MICHAEL KARR, NTSB

CARRIE BELL, NTSB

JASON YETS, USCG

LT [REDACTED] USCG

ANDRES PICO RAMIREZ, PI Club

APPEARANCES :

On Behalf of American Cruise:

CARLOS BAYRON, ESQ.
Bayron Offices

(10:21 a.m.)

1
2 MR. KARR: This is Mike Karr, the National
3 Transportation Safety Board. It is 10:21, we are on
4 August 21st, 2016. We're in the Sector San Juan
5 Conference Room to conduct an interview of the
6 Caribbean Fantasy Second Officer.

7 I'd like to have everyone at the table
8 introduce themselves, going to my right.

9 MR. YETS: Jason Yets, United States Coast
10 Guard.

11 MS. BELL: Carrie Bell, NTSB.

12 MR. KARR: Would you introduce yourself?

13 MR. NAGYBYN: Yes, but first of all, I
14 joined the vessel 13 of August. I stayed onboard only
15 four days. New crew.

16 MR. KARR: New crew. And --

17 MR. NAGYBYN: New crew.

18 MR. KARR: And those are some of the
19 questions we'll ask you.

20 MR. NAGYBYN: Yes, okay. Okay.

21 MR. KARR: Good.

22 MR. YETS: Could you state your name for the
23 record on the recorder please? What's your name?

24 MR. NAGYBYN: Igor.

25 MR. YETS: And what's your last name?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Nagybyn.

2 MR. YETS: Thank you very much.

3 LT. [REDACTED] [REDACTED] with the U.S.
4 Coast Guard.

5 MS. BELL: Okay, and we'll just start --

6 MR. KARR: Oh, and let me, and is it okay if
7 we record the interview?

8 MR. NAGYBYN: Yes.

9 MR. KARR: Thank you.

10 MS. BELL: We'll just start by asking about
11 your maritime experience. So just --

12 MR. NAGYBYN: I --

13 MS. BELL: How long have you been sailing?

14 MR. NAGYBYN: I've more than 15 years on the
15 passenger vessel. All passenger vessel. All kind of
16 passenger vessel.

17 MS. BELL: All passenger vessel?

18 MR. NAGYBYN: More than 15 years, all kinds
19 of passenger vessel.

20 MS. BELL: So --

21 MR. NAGYBYN: Marco Polo.

22 MS. BELL: About how many vessels have you
23 worked on?

24 MR. NAGYBYN: A lot. I know there's more
25 than maybe ten.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. BELL: Okay. And what kind of schooling
2 or training have you had?

3 MR. NAGYBYN: I have many, Academia.
4 Odessa, Ukraine Odessa Academy of Academia.

5 MS. BELL: Ukrainian --

6 MR. NAGYBYN: Yes.

7 MS. BELL: -- Aca --

8 MR. NAGYBYN: Academia. Academia.

9 MS. BELL: Okay.

10 MR. NAGYBYN: Academia. I started
11 (indiscernible).

12 MS. BELL: That's fine. And so you have
13 about 15 years --

14 MR. NAGYBYN: Yes.

15 MS. BELL: -- a little over 15 years with
16 ferries?

17 MR. NAGYBYN: Yes, exactly.

18 MS. BELL: Okay.

19 MR. NAGYBYN: Yes. Only passenger vessel.
20 My field streak went from, like Odessa. Very, very
21 easy going.

22 MS. BELL: Okay. And so how long have you
23 been a second officer?

24 MR. NAGYBYN: No, no, no. You see, my old
25 documents expire end of the year. Company like me and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 proposed me in a job, you know. My old documents will
2 be expired end of the year.

3 MS. BELL: Okay.

4 MR. NAGYBYN: Yes. It's very difficult to
5 get a job for three months, you know, but company like
6 me like second mate. Usually I've been like chief mate
7 safety officer on the passenger vessel.

8 MS. BELL: You're usually the safety
9 officer?

10 MR. NAGYBYN: Safety officer most of the
11 vessel. Yes.

12 MS. BELL: Okay. On the other vessels.

13 MR. NAGYBYN: RB1. RB1, Bluefort,
14 (indiscernible) safety officer.

15 MS. BELL: Safety officer. And so you went
16 from being a safety officer to be second officer? And
17 you said that you're --

18 MR. NAGYBYN: The first time this company
19 called me, but this is my second one, second --

20 MS. BELL: Contract?

21 MR. NAGYBYN: -- contract.

22 MS. BELL: With this company?

23 MR. NAGYBYN: Yes.

24 MS. BELL: Okay. So this is the second time
25 you've worked with this company?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Yes.

2 MS. BELL: And how long was the first
3 contract?

4 MR. NAGYBYN: First contract is a very
5 strange contract also. (Indiscernible) --

6 MS. BELL: Okay.

7 MR. NAGYBYN: -- only -- vessel was in
8 China. Yes, pick up from China to Mexico and change
9 crew. It was only one month.

10 MS. BELL: Okay.

11 MR. NAGYBYN: It's not like contract with
12 this company. Like me, I ready to transfer the rest of
13 the year (indiscernible).

14 MS. BELL: So were you the safety officer on
15 that contract?

16 MR. NAGYBYN: No.

17 MS. BELL: Okay. And you said your
18 documents expire this coming year. They're not expired
19 already?

20 MR. NAGYBYN: No, no, no.

21 MS. BELL: Okay.

22 MR. NAGYBYN: 28th of December, old.

23 MS. BELL: Okay.

24 MR. NAGYBYN: If you want, I show you?

25 MS. BELL: That's okay. Can you tell us

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what your normal duties are? I know you've only been
2 on the ship for four days you said?

3 MR. NAGYBYN: Yes, four days.

4 MS. BELL: You --

5 MR. NAGYBYN: Yes, if you check crew list, I
6 joined the 13 of August.

7 MS. BELL: 13 of August, okay.

8 MR. NAGYBYN: Of August, correct.

9 MS. BELL: Was your first day. And this is
10 the first time you've been on this specific vessel?

11 MR. NAGYBYN: Yes.

12 MS. BELL: Okay. And so what are your
13 normal duties?

14 MR. NAGYBYN: It's normal duty. I do the
15 bridge duties, cargo operation. Do the loading and
16 unloading, you know, in the Santo Domingo and the San
17 Juan.

18 And also I got a muster list and duty fire
19 guard. Leader of fire group Number 3. Like deck
20 department. And my lifeboat, Number 3.

21 But due to the event, Captain give me order,
22 transfer from Number 3 to Number 5 and to lower the
23 boat to Number 1. I've been leader, commander over the
24 boat Number 1, during the event.

25 MS. BELL: Okay. So when you came on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ship, did you have any kind of training when you first
2 got onboard?

3 MR. NAGYBYN: Not from --

4 MS. BELL: Familiarization training of the
5 ship?

6 MR. NAGYBYN: Yes, familiarization in the
7 past year.

8 MS. BELL: You have --

9 MR. NAGYBYN: Familiarization in the past
10 year, correct. By safety officer.

11 MS. BELL: When did you have that?

12 MR. NAGYBYN: She followed me and introduced
13 our whistle, got new safety equipment, safety license,
14 firefighting equipment and also about vertical
15 (indiscernible). Usually like procedures of passenger
16 vessel.

17 MS. BELL: Okay.

18 MR. NAGYBYN: And I fill out special form
19 from company. For example, for Number 16, watertight
20 doors. For number, I don't exact name, but you have
21 special procedure usually. You know, we fill out some
22 checklist.

23 MS. BELL: A checklist for what?

24 MR. NAGYBYN: Familiarization checklist.

25 MS. BELL: Okay. And you filled that out?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Yes. Exactly.

2 MS. BELL: On what day?

3 MR. NAGYBYN: When I came.

4 MS. BELL: The first day --

5 MR. NAGYBYN: Yes.

6 MS. BELL: -- you came on the ship?

7 MR. NAGYBYN: Yes. Yes.

8 MS. BELL: Okay. Was that before you
9 departed port?

10 MR. NAGYBYN: Yes. I come into Santo
11 Domingo. I do the list in Santo Domingo.

12 MS. BELL: That's where you got on the
13 vessel was in Santo Domingo?

14 MR. NAGYBYN: But --

15 MS. BELL: And before you left the port you
16 had your familiarization training?

17 MR. NAGYBYN: Before leaving the port? You
18 mean before leaving --

19 MS. BELL: Do you remember?

20 MR. NAGYBYN: -- from Santo Domingo?

21 MS. BELL: Yes.

22 MR. NAGYBYN: No comments.

23 MS. BELL: So -- okay. So you don't want to
24 tell us if you had the training before you left or
25 after you left?

1 MR. NAGYBYN: It's usually procured, each
2 vessel, 12 hours before departure should be made
3 training, training procedure.

4 MS. BELL: So it should be done --

5 MR. NAGYBYN: Should be done.

6 MS. BELL: -- but it's not always done. So
7 was it done that day?

8 (No response)

9 MS. BELL: Okay, so no comment?

10 MR. NAGYBYN: Yes.

11 MS. BELL: And can you describe your -- well
12 first of all, how long was the familiarization
13 training? You did a checklist, about how long did it
14 take you to go through all of it?

15 MR. NAGYBYN: Approximately 40 minutes.

16 MS. BELL: So did you go through the --

17 MR. NAGYBYN: Yes.

18 MS. BELL: -- entire shift?

19 MR. NAGYBYN: No, no. Safety officer for,
20 together with me, proceed and show me each system. How
21 to work in system from the bridge system.

22 Starting, for example, how to close
23 watertight doors, how to -- also procedure in case of
24 fire. I asked procedure.

25 Mr. Skylight (phonetic) input, and the rest

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of us who have different codes, you know. It's
2 usually, but she told me it's about, if you have Mr.
3 Skylight, immediately proceed to fire order.

4 MS. BELL: Okay.

5 MR. MAJOR: The department. And prepare for
6 fighting and proceed for the day.

7 MS. BELL: So did you understand all of the
8 procedures --

9 MR. NAGYBYN: Yes. Correct.

10 MS. BELL: -- for an emergency?

11 MR. NAGYBYN: Yes.

12 MS. BELL: Okay. And it was the safety
13 officer who conducted the training?

14 MR. NAGYBYN: Yes.

15 MS. BELL: Okay.

16 MR. NAGYBYN: She very smart lady. She, I
17 don't know, she have big experience or not. But
18 anyway, she provide, my opinion, is good
19 familiarization.

20 MS. BELL: Okay. And as fire team leader,
21 is this the first time you've been a fire team leader?

22 MR. NAGYBYN: No, no. Many times.

23 MS. BELL: Okay.

24 MR. NAGYBYN: Many, many times. But usually
25 I've been like second commander. Safety officer,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 usually on scene commander.

2 MS. BELL: I'm sorry?

3 MR. NAGYBYN: Usually, most of my job, I did
4 like safety officer. Usually safety officer --

5 MS. BELL: Okay.

6 MR. NAGYBYN: -- or second commander. Here,
7 I've been like leader of life boat Number 3.

8 MS. BELL: Okay. Have you ever had live
9 firefighter training?

10 MR. NAGYBYN: Yes.

11 MS. BELL: And when was that?

12 MR. NAGYBYN: In Odessa, from Odessa, I have
13 firefighting certificate.

14 MS. BELL: Okay. And it was live
15 firefighting?

16 MR. NAGYBYN: I do not remember. Maybe I
17 check. It's exactly, it's abbreviation, downstairs.
18 Yes.

19 MS. BELL: So do you recall if you --

20 MR. NAGYBYN: Yes, exactly.

21 MS. BELL: -- were actually fighting fires,
22 the training?

23 MR. NAGYBYN: Yes, yes. Yes, yes.

24 MS. BELL: Okay.

25 MR. NAGYBYN: Each, vessel ask about. It

1 should be there. Yes, I have it.

2 MS. BELL: Do you know if it's required for
3 this position, to have live firefighter training?

4 MR. NAGYBYN: Yes.

5 MS. BELL: Did you have any drills while you
6 were on this ship?

7 MR. NAGYBYN: No comments.

8 MS. BELL: Can I take that as a no?

9 MR. YETS: This is Jason Yets, United States
10 Coast Guard. I just, if you want to say no comment,
11 you are perfectly --

12 MR. NAGYBYN: Yes.

13 MR. YETS: -- have a right to do that. I
14 just want, this is not a criminal investigation. All
15 we're doing right now is we're just trying to gather
16 the facts. That's all we're doing. So I just want to
17 point that out.

