



HUMAN PERFORMANCE FACTORS

Attachment 2- 2007 Peterbilt Driver

Interview Transcript

Chattanooga, TN

HWY15MH009

(93 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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COOL RUNNINGS EXPRESS, INC.

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MOTOR CARRIER CRASH

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CHATTANOOGA, TENNESSEE,

*

JUNE 25, 2015

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Interview of: BENJAMIN BREWER

Cool Runnings Facility
London, KentuckyTuesday,
June 30, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: MICHAEL FOX
Highway Accident Investigator

APPEARANCES:

MICHAEL FOX, Highway Accident Investigator
National Transportation Safety Board (NTSB)

KENNETH BRAGG, Human Performance Investigator
National Transportation Safety Board

MICHAEL LaPONTE, Accident Investigator
National Transportation Safety Board

SEAN ANDERSON, Safety Investigator
Kentucky Division
Federal Motor Carrier Safety Administration (FMCSA)

PAMELA RICE, Division Administrator
Kentucky Division, FMCSA

MICHAEL JOHNSON, Esq.
(Representative on behalf of Benjamin Brewer and
Cool Runnings Express Inc.)

CHARITY PENNINGTON
(Passenger)

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I N T E R V I E W

(2:00 p.m.)

MR. FOX: Today is June 30th. The time is approximately 2 p.m. We are located at Cool Runnings in London, Kentucky. This is the motor carrier that was involved in a crash on June 25th. I'm an investigator with the National Transportation Safety Board from the Washington D.C. office. I'm a highway accident investigator.

We will go around the room. We have many parties here. We're going to identify each person's name and spell their last name and they're going to identify their title. So, I'm going to go clockwise from my position.

Go ahead, Sean.

MR. ANDERSON: Sean Anderson, Federal Motor Carrier Safety Administration, Kentucky Division.

MR. FOX: And spell your last name, please.

MR. ANDERSON: A-N-D-E-R-S-O-N.

MR. BRAGG: My name is Kenny Bragg, NTSB, Office of Highway Safety, Human Performance Investigator. My last name is spelled B-R-A-G-G.

MR. LaPONTE: Michael LaPonte. I'm an investigator with the National Transportation Safety Board. My last name is spelled L-A-P-O-N-T-E.

MR. FOX: Go ahead, Benjamin.

MR. BREWER: Benjamin Brewer, last name spelled B-R-E-W-

1 E-R.

2 MR. FOX: Okay.

3 MS. PENNINGTON: Charity Pennington, passenger. My last
4 name is P-E-N-N-I-N-G-T-O-N.

5 MR. FOX: Okay, we have two other people I'm going to
6 move the microphone to.

7 MS. RICE: Pamela Rice. I'm the Division Administrator
8 for the FMCSA Division Office in Kentucky, and last name is
9 spelled R-I-C-E.

10 MR. JOHNSON: Michael Johnson. I'm an attorney for
11 Benjamin Brewer and Cool Runnings Express, Inc. Last name J-O-H-
12 N-S-O-N.

13 MR. FOX: Okay, thank you. Thank you all for that.

14 So the purpose of this interview is to speak to the
15 driver and the passenger that were involved in this accident. And
16 we wanted to start off with some introductions about who you are.

17 INTERVIEW OF BENJAMIN BREWER

18 BY MR. FOX:

19 Q. So, Mr. Benjamin, why don't you tell us your name and
20 your title and your employer?

21 A. I am Benjamin Brewer. I work for Cool Runnings Express
22 and that's --

23 Q. What's your position there?

24 A. I'm a driver.

25 Q. A driver. Okay.

1 MR. FOX: And then, ma'am, your --

2 MS. PENNINGTON: I am Charity Pennington. I am
3 Benjamin's fiancée. I was a passenger.

4 MR. FOX: A passenger. Okay. Are you currently
5 employed?

6 MS. PENNINGTON: No.

7 MR. FOX: No. Okay.

8 BY MR. FOX:

9 Q. Benjamin, how did you start off in the business? Did
10 you -- when did you get your CDL?

11 A. I got them when I was 21.

12 Q. Okay. And did you go through a training program, a
13 driver education program or school?

14 A. No. I've been around trucks about all of my life.

15 Q. Okay. So can you approximate when that happened?

16 A. What's that? Approximate?

17 Q. When did you start driving?

18 A. When I was 21.

19 Q. So you were -- started --

20 A. So, that'd be 18.

21 Q. And how old are you today?

22 A. Thirty-nine.

23 Q. You're 39? So you started approximately what year,
24 would you say, you got your CDL? Do you remember?

25 A. Yeah. Yeah, it'd be -- let's see -- about '97, '98,

1 probably.

2 Q. '97, '98?

3 A. Yeah, somewhere around in there, if I'm not mistaken.

4 Q. Okay, 1997, 1998, and you got a CDL. How did you get
5 your CDL? Did you --

6 A. I had to take a state test.

7 Q. And what state was that?

8 A. Kentucky.

9 Q. Kentucky? Have you been a resident your whole life here
10 in Kentucky?

11 A. Yeah.

12 Q. Okay. How did you prepare to get your CDL license?

13 A. I studied for them.

14 Q. Okay. Did you have any formal training? Did you go to
15 truck driver school?

16 A. No, but I've been around trucks all my life.

17 Q. And how is that -- how did you get to be around trucks
18 all your life? Did you --

19 A. That's what -- family.

20 Q. Was it in the family?

21 A. Family thing, yeah.

22 Q. Yeah. So did your parents drive or --

23 A. My dad did, yeah.

24 Q. Your dad drove? Who did he drive for?

25 A. Hisself.

1 Q. He drove for himself? He was a -- what -- do you
2 remember what company? Did he have a --

3 A. I can't remember.

4 Q. You can't remember what company it was? So, your dad --
5 did your dad, you know, give you some training? Do you remember?

6 A. Um-hum, just like any other dad does with their kid
7 around when they get their driver's license, I guess.

8 Q. Okay. All right, very good. So when you first got your
9 CDL, did you seek employment? Did you get a job working as a --

10 A. Yes.

11 Q. -- a truck driver?

12 A. Yeah.

13 Q. And do you recall who you first started working for?

14 A. Gerald Gregory.

15 Q. Gerald Gregory? Is that the name of a company or a
16 person?

17 A. He owns London Auto Sales.

18 Q. London Auto Sales? And what did you do while you were
19 employed there?

20 A. I delivered -- I hauled his vehicles, wrote his checks,
21 stuff like that.

22 Q. Were you operating a commercial motor vehicle --

23 A. Yeah.

24 Q. -- a truck, at the time?

25 A. His, yeah.

1 Q. What kind of truck was it?

2 A. It was a, it was a -- I had several different ones. I
3 had a rollback with a three -- or two-car hauler on it, which you
4 had to have CDLs for. Then I had a three-car hauler -- four-car,
5 I believe it was, four-car hauler, and that's about it.

6 Q. Okay.

7 MR. FOX: Mike, do you have the driver application?
8 When you get a second, if you could give it to me?

9 BY MR. FOX:

10 Q. So, this is approximately 1998 you got your license,
11 somewhere around in there?

12 A. I think so, yeah.

13 Q. And you got this job with Gerald Gregory, and how long
14 were you employed there doing these different jobs?

15 A. I can't remember how long I was employed for him,
16 probably 8 years, 7 years -- 7.

17 Q. Eight or 7 years?

18 A. I can't really remember. It might have been a shorter
19 time than that.

20 MR. JOHNSON: We don't have a printed copy of it.

21 MR. FOX: Yeah, it's here somewhere, I thought.

22 MR. JOHNSON: It was here yesterday. I think the --
23 unless it's in this file. I think --

24 MR. FOX: We're looking for the driver application, so
25 that's the background noise here.

1 BY MR. FOX:

2 Q. So how long were you employed for Gerald Gregory?

3 A. I really can't recall.

4 Q. Okay. Do you remember getting another job after that?

5 A. Um-hum.

6 Q. What was that?

7 A. I believe I went to Bulkmatic.

8 Q. Bulkmatic?

9 A. Yeah.

10 Q. When you were working for Gerald Gregory, did he put you
11 through any kind of training program at all?

12 A. Uh-uh.

13 Q. And were you operating a Class A license at the time?

14 A. Yes.

15 Q. Okay.

16 MR. JOHNSON: Pull up his application from that -- it's
17 in the email I sent you about --

18 MR. FOX: We have a hardcopy of it somewhere in that,
19 but it's -- I don't know where it is right now.

20 MR. JOHNSON: The carrier took it back. It's not here
21 at the moment.

22 MR. FOX: All right. We'll move along.

23 BY MR. FOX:

24 Q. So the second job that you had was bulk something?

25 A. Bulkmatic. It was --

1 Q. Bulkmatic? And do you remember what time frame that
2 was?

3 A. No, I can't recall what time it -- what time frame it --
4 I think I worked for them maybe a year.

5 Q. Maybe a year?

6 A. Yeah.

7 Q. S, that's around the '98/'99 time frame?

8 A. No, it'd be after that.

9 Q. After that, do you think?

10 A. Yeah, because I started for Gerald in that year, so --

11 Q. Okay. So you don't know when you worked for Bulkmatic?

12 A. No, I can't remember the year I started exactly.

13 Q. And you were there approximately a year?

14 A. Somewhere around a year, yeah.

15 Q. And what was your position there? What did you do?

16 A. Truck driver.

17 Q. Truck driver? What kind of equipment were you
18 operating?

19 A. Tankers.

20 Q. Hazmat?

21 A. No.

22 Q. Was it -- what were you hauling?

23 A. Flour, whatever, you know, they put in them.

24 Q. Okay.

25 A. It's for food products or --

1 Q. Food, poultry?

2 A. -- animal products --

3 Q. Gotcha.

4 A. -- you know, in some, you know.

5 Q. Okay.

6 A. Plastics in some.

7 Q. Gotcha. Did you have a tanker endorsement --

8 A. Um-hum.

9 Q. -- at that time?

10 A. Yeah.

11 Q. Did you pull doubles or just singles?

12 A. Just single.

13 Q. Okay. Where were you running when you were hauling this

14 product? Do you remember?

15 A. I think from Lexington to -- it was going back and forth

16 from Lexington to Cleveland, Cleveland, Tennessee maybe? Or not

17 Cleveland -- it's right outside of Knoxville, I was going every

18 day or every couple days, every other day or something.

19 Q. Okay. And do you remember how long you were working

20 there? Or you can't recall?

21 A. I can't recall how long I worked for Bulkmatic.

22 Q. I see. What was the next position after Bulkmatic?

23 A. Hilltop Transportation.

24 Q. Hilltop Transportation? Do you remember approximately

25 what year that was?

1 A. I worked for him for around 12 or 13 years.

2 Q. Wow, you were there a long time.

3 A. Yeah.

4 Q. Thirteen years. And what were you doing there, Billy --

5 I mean, Benjamin? I'm sorry.

6 A. I was hauling sugar, oil, and flour products.

7 Q. Sugar?

8 A. Yeah.

9 Q. Was that also a tanker?

10 A. Yes.

11 Q. A tanker. And so you were there a pretty long time?

12 A. Um-hum.

13 Q. And do you think -- do you remember what years that

14 might have been approximately?

15 A. I'm trying to remember.

16 Q. So it had to be maybe the 2000s, right, maybe, or into

17 there?

18 A. I'd say -- I probably started for him around '01 or '02,

19 I guess.

20 Q. I'm sorry?

21 A. It was around 12 years, I guess, I worked for him.

22 Q. Around 2001 or so?

23 A. Yeah, I guess so.

24 Q. All right, I found -- we've located your application.

25 I'm just going to pull it out here and see if we can -- help us

1 recall. Maybe you have it written down here. No, I just have
2 these three -- these couple here.

3 MR. FOX: I'm showing the driver his application to help
4 refresh his memory.

5 BY MR. FOX:

6 Q. So I don't see Hilltop on your resume there. So when
7 you were at Hilltop Transport, we're going to say it's in the 2000
8 time frame to somewhere in there. That would be fairly recent, I
9 would guess. And you said you were hauling tanks, and did you
10 receive any training while you were there? Did you guys have any
11 kind of training program?