18 So if you decide to answer the questions,
19 that's all this is, is this is fact finding, okay? So
20 I just wanted you to beware of that in case you decide
21 that you wanted to answer differently. But like I
22 said, if you want to say no comment, you're perfectly
23 within your right to do so.

24 MS. BELL: So I'll just ask the question
25 again and if you decide, have you ever drilled for fire

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 -- I'm sorry. Have you ever had any drills since you
2 started working on the Caribbean Fantasy? And I'll say
3 that's no comment.

4 MR. NAGYBYN: This is true. No.

5 MS. BELL: Okay. And you said you have been
6 a fire team leader in your other jobs?

7 MR. NAGYBYN: What, one more time?

8 MS. BELL: Have you done the fire leader
9 duty in other jobs?

10 MR. NAGYBYN: One day -- no, no. For my
11 duty, only fire team leader. And if you pull up my
12 safety cards, in case of fire.

13 Fire leader number, fire squad Number 3. In
14 case of oil spill. I standby on the car deck, close to
15 the oil spill equipment. And man overboard, I am
16 leader on the fire rescue boat.

17 MS. BELL: Okay. And what is your watch
18 schedule?

19 MR. NAGYBYN: Watch schedule, on the bridge?

20 MS. BELL: Yes.

21 MR. NAGYBYN: I stay from 8:00 to midnight.
22 And also from 8:00 p.m., midnight and 8:00 morning time
23 till noon.

24 MS. BELL: And on the day of the fire, when
25 did you start working?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: I come in maybe, approximately
2 7 o'clock. I do not know exactly, but I took
3 breakfast. And we start entering into the Harbor Port,
4 you know. Not exactly harbor, but just still outside.

5 But our procedure at 7 o'clock, officer
6 should be standing by the bridge. I follow-up with the
7 bridge. And exactly when I opened the door of the
8 bridge, very noisy. Alarms, you know, and running.

9 I asked, what happened? It's fire, fire,
10 fire. Okay. And next step, Mr. Skylight, Mr.
11 Skylight. I (indiscernible) and doesn't receive
12 nothing, I immediately proceed to fire locker Number 3.

13 MS. BELL: So you were not on duty at the
14 time? You hadn't started your watch schedule that day?

15 MR. NAGYBYN: No, no. No, no, no. I'm
16 finished at midnight. That's it.

17 MS. BELL: Okay. So how much sleep would
18 you say -- what time did you go to bed the night
19 before?

20 MR. NAGYBYN: It's clear. It's clear.
21 (Indiscernible).

22 MS. BELL: Oh, no, what time did you go to
23 bed the night before?

24 MR. NAGYBYN: It's usually like, I go to
25 half past midnight.

1 MS. BELL: And then what time do you get up?

2 MR. NAGYBYN: 6:30.

3 MS. BELL: So you get about six hours of
4 sleep?

5 MR. NAGYBYN: Yes.

6 MS. BELL: Is that typical for you, six
7 hours?

8 MR. NAGYBYN: Six hours. Yes.

9 MS. BELL: And you feel --

10 MR. NAGYBYN: I have no other choice.

11 MS. BELL: I'm sorry?

12 MR. NAGYBYN: I have no other choice.

13 MS. BELL: I didn't understand you.

14 MR. NAGYBYN: I have not another choice.

15 MS. BELL: Oh, you don't have another
16 choice?

17 MR. NAGYBYN: Yes.

18 MS. BELL: Okay. Do you feel fatigued when
19 you're at work? Tired?

20 MR. NAGYBYN: Yes.

21 MS. BELL: Do you take naps during the day
22 at any point? When you're not on watch.

23 MR. NAGYBYN: No.

24 MS. BELL: I'm going to pass it on to Jason.

25 Thank you.

1 MR. YETS: Jason Yets, United States Coast
2 Guard. You have your certs and your license and
3 everything downstairs?

4 MR. NAGYBYN: Which license?

5 MR. YETS: Your certificates and your
6 license and all your documents --

7 MR. NAGYBYN: Yes.

8 MR. YETS: -- you have those with you?

9 MR. NAGYBYN: Yes.

10 MR. YETS: How did you end up with those?

11 MR. NAGYBYN: I have them at the hotel.

12 MR. YETS: I know you have them at the
13 hotel, but how did you end up with them on the ship?

14 MR. NAGYBYN: Ah, yes, yes.

15 MR. YETS: Because I --

16 MR. NAGYBYN: I --

17 MR. YETS: -- just have to assume that you
18 don't carry a backpack around all day --

19 MR. NAGYBYN: I understand. Yes, yes.

20 MR. YETS: -- with your stuff in it.

21 MR. NAGYBYN: I understand.

22 MR. YETS: So how did you end up with these,
23 this backpack full of documents in a lifeboat?

24 MR. NAGYBYN: Okay, I understand your
25 message. Thank you.

1 After Mr. Skylight, we receive signal
2 abandon, we are put back all equipment downstairs and
3 proceed to go into muster station, abandoned to my
4 lifeboat. Muster station lifeboat Number 3 close to my
5 cabin. I check it off in the cabin.

6 I pick up my life jacket, but I enjoy four
7 days only, my small suitcase, like this one, with
8 computer and all documents was close to the wall. I
9 pick-up and make it like good. But I'm not lucky, my
10 lifeboat Number 1 was cracked and full of water, I
11 moved everything.

12 MR. YETS: Can you elaborate on that a
13 little bit more when you said lifeboat Number 1 was
14 cracked and full of water?

15 Was the crack in the lifeboat --

16 MR. NAGYBYN: Yes.

17 MR. YETS: -- prior to --

18 MR. NAGYBYN: Lifeboat, in my opinion, we
19 have big swell. Big swell from starboard side. Yes.
20 Yes.

21 Who can release, my people try many times,
22 at least system, you know, but not success. It's
23 water, wave push us and shoot us through the hull. I
24 hope many times as people shouting. But my first boat
25 was small children's. And most of the ladies and small

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 children. But was first lifeboat.

2 We had tried many time. We had tried also,
3 but they have experience, we had tried quick release
4 system. Not successful.

5 And to be honest --

6 MR. YETS: So you --

7 MR. NAGYBYN: -- we are lucky. And I shout,
8 guys, don't get down, don't get down. Guys, don't get
9 out and leave the boat. And after maybe 20 minutes we
10 escape from the whistle, but engine doesn't stop.

11 Before I ask, first engineer was, it was me
12 I ask, start the engine upstairs. No, no, start the
13 engine upstairs. But I ask him, are you checking, but
14 I four days only, you know. Are you checking fuel, are
15 you checking oil, everything correct, yes. Let's go.
16 But we are stuck now. Many times we are stuck,
17 nothing.

18 MR. YETS: So on lifeboat Number 1, when it
19 was up in the cradle still, you tried to start the boat
20 before lowering to the water, and did the engine
21 turnover but it just didn't start or when you turned
22 the key the battery was dead?

23 MR. NAGYBYN: We are tried, like
24 (indiscernible), and no success. I informed to the
25 first engineer. The first engineer, you know, motor

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 man. You know, the first engineer is the top manager.
2 Should be not properly in my opinion, but he make
3 (indiscernible).

4 MR. YETS: Okay. So was the battery
5 charged?

6 MR. NAGYBYN: Yes, but I tried. I asked
7 him, are you put level one, level two, level three.
8 Yes. Everything we tried, yes. But I went downstairs,
9 but afraid about people.

10 MR. YETS: Right.

11 MR. NAGYBYN: Was people, you know. But we
12 almost cover from topside from the --

13 MR. YETS: Okay. So the engine is turning
14 over, turning over, turning over --

15 MR. MAJOR: Turned over many time --

16 MR. YETS: -- but never started?

17 MR. NAGYBYN: -- no success.

18 MR. YETS: Okay.

19 MR. NAGYBYN: No success. And people start
20 shocking, saltwater coming, saltwater coming, saltwater
21 coming.

22 MR. YETS: Yes.

23 MR. NAGYBYN: I informed to the United
24 States Coast Guard, who calls me (indiscernible), it
25 too fast for rescue boat. Gentlemen, pick up me as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 soon as possible to the port. Gentlemen, pick up me as
2 soon as possible to the port, we quickly getting
3 saltwater, saltwater.

4 MR. YETS: So --

5 MR. NAGYBYN: After one hour and 20 minute,
6 we are easy, easy (indiscernible).

7 MR. YETS: So when it was identified that
8 the lifeboat engine would not start, who made the
9 decision to continue to lower the boat with passengers,
10 into the water?

11 MR. NAGYBYN: Upstairs.

12 MR. YETS: Upstairs?

13 MR. NAGYBYN: Yes.

14 MR. YETS: And by upstairs you mean on the
15 bridge?

16 MR. NAGYBYN: Yes. Yes, yes.

17 MR. YETS: Okay. Who on the bridge --

18 MR. NAGYBYN: But was very noisy. Only by
19 walkie talkie, continue lowering, continue lowering,
20 that's it. We are start engine, but I reported, also a
21 lot water.

22 MR. YETS: Okay.

23 MR. NAGYBYN: Attention all station,
24 lifeboat Number 1, we have a lot of water. Attention
25 all station, I need assistance from somewhere. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 nobody replied.

2 MR. YETS: So how long was the lifeboat
3 Number 1 in the water before you realized that you were
4 taken on a substantial amount of water?

5 MR. NAGYBYN: One and a half hour.

6 MR. YETS: No, no, no. So you get on the
7 boat --

8 MR. NAGYBYN: Yes.

9 MR. YETS: -- you go into the water.

10 MR. NAGYBYN: Yes.

11 MR. YETS: As soon as you're in the water --

12 MR. NAGYBYN: Yes.

13 MR. YETS: -- how much time passed before
14 you said --

15 MR. NAGYBYN: Twenty.

16 MR. YETS: -- oh, there's water in the
17 bilge?

18 MR. NAGYBYN: Ah, I don't know exactly. But
19 really far I know.

20 MR. YETS: Guess, and be close. Five
21 minutes, ten minutes, 15 minutes, a half an hour?

22 MR. NAGYBYN: No, no, no. We cannot
23 (indiscernible) lifeboat lowering. I hope three or
24 four minutes likely.

25 MR. YETS: So three or four minutes after

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the boat was in the water you realized the boat was
2 taking on water?

3 MR. NAGYBYN: Yes. Yes.

4 MR. YETS: Okay. And then you continue to
5 sit in the water for --

6 MR. NAGYBYN: Small space. Yes.

7 MR. YETS: -- and you continue to sit in the
8 water for another hour waiting for assistance, as your
9 lifeboat was taking on water?

10 MR. NAGYBYN: Yes. I allowed, I give
11 bucket. I remove water by myself. But not all people
12 see me, you know. It's just not my job. But passenger
13 takeout water by helmet also. But this is our life,
14 this is our boat anyway.

15 MR. YETS: So for the --

16 MR. NAGYBYN: We had tried. We had tried
17 many times. I tried pumping --

18 MR. YETS: So for the first hour --

19 MR. NAGYBYN: -- I tried pumping hand, no
20 success.

21 MR. YETS: So the emergency bilge pump on
22 the lifeboat did not function?

23 MR. NAGYBYN: Pump the water.

24 MR. YETS: As the second officer, you're
25 probably fairly familiar with whose responsible for the

1 maintenance of the lifeboats?

2 MR. NAGYBYN: Yes.

3 MR. YETS: And who is responsible for the
4 weekly inspections of the lifeboats.

5 MR. NAGYBYN: Yes.

6 MR. YETS: Who is responsible for the weekly
7 inspection of the lifeboat?

8 MR. NAGYBYN: Lifeboat weekly inspection,
9 engine department, I hope maybe second or third
10 engineer. You got the engine, start the engine forward
11 and, I mean, (indiscernible) weekly fill out this
12 logbook.

13 MR. YETS: Yes.

14 MR. NAGYBYN: Yes. And also, usually we
15 have an officer who will change (indiscernible) safety
16 license weekly, monthly, follow the checklist. We have
17 checklist.

18 MR. YETS: Yes.

19 MR. NAGYBYN: And also what he has to do,
20 check wires, check hooks, greasing hooks,
21 (indiscernible) hooks. And check also equipment. Like
22 water, food, duration, everything that's medicine and
23 to follow procedure. Like passenger vessel, you know,
24 (indiscernible).

25 MR. YETS: Okay. Now I know you only signed

1 on four days prior to the day in question, but do you
2 know the last time the weekly inspection was done, on
3 the lifeboat? Number 1.