12 A. No.

13 Q. They didn't train you guys?

14 A. To drive trucks or --

15 Q. Yes, sir.

16 A. No.

17 Q. Did you do any kind of driver training the whole time
18 you were there?

19 A. I can't remember. I mean, that's -- I don't think we
20 did.

21 Q. Safety meetings at any --

22 A. Yeah, we had a few safety meetings.

23 Q. They did have safety meetings?

24 A. Yeah.

25 Q. Okay. All right. So where did you work next?

1 A. Circo.

2 Q. Circo?

3 A. Um-hum.

4 Q. Circo.

5 A. No, Greer's is where I worked next. I worked for
6 Greer's Construction.

7 Q. Greer's?

8 A. Yeah.

9 Q. Okay. Because we have HT Warehouse on here, and then
10 you have Circo above it.

11 A. Yeah, I worked for Greer's.

12 MS. PENNINGTON: HT was -- he was just talking about
13 Hilltop.

14 MR. BREWER: Yeah, HT is Hilltop.

15 BY MR. FOX:

16 Q. Oh, that's Hilltop?

17 A. Yeah.

18 Q. Okay, I got you.

19 A. Yeah.

20 Q. And then the next one was this Cinco [sic]?

21 A. Circo.

22 MS. PENNINGTON: Circo.

23 BY MR. FOX:

24 Q. Circo.

25 A. Well, the next one would have been Greer's, Greer's

1 Construction.

2 Q. Greer's Construction?

3 A. Um-hum.

4 Q. And what did you do there, sir?

5 A. I drove trucks and labor.

6 Q. And what kind of equipment were you operating?

7 A. Six -- well, just whatever type of trucks they needed me
8 to drive, I mean.

9 Q. Was it dump truck or tractor trailer?

10 A. Anything. Whatever they needed me to do, that's what I
11 done.

12 Q. I see. And were you driving local or across the road?

13 A. Just -- nothing way out of town. I mean, it stayed
14 within the state.

15 Q. Okay. And let's see. You -- your resume says or your
16 application says from October to December of 2014 -- I mean --
17 yeah, 2014. So then that brings us up to Ryder, I guess, is your
18 next one.

19 A. Yeah.

20 Q. Correct?

21 A. Um-hum.

22 Q. And then how long were you employed at Ryder?

23 A. Eight months, Louisville.

24 Q. Ryder Transportation. Now --

25 A. Right.

1 Q. -- is the same -- is this Ryder Logistics or --

2 A. Ryder Logistics, yes.

3 Q. Ryder Logistics? And where -- let's see. Where are
4 they out of?

5 A. They was based out of Alabama, I guess, it is, or their
6 -- my boss -- but my boss then was out of Alabama.

7 MS. PENNINGTON: Miami (indiscernible).

8 MR. BREWER: Huh?

9 MS. PENNINGTON: Miami is the --

10 MR. BREWER: Miami is their main hub, I believe.

11 BY MR. FOX:

12 Q. Okay. And what did you do while you were employed
13 there?

14 A. Drove a truck.

15 Q. Okay. What kind of truck did you drive?

16 A. Eighteen-wheelers and dry box and -- hauled car parts
17 more than anything.

18 Q. It was dry van operation?

19 A. Um-hum.

20 Q. Did you drive any tanks while you were there?

21 A. Uh-uh.

22 Q. No? Okay. Transport tanks. I notice on your
23 application it says reason for leaving and it says a road rage
24 driver.

25 A. Uh-uh.

1 Q. Can you elaborate on that incident?

2 A. I had a road rage driver run over into my -- come over
3 at me in my lane of traffic with two kids with him. So I took the
4 other path and went out of the lane, then he come in at -- he come
5 in at me and I went out of the lane --

6 Q. I see.

7 A. -- because of the two children.

8 Q. Oh, my. So, let me get this straight. You were
9 traveling in your lane of traffic and another 18-wheeler, did you
10 say, a car?

11 A. It was a car, another road rage -- he's -- the car --
12 what do you want to know now? Excuse me.

13 Q. I was saying we're just -- I'm trying to refresh your
14 memory on the accident here that's here, that you wrote in here.
15 I was just trying to get some clarification.

16 A. Right.

17 Q. You said that there was a driver who was in your lane --

18 A. In a -- he was in a vehicle.

19 Q. He was in a car?

20 A. He was in a car, yes.

21 Q. And he came over into your lane?

22 A. Yes.

23 Q. And then you moved over into the other lane --

24 A. Um-hum.

25 Q. -- to avoid hitting him?

1 A. Yeah, from avoid -- yeah, to keep from him hitting me,
2 yeah.

3 Q. I see. And what were the consequences of this accident?

4 A. The consequences was that -- the consequences was the
5 two children got to live, I guess, and I ended up clipping the
6 back of a tanker and they said that it costed them over \$30,000
7 and that they no longer needed me. So they --

8 Q. This is Ryder talking to you?

9 A. Yes.

10 Q. So Ryder terminated you because of that?

11 A. Yes.

12 Q. Okay. All right. Were you charged in that accident?

13 A. No.

14 Q. You did not receive a ticket or a citation?

15 A. Uh-uh.

16 Q. Okay.

17 MS. PENNINGTON: They've starved us, haven't they?

18 MR. BREWER: Yeah.

19 BY MR. FOX:

20 Q. Since your employment with the -- so when did you start
21 with Cool Runnings?

22 A. And with Ryder, 2 weeks later, another driver up in
23 Indiana done the same thing. Another road rage driver had a
24 incident with me, and I got a hold of a cop's attention and he
25 tried to run him down and, you know, it was just one of them

1 things.

2 Q. Yeah, I see. And just for clarification, when did you
3 start working for Cool Runnings here? When was your first day?

4 A. The first trip out would have been --

5 MS. PENNINGTON: Tuesday.

6 MR. BREWER: Hum? I think --

7 MS. PENNINGTON: Was it Tuesday?

8 MR. BREWER: Tuesday, I guess it was, yeah.

9 BY MR. FOX:

10 Q. Okay. So, for clarification, you filled out this
11 application on 6/16, June the 16th. Who did you interview with
12 the company?

13 A. Billy Jack Sizemore.

14 Q. Okay, Billy Sizemore? How did you hear about the
15 company?

16 A. I just kept looking and kept looking and a friend of
17 mine recommended me.

18 Q. A friend? Okay.

19 A. Yeah.

20 Q. And so you came and filled out the application. Walk me
21 through the sequence of events. After you fill out the
22 application, what happened next in the process before you start --
23 you got your truck? Did you have to do a pre-employment drug
24 test?

25 A. Yes. Yes, I did.

1 Q. Okay. When was that? Do you recall?

2 A. It was the day before. It's a couple of days before I
3 left out, I guess.

4 Q. Okay. And then when you came here to the company, did
5 you get any training on the vehicle, the equipment, the tractor
6 trailer? Was there any introduction to the equipment?

7 A. I can't recall.

8 Q. You can't recall?

9 A. No. I've been a little fuzzy lately.

10 Q. Okay. Well, did -- before you were hired, did Billy
11 Sizemore, the owner, did he take you out for a road test to see if
12 you could drive the vehicle?

13 A. No. I figured I'd be -- no.

14 Q. No. So he did not take you out and -- when you came
15 into the company approximately on Monday of that week, did he give
16 you any kind of training at all? Did you come in -- do you
17 remember coming in here and did he provide you any videos or
18 safety briefings or anything?

19 A. No.

20 Q. No. So did he -- can you walk me through the
21 arrangement? What did -- how did you get the truck?

22 A. He -- we sit down and had lunch together. He told me,
23 pretty much, a little bit about his company and what he done and
24 asked me if I wanted the job. And I said, yeah, I'd love to have
25 it because I've been having a hard time finding work and I need a

1 job.

2 Q. Okay. And was that on Monday, the 22nd, I believe?

3 A. I can't recall exactly what day it was.

4 Q. Okay.

5 MR. FOX: Do you remember when he got the truck? When
6 did he take possession of the truck?

7 MS. PENNINGTON: I think we -- I think it was on that
8 Monday. We cleaned it --

9 MR. BREWER: We started cleaning it, yeah.

10 MS. PENNINGTON: -- a day or two because it was nasty on
11 the inside.

12 BY MR. FOX:

13 Q. Yeah, you were telling me there were dog hairs and
14 everything. So, from what I believe I understood, I think maybe
15 you got the truck on the Monday. He probably gave you the keys
16 and said here you all go and then we're going to have a load for
17 you. Is that the way you can recall it to be?

18 A. Yeah, I think so, yeah.

19 Q. And then you -- yeah, I think that you, like you said,
20 you --

21 MS. PENNINGTON: We cleaned for several days.

22 MR. BREWER: Yeah.

23 MR. FOX: You cleaned for several days. So did you get
24 it before Monday, do you think?

25 MS. PENNINGTON: Didn't you get it later in the week the

1 week before? Because we were like, oh, my gosh, we need to go
2 then.

3 MR. BREWER: Yeah, it seems like it -- well, it seems
4 like it was, yeah.

5 BY MR. FOX:

6 Q. Okay.

7 A. It seemed like it was coming up on a weekend or
8 something.

9 Q. Yeah, it was coming up on a weekend.

10 MS. PENNINGTON: It was a weekend, yeah.

11 BY MR. FOX:

12 Q. The 22nd, I think, was Monday.

13 A. Yeah.

14 Q. So --

15 MS. PENNINGTON: We didn't really take the truck
16 anywhere.

17 MR. BREWER: No, we never took it out.

18 MR. FOX: No.

19 MS. PENNINGTON: It was actually sitting in the lot, but
20 we would just go clean.

21 MR. FOX: Right. You had keys to it. You could open it
22 up --

23 MR. BREWER: Yeah.

24 MR. FOX: -- and you could go in there, put your stuff
25 in there, and clean it out or start to prepare it for your

1 journey, for you trip?

2 MS. PENNINGTON: Yeah. We took the truck, when we left
3 for Horse Cave.

4 MS. BANKS: Um-hum. That was the first -- yeah, that's
5 the first time I had it on the road. And then, when I took it,
6 took it to the car wash and washed it off and --

7 MR. FOX: Okay. All right. So we're going to get into
8 that here in a few minutes. So what we want to do -- I know it
9 may be uncomfortable, but we're going to separate the two of you
10 and I need to speak to just Benjamin right now and talk to him
11 about the trip, and then I'll bring you back in a few minutes and
12 then we'll talk about that. So I don't know where you can go.
13 There's seating out there.

14 MS. PENNINGTON: I'll find somewhere.

15 MR. FOX: So --

16 UNIDENTIFIED SPEAKER: Yeah. She can go over in the
17 office with --

18 MR. FOX: Yeah, you can --

19 UNIDENTIFIED SPEAKER: -- Preston and Billy, upstairs.

20 MR. FOX: Yeah. If you want, you can go up there with
21 Preston and Billy.

22 MR. BREWER: Okay. I love you.

23 Why does she have to be separated from me? I mean, is
24 this something that's going to be happening or -- I mean, you
25 know, we've been separated for 15 hours down in Chattanooga. I

1 mean --

2 MR. BRAGG: It won't be long.

3 MR. BREWER: I mean, you know, it's kind of --

4 MR. BRAGG: Here's the thing. We value both of you
5 all's perspective about what happened, but, I mean, it's just a
6 human thing that sometimes your perspective is to kind of lean on
7 each other and we want your independent perspective. So that's
8 why we're going to have you all separated.

9 MR. FOX: Right. And to be --

10 MR. BRAGG: It won't be long.

11 MR. FOX: Right. And to be -- you know, you were
12 driving the truck, so --

13 MR. BREWER: Um-hum.

14 MR. FOX: -- we need to really talk to you. And like
15 Kenny is saying, if she's saying, no, you turned left, and you're
16 saying, no, I turned right, it creates a conflict. So it's just
17 better just to hear your perspective --

18 MR. BREWER: Okay.

19 MR. FOX: -- and -- it will be very easy. So --

20 All right, so at this time, Ms. Charity is going to
21 depart the room and we're going to continue on with the interview.
22 We're going to take a break for a second. The interview is going
23 to stop for a moment so that we can make arrangements.