4 MR. NAGYBYN: Ah, I don't have any
5 information.

6 MR. YETS: Okay.

7 MR. NAGYBYN: Four days only.

8 MR. YETS: Thank you. You said this is your
9 second contract with this company, but it's a different
10 ship, is that correct?

11 MR. NAGYBYN: Correct.

12 MR. YETS: Okay, so this is your first time
13 on this vessel?

14 MR. NAGYBYN: Correct.

15 MR. YETS: Okay. Besides your
16 familiarization training, the one that you spoke about
17 receiving on your first day, where the safety officer
18 took you around, went over --

19 MR. NAGYBYN: Yes.

20 MR. YETS: -- vertical zone and firefighter
21 equipment, not that, did you receive any additional
22 training on the lifeboats, the launching systems,
23 anything to do with the lifeboats?

24 MR. NAGYBYN: Yes. You see, if you follow
25 procedure for familiarization, we have step-by-step

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 familiarization. For example, when you arrival, 12
2 hours, I must be most important point. Watertight
3 doors, fire alarm, muster station, duties, emergency
4 duties, I passed.

5 But secondary, second step, maybe after one,
6 two days, should be another training you know. But
7 like --

8 MR. YETS: So explain --

9 MR. NAGYBYN: But I cannot receive but four
10 days and we have fire.

11 MR. YETS: So explain to me any type of
12 training that you were given onboard, in those four
13 days, that related to your job as a lifeboat commander?

14 MR. NAGYBYN: No.

15 MR. YETS: So no training was received on
16 the lifeboats in the fours that you were onboard?

17 (No audible response)

18 MR. YETS: Was there any training received
19 in the four days that you were onboard in being a fire
20 squad Number 3 team leader?

21 MR. NAGYBYN: I familiarized my location,
22 which kind of equipment inside. How to -- safety
23 officer show me location, how many fire lockers.

24 Usually in case of fire, we use respond for
25 deck department. Number 1 for engine department. And

1 I tried, by myself, to choose everything.

2 MR. YETS: All right, let me ask it this
3 way. On the day of the incident, at the time that you
4 reported to fire station Number 3, to dress up, at that
5 time, were you aware of how many people were on your
6 team, what all of their duties were, what your duties
7 were going to be, how they were going to work with you,
8 as their leader, to extinguish the fire? What training
9 did you receive on that?

10 MR. NAGYBYN: When I came, regarding what
11 training, I received nothing. But when we have really
12 fire, Mr. Skylight, all my team was mastery. We
13 proceed with the equipment to Charlie. Car Deck
14 Charlie. And standby waiting instruction from safety
15 officer.

16 But quickly come in high folk, very, very,
17 very (indiscernible). And to receive information,
18 escape all people from the Fantasy.

19 They said we cannot stop (indiscernible)
20 cooling, but usually in case fire in engine room,
21 engine department knows properly where the equipment,
22 how to entry, how to attack, but (indiscernible) must
23 be cooling. But we cannot receive information about
24 cooling or assisting. The (indiscernible) team.

25 But next step was like escape from the

1 Fantasy, a lot, a lot of smoke.

2 MR. YETS: Okay. Just previously I had
3 asked you if you had received any training on the
4 lifeboats, okay. And I want to clarify that question.

5 Did --

6 MR. NAGYBYN: You mean --

7 MR. YETS: Let me finish the question.

8 MR. NAGYBYN: I'm very sorry.

9 MR. YETS: No, it's okay. I want to clarify
10 the question because I asked it a little vague. Did
11 you receive any training or familiarization on the
12 lifeboats?

13 Like, did someone take you inside the
14 lifeboats and, this is your lifeboat, this is how you
15 start your lifeboat, this is where your emergency tote.
16 Did they --

17 MR. NAGYBYN: Yes.

18 MR. YETS: -- familiarize you with the
19 lifeboat or --

20 MR. NAGYBYN: Yes.

21 MR. YETS: And who was that person?

22 MR. NAGYBYN: Safety officer.

23 MR. YETS: So the safety officer
24 familiarized you with the boat --

25 MR. NAGYBYN: Yes.

1 MR. YETS: -- but you received no formal
2 training?

3 MR. NAGYBYN: No.

4 MR. YETS: And with that, if I use that same
5 verbiage again with the fire question, with the same
6 thing applied, did you receive any familiarization
7 training on your fire station and fire equipment --

8 MR. NAGYBYN: Yes.

9 MR. YETS: -- on how to use it? Okay. You
10 had mentioned some checklists, all right, within the
11 ship, within the Company's safety management system for
12 familiarization.

13 MR. NAGYBYN: Yes, exactly.

14 MR. YETS: So there is a checklist for your
15 Day 1 familiarization.

16 MR. NAGYBYN: Yes.

17 MR. YETS: Is there any checklists for the
18 familiarization as a lifeboat commander or is there a
19 checklist for familiarization as a fire squad team
20 leader?

21 MR. NAGYBYN: Yes.

22 MR. YETS: Okay.

23 MR. NAGYBYN: Because a lot --

24 MR. YETS: So there are three different,
25 there are three separate --

1 MR. NAGYBYN: Yes, different.

2 MR. YETS: -- checklists?

3 MR. NAGYBYN: Different.

4 MR. YETS: Did you fill out any of those
5 three?

6 MR. NAGYBYN: Yes, exactly. Exactly.

7 MR. YETS: All three of them you filled out?

8 MR. NAGYBYN: I filled out.

9 MR. YETS: Okay. When you filled out the
10 familiarization checklist, were the familiarization
11 checklists filled out as you went through all the
12 components on the checklist, or did you go through all
13 the components on the checklist --

14 MR. NAGYBYN: When I finish -- I'm sorry.

15 MR. YETS: -- and then checked all the items
16 off or were you handed a checklist and a pen and said,
17 here's your checklist, sign here?

18 MR. NAGYBYN: No. When we are finished
19 familiarization --

20 MR. YETS: Yes.

21 MR. NAGYBYN: -- visual inspection, visual
22 introducing, you know.

23 MR. YETS: Yes.

24 MR. NAGYBYN: I fill out one page, for
25 example. One or two page, I don't remember.

1 MR. YETS: Yes.

2 MR. NAGYBYN: And later I checked second
3 days, I check is like fire squad team, fire squad
4 location, everything, and I fill out another pages for
5 fire squad. And watertight doors checklist, maybe six.
6 Maybe, I do not remember.

7 MR. YETS: Okay.

8 MR. NAGYBYN: Yes. I fill out one-by-one.

9 MR. YETS: Thank you.

10 MR. NAGYBYN: Not like one page --

11 MR. YETS: Yes, yes. You had stated that
12 you received no training before leaving port. And
13 we're referring to, let me think how I want to phrase
14 this.

15 You made the statement, we didn't get any
16 training before leaving port. What did you mean by
17 that?

18 MR. NAGYBYN: It's not normal.

19 MR. YETS: Can you elaborate on that? What
20 do you mean by, it's not normal?

21 MR. NAGYBYN: It's not normal. It should
22 be. We have --

23 MR. YETS: What kind of training would you
24 have -- in with all your experience --

25 MR. NAGYBYN: In my experience.

1 MR. YETS: -- you clearly have a lot of
2 experience, with all your experience, what kind of
3 training would you have expected to receive, in the
4 first four days of being onboard, that you did not
5 receive?

6 MR. NAGYBYN: Usually my passenger vessel we
7 make before departure, three or four passenger. We
8 (indiscernible) all passenger to muster station,
9 location close to their lifeboat, and prepare all
10 lifeboat for loading. This is before departure. And
11 also for the relation, also (indiscernible).

12 MR. YETS: So it seems like, for me, in
13 talking to a lot of the crew, it seems like a lot of
14 the crew has been onboard for a few months and then a
15 lot of the crew has been onboard for only a few days.
16 When you came onboard, did you come onboard with a very
17 large group of crew? Like was there --

18 MR. NAGYBYN: No.

19 MR. YETS: -- a big change out in crew
20 onboard?

21 MR. NAGYBYN: No. No, only two person.

22 MR. YETS: Only two persons.

23 MR. NAGYBYN: (Indiscernible).

24 MR. YETS: Yes. Because the ships only been
25 in service, after dry dock, for like two weeks or so,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is that correct?

2 MR. NAGYBYN: No, no, more than three weeks.

3 I try and joined the vessel 28th of June.

4 MR. YETS: Okay.

5 MR. NAGYBYN: In Tunisia. Not success. I

6 didn't know that somebody in the consulate or

7 something, pop, pop, pop. I did not understand, but

8 second time also not success. Something

9 (indiscernible).

10 MR. YETS: You said you went on the bridge a

11 general alarm was running?

12 MR. NAGYBYN: Yes.

13 MR. YETS: So, and when I say the general

14 alarm I just want to clarify. When you said you heard

15 the general alarm running, are you referring to the

16 alarm that consisted of seven short and one long blast?

17 MR. NAGYBYN: No, no, no. This is another

18 point. You see, we have, on the bridge, we have

19 different systems. For example, it's smoke detector

20 systems --

21 MR. YETS: Yes.

22 MR. NAGYBYN: -- flame detector systems, you

23 know.

24 MR. YETS: Yes.

25 MR. NAGYBYN: But if you receive, for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 example from smoke detector system, it's the same like
2 smoke detector. You must start (indiscernible), press
3 set, don't cancel it, reset. And send (indiscernible)
4 check area.

5 When we see a fire really, we sent Mr.
6 Skylight and send commander for check to this area and
7 prepare all fire teams for all kids of fire.

8 MR. YETS: Okay. So to clarify, just for
9 the recording, when you said general alarms were
10 running, you don't mean the general emergency alarm,
11 you meant generals alarms like --

12 MR. NAGYBYN: No, fire alarm.

13 MR. YETS: -- yes, fire alarm, bilge alarm.

14 MR. NAGYBYN: Yes.

15 MR. YETS: Just general alarms that operate
16 on there. Okay, thank you for clarifying that for me.

17 MR. NAGYBYN: Yes.

18 MR. YETS: When you said the ship, not the
19 ship. When you said that your lifeboat Number 1
20 sustained damage from constant contact with the hull,
21 once you realized, as the commander, that the ship was
22 being damaged to that extent, why did you decide to
23 continue down with the boat in the water if you knew it
24 didn't start?

25 MR. NAGYBYN: Oh. We already been on the

1 water level.

2 MR. YETS: Okay, so you're in the water and

3 --

4 MR. NAGYBYN: Touch the water and it start
5 shooting.

6 MR. YETS: Got it.

7 MR. NAGYBYN: Yes.

8 MR. YETS: Okay. So you're in the water and

9 --

10 MR. NAGYBYN: In the water. Exactly.

11 MR. YETS: -- while you're trying to get the

12 --

13 MR. NAGYBYN: Yes. Tried relief system,
14 tried but each system not success. Cannot release.
15 But wave, very big wave. You know, like swell.

16 MR. YETS: Yes.

17 MR. NAGYBYN: Swell shooting us. And hook
18 releases, they're running like crazy. I move from that
19 side (indiscernible), you know. I'm lucky, but I maybe
20 my hat also disappear, you know. It's crazy. We
21 cannot release.

22 MR. YETS: Right.

23 MR. NAGYBYN: People afraid. About finger,
24 about everything. But shooting is very, very noisy and
25 drowning like crazy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But I catch one moment and tell him, guys,
2 but I didn't (indiscernible). You know, the is guy,
3 put like finger, touch, touch, touch, touch and
4 success. Go release, good. Assess to (indiscernible),
5 assess to (indiscernible). Yes, make it nicely.

6 But we had lost time. The shooining may be
7 five or six time. But very heavy, 150 person was
8 there.

9 MR. YETS: Okay. It was full. It was at
10 maximum capacity, 150 persons.

11 MR. NAGYBYN: Full, yes. Capacity, yes.
12 Exactly.

13 MR. YETS: How do you know that there was
14 150 persons in the boat?

15 MR. NAGYBYN: We had checked.

16 MR. YETS: You checked them?

17 MR. NAGYBYN: Yes.

18 MR. YETS: How did you accomplish that?

19 MR. NAGYBYN: I check one person from floor
20 to (indiscernible).

21 MR. YETS: Oh, so you actually went through
22 and --

23 MR. NAGYBYN: Yes, yes.

24 MR. YETS: -- and --

25 MR. NAGYBYN: Yes. I stood by myself

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 counting them.

2 MR. YETS: Okay.

3 MR. NAGYBYN: Really, was like this. Stop
4 enough, guy, check one more time. Really. Ask my
5 crew. Two guys is very good. Smart guys.