24 (Off the record.)

25 (On the record.)

1 MR. FOX: We are back. This is the second part of the
2 interview with Cool Runnings. We are with the driver involved in
3 the accident. The time now is 2:37.

4 BY MR. FOX:

5 Q. So, Benjamin, I wanted to go over the trip and the
6 different aspects of it. So going back to what we did before our
7 intermission, we were asking about when did you get the trip --
8 excuse me -- when did the truck --

9 A. Yeah.

10 Q. -- when did you get the truck. So can you recall when
11 you were first dispatched? When -- you had the truck and you were
12 doing some collection of items and putting things in there, and
13 that was probably over the weekend --

14 A. Yeah.

15 Q. -- maybe up through Monday?

16 A. Yeah, I think that was -- yeah.

17 Q. Does that sound about right? That's the about the way
18 we understand it.

19 A. Yeah.

20 Q. Up through Monday, you were probably putting in personal
21 effects in the vehicle?

22 A. Yeah.

23 Q. This is the way we understand. You got your first
24 instructions to pull a load. Did it come through a text message?

25 A. Um-hum.

1 Q. Does that refresh your memory?

2 A. Yeah.

3 Q. So Mr. Sizemore texted you and said, hey, we got a load.
4 He gave you the information --

5 A. Um-hum.

6 Q. -- and the truck, and he granted you permission to drive
7 the vehicle. Is this what I'm looking at correctly? So you have
8 permission to -- image -- no, this is not it.

9 A. No, that ain't it.

10 Q. This is another thing. I think you showed me another
11 one. I have -- he didn't that forward that to me. But did -- you
12 got a text message?

13 A. Yeah, I got a text message with the load number on it
14 and stuff.

15 Q. Load number, right. And can you recall -- do you have
16 the paperwork on the load?

17 A. Um-hum.

18 Q. What was your instructions from Mr. Sizemore about your
19 load? What was your first load you were going to pull for Cool
20 Runnings?

21 A. Salad dressing.

22 Q. Salad dressing?

23 A. Yeah, from -- I can't say the name of the company,
24 but --

25 MR. FOX: This is a copy of a bill of lading -- excuse

1 me. Let me just reference it. It's bill of lading 4319434, is
2 the bill lading number and I'm passing it over to the driver to
3 see if I can -- if he remembers that this is the load that he
4 picked up.

5 MR. BREWER: Yep, that's it.

6 BY MR. FOX:

7 Q. That's the load? When did you -- so this load was to be
8 picked up in Haines -- correction -- is to be delivered to Haines
9 City, Florida and it was supposed to be picked up at Horse Cave,
10 Kentucky; is that correct?

11 A. Um-hum.

12 Q. Okay. What day did you get in the truck and pick up the
13 load?

14 A. I started the day on Monday.

15 Q. Started on Monday.

16 A. Yeah.

17 Q. And when did you gain possession of the load?

18 A. Probably -- well, I went over on Monday to load it that
19 evening.

20 Q. You loaded it that evening?

21 A. Actually, I loaded it early morning Tuesday.

22 Q. Early morning Tuesday.

23 A. I think it was.

24 Q. Morning, Tuesday. All right, so Monday -- correct me if
25 I'm wrong, anyone -- June 22nd is Monday, correct?

1 UNIDENTIFIED SPEAKER: Yes.

2 MR. FOX: Yes.

3 BY MR. FOX:

4 Q. And then Tuesday is June 23rd, of course, and then we
5 have June 24th being Wednesday. So you believe you went early
6 morning Tuesday to pick up the load and picked it up?

7 A. I was already sitting on their lot.

8 Q. You were already -- you were --

9 A. I was already on their lot Monday evening.

10 Q. Monday evening, you were there sitting?

11 A. Yeah.

12 Q. Okay. And then you were waiting for them to open up or
13 whatever --

14 A. Um-hum.

15 Q. -- the load to be ready?

16 A. Get -- yeah.

17 Q. And what kind of company is this there at Horse Cave,
18 Kentucky? Is it a big plant or something?

19 A. Yeah, it's a pretty good-sized place.

20 Q. And when you drove in, you were waiting. So was the
21 load not ready or was it -- the gate secured and you were waiting
22 for people to come on board or -- can you recall?

23 A. I was just waiting on the load.

24 Q. So it was not ready? So did you go to a supervisor or a
25 dock person and say, hey, I'm here to pick up such and such and

1 they said it wasn't ready?

2 A. I had a little trouble with the truck. It was -- I
3 pulled into the place to load and the air pressure leaked out from
4 it and --

5 Q. And what did you do then?

6 A. I called Billy and he had a mechanic come out.

7 Q. He had a mechanic come out? Who -- do you recall who
8 the mechanic was?

9 A. I can't recall.

10 Q. And did he give you paperwork on that? I don't believe
11 we have paperwork on that one. So do you recall what the mechanic
12 did? Did he, like --

13 A. No.

14 Q. -- hook up hoses or anything or --

15 A. I just let him do his job.

16 Q. Okay. And were you with your fiancée at the time?

17 A. Um-hum.

18 Q. Was she there with you?

19 A. Yeah.

20 Q. She was there in the truck with you? So you got there
21 Monday. Do you recall approximately what time that was?

22 A. It was 2:00, I guess.

23 Q. 2:00 in the morning or --

24 A. No. Monday evening, I was there about 2.

25 Q. 2 p.m.?

1 A. Yeah. Yes.

2 Q. All right. So you were there at approximately 2 p.m.,
3 as you can recall. And then you got loaded, like, early, early
4 Tuesday morning. Is that what you think?

5 A. Yeah, it was -- yeah, it was early. Yeah.

6 Q. So early Tuesday morning. So you took possession of the
7 load. Was it skids or was it paletted or what?

8 A. I think it was palettes. I never did look. They shut
9 the trailer doors and put the seal on it.

10 Q. Did you load the trailer yourself?

11 A. No.

12 Q. They loaded it for you? Okay. How many skids was it;
13 do you remember?

14 A. I don't recall.

15 Q. I think it says 20 palettes. Does that sound about
16 right? Was it -- from bulkhead to the end, was it --

17 A. Yeah.

18 Q. -- loaded pretty good? Twenty palettes is --

19 A. Yes. It was even across.

20 Q. Yeah, 20 palettes, so it'll be a full truck.

21 A. Yeah.

22 Q. Yeah. Okay. So it looks like it was olives and salad
23 dressing and everything. That looks good. Okay.

24 When you received the load -- and you went in, they
25 loaded it for you, is there any kind of security? Do you have to

1 show ID? What's -- can you explain what the process is? Is it a
2 guard shack and they waive you in, or how does that work?

3 A. They have somebody come out and make sure that's where
4 the load -- the person, you know, taking that load and make sure
5 it was the right truck for the load, yeah.

6 Q. I got you. And was that a security guard or a
7 supervisor or somebody?

8 A. I guess it was a -- the first time I had ever been
9 there. I guess it was supervisor.

10 Q. Okay. And they came -- all right. So someone came down
11 and verified you and then you got loaded. When you received the
12 load, did you go ahead and depart for the trip, or what happened
13 next?

14 A. I came towards London and --

15 Q. You came towards London?

16 A. Yeah.

17 Q. And then what did you do?

18 A. I stopped here at BP and went and took a shower.

19 Q. Took a shower?

20 A. Um-hum.

21 Q. Okay. And that -- you said that was the BP?

22 A. Yeah.

23 Q. Did you get fuel at the time or --

24 A. No.

25 Q. -- did you scale out?

1 A. No.

2 Q. You did not scale?

3 A. No.

4 Q. No? So you got the load and you took a shower. Do you
5 recall about what time this is?

6 A. I really can't recall.

7 Q. Okay. But this -- we're talking early Tuesday morning?

8 A. Yeah, it was Tuesday morning.

9 Q. It was immediate. You left from picking up your load
10 and then you came back here to London, Kentucky, went to the BP,
11 and then you got your shower?

12 A. Um-hum.

13 Q. And you don't recall if you got fuel or you did not get
14 fuel?

15 A. I did not get fuel.

16 Q. You did not? No fuel. Okay. All right. And then what
17 happened next?

18 A. The tractor had acted like it lost power and I think
19 Billy had took it over to Martin's.

20 Q. So you had a conversation -- you called Billy and
21 said --

22 A. Yeah.

23 Q. -- it was having problems?

24 A. Yeah. It seemed like -- I think the injectors was out.

25 Q. Called Billy, okay. And you had to get the injectors --

1 A. It seemed like it was an injector to replace and --

2 Q. Were you getting a fault code in the truck? What drove
3 your attention -- how did you know it was an injector problem?

4 A. Just -- I've been around trucks all my life and --

5 Q. So it was acting funny and you felt like it that's what
6 it was?

7 A. Yeah, I just -- yeah.

8 Q. So when you were -- you were here at the BP and you
9 said, hey, man, it's acting funny, or how did that work? Do you
10 recall?

11 A. Yeah. He just -- I came in and he take it -- took it,
12 you know, over to Martin's.

13 Q. So, Martin's, is that a repair place?

14 A. Yeah.

15 Q. Okay. Did he -- y'all drove over there -- he came and
16 met you and said let's go over?

17 A. No. He took it --

18 Q. How did that work?

19 A. He took it on over there.

20 Q. He took it over there?

21 A. Um-hum.

22 Q. So you're at the BP, you're parked, it's acting funny,
23 you call him, he comes out, and then did you all ride with him
24 or --

25 A. No. I took a shower, got in my car, and me and her

1 left.

2 Q. Oh, you guys left?

3 A. Um-hum.

4 Q. Okay. And what happened next? You guys left --

5 A. I waited on him to call for me to come back and pick the
6 tractor up.

7 Q. So it went and got repairs, okay. Can you recall when
8 he called you and said it's been fixed?

9 A. No. It was -- I can't recall when it was.

10 Q. So we're well into Tuesday now. So it had to get
11 repairs. Do you remember when he said it's finished and you
12 received the truck?

13 A. No, I can't remember exactly what time it was.

14 Q. Can you recall when you actually left to go out on your
15 trip with the load, with this to go down --

16 A. It would have been Tuesday.

17 Q. Tuesday? Can you remember when it was?

18 A. I guess it was --

19 Q. Was it morning or night or --

20 A. Oh, it was -- I mean, it was Tuesday when --

21 Q. Tuesday, midday or afternoon or something?

22 A. Yeah, midday or somewhere around in there. I can't
23 really recall.

24 Q. Okay. Did Billy drive the tractor back over or did a
25 mechanic drive it back over to the BP?

1 A. I went to the -- or I went to Martin's myself.

2 Q. You went to Martin's yourself and you picked it up?

3 A. Um-hum.

4 Q. Did you have to sign for the repair order?

5 A. No.

6 Q. It just -- it was just parked and the keys were in it
7 and you said I got it?

8 A. Yeah, I know them very well, you know.

9 Q. Okay, so he -- you just picked it up and you didn't have
10 no sign any paperwork. And can you recall what happened next?
11 Did you go over -- bobtailed over to BP, right?

12 A. Um-hum, yeah. I bobtailed to the --

13 Q. You bobtailed --

14 A. -- bobtailed to the BP, picked up the trailer.

15 Q. Right. You bobbed over -- so you bobbed over to BP.
16 And then do you remember -- you hooked up the load. Was your
17 fiancée with you? Did she say, okay, we're ready to go or --
18 then?

19 A. Yeah.

20 Q. Yeah. So at some point, you hooked it up. Did you
21 check the truck out then and make sure it -- because it had been
22 repaired. Was it -- did you do a pre-trip on it? Can you recall?

23 A. Yeah. I always do pre-trips.

24 Q. Yeah. So you're at BP. You did -- you conducted a pre-
25 trip, and then did -- your girlfriend got with you, and then -- or

1 your fiancée --

2 A. Me and her was -- yeah, she -- I bobtailed over -- yeah,
3 she got with me there at BP and --

4 Q. And then did you finally take off at some point, right?

5 A. Yeah.

6 Q. I mean, you left from the BP?

7 A. Yeah.

8 Q. Okay. And then can you recall where you went next?

9 A. I went to Corbin.

10 Q. You went to Corbin?

11 A. Um-hum.

12 Q. All right, so you went to Corbin. And then -- that's
13 Kentucky?

14 A. Um-hum.

15 Q. Okay. And then in Corbin, what did you do?

16 A. Got fuel.

17 Q. You did get fuel? Okay. And then do you recall what
18 time of day? What day are we into now?

19 A. It's still Tuesday.

20 Q. This is still Tuesday day, afternoon perhaps? How far
21 is it? It's not far, right, to Corbin?

22 A. No.

23 Q. What, 12 miles or something?

24 A. Not far at all.

25 Q. I think it's like 12 or 14 miles, right? So we're still

1 on Tuesday. All right. And you got fuel. Did you do anything
2 else there? Did you get any --

3 A. I think --

4 Q. Did you get scaled out at all or --

5 A. Yeah, I made sure it scaled out for --

6 Q. Was that -- that was a requirement, to get your load
7 weighed, right?

8 A. Yeah.

9 Q. Okay. So you did get a scale. And then what happened?
10 Did you start your trip?

11 A. Yep.

12 Q. You guys got on -- what, get on --

13 A. Got on the interstate and started towards Florida.

14 Q. Got on the -- started towards Florida. So can you
15 recall about when you really officially got in there and said,
16 okay, we're underway? It was still Tuesday day, do you think?

17 A. It was still Tuesday, yeah.

18 Q. Tuesday sometime. It was not night? It wasn't --

19 A. No, no, it was not night.

20 Q. You still had daylight?

21 A. Um-hum.

22 Q. All right. All right, and then can you recall next?

23 Did you stop along the way or get any fuel or, you know, stop to
24 go the restroom or any of that stuff?

25 A. It seemed -- I can't remember. It seemed like we

1 stopped and went to the restroom and --

2 Q. Do you know when --

3 A. -- stopped and got some food down at Knoxville.

4 Q. Knoxville?

5 A. Yeah. We got something to eat and used the bathroom
6 and --

7 Q. Knoxville, Tennessee, you stopped. Okay. And that's
8 still -- that would still be --

9 A. Tuesday.

10 Q. -- Tuesday, yeah. And then, so continue on with your
11 trip. What happened next? Do you remember stopping anywhere
12 or --

13 A. Just headed down to Florida, like any other trip.

14 Q. Like any other trip? And did you -- you filled out a
15 logbook for the trip?

16 A. Um-hum.

17 Q. Okay.

18 A. Yeah.

19 Q. And do you -- can you recall when you got to Florida,
20 did you stop along the way at all? Did you go straight on to
21 Florida from Knoxville?

22 A. No, I stopped in Jackson, Georgia and --

23 Q. You stopped in Jackson, Georgia?

24 A. Yeah, just to lay down for a few -- for a little bit
25 and --

1 Q. Jackson, Florida?

2 A. No, Jackson, Georgia.

3 Q. I'm sorry. Jackson, Georgia, you stopped and you took a

4 rest?

5 A. Yep.

6 Q. Do you know how long you were there?

7 A. Not really.

8 Q. Okay.

9 A. A couple hours, I would think, maybe, or maybe 30

10 minutes. I can't really recall.

11 Q. So you did take some kind of a rest there?

12 A. Took a break there, yeah.

13 Q. Took a break there. Okay. And then what happened next?

14 You were there for a short period of time, you say, and then you

15 continued on?

16 A. I was there for a little bit of time. I don't recall if

17 it was a short period of time or --

18 Q. But it wasn't like a DOT break? I mean, you didn't bed

19 down for the night?

20 A. No. No, I didn't bed down for the night, no.

21 Q. Yeah, so you just -- you took a short break for --

22 A. Yeah.

23 Q. -- an unknown period of time and then you carried on

24 with the trip?

25 A. Yeah.

1 Q. Now, this whole time your fiancée is running with you.

2 This -- is this her first trip with you?

3 A. Yes.

4 Q. Okay. And she had never been a truck before?

5 A. With me, no.

6 Q. Not with you anyway.

7 A. No.

8 Q. Okay. So you stopped in Georgia, and do you -- can you
9 recall what time that was, maybe?

10 A. I really can't.

11 Q. So that's a pretty good distance from Knoxville,
12 Tennessee, I would imagine.

13 A. Six hours.

14 Q. Yeah.

15 A. It's 6 hours from here to Jackson.

16 Q. Yeah, that's a pretty good long clip, in my opinion.
17 And then you kept going?

18 A. Yeah, I went down to Jasper, Florida.

19 Q. You went to Jasper, Florida? Okay.

20 A. Took a break.

21 Q. You took a break there. And how long do you think that
22 took you?

23 A. About however long it needed to -- at least 8 hours, I'd
24 say.

25 Q. Eight hours?

1 A. I guess -- I really can't recall.

2 Q. Something like that? Okay.

3 A. Somewhere around in there.

4 Q. All right. So you got to Jasper, Florida, and then what
5 happened?

6 A. I went to the Haines -- went on down to deliver the
7 load.

8 Q. And then from there you went to deliver the load? Okay.
9 And that would be going on to this Haines City?

10 A. Yeah, Haines, yeah.

11 Q. How do you think -- how far do you think it is from
12 Haines to -- from Jasper to Haines City?

13 A. I can't recall.

14 Q. You don't recall?

15 A. That's the first time I'd been to Haines.

16 Q. Was it far or anything?

17 A. It was probably middle ways to Florida, so --

18 Q. Hey, are those -- are the interstate roads toll roads?
19 I don't know. I think some of them are. Did you guys go through
20 tolls?

21 A. Yeah.

22 Q. Okay. Did you keep your toll -- how did you pay for
23 your tolls? Did you pay cash or get receipts for them or
24 anything?

25 A. I should have receipts.

1 Q. You have receipts?

2 A. I should have. I don't really recall if -- no, I don't
3 know if I did or not. I really can't remember.

4 Q. What road were you on? Can you recall?

5 A. The turnpike.

6 Q. You were on the -- so is that 95 or --

7 A. No. I took 75 down to the turnpike.

8 Q. 75 to the turnpike. Okay. And that is a toll road, if
9 I can remember. And you think you, maybe, paid cash for that
10 or --

11 A. I think they're all cash.

12 Q. Cash? Okay.

13 A. Change mostly.

14 Q. Yeah. Oh, change. Okay.

15 A. Yeah.

16 Q. All right. And so you made it all the way down from
17 Corbin -- excuse me -- yeah, from Corbin -- no, no, before that.
18 When you picked up the load from Horse Cave all the way down to
19 Haines City. And did you -- I haven't heard it, but did you stop
20 and take an overnight break?

21 A. Yeah, I got to Haines and took a overnight break, yeah.

22 Q. So you took your rest after you made your load?

23 A. I took -- yeah, more than a rest. I was there for that
24 evening all the way up to the next morning. It was -- I can
25 remember it was before dark.

1 Q. Okay, you were there for a while. After you --

2 A. There for a while, yeah.

3 Q. So, just for clarification, you picked up the load; you
4 made it on down; you got -- Corbin, Kentucky, you got fuels, and
5 then you got scaled; and then you made it to Knoxville for a short
6 break; and then Jackson, Georgia, you had a short break; and then
7 you pushed on to Jasper, Florida, and then you made your delivery
8 in Haines City, Florida, correct?

9 A. Um-hum.

10 Q. Okay. Okay. When you made your delivery, can you
11 describe what that process was like? It looks like someone signed
12 for the load here. So is this a big facility there in Haines
13 City?

14 A. It's a pretty big facility, yeah.

15 Q. Do they have a security thing there?

16 A. Yeah, yeah.

17 Q. Did you have to check in with a guard shack or
18 something?

19 A. Um-hum.

20 Q. And you presented the bill of lading and he said, okay,
21 park over here --

22 A. Um-hum.

23 Q. -- or something like that?

24 A. Yeah.

25 Q. Did you have to sign anything or get in there?

1 A. I can't recall.

2 Q. You can't recall? But there was some kind of a guard
3 there?

4 A. Yeah.

5 Q. All right. Okay. Well, that's a lot of driving right
6 there that we're talking about, so, you know, you do need to --
7 you know, you can only drive 11 hours in a day. So we do have
8 your logs here, that I just wanted to show you what you have here.
9 You have this log here for the 25th and then you have another set
10 of logs for the 25th here. So if we can move your bottle over
11 here for a second. So you have two different logs that have two
12 different entries on here. Now, 6/25 is the day of the crash.

13 A. I must have messed up on the dates then.

14 Q. Yeah. So --

15 A. This one's wrong.

16 Q. So these are, yeah, wrong. And then you have two here
17 that are the same conflicting things.

18 A. Yeah, I see that now.

19 Q. Yeah. So you've got --

20 A. I just messed up on the dates.

21 Q. Yeah, you got -- all these dates are wrong, so --

22 A. I don't know why I thought that.

23 Q. Yeah. And then also, you have -- we have you running on
24 the 26th, which, you know, that was Friday, so --

25 A. Yeah. So I messed upon the dates, yeah.

1 Q. Yeah, with the dates and -- yeah. And then from what
2 I'm hearing, you tell me -- I don't know -- you know, like, this
3 is Jasper, Florida and you went into a sleeping berth and you told
4 me that you went to Haines City. So, I'm here to tell you all
5 these logs are false as far as we're concerned. None of these
6 times or anything match with what you've been telling us. So, I
7 really -- I can't follow this with what even you just told me
8 because your story matches what we basically have come up with.
9 We've reconstructed your logs also and we've come up with a graph
10 or a table, so to speak, and this basically matches --

11 MR. BRAGG: Other than the load time in Horse Cave --

12 MR. FOX: Yeah.

13 MR. BRAGG: -- in Horse Cave, yeah.

14 BY MR. FOX:

15 Q. Yeah. So this, I think, is almost identical to what you
16 told me. So what you told me is factual. It's a little off here
17 or there, but what you said is exactly correct.

18 A. Um-hum.

19 Q. Okay. So I don't know what my other colleagues would
20 say, but it's -- you know, to me, these logs would just -- these
21 are just a distraction because they're so off that we'll have to
22 put them to the side. And what we have is GPS data and fuel
23 reports that show what your activity actually was. So these are
24 all off. So I think that Michael LaPonte and Sean can ask you
25 some questions about the load now that we have a little bit of a

1 framework.

2 MR. BRAGG: Well, a couple --

3 MR. FOX: And if you want to go ahead, Kenny, ask a
4 question?

5 BY MR. BRAGG:

6 Q. Yeah. Before we get to (indiscernible), a couple
7 questions I have about your time table. And, look, you're going
8 through something difficult. I mean, it is. I mean, it don't get
9 no harder than this, all right? And that's just the reality of
10 it. But at the end of the day, this is something you've got to
11 deal with, and by dealing with it, that's the best way for you to
12 handle it, because it's not going to go away. I mean, we're
13 talking about an age of technology. Every time you pull in to get
14 fuel, every time you go a toll, like cameras, you know, we're
15 going to do all this research to build your timetable. So what
16 we're trying to do is we're trying to get an understanding from
17 your perspective because what that can't tell us, that can't tell
18 us what you were doing in your truck, it can't tell us how you
19 were feeling, and that's what we're trying to get at. All right?

20 So let's talk about Monday evening, when you were --
21 when you arrived at -- to pick up the load. So you got there
22 about 2:00; is that correct?

23 A. I would think so, yeah.

24 Q. And how long were you there before you realized you had
25 an air leak?

1 A. I don't know. I -- just as soon as I pulled into the
2 lot, I guess, because I got ready to back -- or I backed up and --

3 Q. Describe the air leak.

4 A. It just -- well, I know I parked and got ready to pull
5 off and it wouldn't build air after that.

6 Q. Okay. And so, you contacted the owner. How did you
7 contact the owner?

8 A. I can't remember if -- I had to borrow somebody's phone.

9 Q. Okay. So you don't have a cell phone?

10 A. My phone didn't have service over there.

11 Q. I'm sorry?

12 A. My phone did not have any service.

13 Q. But you do have a cell phone?

14 A. Yeah, a temporary one, yes.

15 Q. What's your cell phone number?

16 A. Let's see. Well, I just got a new one. I can't
17 remember. It was [REDACTED] -- I have one that's [REDACTED] and then I
18 had a [REDACTED] number. I can't remember the last four digits on it.