6 MR. YETS: All right.

7 MR. NAGYBYN: They listen.

8 MR. YETS: All right. Walk me through the
9 process of how you would realize the lifeboat, once
10 you're in the water.

11 So let's say that I'm standing behind you,
12 right, and I'm watching what you're doing, and you're
13 in (indiscernible) of the lifeboat, the boats in the
14 water and now you make the decision, I want to release
15 this lifeboat. Walk me through what you would do to
16 release the lifeboat from the blocks.

17 MR. NAGYBYN: From the boat, before
18 touching, before touching, I release quick release
19 system. I remove the pin, red level big one. I tried
20 to get the first engineer, cannot move.

21 MR. YETS: So you removed the pin --

22 MR. NAGYBYN: Yes.

23 MR. YETS: -- got it set in place --

24 MR. NAGYBYN: Yes.

25 MR. YETS: -- lifted up.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Correct.

2 MR. YETS: And the pulley, in a backwards
3 motion --

4 MR. NAGYBYN: Yes.

5 MR. YETS: -- and it just would not go?

6 MR. NAGYBYN: Not running. Yes.

7 MR. YETS: Okay. So eventually -- did the
8 system have any sort of an emergency override?

9 MR. NAGYBYN: Exactly.

10 MR. YETS: Explain to me what the emergency
11 override is and how that works.

12 MR. NAGYBYN: It should be before touching
13 the water. We have small space. Heavy weight. And we
14 release the system, it hopefully is automatically
15 escape. Usually.

16 MR. YETS: Right. So when you pulled the
17 pin --

18 MR. NAGYBYN: Yes.

19 MR. YETS: -- and you tried to pull and it
20 didn't work --

21 MR. NAGYBYN: Yes.

22 MR. YETS: -- right, what's the emergency
23 procedure after that?

24 If you're doing it in normal operation and
25 the hydrostatic release is not releasing the blocks,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what is the emergency procedure to override that
2 hydrostatic release? To release the blocks off the
3 boat.

4 Like did they physically have to go to the
5 blocks --

6 MR. NAGYBYN: Yes, yes.

7 MR. YETS: -- and manually disconnect them?

8 MR. NAGYBYN: We tried small pin from
9 forward. We have like red pin inside from top, you
10 know. We have red, like also like pin.

11 MR. YETS: The harbor pins?

12 MR. NAGYBYN: Yes.

13 MR. YETS: So the harbor pins were in --

14 MR. NAGYBYN: Yes.

15 MR. YETS: -- when you were in the water.

16 And then when you went to get the hydrostatic release -
17 -

18 MR. NAGYBYN: Yes.

19 MR. YETS: -- it wouldn't release the, it
20 wouldn't release because the pins were in, the harbor
21 pins were in. Is that what you're saying?

22 The red pins, right? That are about this
23 long, about that big around with a u-shaped handle on
24 it that go inside the block. Is that what you're
25 referring to?

1 MR. NAGYBYN: I don't remember. It should
2 be small one. I do not remember.

3 MR. YETS: You don't remember. Are you
4 familiar with what the harbor pins are on that ship?

5 MR. NAGYBYN: No. No.

6 MR. YETS: No? Give me your overall
7 impression of the evacuation. From starting when you
8 reported to on scene for the fire, your firefighting
9 experience, the experience that you have fighting the
10 fire on the vessel, when you stopped fighting the fire
11 on the vessel and you went into abandon ship mode so
12 now you took off your firefighting hat and you put on
13 your lifeboat commander hat. Just walk me through that
14 whole timeline, as best as you can remember it.

15 MR. NAGYBYN: My opinion, it's evacuation
16 passenger was success. Correct. It's one-by-one.
17 Like passenger vessel. From my side, it's no comments,
18 no remarks.

19 And also crew will standby, me at each boat.
20 But I was busy close to my lifeboat to prepare, but I
21 didn't check outside. But I remember when the Captain
22 give order to start embarkation. It's just like, what,
23 people standby, it's calm. It's nicely.

24 MR. YETS: All right, I'm going to pass it
25 off to Mike. I'm done for now. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Thank you.

2 MR. KARR: This is Mike Karr. When you were
3 in lifeboat Number 1, in using the hand bilge pump --

4 MR. NAGYBYN: Yes.

5 MR. KARR: -- what made you decide that it
6 wasn't working?

7 MR. NAGYBYN: Usually they have like
8 pressure inside, you know. Pressure. I tried. I
9 asked again, first engineer, are you checking before?
10 How long time you stayed onboard. But I four days.
11 Are you checking before? I tried many times, but I
12 have another issue, there is water by it.

13 MR. KARR: Yes. Did anybody look to see if
14 anything was going through the discharge pipe on the
15 side of the boat?

16 MR. NAGYBYN: Yes. I got maybe most of the
17 people checking.

18 MR. KARR: And did it?

19 MR. NAGYBYN: No. No.

20 MR. KARR: Nothing?

21 MR. NAGYBYN: Nothing.

22 MR. KARR: All right.

23 MR. NAGYBYN: No pressure, no. But pop,
24 pop, pop like this. It should be pressure. But if you
25 full, really water was full.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. KARR: How were the passengers in your
2 boat? Can you describe their behavior?

3 MR. NAGYBYN: Oh, yes. When come, when the
4 water coming, coming through, it's two boats from
5 United States Coast Guard start to take away some
6 babies, you know. But I escape from my cabin upstairs
7 and touched the floor and assist for fire, for Guards
8 keep from this way, before the jumping, you know.

9 Then I saw, for example, officer take it,
10 the list. And we are start to transferring one-by-one,
11 small people, small children and some ladies. But some
12 people start like, jumping. You know, it's funny.

13 But we are come, but I talking my English
14 language. Some officers talk by Spanish. Guys, easy,
15 easy. First ladies and babies. Really small babies,
16 you know.

17 We got (indiscernible) from the lifeboat,
18 approximately maybe 15 person. And wait, we cannot,
19 very big swell. Very big swell. We are touch each
20 other, you know, shooting each other.

21 And I afraid also, officer afraid that what
22 if you lose somebody. Some people start jumping, from
23 my lifeboat, to the water. Afraid for water.

24 MR. KARR: Why do you think the people
25 jumped from your lifeboat?

1 MR. NAGYBYN: I don't know.

2 MR. KARR: And how many do you think jumped?

3 MR. NAGYBYN: One or two. One lady exactly
4 that I saw. And guys, guys, guys, water, the size of
5 water. But is for U.S. Coast Guard. Gentlemen, one
6 lady is in the water. I don't know why, but maybe
7 afraid.

8 I told you, nobody assist us for
9 approximately one hour. Only (indiscernible)
10 gentlemen. I asked many time, water come, I afraid.
11 This is just my luck I hope maybe go because this is
12 last of my life.

13 But why nobody, many time I reply, I have
14 water, water, water coming. One hundred fifty,
15 (indiscernible) closer to the port. But current and
16 wave push me outside from the whistle from Coast Guard.
17 After one hour and 20, maybe one and a half hour
18 exactly, we (indiscernible) time, easy, easy
19 (indiscernible).

20 MR. KARR: About how long did it take you to
21 load everyone into the lifeboat?

22 MR. NAGYBYN: Very quick.

23 MR. KARR: Very quick?

24 MR. NAGYBYN: Very quick, yes.

25 MR. KARR: And then how long did it take you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to lower the lifeboat?

2 MR. NAGYBYN: I hope maybe seven minutes.
3 Likely seven. Yes. But we are instructed embarkation
4 to wait. Two guys standby from 4, start procedure.
5 But we have big lifeboat. It captures like from up to
6 forward, to up to forward, to middle. Then start
7 loading.

8 MR. KARR: Once you lowered the boat to the
9 water, did the boat ever come back up?

10 MR. NAGYBYN: Yes, it jumped.

11 MR. KARR: Right. Well, was it ever raised
12 back to the embarkation?

13 MR. NAGYBYN: Yes. Yes.

14 MR. KARR: What --

15 MR. NAGYBYN: Ah. No, no, what do you mean,
16 that somebody pick up?

17 MR. KARR: Yes, did somebody pick the boat
18 back up?

19 MR. NAGYBYN: No, no, no.

20 MR. KARR: Okay.

21 MR. NAGYBYN: Only one time we are loading,
22 loading, loading, loading and I tried hook release, not
23 success. And touch the water and we tried by hand.

24 MR. KARR: Right. And you were assigned
25 lifeboat Number 3.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Yes.

2 MR. KARR: How did you end up as the boat
3 commander for Number 1?

4 MR. NAGYBYN: Captain gave me order.

5 MR. KARR: All right. So you know why the
6 captain --

7 MR. NAGYBYN: No. Ah, yes. I hope maybe
8 yes. But he have list to port side. We are try
9 lowering lifeboat Number 3. We have big space, cannot
10 start embarkation.

11 But I don't know why, like the system,
12 should be boat and take offs. For me, very strange. I
13 don't know, understand.

14 MR. YETS: So there was no bowing gear on
15 the, or chaffing gear, on --

16 MR. NAGYBYN: But I don't know why, if you
17 have lift, for example, one degree, is not big lift, it
18 shouldn't touch the hull you know, before embarkation.
19 But we have space like 40 cm. Cannot start proper
20 embarkation.

21 And Captain give me order, you go proceed to
22 lifeboat Number 1.

23 MR. YETS: So when it was identified, this
24 is Jason Yets the United States Coast Guard, so when it
25 was identified that there was a 40 millimeter or 40

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 centimeter?

2 MR. NAGYBYN: No, no, 30, 20, I don't know
3 exactly --

4 MR. YETS: How big --

5 MR. NAGYBYN: -- centimeters. Centimeters.

6 MR. YETS: -- show me the gap and I'll guess
7 it. So about one foot.

8 MR. NAGYBYN: Like this.

9 MR. YETS: Maybe one to one-and-a-half-foot
10 gap --

11 MR. NAGYBYN: Like this here.

12 MR. YETS: -- between the lifeboat and the
13 vessel.

14 MR. NAGYBYN: Yes.

15 MR. YETS: And based on the fact that there
16 was a one-to-one and a half gap --

17 MR. NAGYBYN: I don't know exactly. Maybe,
18 yes.

19 MR. YETS: -- two feet gap --

20 MR. NAGYBYN: But usually you visual check.
21 It's possible transfer it or no. Not.

22 MR. YETS: So because of the fact that there
23 was a gap --

24 MR. NAGYBYN: Close to maybe 40, 50 --

25 MR. YETS: So because of the fact that there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was a gap, the decision was made that you were no
2 longer going to use lifeboat Number 3, and now you're
3 going to transfer to lifeboat Number 1?

4 MR. NAGYBYN: Yes. Yes. It was Captains
5 decision.

6 MR. YETS: That was Captains decision?
7 Okay. So then following that, who took over lifeboat
8 Number 3 with passengers and how did it end up halfway
9 down to the, how did it end up hanging on the blocks on
10 the side of the ship?

11 MR. NAGYBYN: If you have muster list, each
12 crew will standby near the lifeboat. Only change it
13 maybe leaders, you know.

14 But lifeboat Number 3, only lowering without
15 passenger, without nothing. We are only try and not
16 success. We tried two times, it's no success. We keep
17 close to the boat and the space. And I go to the
18 lifeboat Number 1.

19 MR. YETS: And when you say --

20 MR. NAGYBYN: Crew standby near the lifeboat
21 Number 1.

22 MR. YETS: Yes.

23 MR. NAGYBYN: But maybe, I don't know who
24 exactly was from lifeboat Number 1 leader, but maybe
25 engineers maybe who been downstairs, but I don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But I start commanding.

2 MR. YETS: Yes. When you said you made a
3 couple attempts and it didn't work, what didn't work?
4 The blocks wouldn't release, the winch wouldn't lower
5 the boat? Were there multiple things wrong? And if
6 there were, could you --

7 MR. NAGYBYN: Yes.

8 MR. YETS: -- highlight what the problems
9 were with the lifeboat Number 3?

10 MR. NAGYBYN: I don't know. This is from
11 dry dock, I don't know.

12 MR. YETS: What did you witness were the
13 problems with Number 3? Did you witness any problem
14 with Number 3?

15 MR. NAGYBYN: Not problems, only space.
16 From my opinion, only space was the -- yes. It's
17 running properly, but we cannot start embarkation, but
18 we have space. That's it.

19 MR. YETS: Okay.

20 MR. KARR: Okay, let me follow-up on
21 lifeboat Number 3 and jump in --

22 MR. YETS: Yes, I'm going to hand it back
23 over you and then I'll take my turn when we come back
24 around.

25 MR. KARR: All right. Did you ever do any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tasks, on the day of the fire, did you ever do any
2 tasks associated with lifeboat Number 3? Did you try
3 to start the engine? Did you ever go in lifeboat
4 Number 3?