19 Q. You had both of these on Monday?

20 A. Um-hum.

21 Q. So the [REDACTED] number, where did you get that phone from?

22 A. I've got two phones. That was one my older numbers
23 because I -- that was one of my numbers, yeah.

24 Q. Who's the service provider?

25 A. It was a prepaid.

- 1 Q. Prepaid?
- 2 A. Um-hum.
- 3 Q. Was that the -- as to the Verizon prepaid card that was
- 4 in the truck?
- 5 A. Um-hum.
- 6 Q. Okay. How about the other, the [REDACTED]?
- 7 A. I guess that was my [REDACTED] number, yeah, the prepaid
- 8 service was.
- 9 Q. All right.
- 10 A. Yeah, when I started for Billy, I had the [REDACTED] number.
- 11 Q. Okay. So you borrowed somebody's phone and you called
- 12 Billy?
- 13 A. Um-hum.
- 14 Q. And he sent a truck out -- and he sent a mechanic out to
- 15 fix the truck; is that correct?
- 16 A. Um-hum.
- 17 Q. What time did the truck get there?
- 18 A. I really can't recall. I mean --
- 19 Q. Was it dark?
- 20 A. -- I had been there for a while.
- 21 Q. Was it -- did he fix the truck in the dark or --
- 22 A. No.
- 23 Q. So it was still daylight?
- 24 A. It was daylight, yeah.
- 25 Q. And he was able to get the truck -- did he --

1 A. To go on, yeah.

2 Q. What did he do to fix it?

3 A. I don't know. I never got up under the hood; never
4 looked at it.

5 Q. And so you got the truck loaded Tuesday morning? What
6 time was that? About what time?

7 A. I couldn't --

8 Q. I mean, was it dark out or was it --

9 A. It was early Tuesday morning when I loaded up --

10 Q. Tuesday morning.

11 A. -- because I was back here, I guess, so --

12 Q. Was it dark out?

13 A. When I got the load?

14 Q. Yeah.

15 A. Yeah, I guess it was.

16 Q. So from the time the mechanic left until you picked up
17 the load Tuesday, what did you do?

18 A. I slept.

19 Q. You slept?

20 A. Yeah.

21 Q. And Charity was in --

22 A. Actually, I slept -- yeah.

23 Q. Charity was in the truck with you?

24 A. Yeah.

25 Q. And she slept as well?

1 A. Yeah.

2 BY MR. FOX:

3 Q. All right, just while we're all -- while you're thinking
4 about it -- we're going to talk more about your logs and all that
5 kind of stuff in a minute, but you -- just to continue on with the
6 whole process here. You got to Haines City and you did -- I agree
7 with you, from what we understood, you took a long break there.
8 You were there like -- what do you -- can you recall?

9 A. A long time. It was pretty long.

10 Q. Yeah, it was like about a good 10 hours or more?

11 A. More, probably.

12 Q. Yeah, more. Yeah, I think you were there between 10 and
13 12 hours off the top of my head.

14 A. Um-hum.

15 Q. We have it over here on this chart, if you wanted to
16 follow along. But you were -- from what we saw from the GPS, you
17 were there a substantial amount of time there. Did you get rest
18 when you were there --

19 A. Um-hum.

20 Q. -- in Haines City?

21 A. I slept the whole time.

22 Q. Okay, great. And then you got up the next morning.
23 Were you dispatched for any other load or anything?

24 A. Uh-uh.

25 Q. So did Billy call you and say, hey, come back home? How

1 did that --

2 A. My air conditioner quit and it was hot.

3 Q. Your air conditioner quit?

4 A. Yeah.

5 Q. Okay. And did you get a mechanic to fix it?

6 A. No, I was -- I just asked -- said I was coming on back,
7 and I --

8 Q. You said you would come on back?

9 A. I said I was coming -- I said I'm headed back. I can't
10 remember exactly what I said. I said back -- I was headed back
11 and, you know, I figured he would text me if he wanted another
12 load he wanted me to pick up or if he just wanted me to have the
13 A/C fixed up here or whatever. I know that I couldn't stay up in
14 the -- stay out in my truck for 2 weeks with no air.

15 Q. Gotcha. So I'm sure maybe your fiancée was weighing
16 into that conversation --

17 A. I'd say so, yeah, yeah.

18 Q. -- you know, saying, oh, I need some air conditioning.

19 A. Yeah.

20 Q. Okay, I understand that.

21 A. No, I need it too, so --

22 Q. Yeah, it's boiling too, especially in Florida. I'm sure
23 it's --

24 A. Yeah, it gets hot.

25 Q. -- hot as firecracker in there.

1 So you texted Billy and you said I've got to come back.
2 Can you recall what day that was maybe? We're talking -- it
3 was --

4 A. It was after I delivered the load there.

5 Q. After you delivered the load, and you spent a long time
6 -- so that would be Thursday morning early, early, probably, that
7 you left, according to what we can recollect. Does that sound
8 about right? You guys got up early and probably were moving
9 around maybe. Did you get fuel?

10 A. Uh-uh.

11 Q. Didn't need to get fuel. And then at some point you
12 guys decided, like you said, it's got no air, we're coming home.
13 Can you recall what time that was?

14 A. It was after I delivered the load. I can't recall
15 exactly what time.

16 Q. Yeah, after you delivered the load, you spent a long
17 time in the sleep -- got lots of sleep. The air conditioner went
18 out, and then at some point you say we're leaving --

19 A. Um-hum.

20 Q. -- and you headed back. So you headed back early? It
21 was probably darkness on Thursday? Can you recall?

22 A. I can't recall. It's getting --

23 Q. Fuzzy?

24 A. Yeah.

25 Q. All right. Well, at some point along the way, you got

1 into an accident, right?

2 A. Um-hum.

3 Q. Can you recall that?

4 A. I had a -- as I hit the turnpike, I was going around a
5 curve and a Mexican driver come over on top of me and hit me.

6 Q. Actually then, I have to stand corrected. That was
7 before you delivered the load?

8 A. That was -- yeah, it was before I delivered the load,
9 yeah, yeah.

10 Q. I stand corrected. You got in an accident -- was it
11 Wildwood, Florida?

12 A. Right outside. Somewhere around Wildwood, yeah.

13 Q. Wildwood, Florida, you got a traffic ticket?

14 A. Yeah.

15 Q. You were cited for that?

16 A. Yeah. I did not know -- the driver told me that he know
17 that he come over and hit me, and I figured it was pretty cut and
18 dry. I never -- it took the officer 40 minutes to get there. It
19 was a hot day. I remember that, almost so hot that -- I mean, it
20 was just unbearably hot. Because it had messed the hose up on the
21 bottom of the radiator and it was -- it leaked all the water out
22 of it. It was leaking water, so I just -- I had to turn it off.
23 I couldn't let the motor run and no water in it, so --

24 Q. Um-hum. Well, you did the right thing, I guess, yeah.

25 A. Yeah.

1 Q. Um-hum. So, you -- did you get that repaired then?

2 Did --

3 A. Yeah, the guy come out and fixed the hose.

4 Q. You had a repairman? Was it --

5 A. Yeah.

6 Q. Who arranged that, you or Billy?

7 A. Billy did.

8 Q. Billy called the roadside mechanic? And what kind of
9 repair -- did you watch him do any repairs or -- did you get
10 towed?

11 A. Uh-uh.

12 Q. You were on the --

13 A. No, I didn't watch him do the repairs. I tried to stay
14 -- opened the doors from the cab of the tractor and tried to sit
15 there because there was no shade, and what shade there was, I
16 wasn't walking to it in Florida.

17 Q. Now, you were on the shoulder, you say --

18 A. Yeah.

19 Q. -- and the mechanic came out, made the repairs, and then
20 you were you able to get underway. You went and you delivered
21 your load, and then you spent the night?

22 A. No, I would have been late for the load, so I spent --
23 right after the repairs, I went down and stopped and had -- cause
24 -- and spent that whole evening and the rest of that day and up to
25 the next morning.

1 Q. Right, up to the next morning, taking a long break?

2 A. Yeah.

3 Q. And then you -- at some point you took off Thursday
4 morning to come back because you were upset the air conditioning
5 was not working --

6 A. Yeah, and he --

7 Q. -- and you had come on back?

8 A. Yeah.

9 Q. And can you recall -- do you remember what time that
10 was?

11 A. I really can't.

12 Q. You can't remember? And how was the truck behaving now?
13 Was everything working okay?

14 A. The A/C wasn't.

15 Q. Aside from the A/C, did you do a pre-trip that day, on
16 Thursday?

17 A. I should have.

18 Q. You should have? You checked it out and everything was
19 okay?

20 A. No, no, the A/C wasn't working, but --

21 Q. Aside from the A/C, was the mechanical operation of the
22 vehicle okay?

23 A. Yeah.

24 Q. Okay. And did you --

25 A. The mirror was a little loose on the passenger's side.

1 Q. Okay. And do you remember stopping along the way on the
2 trip?
3 A. Which way now?
4 Q. We're coming back home. We're coming back here.
5 A. Um-hum?
6 Q. Do you remember coming --
7 A. Oh, I stopped and got some lunch and --
8 Q. You stopped and got lunch?
9 A. Yeah.
10 Q. It was Arby's, I think --
11 A. Yeah.
12 Q. -- you stopped and got lunch? And was that -- what city
13 was that? Do you recall?
14 A. It was up close to Jasper.
15 Q. It was close to Jasper?
16 A. Um-hum.
17 Q. And you all got food --
18 A. Yeah, took a break.
19 Q. -- took a break -- and then from there, you headed on
20 back here to Chattanooga?
21 A. Um-hum.
22 Q. Yeah.
23 A. And getting ready to take another break to Chattanooga.
24 Q. You were getting ready to take a -- what was your plan
25 there?

1 A. I was actually going to -- I wished I could have stopped
2 at the first rest area there at Chattanooga. I was going to stop
3 there and couldn't get over and I said, well, the only other place
4 I can stop is up at the 30, so -- or whatever that mile marker
5 there. I think there's a little rest area there. Or there might
6 have been -- I know there might have been a truck stop. I
7 couldn't remember because it been a while since I had been down
8 through there. I know there was a truck stop, maybe. I couldn't
9 remember exactly where it was at, you know.

10 Q. Yes.

11 A. I didn't know if it was before the rest area or after
12 the rest area.

13 Q. Okay.

14 A. So whichever one I was coming up on first, that's where
15 I was going to stop.

16 Q. Okay. All right, well -- so, we're in -- you're driving
17 in Tennessee, right, and you were thinking that you would get a
18 break? That's what you were hoping for?

19 A. Yeah, that's what -- I was hoping to take one before I
20 got to Jasper then.

21 Q. Were you tired at -- you were tired at that point; you
22 wanted to take a break?

23 A. No. I just know it was time to, you know, take a little
24 break and I was tired.

25 Q. Okay.

1 A. I mean --

2 Q. Well --

3 A. -- anybody's driving like that couldn't --

4 Q. Okay. So, to the best of your ability, let's just --
5 we're driving; we're already on the highway; we're heading back
6 and we're in the vicinity coming up on the interstate onto -- into
7 Chattanooga. Can you recall the sequence of events?

8 A. I wasn't bad tired.

9 Q. You were not bad tired?

10 A. I wasn't bad tired, no.

11 Q. Okay.

12 A. Because I had slept all the night before --

13 Q. Okay.

14 A. -- for a very good distance and come up through there
15 and ate and took another break. So, I was -- I didn't -- I was
16 not very bad tired when I come through Chattanooga.

17 Q. Okay. So when you came up --

18 A. I mean, I wasn't exhausted, you know.

19 Q. Okay. When you came up into the vicinity of the crash,
20 did you notice any kind of markings or that there was construction
21 or a work zone or anything like that?