5 MR. NAGYBYN: No, no, no. You see, it was
6 very quick and start loading without testing. I ask
7 guys, who leader, who engineer, who in charge for
8 engine department. Maybe me, me, me. But I don't know
9 regarding lifeboat Number 3.

10 But I immediately proceed to lifeboat Number
11 1 and ask guys, who engineer for lifeboat Number 1, but
12 Captain give me order to lower one, one, one. For me,
13 most important, was who leader for Number 1. I find
14 one guys, who was the engineer, was engineer for
15 lifeboat Number 1.

16 MR. KARR: All right. I want to understand,
17 you just told a story about lifeboat Number 3.

18 MR. NAGYBYN: Yes.

19 MR. KARR: Where were you when lifeboat
20 Number 3 was being lowered?

21 MR. NAGYBYN: Yes.

22 MR. KARR: Where were you?

23 MR. NAGYBYN: Usually procedure --

24 MR. KARR: No, no, no, no. On the day of
25 the accident --

1 MR. NAGYBYN: Yes.

2 MR. KARR: -- when lifeboat Number 3 was
3 being lowered --

4 MR. NAGYBYN: Yes.

5 MR. KARR: -- where were you?

6 MR. NAGYBYN: Near the lifeboat.

7 MR. KARR: You were near lifeboat Number 3?

8 MR. NAGYBYN: Yes, Number 3. I be coming
9 from my fire locker to lifeboat Number 3.

10 MR. KARR: And --

11 MR. NAGYBYN: We start to release all
12 system, remove the pin and prepare lifeboat Number 3
13 for lowering.

14 MR. KARR: All right.

15 MR. NAGYBYN: Yes.

16 MR. KARR: And keep going. Tell us your
17 story. Keep telling us what happened.

18 MR. NAGYBYN: But usually, usually, you
19 start --

20 MR. KARR: No, not usually, just tell us --

21 MR. NAGYBYN: Nothing to do.

22 MR. KARR: -- tell us, you know, so you came
23 up, you were standing by lifeboat Number 3?

24 MR. NAGYBYN: Yes.

25 MR. KARR: So tell your story. Tell me --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Nothing to do, I told you. We
2 only start lowering, that's it. Nobody coming down to,
3 but we have big space. How to start, how to start
4 engine.

5 MR. KARR: No crew was there to help you?
6 No crew was there for boat Number 3?

7 MR. NAGYBYN: I do not remember, sir. Well,
8 some crew was there, exactly. But no, no --

9 MR. KARR: Did --

10 MR. NAGYBYN: -- some crew exactly. But we
11 assist each other for loading.

12 MR. KARR: So did any member, while you were
13 there next to boat, lifeboat Number 3, did any crew go
14 in the boat?

15 MR. NAGYBYN: No, we cannot choose to go to
16 that boat.

17 MR. KARR: Because it was --

18 MR. NAGYBYN: Space. Yes.

19 MR. KARR: -- space. All right.

20 MR. NAGYBYN: Captain cancel it, the
21 procedure. But we cannot go out.

22 MR. YETS: All right, so I just want to,
23 Jason Yets with the United States Coast Guard. So I
24 just want to clarify this.

25 So you finished your firefighting duties,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and I'm going to recap the timeline. At any point
2 during this recap I make a mistake, I want you to stop
3 me and correct the timeline, okay?

4 MR. NAGYBYN: Yes.

5 MR. YETS: So you finished your firefighting
6 duties as fire squad Number --

7 MR. NAGYBYN: 3.

8 MR. YETS: -- 3 leader.

9 MR. NAGYBYN: Yes.

10 MR. YETS: Upon completing the duties as
11 fire Team 3 squad leader, you proceeded to lifeboat
12 Number 3.

13 MR. NAGYBYN: Yes.

14 MR. YETS: You and your team, at lifeboat
15 Number 3, prepared it to be launched. When you were
16 done preparing it, it was identified, by yourself, that
17 there was too large of a gap, between one and two feet,
18 between the inboard and the side of the lifeboat and
19 the upward side of the vessel.

20 At that time you reported that information
21 to the Captain --

22 MR. NAGYBYN: Captain all the time check
23 from window.

24 MR. YETS: Okay, so the Captain saw that
25 there was a big gap on --

1 MR. NAGYBYN: Yes. Yes. For which reason
2 we said we cannot try, we had tried twice, not success.
3 And we checked exactly in front.

4 MR. YETS: What do you mean you tried with
5 no success? What were --

6 MR. NAGYBYN: But we had tried, Captain give
7 --

8 MR. YETS: Hold on, let me explain what I'm
9 asking for.

10 MR. NAGYBYN: Sorry.

11 MR. YETS: When you say you tried with no
12 success, what was the process that you tried?

13 MR. NAGYBYN: I tried pick it up again and
14 lower it again.

15 MR. YETS: Okay. So you --

16 MR. NAGYBYN: This is not my decision also.
17 Captain gave order for bosun, bosun, try one more time.
18 That's, again, same space.

19 MR. YETS: So you were raising and lowering
20 the boat from the deck?

21 MR. NAGYBYN: Yes.

22 MR. YETS: There was no persons on this side
23 of the vessel?

24 MR. NAGYBYN: From the deck. From the deck.

25 MR. YETS: And so the boat goes down, I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sorry, lifeboat Number 3 goes down to the water, it
2 comes back up.

3 MR. NAGYBYN: Not to the water. To the
4 embarkation deck.

5 MR. YETS: Okay. So you bring it down to
6 the embarkation deck --

7 MR. NAGYBYN: Yes.

8 MR. YETS: -- too big of a gap. Bring it
9 back up --

10 MR. NAGYBYN: Yes, again.

11 MR. YETS: -- bring it back down again and
12 still too big of a gap?

13 MR. NAGYBYN: Correct.

14 MR. YETS: Did you make a third attempt to
15 bring it up and then back down or was it decided after
16 the second attempt?

17 MR. NAGYBYN: I don't know for which Captain
18 make (indiscernible). I don't know.

19 MR. YETS: Okay. So then once it was -- so
20 now we've decided, or now the captain has decided the
21 gap is too big at this point, nobody has even been in
22 the boat yet, correct?

23 MR. NAGYBYN: Yes.

24 MR. YETS: No one has been on the boat?

25 MR. NAGYBYN: No, no one.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. YETS: Okay. So then he says, okay, go
2 over and now you're going to be Lifeboat 1 commander.

3 MR. NAGYBYN: Right.

4 MR. YETS: And then at that point you
5 relinquish your responsibility of lifeboat Number 3 and
6 assumed responsibility of lifeboat Number 1.

7 MR. NAGYBYN: Yes.

8 MR. YETS: Do you know about any information
9 about lifeboat Number 3, after you relinquished your
10 command of it?

11 MR. NAGYBYN: No.

12 MR. YETS: That was the last you saw of it,
13 heard of it, everything?

14 MR. NAGYBYN: No. Too much talking inside
15 my walkie talkie.

16 MR. YETS: Okay.

17 MR. NAGYBYN: No. No.

18 MR. YETS: So when you signed up -- so when
19 we were talking just prior to this, you know and I'm
20 sorry, Mike --

21 MR. KARR: No, no.

22 MR. YETS: -- this was --

23 MR. KARR: No, no, keep going.

24 MR. YETS: -- interfering? Okay.

25 When you, earlier when we were talking and I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 asked you if you had any training on the lifeboats and
2 any training on the fire and the answer was no. Then I
3 restated it, did you get any familiarization and it was
4 yes.

5 So I just want to clarify this. You were
6 familiarized on the operational components of lifeboat
7 Number 3 and then afterwards, four days later, during
8 the emergency, you end up using lifeboat Number 1?

9 MR. NAGYBYN: No.

10 MR. YETS: So you did not --

11 MR. NAGYBYN: No, I generally, I am familiar
12 -- safety officer provide only general familiarization
13 with me, personally --

14 MR. YETS: Yes.

15 MR. NAGYBYN: -- about lifeboat equipment.
16 Like general.

17 MR. YETS: Oh, general lifeboat?

18 MR. NAGYBYN: Yes.

19 MR. YETS: Not specific lifeboat Number 3 or
20 --

21 MR. NAGYBYN: No.

22 MR. YETS: -- or lifeboat Number 1?

23 MR. NAGYBYN: No.

24 MR. YETS: Okay. Are you familiar with the
25 differences in between lifeboat Number 3 and lifeboat

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Number 1?

2 MR. NAGYBYN: Before?

3 MR. YETS: From a construction standpoint.

4 MR. NAGYBYN: No.

5 MR. YETS: Are you aware that lifeboat
6 Number 3 is a fully enclosed lifeboat and lifeboat
7 Number 1 is a partially enclosed lifeboat?

8 MR. NAGYBYN: No.

9 MR. YETS: So we talked about these
10 checklists --

11 MR. NAGYBYN: Yes.

12 MR. YETS: -- okay, that you went through.

13 And, you know, they were provided to you, you got your
14 familiarization.

15 MR. NAGYBYN: Which kind of checklist?

16 MR. YETS: We talked about the checklists
17 for the Day 1 familiarization.

18 MR. NAGYBYN: Ah, yes.

19 MR. YETS: We talked about the checklist for
20 the fire Squad team leader. We talked about the
21 checklist for the lifeboat.

22 MR. NAGYBYN: Yes.

23 MR. YETS: Are there any other processes or
24 procedures, within the company's safety management
25 system, okay, which I know that that is, that's like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 saying read the library, I get that. Okay, but are
2 there any processes or procedures, within the safety
3 management system, that outline any training
4 requirements that you, as a second officer, as a Fire
5 Squad 3 leader or as a lifeboat commander, have to
6 complete prior to assuming commandable lifeboat,
7 responsibility for the fire squad?

8 MR. NAGYBYN: Yes. Also, we have
9 familiarization for bridge equipment. Just for bridge
10 equipment, I use all the equipment. Medication
11 equipment, weather equipment, the GMDSS equipment.
12 Yes.

13 MR. YETS: Okay. Let me rephrase the
14 question. So you didn't get any specific training on
15 the lifeboats? On your specific lifeboat.

16 You got the general overview --

17 MR. NAGYBYN: No.

18 MR. YETS: -- but not the specifics?

19 MR. NAGYBYN: No. I have not. I start four
20 days.

21 MR. YETS: Yes.

22 MR. NAGYBYN: However, we running like crazy
23 wrestling between two ports.

24 MR. YETS: Yes.

25 MR. NAGYBYN: So how you supposed to do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (indiscernible), really. But we were provide also
2 loading operation with the cars, with goods.

3 MR. YETS: Yes. Okay. Mike, I'll hand it
4 back to you.

5 MR. KARR: Mike Karr. When you received
6 your familiarization training about the lifeboats, did
7 any of that familiarization training take place in a
8 lifeboat?

9 MR. NAGYBYN: No.

10 MR. KARR: When you were in your firefight -
11 - when responding to the fire, can you estimate, or do
12 you know what time you left your firefighting post, got
13 out of your equipment and then went to the muster
14 station?

15 MR. NAGYBYN: I didn't check time, but
16 (indiscernible), but we had pick-up all equipment. I
17 mean fire hoses, fire hoses bracing devices,
18 extinguishers, (indiscernible), and go down to the car
19 deck and start dressing there.

20 MR. KARR: And start what?

21 MR. NAGYBYN: Dressing.

22 MR. KARR: Dressing. All right. Well, then
23 did you get completely dressed? Did you continue to
24 get dressed out?

25 MR. NAGYBYN: Not yet. Not yet. But a lot

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of folk, you see, I start, for example, I have
2 trousers, I put jacket and I look up a lot of black
3 smoke coming. And safety officer running these
4 breathing devices like on scene commander. And he
5 ordered escape all crew from A.

6 MR. KARR: And where did you escape to after
7 that?

8 MR. NAGYBYN: I proceed to -- ah, I ask with
9 equipment or leave here on the Deck C, and we are to
10 proceed to upstairs.

11 MR. KARR: To your muster --

12 MR. NAGYBYN: And we are start moving,
13 exactly mister -- exactly signal abandon ship.

14 MR. KARR: You heard --

15 MR. NAGYBYN: But not whistle. I mean
16 evacuation. Start evacuation of passengers, dah, dah,
17 dah. I catch some words, but not exactly
18 (indiscernible).