22 A. We was coming around a bend -- this is what happened.
23 We was coming around a bend. I heard something about construction
24 on the radio. I did not never see no signs lit up.

25 Q. What radio? Do you mean the radio station or --

1 A. The CB radio. Somebody said something about some
2 construction. And about that time I seen a few cars spin out in
3 front of me and the car in front of me stopped.

4 Q. The car in front of you stopped?

5 A. Um-hum.

6 Q. Okay. And do you remember what lane you were in?

7 A. I was probably in the -- it seemed like I had -- was not
8 in the far left lane, but was in the second lane.

9 Q. Okay, so you were in the middle lane?

10 A. Middle lane.

11 Q. Yeah, so that sounds about right. And then you were
12 saying that some car stopped in front of you?

13 A. Yeah, there was traffic braking in front of me.

14 Q. And then -- now, where is your fiancée when this is
15 going on?

16 A. She was in the bunk.

17 Q. Your fiancée was in the bunk?

18 A. Um-hum.

19 Q. Okay. Can she drive at all?

20 A. No. She was not driving the truck. She has never drove
21 that truck.

22 Q. All right. Did she ever --

23 A. I don't know if she can drive or truck not. I mean,
24 I've never -- it's the first trip she'd been on with me.

25 Q. Sure. Absolutely.

1 A. I mean --

2 Q. So --

3 A. -- I'm sure she probably could if she wanted to, but she
4 did not never drive that truck.

5 Q. Okay. So, if you can recall back, the steps that were
6 going on, she was taking a break in the sleeper berth and you were
7 driving in the second lane.

8 A. Um-hum.

9 Q. And can you recall what you saw ahead? Were you --

10 A. I seen two or three vehicles spin out in front of me, or
11 spin out a little distance up there, and then the vehicle in front
12 of me -- I mean, it happened so quick. The vehicle in front of me
13 just stopped. And it was a small vehicle.

14 Q. Okay.

15 A. And I remember I said I -- there's no way I could stop,
16 you know, because it happened -- I mean, they just stopped.

17 Q. Right.

18 A. And I said there's no way I'm hitting those people, and
19 I took it -- I jerked it as hard as I could towards the wall.

20 Q. So, you jerked it to the left?

21 A. I looked in my mirror and made sure there was nobody on
22 my left side and went to the left towards the wall.

23 Q. So you pulled a hard left and then you -- did you jam on
24 the brakes or --

25 A. Yeah, I hope I did. I mean --

1 Q. Well, did you apply your brakes or not?

2 A. I can't recall. It happened so fast.

3 Q. Okay.

4 A. That's all I can remember is the vehicles up there
5 wrecking, then people in front of me just -- because we was coming
6 around the bend and it just kind of -- everything was just bam,
7 bam, bam, bam and they just -- it seemed like everybody across
8 them whole lanes was just stopped and the vehicles in front of
9 them was stopped.

10 Q. Oh, okay.

11 A. And I just said that -- I'll just take my -- I'll take
12 the hard way, you know, and I jerked it towards the wall.

13 Q. Okay. And was -- what was the lighting like? Was the
14 sun in your eye or anything?

15 A. No, the sun wasn't in my eye.

16 Q. Okay, was -- now, do you wear glasses to drive?

17 A. Yeah.

18 Q. Oh, you do wear glasses to drive?

19 A. If I drive, I wear glasses, yes.

20 Q. You were -- were you wearing your glasses at the time?

21 A. Yes.

22 Q. You were? Okay. And you are required to wear glasses
23 when you drive?

24 A. My driver's license, I think they said it didn't require
25 me to have my glasses on, but my medical certificate did.

1 Q. Okay. So are you nearsighted? I mean, can you --

2 A. I've got a little bit of -- I have perfect eyesight in
3 one eye and I've got just a little bit of astigmatism in the
4 other. So about the edge of dark or something that I have a hard
5 time seeing.

6 Q. Okay. So, I mean, do you need glasses to read, like,
7 the newspaper or to see the TV, to drive, the distance?

8 A. No.

9 Q. So you do or you don't need your glasses to drive?

10 A. I do need them to drive. I wear them all the time when
11 I'm driving.

12 Q. Okay. I haven't seen you wear your glasses today. Do
13 you still have them?

14 A. I'm not driving, so --

15 Q. Okay. Well, I -- look, you can see me. Actually, I
16 have two pair, so I understand completely.

17 A. Um-hum.

18 Q. So -- but, you were wearing your glasses.

19 A. Um-hum.

20 Q. Now, I understand from police when I interviewed them
21 that your glasses were maybe knocked off.

22 A. Um-hum.

23 Q. Is that correct?

24 A. Yeah.

25 Q. And were you injured in the crash?

1 A. I had a bad pump knot. I could -- I don't know what it
2 was. I know that I had a bad place on the top of my head.

3 Q. Where you had -- you were bruised on your head?

4 A. I had a pretty good pump knot is what the -- figured
5 out, yeah.

6 Q. Where was -- can you show me where it was approximately?

7 A. It was about right in here.

8 Q. Okay. Did you get medical attention?

9 A. I asked for medical attention. I never did get it.

10 Q. Is that right? Wow. Did you go to your doctor or
11 anything after the crash?

12 A. No, but I'm probably going to before today is out, yeah.

13 Q. Now, was your fiancée injured in the crash at all?

14 A. She was complaining about whenever -- I don't know. She
15 -- they separated us. You know, I asked her if she was all right,
16 and she just said, you know -- I made sure she was -- didn't have
17 nothing broke on her or -- you know, I made sure she was
18 breathing, you know, made sure she was all right, asked if she was
19 all right, and she said, yeah. You know, best I could tell, she
20 was.

21 Q. So she was in the sleeper berth sleeping, resting?

22 A. She was laying back there, yeah.

23 Q. She was asleep --

24 A. Yeah.

25 Q. -- or awake?

1 A. I don't know if she was awake or asleep. I mean --

2 Q. I gotcha. And you were driving and you say the
3 visibility was okay?

4 A. Um-hum.

5 Q. Can you recall how fast you were going?

6 A. I really can't.

7 Q. So you were -- up until the crash, you were going
8 highway speed, so -- and then you just said that all of the
9 sudden, boom, the vehicle in front of you stopped?

10 A. They just stopped, yeah.

11 Q. Okay. All right. Well, I have more questions, but I
12 think we'll switch it around. We've kind of gone through the
13 sequence of events and the hours of service situation.

14 MR. FOX: And then why don't we go over the hours of
15 service. Mike and Sean, you can continue with your questions
16 about the hours of service and the logbook, et cetera.

17 MR. ANDERSON: Okay. This is Sean with FMCSA for the
18 recorder.

19 BY MR. ANDERSON:

20 Q. So, really, I think we've pretty much nailed down a good
21 timeline just with the interview so far. I've got a couple
22 questions, but I'm going to start with this one, then I'll defer
23 to Mike and see if he wants to do anything else. But on the 25th,
24 that was the day that you -- you dropped the load on the 24th in
25 Haines City, correct?

1 A. I guess whatever the paperwork says. I mean, I -- I was
2 a little -- apparently, I made the wrong dates on the logbooks.
3 So I was wrong on the dates for some reason. I don't know what --
4 if I was looking at a different year or what it was. I must have
5 just messed up on the dates.

6 Q. Okay. Now, I'm trying to just make sure I understand
7 the timeline from the evening of the 24th through the morning of
8 the 25th, okay? So on the 25th, which was Friday -- or, excuse
9 me, Thursday -- the 25th is Thursday -- what time did you wake up?
10 That's after that long break in Haines City, Florida. What time
11 did you leave Haines City, or just talk to me a little bit about
12 that morning in Haines City.

13 A. I really can't recall what time it was I left. It was
14 early.

15 Q. Okay. Do you know if you moved the truck at all in
16 Haines City or did you just stay in the same spot or --

17 A. I stayed there right down from the place that -- by the
18 loop at, from that evening till -- from before dark till that next
19 morning for a very long time. And after I delivered the load, I
20 came and started back.

21 Q. Okay. Did you stay on the property where you delivered
22 the load or --

23 A. No. I mean, it was just -- it wasn't very far from the
24 place where I stayed.

25 Q. Was it a truck stop or --

1 A. It was a truck stop. It was a Pilot. Because she got
2 -- she was hungry, she went and got some food. And I think she
3 brung me back some, but I had stayed in the truck sleeping.

4 Q. Okay.

5 MR. ANDERSON: Go ahead, Mike. I'm okay right now.

6 BY MR. LaPONTE:

7 Q. Okay, so the reason we're asking is that the GPS -- my
8 name is Michael LaPonte with the National Transportation Safety
9 Board. The reason we're asking is the GPS shows truck movement.
10 So what we're trying to -- I mean, they show a 10-mile, a 6-mile,
11 a 10-mile, and what we're trying to determine is when you, you
12 know, started your day, if you will.

13 A. I don't why it would have done that.

14 Q. Hum?

15 A. I don't know why it would have showed that.

16 Q. Well, that's why we're trying to see if you can recall
17 your movements, so --

18 A. That was my movement. I went to that truck stop and
19 stopped; stayed that evening all the way up to the next morning.

20 MR. FOX: What was that truck stop again?

21 MR. BREWER: It was a --

22 MR. LaPONTE: Pardon me?

23 MR. BREWER: It was Pilot, I think.

24 MR. FOX: Pilot?

25 MR. BREWER: Yeah, right up from Haines. It wasn't 5

1 minutes from the delivery place.

2 BY MR. LaPONTE:

3 Q. Okay. And so then, did you have an appointment time at
4 the delivery site, at the warehouse? Did they --

5 A. I think they wanted it there by -- I can't -- they
6 wanted it there early that morning, I remember that.

7 Q. Okay. So they didn't give you a specific time like, you
8 know, truck driver be at door 51 or --

9 A. They wanted me to be, I think, the first one through the
10 gate, but -- I think they was needing their product.

11 Q. Okay. Do you recall when the gate opened there at that
12 facility for receiving?

13 A. He told me that he'd open it up whenever the other
14 workers got there.

15 Q. The other workers got there. Okay. All right.

16 A. I said, when's that?

17 Q. When someone showed up to unload you?

18 A. Yeah. That's pretty much what he said.

19 Q. Yeah, I don't doubt that. Do you recall how long it
20 took them to unload the truck?

21 A. Not very long.

22 MR. FOX: Yeah, it doesn't take long.

23 MR. BREWER: Yeah.

24 MR. FOX: Was it a fork truck or palette or jack?

25 MR. BREWER: Yeah, they was palettes and they was fork-

1 lifting up.

2 MR. FOX: Yeah, it don't take that long.

3 MR. BREWER: It don't take long.

4 MR. LaPONTE: Oh, okay.

5 MR. FOX: Ten minutes.

6 BY MR. LaPONTE:

7 Q. All right. So, then once you got the load off, you got
8 the paperwork signed, they signed for it and they circled the case
9 count and all that, and then did you immediately start your trip
10 home from Haines City at that point or did you go back to the
11 truck stop and freshen up or have breakfast or --

12 A. I had done been there all night and so I had eaten --
13 they had coffee there at that place where I unloaded -- donuts and
14 coffee, some pop, and I think I might've had some pop in the
15 cooler. And I just started back home.

16 Q. Okay. On the trip down, right, you had the accident or
17 the crash or the side-swipe accident, and you mentioned earlier
18 that it took the police officer 40 minutes to arrive to --

19 A. At least. I was just guessing at that. It took him a
20 long time to get there --

21 Q. Okay.

22 A. -- it seemed like. I can't recall what -- exactly the
23 length of time it took him to get there, and then by the time the
24 guy fixed -- I can't recall all that.

25 Q. Okay. Did the other truck stay there the whole time

1 until the officer showed up as well?