19 MR. KARR: And that word, does that mean go
20 to muster stations or go to the boats and the life
21 rafts?

22 MR. NAGYBYN: I do not remember exactly.

23 MR. KARR: Well after you --

24 MR. NAGYBYN: But words, no it was very
25 noisy. Was everything noisy. But I remember only

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 evacuation. Like evacuation, dah, dah, dah, dah, of
2 what exactly I cannot catch.

3 MR. KARR: Well tell me what you did --

4 MR. NAGYBYN: Ah.

5 MR. KARR: -- after you left --

6 MR. NAGYBYN: Yes.

7 MR. KARR: -- after you took off, you know,
8 you left --

9 MR. NAGYBYN: I proceeded to muster station
10 level.

11 MR. KARR: You went --

12 MR. NAGYBYN: Lifeboat muster station.

13 MR. KARR: You went to lifeboat muster
14 station.

15 MR. NAGYBYN: Yes.

16 MR. KARR: And then how soon after you got
17 to your muster boat -- how soon after you go to your
18 lifeboat muster station did you begin loading
19 passengers into the lifeboat?

20 MR. NAGYBYN: I do not understand.

21 MR. KARR: Well, I'm trying to -- since I'm
22 trying to get a timeline.

23 MR. NAGYBYN: Ah, timeline.

24 MR. KARR: A timeline --

25 MR. NAGYBYN: This is quickly. Like maybe

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 five minutes maximum. But not fire, no. We hear from
2 (indiscernible) and exactly to muster station lifeboat.
3 We lose all equipment. Five minutes if not four maybe.

4 MR. KARR: Five minutes between the time you
5 left your Garage C --

6 MR. NAGYBYN: Yes.

7 MR. KARR: -- until you got to the muster
8 station?

9 MR. NAGYBYN: No, maybe four.

10 MR. KARR: Four minutes?

11 MR. NAGYBYN: Yes.

12 MR. KARR: And then once you got to the
13 muster station --

14 MR. NAGYBYN: Number 3. Oh, lifeboat Number
15 3.

16 MR. KARR: -- Number 3, then how soon after
17 you got there --

18 MR. NAGYBYN: People start easy, easy
19 coming. Passengers.

20 MR. KARR: And then how soon after you got
21 up there did you start loading people into lifeboats?

22 MR. NAGYBYN: I received permission Captain
23 may start up. We standby. Lifeboat was already, up.
24 It's lifeboat Number 3. Cannot success so passengers
25 standby waiting, waiting, waiting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But in another decision, lifeboat Number 1.
2 We touch the hull, start embarkation. Likewise, but
3 people standby. Passenger was standby.

4 MR. KARR: People were standing by?

5 MR. NAGYBYN: Yes.

6 MR. KARR: Give me an idea -- I'm looking
7 for -- when did the people go from standby to getting
8 into the lifeboats?

9 MR. NAGYBYN: Ah. All this time between
10 (indiscernible) Number 3, Number 1. We lose time.

11 MR. KARR: How much time?

12 MR. NAGYBYN: Five minutes, six.

13 MR. KARR: Five minutes? It was short.
14 That's short. It's a short period of time.

15 MR. NAGYBYN: But really, like it was, but
16 lifeboat was ready for lowering.

17 MR. KARR: All right.

18 MR. NAGYBYN: But usually, but it not
19 exactly here procedure, but really four days. But
20 usually we have lifeboat preparation team. Should be
21 ready, all lifeboats for lowering. But only commander
22 come and team come and we start moving.
23 (Indiscernible). But there's no, like being
24 downstairs.

25 But I shared information about lifeboat

1 preparation, team start prepare before there really was
2 information. Lifeboat preparation team start prepare.

3 LT. [REDACTED] This is [REDACTED] with
4 the Coast Guard. Just to clarify, were both boats,
5 Number 1 and Number 3, being prepared to lower and
6 launch at the same time?

7 MR. NAGYBYN: I don't know.

8 LT. [REDACTED] So --

9 MR. NAGYBYN: You see, I leave from port
10 side, Number 1. And then I go to Number 3, Number 1.
11 Number 3, Number 1. I go to Number 1. I don't know it
12 was together or not.

13 LT. [REDACTED] Ah. Correct me if I'm wrong,
14 but are lifeboats Number 1 and 3 on the starboard side?

15 MR. NAGYBYN: No, no, no. No. It's just
16 opposite side. Oh, 3 --

17 LT. [REDACTED] One and 3 are odd numbers.

18 MR. NAGYBYN: Hold on, I'm crazy. It's 3 on
19 one side. Not Number 3.

20 LT. [REDACTED] So did you ever go to the port
21 side --

22 MR. NAGYBYN: Yes, but I go to from, maybe
23 not now, not Number 1. Let me see. But I remember --

24 MR. YETS: This is Jason Yets, United States
25 Coast Guard. We can clarify this very easily.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Lifeboat Number 3 is where you reported to.

2 MR. NAGYBYN: Yes.

3 MR. YETS: When the captain told you to
4 change lifeboats --

5 MR. NAGYBYN: Correct.

6 MR. YETS: -- did you go to the lifeboat
7 right in front of your lifeboat --

8 MR. NAGYBYN: Yes. I go to opposite side.
9 I go to opposite side.

10 MR. YETS: Okay.

11 MR. NAGYBYN: Maybe 2.

12 MR. YETS: So you went to lifeboat Number 2?

13 MR. MAJOR: Maybe. Yes.

14 MR. YETS: Okay. So for the reporting, all
15 references prior to this, for lifeboat Number 1, will
16 now be corrected to lifeboat Number 2.

17 LT. [REDACTED] Well, were you on the
18 starboard side of the vessel or the port side when you
19 launched?

20 MR. NAGYBYN: We launched from starboard
21 side.

22 MR. YETS: I just asked you, when you were
23 in lifeboat Number 3 and it wasn't working, right, and
24 the captain said take over this lifeboat --

25 MR. NAGYBYN: Correct. But I remember --

1 MR. YETS: Hold on, let me finish. I asked
2 you, I said, did you go to the lifeboat directly in
3 front of lifeboat Number 3 or did you go to --

4 MR. NAGYBYN: No, opposite side.

5 MR. YETS: So you went to the other side of
6 the ship?

7 MR. NAGYBYN: Exactly. Exactly.

8 MR. YETS: So that would be lifeboat Number
9 2.

10 MR. NAGYBYN: But I ask which number guys,
11 which number, which number. Number 1. My people told
12 me Number 1. (Indiscernible). I asked many time. But
13 I reported, you know.

14 But usually, exactly, it should be Number 2.
15 How I supposed to know.

16 MR. YETS: So in your experience, in the 15
17 years on ships, especially having all passenger ships,
18 have you noticed that all the starboard lifeboats
19 generally are always odd numbered and all the port
20 boats are generally always even numbered?

21 MR. NAGYBYN: Yes. Correct.

22 MR. YETS: Would you say that that is not
23 the case on this ship? On this ship, is it different
24 from what you've see on every other ship?

25 MR. NAGYBYN: No, same.

1 MR. YETS: Okay.

2 MR. NAGYBYN: Same.

3 MR. YETS: Okay, thank you.

4 MR. KARR: All right, I go a question.

5 Here's a question. When your boat was being banged
6 into the side of the ship --

7 MR. NAGYBYN: Yes.

8 MR. KARR: -- the lifeboat, what side of the
9 lifeboat was banging against the hull of the ship?

10 MR. NAGYBYN: Port side. Port side.

11 MR. KARR: The port side was banging?

12 MR. NAGYBYN: Yes. Lifeboat port side
13 banging from port side, port side or starboard side.

14 But you see, this is a lot of information.

15 MR. KARR: All right.

16 MR. NAGYBYN: But I follow the captain
17 order. He give me, proceed to Number 1, I hope this is
18 not, but I double check exactly. But before I went
19 from port side, exactly, I don't go to exactly directly
20 from port side to opposite side.

21 MR. KARR: I'm going to pause the recording
22 at 11:23 so we can clarify which lifeboat.

23 (Whereupon, the above-entitled matter went
24 off the record at 11:23 a.m. and resumed at 11:47 a.m.)

25 MR. KARR: All right, we're back on at 11:47

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 after taking time to clarify which lifeboats we've been
2 discussing during this interview.

3 MR. YETS: Jason Yets with the United States
4 Coast Guard. For the record, for all previous
5 lifeboats referred to as Number 3 in this recording
6 will now be changed to lifeboat Number 2. And all
7 mentions of lifeboat Number 2 in this recording will be
8 changed to lifeboat Number 1.

9 To clarify, the lifeboat that the second
10 officer went to, upon general emergency alarm, was
11 lifeboat Number 2. Upon lifeboat Number 2 not being
12 able to be loaded properly, the Captain directed him to
13 the other side of the vessel, which would be lifeboat
14 Number 1.

15 And now I'll hand it back to Mike and you
16 can carry on with where we were before we took the
17 break.

18 MR. KARR: Well, before we do that, are
19 there anymore lifeboat questions?

20 MR. YETS: Yes. All right, Jason Yets,
21 United States Coast Guard. When you went to lifeboat
22 Number 1, the boat that you actually ended up getting
23 on, going down and taking away, okay, did you have an
24 engineer assigned as a team member of your boat?

25 MR. NAGYBYN: No.

1 MR. YETS: So with you being the commander
2 of the lifeboat, was one of your team members engineer?

3 MR. NAGYBYN: Number 1?

4 MR. YETS: Yes.

5 MR. NAGYBYN: Yes.

6 MR. YETS: Who?

7 MR. NAGYBYN: First engineer.

8 MR. YETS: First engineer?

9 MR. NAGYBYN: Yes.

10 MR. YETS: Okay. At any time in the, and I
11 believe you stated it was roughly an hour, slightly
12 over an hour that you were taking on water as you were
13 basically just doing circles waiting for somebody to
14 rescue you, was there any attempts made to try to fix
15 the lifeboat engine to get it started?

16 MR. NAGYBYN: No, water coming.

17 MR. YETS: So there was so much water coming
18 in that --

19 MR. NAGYBYN: Yes. Quickly.

20 MR. YETS: -- no attempt was made?

21 MR. NAGYBYN: Quickly. Yes.

22 MR. YETS: Okay.

23 MR. NAGYBYN: We had tried to start it many,
24 many times. Nothing.

25 MR. YETS: Nothing?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Yes.

2 MR. YETS: All right. So you didn't make
3 any attempts to make any repairs --

4 MR. NAGYBYN: No, there was some oil coming,
5 some oil coming also.

6 MR. YETS: And some oil coming also?

7 MR. NAGYBYN: Yes.

8 MR. YETS: Okay. When you're referring to,
9 this is what I was talking to previously, you were in
10 the water for slightly over an hour just basically
11 doing circles waiting to be rescued, you had said, I
12 was asking for help. You were making calls on the
13 radio --

14 MR. NAGYBYN: Yes.

15 MR. YETS: -- were taking on water. Who
16 were you making those calls to? Who were you saying,
17 we're taking on water, we're taking on water, we need
18 help, we need help?

19 MR. NAGYBYN: Yes, I'm saying.

20 MR. YETS: To who? Who are you saying --

21 MR. NAGYBYN: No, for vessel. For vessel.
22 For vessel.

23 MR. YETS: To the bridge?

24 MR. NAGYBYN: Yes, to the bridge.

25 MR. YETS: So you were telling the bridge --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Bridge, bridge, bridge,
2 lifeboat Number 3 -- Number 2 --

3 MR. YETS: Lifeboat Number 1 going down --

4 MR. NAGYBYN: Yes, yes.

5 MR. YETS: -- we're taking on water?

6 MR. NAGYBYN: Yes. I careful not Number 3 -
7 -

8 MR. YETS: Okay.

9 MR. NAGYBYN: -- (indiscernible).

10 MR. YETS: And the only recuse calls you
11 made and the only notifications you made, that you were
12 taking on water, were between lifeboat Number 1 and the
13 bridge of the Caribbean Fantasy?

14 MR. NAGYBYN: I don't understand your
15 question.

16 MR. YETS: The only line of communication --

17 MR. NAGYBYN: Ah, yes.

18 MR. YETS: -- you had for the lifeboat was -
19 -

20 MR. NAGYBYN: Yes, yes.

21 MR. YETS: -- was between you and the --

22 MR. NAGYBYN: Yes, I --

23 MR. YETS: -- vessel and nobody else?

24 MR. NAGYBYN: -- call the bridge. I don't
25 know. Yes, yes exactly.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. YETS: Okay. Thank you.