2 A. Until he told him to leave. He left while I was still
3 sitting there and the officer was, you know, there with me --

4 Q. Okay.

5 A. -- you know. I didn't think it was going to -- you
6 know, that guy told me, he said, I'm sorry, you know, I hit you,
7 and I said, well, you know -- which the roads in Florida,
8 everybody knows they're a little watered out too, I mean. So he
9 just hit them grooves and I think he just -- I kept trying to get
10 away from him and he kept coming over on me, so --

11 MR. FOX: Benjamin, can you recall -- I'm sorry to
12 interrupt -- what kind of truck that was that hit you?

13 MR. BREWER: It was a taller truck. It wasn't a semi-
14 truck, but it was like a flatbed six-wheel truck or something. I
15 never -- I think I must --

16 MR. FOX: Okay.

17 BY MR. LaPONTE:

18 Q. Okay, so did the other driver give a statement to the
19 police officer?

20 A. I don't know. I -- the way -- me talking to him, I
21 mean, he talked a lot of Spanish, so it was hard. You know, he
22 said -- right after that, he said he was sorry, you know, he just
23 (indiscernible). Then he said something else and then I said,
24 well -- you know, it's hard for me. I don't speak Spanish. He
25 spoke a little bit of English and that's how I understood him.

1 Q. Okay. So then -- so the officer, 40 minutes to get
2 there. He takes the information. He releases the other truck,
3 and then --

4 A. No, he -- I think he even -- that officer even left a
5 couple of times. I don't know what all. I remember it was very
6 hot and I was very hot.

7 Q. Yeah. So right after -- what was damaged, when you had
8 the contact with the other vehicle, on your vehicle?

9 A. The fender, the right fender, the radiator. I mean, it
10 mashed up the right side just a little bit. I remember the fender
11 had to maybe -- maybe beat the fender out on it so I couldn't
12 continue with it.

13 Q. And what -- you mentioned a fluid leak, a radiator leak.

14 A. Um-hum.

15 Q. Which hose was that? Did you ever find out --

16 A. It was the main hose.

17 Q. Up above, on the top, or on the bottom?

18 A. It was on the bottom, I think.

19 Q. Okay. So it was the bottom return hose?

20 A. Yeah. I never got that out with him, but I remember the
21 fluid on the bottom, so --

22 Q. Okay. And did -- was there any damage to the right-hand
23 passenger side mirror on the truck --

24 A. Yeah.

25 Q. -- because of that contact? Okay. All righty. And

1 then how long -- do you have a rough idea how long it took for the
2 repair service to come out to where you were?

3 A. No, I do not. It took him a little -- he -- it took him
4 a little while, but I was sleeping on and off too while he was
5 waiting on him and --

6 Q. Okay. All right. Okay, then so you get repaired, you
7 get up and running, and then you went straight from Wildwood or
8 Lake City, Florida, on into Haines City?

9 A. Yeah. I was trying to find a place to stop to rest in
10 between there and -- I didn't know if the load would make it on
11 time, so --

12 Q. Did you originally have an appointment time for that
13 load or a delivery appointment for the load?

14 A. I think it was supposed to be a 6:00 a.m. appointment.

15 Q. I'm sorry?

16 A. I think it was supposed to be like a -- originally, it
17 was supposed to have been a 6:00 a.m. appointment.

18 Q. 6:00 a.m. --

19 A. Yeah.

20 Q. -- on the 24th?

21 A. I can't -- apparently, I made the dates wrong on that,
22 so I can't -- I'm going to say I can't answer what --

23 Q. Okay, that's fine. All right. So you get to Haines
24 City, you take your rest. The next morning you get up, you
25 deliver the load, and then you start heading back?

1 A. Um-hum.

2 Q. Okay. All right. That pretty much matches what I have.

3 MR. FOX: Yeah. It matches the whole thing, right?

4 MR. LaPONTE: Um-hum. Yeah. I mean, with his
5 clerical --

6 MR. ANDERSON: Yeah. I think the question we had was
7 that little bit of movement in the morning and that was -- well --

8 MR. BREWER: Yeah. I don't know why it showed that.

9 MR. ANDERSON: Well, it sounds to me like that was the
10 delivery on Thursday morning.

11 MR. LaPONTE: Yeah, it could have been.

12 MR. FOX: Yeah, so he -- your recollection is pretty
13 close --

14 MR. ANDERSON: Yeah.

15 BY MR. FOX:

16 Q. -- to exactly as we know it. So your memory is good.

17 A. Yeah.

18 Q. Yeah. I know you were questioning --

19 A. I feel like I --

20 Q. I know you were questioning yourself --

21 A. Yeah.

22 Q. -- but I'm here to tell you, you did very well and you
23 remembered very good. So good job.

24 MR. FOX: Does -- Sean, do you have any hours of service
25 type questions to ask?

1 MR. ANDERSON: I don't think so.

2 MR. FOX: Are you okay with everything?

3 Mike LaPonte, do you have any questions on hours of
4 service type stuff?

5 MR. LaPONTE: Not at this --

6 MR. FOX: Not right now? Not at the moment?

7 MR. LaPONTE: Not right now.

8 MR. FOX: Okay. So, I'll defer to Kenny.

9 MR. BRAGG: I don't have any hours of service questions.

10 MR. FOX: Okay, so we can --

11 MR. BRAGG: Just some of the HP stuff.

12 MR. FOX: Yeah. So, we're done the crash sequence.

13 BY MR. BRAGG:

14 Q. So some of the stuff I'm going to talk to you about,
15 it's general stuff, like how do you sleep, your medical history,
16 and stuff like that. So the first time I'm really interested in
17 is Sunday night going into Monday. I know you got the truck
18 sometime Monday and you ended up at the rest stop. Where did you
19 stay Sunday night?

20 A. I stayed asleep in bed.

21 Q. Where? Where did you sleep, at home or in your truck?

22 A. At home.

23 Q. What time did you --

24 A. Or, actually, I stayed in the truck.

25 Q. And what time did you go to bed; do you know?

1 A. It was early, way before -- I had a good night's rest
2 before I left out.

3 Q. Did you --

4 A. Because I finished putting all my stuff in there and
5 just said the heck with it; we'll just stay here and that'll be
6 it, you know. I'm about -- I've had a hard time finding a job.
7 I'm practically broke and I've --

8 Q. Got it hard. What time did you get going on Monday
9 morning?

10 A. To go get the load?

11 Q. Yeah.

12 A. It was -- well, I think it was -- I didn't have to pick
13 the load up till Monday evening, supposedly, I think. So I didn't
14 leave till 12:00, I think, around Monday, or it might have been
15 after 12. I can't recall.

16 Q. What time did you get out of bed?

17 A. Oh, it was 10:00, I think. I can't -- I mean, it was --

18 Q. How did you sleep? I've never been in -- how does it
19 sleep in the back of the truck?

20 A. It's pretty good. I mean, I put my -- I put the
21 mattress off of my bed at home on it and I can sleep just as good
22 there as I can anywhere.

23 Q. What do you do for the temperature?

24 A. The A/C was working in the bunk, yeah.

25 Q. So do you -- you run a truck engine or you run some type

1 of --

2 A. It runs off a inverter.

3 Q. Okay.

4 A. You know, like a --

5 Q. All right, so -- and what time did you go to bed Monday
6 night? And this is while you're at the --

7 A. I can't -- it was pretty earlier. I mean, I can't
8 remember exactly.

9 Q. And Charity is with you, right?

10 A. Yeah.

11 Q. So what are you all doing? Do you all play cards? I
12 mean, what do you all do in the truck?

13 A. We just talk, rest, whatever.

14 Q. Okay. What time did you get up on Tuesday morning?

15 A. Actually, I just had -- I don't recall what time it was
16 I got up. I had woken up, and which made me use the restroom, and
17 stepped out of the bunk, and the guy was standing directly at my
18 driver door. And he said, are you this truck? And I said yeah.

19 Q. Okay. When did the air conditioning first break? Were
20 you in Haines City?

21 A. I can't recall. It seemed like it -- it seemed like I
22 was having trouble with it a little bit, but I could -- it was
23 running --

24 Q. Um-hum.

25 A. -- but when it finally shut down completely, I was in

1 Florida.

2 Q. So how did you sleep night? That had to be hard.

3 A. No, actually, I slept pretty good. I just opened the
4 windows up. It was a cool night in Florida and cool nights in
5 Florida, so pretty good.

6 Q. Okay. You got windows on the side of the sleeper or
7 something?

8 A. Um-hum.

9 Q. Okay.

10 MR. FOX: Um-hum, he does.

11 BY MR. BRAGG:

12 Q. Yeah. And as far as sleep, do you ever -- did you take
13 anything -- do you take anything to help you sleep?

14 A. No.

15 Q. No?

16 A. I have taken stuff in the past to sleep, but --

17 Q. Nothing --

18 A. I didn't take nothing, no.

19 Q. Does Chastity [sic] ever complain about you snoring?

20 A. I don't know. She never complains to me, but --

21 Q. Okay.

22 A. She probably will. Maybe she's just being kind to me; I
23 don't know. I don't think she would hurt my feelings anyway.

24 Q. She's not like my wife. She'd hurt my feelings. My
25 wife would hurt my feelings.

1 MR. FOX: Oh, my wife would poke me and punch me and get
2 -- turn on your side.

3 MR. BREWER: No, she wouldn't do me that way. I've
4 never -- I know I snore and she has never poked me or punched me
5 the first time, and I've been with her for a while now.

6 MR. FOX: It's a love tap. I stand corrected.

7 BY MR. BRAGG:

8 Q. So what about your health, generally speaking? Any
9 health problems?

10 A. I do have problems with my back. I've had problems for
11 a while with it.

12 Q. What kind of problems?

13 A. I think the last MRI I had on it said I had few -- a
14 slipped disc, a lot bulging discs.

15 Q. Lower back or upper back?

16 A. Huh?

17 Q. Lower back or upper back?

18 A. Lower back, a bulging disk all the way up through.

19 Q. Do you take anything for pain?

20 A. I used to did, but I kind of quit it and just deal with
21 it.

22 Q. What did you take when you were taking medication?

23 A. Just whatever the doctor prescribes me. It's been a
24 long time ago.

25 Q. Okay. How about blood pressure? Any problems with

1 that?

2 A. Actually, I had taken some blood pressure medicines in
3 the past and my -- actually, when I got with her, my blood
4 pressure had got so low that -- actually, I couldn't afford to buy
5 my blood pressure medicine, so -- my blood pressure, I could tell
6 when it was high. And I had a lot of stress in my previous
7 marriage, so --

8 Q. Where did you go to the doctor? What doctor do you see?

9 A. I can't remember my doctor's name.

10 Q. How about -- is it Dr. Bunch (ph.)?

11 A. Yeah.

12 Q. Yeah, Dr. Bunch.

13 A. That's him.

14 Q. When's the last time you've seen him?

15 A. I can't recall.

16 Q. I mean, has it been 10 years, 1 year?

17 A. No.

18 Q. This year?

19 A. I mean, it's not been 10 years, I don't think.

20 Q. Now, you had some type of outpatient procedure at the
21 hospital. What was that about? It was in 2010, I believe.

22 A. In 2010?

23 Q. Yeah.

24 A. Probably my broken nose. I had a broke nose. I had my
25 nose redone.

1 Q. And Dr. Bunch, is he your primary care?

2 A. Yeah, but I've been looking for a new doctor.

3 Q. How long have you been dealing with him?

4 A. I haven't dealt with him in a while. I haven't seen him
5 in a while.

6 Q. How about health insurance? Do you have health
7 insurance?

8 A. No.

9 Q. No? So how do you normally -- and I don't -- not
10 getting in your business or anything, but how do you normally, you
11 know, deal with the cost associated with going to the doctor?

12 A. I don't go to the doctors.

13 Q. You don't go to the doctor? Where do you go get your
14 prescriptions filled?

15 A. I quit taking my prescriptions.

16 Q. Well, when you were taking them, where did you go?

17 A. At that time I had insurance, so I could -- you know,
18 when I worked previously, some of the jobs I had, I had insurance
19 and I let my insurance pay for it.

20 Q. Okay, but don't know what pharmacy you went to?

21 A. Uh-uh, I -- no. They went out of business, so --

22 Q. Now, at some point, according to what we've developed
23 about your driving, you drove about 33 hours. That's a long time.
24 And I'm a little bit older than you, so there ain't nothing I can
25 do for 30 hours without taking a nap. So how did you stay up?