2 MR. NAGYBYN: I call bridge, bridge, bridge
3 or command center. I don't remember.

4 MR. YETS: And you did this how many times
5 over the course of this hour do you think? How many
6 times did you notify them that you were taking on water
7 or how many times did you ask for assistance?

8 MR. NAGYBYN: No, I ask many times. I don't
9 know exactly.

10 MR. YETS: Many would be three, five --

11 MR. NAGYBYN: Three to five. Three to five.

12 MR. YETS: Three to five?

13 MR. NAGYBYN: Three to five. Seven maybe.

14 But if we quickly come, I afraid that they call one
15 more time. But next my step was, nobody answer
16 (indiscernible), you know.

17 But I invite first rescue boat. I show him,
18 but very far shouting, water coming, water coming,
19 water coming. Please assist for me, please assist for
20 me.

21 MR. YETS: And you were yelling this or you
22 were talking over the radio?

23 MR. NAGYBYN: No, I talking about like --

24 MR. YETS: And you were saying this --

25 MR. NAGYBYN: Yes.

1 MR. YETS: -- to the rescue boat you said?

2 MR. NAGYBYN: Calm down. Calm down he said.

3 MR. YETS: Who said calm down?

4 MR. NAGYBYN: The officer.

5 MR. YETS: Which officer?

6 MR. NAGYBYN: I don't know. It was from the
7 United States --

8 MR. YETS: On the radio?

9 MR. NAGYBYN: No.

10 MR. YETS: How then?

11 MR. NAGYBYN: It was like talking this way.

12 This was like --

13 MR. YETS: So this is a Coast Guard Officer
14 on a Coast Guard vessel?

15 MR. NAGYBYN: Yes, a lot of them. A lot,
16 not one.

17 MR. YETS: Okay.

18 MR. NAGYBYN: Yes.

19 MR. YETS: Okay.

20 MR. NAGYBYN: I go and ask them, gentlemen.
21 But my people talking by Spanish, I talking by English.

22 MR. YETS: Yes.

23 MR. NAGYBYN: Gentlemen, we have water
24 inside, we have water inside. Calm down, calm down.
25 Don't panic, don't panic. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. YETS: Okay. Going back to before that
2 interaction with the Coast Guard, how many times did
3 you ask the vessel for assistance? How many times did
4 you notified the vessel you were taking on water?

5 MR. NAGYBYN: I don't remember.

6 MR. YETS: Did you receive any
7 communications back from the Caribbean Fantasy --

8 MR. NAGYBYN: Hold on here. Hold on, hold
9 on. We receive message, hold on. I remember one
10 message I received. Hold on.

11 MR. YETS: Okay. And that was the only
12 message you received?

13 MR. NAGYBYN: That's it. Yes.

14 MR. YETS: Okay. Okay.

15 MR. KARR: And this is Mike Karr. What
16 channel were you using to talk to the bridge?

17 MR. NAGYBYN: Six. Channel 6.

18 MR. KARR: Channel 6. Thanks. Starting
19 from when you left Garage C, were there any other times
20 that smoke impaired your ability to move around the
21 ship?

22 MR. NAGYBYN: Yes. A lot of smoke. From
23 funnel.

24 MR. KARR: But did it impair your ability to
25 move? Did you ever come across smoke?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: You mean smoke inside of my
2 lifeboat or from the vessel?

3 MR. KARR: No. When you were on the vessel
4 --

5 MR. NAGYBYN: Yes. Ah, around the vessel.
6 No.

7 MR. KARR: -- you, as you moved around the
8 vessel --

9 MR. NAGYBYN: Yes, a lot of smoke was on
10 Deck 5, on Deck 6.

11 MR. KARR: But did you, did you breathe in
12 any smoke?

13 MR. YETS: Well, let me clarify that
14 question if I may.

15 MR. NAGYBYN: Yes, yes, yes, yes.

16 MR. YETS: This is Jason --

17 MR. NAGYBYN: I understood what you -- yes,
18 I get you.

19 MR. YETS: Jason Yets, United States Coast
20 Guard. From the time when you heard Mr. Skylight --

21 MR. NAGYBYN: Yes.

22 MR. YETS: -- okay, when you heard Mr.
23 Skylight, you immediately proceeded from wherever you
24 were --

25 MR. NAGYBYN: Yes.

1 MR. YETS: -- to your fire locker.

2 MR. NAGYBYN: Yes.

3 MR. YETS: In your attempt to make it from
4 where you were to your fire locker --

5 MR. NAGYBYN: Yes.

6 MR. YETS: -- did you ever encounter smoke
7 that made you have to change course and find a
8 different way to your fire locker?

9 MR. NAGYBYN: No. No. But for which
10 reason, this is forward port.

11 MR. YETS: Okay. So the exit is --

12 MR. NAGYBYN: Forward port. Yes.

13 MR. YETS: So between where you were and the
14 fire locker, you did --

15 MR. NAGYBYN: No. No.

16 MR. YETS: -- not have to change course to
17 get there?

18 MR. NAGYBYN: No. No.

19 MR. YETS: Okay. When you were done with
20 the firefighting portion and you were preceding to the
21 lifeboat, right, was there any time in whatever --

22 MR. NAGYBYN: Yes, I changed --

23 MR. YETS: -- path you took that you said,
24 oops, I can't go this way, there's too much smoke, I
25 have to find a different way?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. NAGYBYN: Yes. I changed one or two
2 times I changed it.

3 MR. YETS: Can you talk about that?

4 MR. NAGYBYN: Yes. I change it, yes. When
5 I leave from downstairs, yes, I --

6 MR. YETS: Do you remember at all where it
7 was in the ship? Like I remember I left the fire
8 locker, I went into this staircase --

9 MR. NAGYBYN: Deck 5. Deck 5, port side.

10 MR. YETS: So when you came out of a
11 staircase --

12 MR. NAGYBYN: A staircase, from staircase,
13 that probably not deck, any other person, crew. But I
14 also, guys, guys escape, escape. It's usually, I am
15 like firefighter remember. Guys escape, a lot of
16 smoke. Escape, escape. (Indiscernible) escape.

17 MR. YETS: So from fire locker to Deck
18 Number 5, you took one path? You didn't have to
19 deviate to avoid smoke?

20 MR. NAGYBYN: No, no. You see, it was fire
21 locker Number 3 located on Platform 5. You see. When
22 I go to the car deck, C, there was beam, middle, a beam
23 you know. When I go upstairs, I come in from the
24 staircase, middle also on the Deck 5, there was smoke.

25 MR. YETS: So at that point, did you have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 turn around and go back and find a different way?

2 MR. NAGYBYN: Yes. I start to proceed to
3 the up station. Up. And also the smoke was from, I do
4 not remember from which side, but cannot breathe. I
5 escape from another side. But was a lot of smoke.

6 MR. YETS: Okay. Mike, did that clarify the
7 answer --

8 MR. KARR: Yes.

9 MR. YETS: -- that you wanted?

10 MR. KARR: Yes.

11 MR. YETS: Okay.

12 MR. KARR: And I have no more questions so,

13

14 LT. [REDACTED] Hi, [REDACTED] with the
15 Coast Guard. So leaving the fire locker, or your fire
16 squad station to the Number 2 lifeboat, you said that
17 the first engineer is the other crew member for your
18 lifeboat on the port --

19 MR. NAGYBYN: No, first engineer for first
20 lifeboat. I don't know who was from lifeboat Number 2.

21 LT. [REDACTED] The first?

22 MR. NAGYBYN: I don't know. I remember only
23 two guys, (indiscernible). But I don't know crew. I
24 four days, I don't know crew.

25 But one the lifeboat Number 1 --

1 LT. [REDACTED] Right. Okay.

2 MR. NAGYBYN: -- I catch the engineer. I
3 ask, who engineer, who engineer. Where is my crew.
4 But this is new lifeboat, you know.

5 LT. [REDACTED] I see.

6 MR. NAGYBYN: But I also lifeboat Number 2
7 also. You know, I didn't know 1.

8 LT. [REDACTED] Okay. So after Number 2,
9 about five to ten minutes of trying to raise and lower
10 and then the gap was noticed, Captain directed you to
11 proceed to the opposite side of the vessel, to the
12 starboard side, at lifeboat Number 1. Was lifeboat
13 Number 1 already ready and the preparations were
14 already made to be launched?

15 MR. NAGYBYN: No. I asked whose engineer.
16 Are you try engine? Usually you try from upstairs. I
17 asked him, are you try engine? Are you check, no. I
18 ask him, try. He told me on the water. I ask him, try
19 and start engine. I'm instructed, only on the water.

20 LT. [REDACTED] My question is, when you got -
21 - when you reported to lifeboat Number 1 --

22 MR. NAGYBYN: Okay.

23 LT. [REDACTED] -- after crossing the vessel,
24 was lifeboat Number 1 already ready to be launched into
25 the water? Was it already prepared for launching or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 did you have to wait additional time for it to be
2 prepared?

3 MR. NAGYBYN: No, it was ready. It was
4 ready. But, for which we was going to start embarking,
5 you know.

6 LT. [REDACTED] Okay.

7 MR. NAGYBYN: But only during the
8 embarkation I asked engineer, are you start the engine.
9 Are you start the engine. But I busy with embarkation,
10 you know. Are you start the engine. But he told me on
11 the water. Many times.

12 LT. [REDACTED] Okay. So when you --

13 MR. NAGYBYN: And I hope was -- yes, Captain
14 give order to start embarkation. Captain give order.
15 I follow his order.

16 LT. [REDACTED] Okay. So you immediately
17 embark the lifeboat and lowered?

18 MR. NAGYBYN: Yes. Immediately, yes.
19 Exactly. We are changed position. We changed from
20 port side to starboard side. We move -- yes, lifeboat
21 was close to the embarkation deck. But not -- yes,
22 maybe two minutes, three minutes.

23 LT. [REDACTED] To clarify, embarkation deck,
24 is that also Deck 7 or is that the deck below?

25 MR. NAGYBYN: Embarkation deck? No, Deck 7.

1 LT. [REDACTED] Deck 7?

2 MR. NAGYBYN: Yes.

3 LT. [REDACTED] Okay.

4 MR. NAGYBYN: Embarkation deck.

5 LT. [REDACTED] Did you take notice of any
6 activity, on lifeboat Number 3, behind you, after you?

7 MR. NAGYBYN: No, I did not.

8 LT. [REDACTED] Okay. I have other non-
9 lifeboat related questions, so that's why I wanted to -
10 - do you guys have any of that?

11 MR. YETS: No, go ahead.

12 LT. [REDACTED] Well I didn't want to change
13 the subject if we're still on this topic.

14 MR. KARR: No, we're good. So you can go.

15 LT. [REDACTED] Okay. So second -- on the
16 station bill, you are listed as the GMDSS operator.
17 Are you familiar with duties for GMDSS or any other
18 electronics on the bridge?

19 MR. NAGYBYN: I know signal, but I know
20 everything.

21 LT. [REDACTED] Do you have any
22 responsibilities --

23 MR. NAGYBYN: No.

24 LT. [REDACTED] -- relating to the voyage data
25 recorder servicing?

1 MR. NAGYBYN: No, no. No, second mate,
2 second mate in charge for GMDSS equipment. Yes, second
3 mate. Ricardo.

4 LT. [REDACTED] Ricardo --

5 MR. NAGYBYN: Yes, yes.

6 LT. [REDACTED] -- the second mate?

7 MR. NAGYBYN: Yes. Anyway, I have GMDSS
8 license. Yes.

9 LT. [REDACTED] Okay. But second mate is in
10 charge of anything voyage data recorder or radio
11 electronic equipment?

12 MR. NAGYBYN: Yes. Yes, exactly.

13 LT. [REDACTED] Okay.

14 MR. NAGYBYN: Exactly. Who says
15 (indiscernible). I don't know.

16 LT. [REDACTED] Okay.

17 MR. NAGYBYN: Radar, (indiscernible).

18 LT. [REDACTED] The lifeboat Number 1, the
19 boat that you physically got into, who is normally the
20 lifeboat commander?

21 MR. NAGYBYN: I don't know.

22 LT. [REDACTED] You don't know. Were there
23 any other officers --

24 MR. NAGYBYN: I don't know.

25 LT. [REDACTED] -- in that area? No? Okay.

1 Okay.

2 MR. KARR: All right.

3 MS. BELL: I've just got two more questions.

4 This is Carrie. My first question is related to the
5 firefighting team. So I might have missed this, but
6 you're a firefighting team Number 3, right?