1 A. I took a nap.

2 Q. You took a nap?

3 A. Yeah, I take naps.

4 Q. You'd have to take (indiscernible)?

5 A. If I got tired, I'd pull over.

6 Q. Now, I've also got some -- got information that you -- I
7 guess you're going through a custody dispute with your ex-wife?

8 A. Yeah.

9 Q. Tell me about that. Tell me about that.

10 A. I'm not -- look, I'm not getting into my custody dispute
11 with my kids in this right here.

12 Q. No, I'm not --

13 A. This has nothing to do with that wreck.

14 Q. Okay. Well --

15 A. My kids are staying out of this.

16 Q. Well, let me ask you this. You took a drug screen test
17 and --

18 A. I also have a hair follicle test from November that was
19 clean. I also have another test for Ryder that was clean. I also
20 have another test for Billy that was clean. I have 6 months of
21 testing that was clean.

22 Q. Okay. But the most recent one that was in May didn't
23 come back clean.

24 A. Yeah, and I was -- I had taken some allergy medicine and
25 I had a asthma attack and I had taken inhalers.

1 Q. Okay.

2 A. I know where this is leading, so --

3 Q. All I'm trying to do is get a picture of your health.
4 I'm not accusing you of anything. And if that's the reason you
5 tested positive, then that's good for us to know.

6 A. Um-hum, that's the reasons.

7 Q. Okay.

8 A. But it's funny that, you know -- her family has a lot of
9 pull. It's funny that I can take all these tests and pass them,
10 but when it comes to her -- this one time, you know, they had to a
11 hair follicle test and I had just had a hair follicle test in --
12 just a few months back and I passed it, but she doesn't -- then it
13 come up like that and, you know -- but I had been taking, like --
14 I have problems with allergies and I take allergy medicine and
15 I'll get my -- you know, whatever I can to deal with it. But I
16 did have asthma attack and used one of the -- an inhaler to get my
17 breath because of --

18 Q. Yeah. Have you ever used illicit drugs or illegal
19 drugs?

20 A. No.

21 Q. Okay. If I was to offer you the opportunity to take a
22 hair follicle test now, would you take one?

23 A. I'm not taking no more tests.

24 Q. Okay, okay, it was just a question.

25 A. I'm done with tests. I -- I'm -- my ex-wife's about

1 ruined me on this one.

2 Q. Now, how do you -- when you're in the truck, how do you
3 navigate? I mean, how do you find your way? You use a map, use a
4 GPS, or --

5 A. Most places, I get pretty used to where I have to go to.
6 That way, I found it -- I think I pulled it up on my phone and it
7 told me the directions to go.

8 Q. What kind of phone is that?

9 A. It's a iPhone.

10 Q. Is that the one with the cracked back?

11 A. I can't remember if the back is cracked or not.

12 Q. Well, it has tape on it, like, electrical tape.

13 A. I don't know.

14 Q. Does --

15 A. Because I got -- I have got several phones.

16 Q. Does Charity have an iPhone too?

17 A. I don't know what -- I don't -- actually, I don't know
18 the difference in them. I don't get that text savvy in them.

19 Q. Okay.

20 A. I even took another test for Billy when I got back.

21 Q. Okay.

22 MR. FOX: Right, right, we know.

23 BY MR. BRAGG:

24 Q. What kind of test was that?

25 A. It was a urine test.

1 Q. A urine test?

2 MR. BRAGG: Well, that's all I have for him.

3 MR. FOX: That's all?

4 MR. BRAGG: The bulk of what I want is in the
5 (indiscernible) and the other stuff I have.

6 MR. FOX: I'm basically done what I want to do.

7 MR. BRAGG: Oh, I do have one other question for him.

8 UNIDENTIFIED SPEAKER: Go ahead.

9 MR. BRAGG: All right. Real quick.

10 BY MR. BRAGG:

11 Q. When we were itemizing some of the belongings in the
12 truck, there was a notebook with a bunch of GPS recordings in it.
13 Do you know anything about that?

14 A. Oh, that's my lake coordinates. I had -- used to -- I
15 used to love to fish and I'd marked -- I had written down, I
16 guess, the coordinates for places like for humps marked in lakes
17 and stuff like that, I guess, is what I had started the GPS
18 coordinates for.

19 Q. Oh, okay, okay.

20 A. Yeah.

21 MR. FOX: The book is here.

22 MR. BRAGG: Yeah.

23 MR. BREWSTER: I mean, I don't know why I would've been
24 writing down GPS coordinates.

25 BY MR. BRAGG:

1 Q. I don't either; that's why I asked.

2 A. That's the only thing I could figure it would be is --

3 Q. Okay.

4 A. -- one of my GPSs I had, I would -- I was -- it seemed
5 like I was transferring one of my -- one GPS onto the other, and
6 it was one of the first GPSs that came out and it wouldn't
7 transfer over to my new GPS. So I went down through there writing
8 them coordinates down so I could have it on my new GPS; that's
9 what it was.

10 Q. Okay.

11 MR. FOX: Is that what's in that little notebook?

12 MR. BREWER: I would say that's what that is, yeah.

13 MR. FOX: And that's your handwriting?

14 MR. FOX: I don't, I don't know. Some of it might be
15 and some of it might not be; I don't know.

16 MR. FOX: Okay.

17 MR. BRAGG: All right.

18 BY UNIDENTIFIED SPEAKER:

19 Q. Yeah, I have one more question. You said you took a
20 urine test for Billy --

21 A. Um-hum.

22 Q. -- after the accident. Did you do -- did he do an
23 alcohol test as well or is just --

24 A. Yeah, he done an alcohol test too.

25 Q. Okay. I was just wanted to clarify. Thanks.

1 MR. BRAGG: And he also gave a sample for Tennessee
2 State Patrol, right?

3 MR. BREWER: Um-hum. Yeah.

4 MR. BRAGG: Okay.

5 BY UNIDENTIFIED SPEAKER:

6 Q. What day did you go take the post-accident test for
7 Billy? Do you remember what day it was? Do you remember what
8 physical day it was that you did that?

9 A. You mean then?

10 Q. Obviously, it was -- after the accident.

11 A. I can't recall what day it was. It was as soon as I
12 could get up there. I got back, had no keys to get into my
13 vehicle, and as soon as I got a ride to get up there, I got up
14 there.

15 Q. Okay.

16 BY MR. BRAGG:

17 Q. Did you take any pills on the way?

18 A. No.

19 Q. No? Because we also found some prescriptions in the
20 truck.

21 A. I don't know. They wasn't mine.

22 Q. Okay.

23 MR. BRAGG: That's it.

24 MR. FOX: How about some of those other items, like the
25 -- that acrylic --

1 BY MR. BRAGG:

2 Q. Yeah. The -- here's one of the things that we want to
3 know about. Let me show you a picture here in my phone. What do
4 you use this for?

5 A. I don't know whose that is.

6 Q. It's not yours?

7 A. Uh-uh.

8 Q. Okay. How about this?

9 A. That looks like one of them inhalers.

10 Q. It's one of yours?

11 A. It's not mine. It's one of Charity's kids', I believe.

12 Q. Okay. There's also, in the back of the truck, there's a
13 glass plate; like a little glass cutting board.

14 A. Um-hum.

15 Q. Is that yours?

16 A. I think Charity -- it probably is. I mean --

17 Q. It's about the size of the notebook, about the size of
18 this.

19 A. She use that to paint her fingernails on, I think.

20 Q. Okay. Okay, that's all I have.

21 MR. FOX: I think that's all I have too, I think.

22 Do you have any other questions for the driver?

23 MR. ANDERSON: No, I don't. I think that's -- with what
24 we have, I think that clarifies a lot of the stuff.

25 MR. FOX: Yeah.

1 MR. ANDERSON: Billy did a good job remembering.

2 MR. FOX: It's Benjamin.

3 MR. ANDERSON: Huh?

4 MR. FOX: You mean Benjamin?

5 MR. BREWER: Yeah. That's really -- kind of throw me
6 off. I thought Billy was standing behind me when he said. So --

7 MR. FOX: No, no.

8 MR. ANDERSON: I'm sorry. I apologize.

9 MR. BREWER: That's the reason I paused for a minute. I
10 was like --

11 BY MR. FOX:

12 Q. All right. Well, that's why we -- I wanted to clarify
13 it for the record. And just by -- just a follow-up question to
14 Kenny. So we did find several prescription bottles in the
15 vehicle. Did any of those belong to you at all?

16 A. If it didn't have my name on it, they didn't belong to
17 me. No, I didn't -- they was -- you know, just like you bring
18 that stuff to me you said was mine and they was pictures in there
19 that was not mine; they was the other driver's. So, I don't know.

20 Q. Okay, that's fair enough.

21 A. You know.

22 MR. BRAGG: What's Charity's kids' name?

23 MR. BREWER: Caitlin (ph.), Coy, Trevor.

24 MR. FOX: Coy? And --

25 MR. BREWER: Caitlin and Trevor.

1 MR. BRAGG: How old are they?

2 MR. BREWER: One of them is probably 19, one is getting
3 ready to turn 16, and the other one is 18. They're getting there,
4 you know.

5 BY MR. FOX:

6 Q. Okay. She has children that old?

7 A. And I got a 6-year-old, and she was born on the same day
8 as her middle child --

9 Q. Oh.

10 A. -- her -- yeah. Ten years later, yeah.

11 Q. So none of the prescriptions that we found in the truck
12 -- you didn't have any prescriptions on the trip?

13 A. I don't -- not that I can remember, not that -- no.

14 Q. And are you currently taking any medications at all?

15 A. Just allergy medicines, and that's about it.

16 Q. Earlier, Kenny was asking you about that you had high
17 blood pressure --

18 A. Yeah.

19 Q. -- medication or whatever. Were you ever diagnosed for
20 high blood pressure? I mean, did the doctor --

21 A. They couldn't tell me whether it was the high blood
22 pressure or the stress with the ex, you know.

23 Q. Did your physician put you on --

24 A. He put me on high blood pressure, yeah.

25 Q. -- high blood pressure medicine.

1 MR. BRAGG: When is the last time you've taken it?

2 MR. BREWER: I can't recall.

3 BY MR. FOX:

4 Q. You know, it's really important that you get that, get
5 it checked and -- you know, it's very important to have your blood
6 pressure checked. You should have it checked periodically. But,
7 currently, you're not under any --

8 A. Uh-uh.

9 Q. -- medication? Or have you have a follow-up with your
10 doctors, you know, since the last time he prescribed for high
11 blood pressure?

12 A. The only medicines I've been taking is for allergies and
13 if I have the asthma attacks or something like that, but not that
14 I can remember.

15 Q. Okay.

16 MR. FOX: I'll go around the room. Does anyone else
17 have any questions for Benjamin? Sean, you're okay?

18 MR. ANDERSON: Yeah, I'm okay.

19 MR. FOX: And Kenny --

20 MR. BRAGG: Okay.

21 MR. FOX: -- you're okay? Mike, you're all right?

22 MR. LaPONTE: I'm fine.

23 MR. FOX: Any of the other parties have any other
24 questions? So at this time, we're going to conclude the interview
25 with Benjamin.

1 We appreciate you coming in to visit with us, talk to
2 us, and you did a great job of recollecting these chain of events
3 and we really appreciate it. Do you have anything that you would
4 like to say that we have not touched upon in our questioning?

5 MR. BREWER: I just -- no. Not that I'm -- no.

6 MR. FOX: Nothing at this time?

7 MR. BREWER: no.

8 MR. FOX: Okay. So at this time we're going to conclude
9 the interview with the driver. It's now 3:50 and the interview is
10 now concluded.

11 (Whereupon, at 3:50 p.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: COOL RUNNINGS EXPRESS, INC.
MOTOR CARRIER CRASH
CHATTANOOGA, TENNESSEE,
JUNE 25, 2015
Interview of Benjamin Brewer

DOCKET NUMBER: HWY-15-MH-009

PLACE: London, Kentucky

DATE: June 30, 2015

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

A black rectangular box redacting the signature of Karen M. Galvez.

Karen M. Galvez
Transcriber