7 MR. NAGYBYN: Yes.

8 MS. BELL: And --

9 MR. NAGYBYN: Fire locator Number 3. It's
10 fire team Deck 5 department.

11 MS. BELL: Team --

12 MR. NAGYBYN: Deck 5 department.

13 MS. BELL: Okay.

14 MR. NAGYBYN: We have two department.

15 MS. BELL: Deck fire department.

16 MR. NAGYBYN: Deck fire department, engine
17 department and (indiscernible).

18 MS. BELL: Okay. And so can you just tell
19 me, when you went down to your location, your station,
20 did you put on firefighting gear?

21 MR. NAGYBYN: Yes. We --

22 MS. BELL: And you were ready?

23 MR. NAGYBYN: Yes. We have pick up -- we
24 have four person with firefighting team. We pick up
25 all equipment, include the breathing devices for each

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 one. For firefighting suits, everything.

2 And also equipment like fire hoses and some
3 (indiscernible), you know. Also, how do you say this -
4 - Applicator for equipment. Full applicators. We take
5 it and go down.

6 MS. BELL: Oh, okay.

7 MR. NAGYBYN: It's full equipment. Each
8 person.

9 MS. BELL: Okay. So from the time you left
10 the bridge, from the time you got the first
11 notification, how long did it take you to get --

12 MR. NAGYBYN: Three minutes.

13 MS. BELL: -- where you were going?

14 MR. NAGYBYN: Three minutes. Very close
15 from bridge.

16 MS. BELL: How long?

17 MR. NAGYBYN: Three minutes. Three minutes.

18 MS. BELL: Three minutes?

19 MR. NAGYBYN: Yes.

20 MS. BELL: To dawn your gear?

21 MR. NAGYBYN: No. No, no, only pick up.

22 Only take out --

23 MS. BELL: Just --

24 MR. NAGYBYN: Just only take out. Open the
25 door, take equipment and proceed to car deck Number C.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Charlie.

2 MS. BELL: So did you put on your gear?

3 MR. NAGYBYN: Yes, I take it.

4 MS. BELL: After you got there?

5 MR. NAGYBYN: Yes. Yes. From fire locker,
6 one staircase. Only one staircase.

7 MS. BELL: Okay. And then what happened
8 when you got there?

9 MR. NAGYBYN: Yes, we start dressing. We
10 are start dressing.

11 MS. BELL: Okay.

12 MR. NAGYBYN: And start -- safety officer
13 talked, a little smoke, a little smoke. But really
14 smoke coming to car deck.

15 We cannot choose to put on all equipment and
16 to come out from captain and safety officer escape or
17 people from effected area. And use co2 system, use co2
18 system, use co2 system, secure engineer department.

19 But chief engineer was there a lot of people
20 was there. But we afraid to go page the department, we
21 ask many times, all safe from engine, all escape from
22 engine department. But, can you open the door.

23 Unbelievable what happened. It's a lot of smoke.

24 Black smoke coming.

25 And it's from somewhere also to the car

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 deck. The open deck. You know, coming smoke is
2 quickly. It's quickly coming and we escape. We
3 receive information to escape. All crew, safety
4 officers said come on, we got to save crew from
5 shocking. Shocking. Oh, oh, escape, escape, escape,
6 escape.

7 MS. BELL: Did you see anyone else come into
8 that area as you were leaving or before you left? From
9 the engine room.

10 MR. NAGYBYN: No. No. Was closed, there's
11 nobody down there. We are many times asking chief
12 engineer.

13 MS. BELL: You were asking?

14 MR. NAGYBYN: Yes, I was asking the officer,
15 chief engineer, about all guys escape? Yes. Okay.

16 MS. BELL: Okay, so you asked him if
17 everyone had escaped from the engine room?

18 MR. NAGYBYN: Yes.

19 MS. BELL: And he said --

20 MR. NAGYBYN: Yes, all clear.

21 MS. BELL: -- yes?

22 MR. NAGYBYN: All (indiscernible).

23 MS. BELL: Okay. I have one more question
24 and it's not related to the firefighting.

25 MR. KARR: I'll ask a -- no, I'll wait.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. YETS: I have one that's not related to
2 --
3 MS. BELL: Okay.
4 MR. KARR: Okay, so finish then.
5 MS. BELL: I just have one more question.
6 Since you were new on the ship, did you have another
7 second officer working with you on your first trip, on
8 your first transit?
9 MR. NAGYBYN: What do you mean second
10 officer working with me?
11 MS. BELL: Did you have anyone else working,
12 like were you shadowing anyone or --
13 MR. NAGYBYN: Oh, no, no, no. This is nice,
14 you know, nice crew. My opinion is nice crew. Nobody
15 shouting, nobody --
16 MS. BELL: Oh no, like shadowing you. So
17 someone --
18 MR. NAGYBYN: Ah.
19 MS. BELL: -- that's telling, mentoring you
20 or anything like that?
21 MR. NAGYBYN: Yes.
22 MR. YETS: This is Jason. Just let me
23 clarify. Did you have a handover from the previous
24 second officer?
25 MR. NAGYBYN: No. Handover? No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. YETS: Is there a procedure --

2 MR. NAGYBYN: No, no, no.

3 MR. YETS: -- with the safety manager system
4 that says --

5 MR. NAGYBYN: I know.

6 MR. YETS: -- when a second officer comes to
7 a vessel, he shall have this long of a handover?

8 MR. NAGYBYN: Yes. Usually yes. This was
9 like chief mate, second mate or certain mate handover
10 report, blah, blah, no.

11 MR. YETS: No. So the safety management
12 system requires a handover, there's a checklist, there
13 is some way to verify, on paper, that a handover was
14 done, but it was not completed, is that what you're
15 saying?

16 MR. NAGYBYN: Yes. But nobody gave me
17 nothing.

18 MR. KARR: Let me ask this question. Do you
19 know how long before you arrived that the previous
20 second officer had signed off?

21 MR. NAGYBYN: I don't know the information,
22 but I heard that the vessel stayed without officer.
23 One officer. Vessel stayed without one officer.

24 MR. KARR: While the ship was in dry dock?

25 MR. NAGYBYN: Yes, without me. Without me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. KARR: Without you, without second --

2 MR. NAGYBYN: Yes, without one officer.

3 MR. KARR: Without one officer.

4 MR. NAGYBYN: Without second officer.

5 MR. KARR: Without a second officer.

6 MR. NAGYBYN: Yes. But we have onboard,
7 maybe it was company decision, because we have staff
8 captain, captain, second mate, third mate, safety
9 officer.

10 MR. KARR: All right.

11 MS. BELL: So there was a second mate and
12 there was a second officer?

13 MR. NAGYBYN: The same.

14 MS. BELL: It is the same?

15 MR. NAGYBYN: Exactly. Second mate, second
16 officer is the same.

17 MS. BELL: But I thought I heard -- you
18 said, when we were talking about GMDSS, that the second
19 mate was responsible for that.

20 MR. NAGYBYN: Yes. But we have -- yes, this
21 is Ricardo. Ricardo in charge for GMDSS equipment.
22 The navigation officer.

23 MS. BELL: So does he have the same duties
24 as you on the bridge?

25 MR. NAGYBYN: No, no. No, no, no. He in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 charge for GMDSS and navigation officer. He make
2 charts, voyage path, everything.

3 MS. BELL: And so what are your primary
4 duties?

5 MR. NAGYBYN: Mine? Assist, ah, like safety
6 officer told me, I'm in charge for firefighting
7 equipment, maintenance, maintenance, annual inspection
8 and weekly inspections.

9 MR. KARR: Does the second mate stand, this
10 is Mike Karr, does the second mate stand at navigation
11 watch?

12 MR. NAGYBYN: Yes.

13 MR. KARR: Which watch does he have?

14 MR. NAGYBYN: From 8:00 to noon.

15 MR. KARR: I thought you had the 8:00 to
16 noon?

17 MR. NAGYBYN: Yes. Ah, you mean another
18 officer?

19 MR. KARR: Yes, the other second mate.

20 LT. [REDACTED] Ricardo.

21 MR. KARR: Ricardo.

22 MR. NAGYBYN: Ricardo. I do not remember.

23 Maybe --

24 MR. KARR: Who relieves you?

25 MR. NAGYBYN: Third mate.

1 MR. KARR: Third mate. Okay. You're done?

2 MS. BELL: I'm done.

3 MR. YETS: Do you have any GMDSS
4 responsibilities during the general emergency or
5 abandon ship of the --

6 MR. NAGYBYN: No.

7 MR. YETS: -- vessel, according to the
8 station build?

9 MR. NAGYBYN: No.

10 MR. YETS: Okay. Do you have your safety
11 card? The safety card that was issued to you?

12 MR. NAGYBYN: Yes. Small one.

13 MR. YETS: Where is that?

14 MR. NAGYBYN: In cabin.

15 MR. YETS: It's in your cabin still, on the
16 vessel, Caribbean Fantasy?

17 MR. NAGYBYN: Yes.

18 MR. YETS: Okay. And what cabin number is
19 that?

20 MR. NAGYBYN: Cabin Number 8. Eight.

21 MR. YETS: Cabin Number 8?

22 MR. NAGYBYN: Yes. On the, maybe on the
23 table or something.

24 MR. YETS: That's fine. All right. Then
25 lastly, I just want to ask you a very open-ended

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 question. This is going to be your opinion and your
2 opinion only. Was there anything, from the very start
3 to the very end of this whole process, where you felt
4 things were going horrible wrong or they were going
5 wonderful right?

6 MR. NAGYBYN: No, it's my opinion --

7 MR. YETS: This is besides everything that
8 we've talked about.

9 MR. NAGYBYN: No, no, it's --

10 MR. YETS: This is things that you saw --

11 MR. NAGYBYN: -- really I make mistake with
12 the numbers.

13 MR. YETS: -- things that you heard. I'm
14 talking everybody. Like you're walking around, you see
15 that this --

16 MR. NAGYBYN: No, no.

17 MR. YETS: -- team is doing this, this --

18 MR. NAGYBYN: I said, correct, this is
19 really my fault. It doesn't make (indiscernible)
20 regarding numbers of lifeboat.

21 MR. YETS: Okay.

22 MR. KARR: Well no, he's asking about events
23 on the ship during the fire emergency. He's not
24 talking about the interview.

25 MR. NAGYBYN: Ah.

1 MR. YETS: Yes. No, not this. I'm talking
2 on the ship, during the event, was there anything where
3 you're like, because you have a lot of experience, and
4 I want to tap into that experience and say, in your
5 professional opinion, based on 15 years on sailing on
6 passenger vessels, is there any portion of the fire or
7 abandon ship that you thought --

8 MR. NAGYBYN: I understand.

9 MR. YETS: -- was not the way it should have
10 been --

11 MR. NAGYBYN: No comment.

12 MR. YETS: -- in accordance with your 15
13 years of experience?

14 MR. NAGYBYN: No comment.

15 MR. YETS: Okay. Thank you very much.

16 MR. KARR: All right, my last question.

17 Based on what you know, or observed, why was the order
18 given to abandon ship?

19 MR. NAGYBYN: (No response).

20 MR. KARR: In particular, was there -- as
21 events were unfolding, what did you hear on the radio,
22 or see, that caused people to think that the passengers
23 --

24 MR. NAGYBYN: I followed to the people. I
25 didn't catch nothing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. KARR: Pardon? Say that again?

2 MR. NAGYBYN: I followed for the people who
3 escape upstairs. I cannot catch nothing by radio.

4 MR. KARR: All right. Okay, the last round.
5 Any questions? All right.

6 MR. NAGYBYN: I follow, I saw people escape.
7 I also follow. But I didn't see.

8 MR. YETS: Igor, I want to thank you for
9 your time. I know this is --

10 MR. NAGYBYN: Thank you too, ladies and
11 gentlemen.

12 MR. YETS: -- a long process, I know it was
13 a long interview so I want to thank you for your
14 patience. I know you're not feeling well, so --

15 MR. NAGYBYN: Yes, thank you.

16 MR. YETS: -- get some rest. And again,
17 thank you very much.

18 MR. NAGYBYN: Thank you very much.

19 MR. KARR: All right, thanks. So it's 12:11
20 and the recording will end.

21 (Whereupon, the above-entitled matter went
22 off the record at 12:11 p.m.)

23

24

C E R T I F I C A T E

MATTER: Fire Aboard Caribbean Fantasy
August 17, 2016
Accident No. DCA16FM052
Interview of Igor Nagybyn

DATE: 08-21-16

I hereby certify that the attached transcription of page 1 to 96 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701