



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

September 22, 2016

Attachment 3 - Transcript of September 20, 2016 deposition of president of Execuflight

HUMAN PERFORMANCE

CEN16MA036

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

-----X
 FOLLOW-UP INTERVIEW :
 IN THE MATTER OF: :
 : NTSB Accident No.
 CRASH OF A HAWKER 125, : CEN16MA036
 N237WR, IN AKRON, OHIO ON :
 NOVEMBER 10, 2015 :
 :
 :
 -----X

Washington, DC

Tuesday,
September 20, 2016

DEPOSITION OF :

AUGUSTO DANIEL LEWKOWICZ

called for examination by Counsel for the Agency, pursuant to Notice of Subpoena, in the offices of the National Transportation Safety Board, located at 490 L'Enfant Plaza East, S.W., Washington, D.C., when were present on behalf of the respective parties:

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APPEARANCES:

On Behalf of the Agency:

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On Behalf of the Deponent:

of: J. DAVID BOGENSCHUTZ, ESQ.
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[REDACTED]

ALSO PRESENT:

JAMES SILLIMAN
DAVID LAWRENCE
SATHYA SILVA, Ph.D.

E-X-H-I-B-I-T-S

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P-R-O-C-E-E-D-I-N-G-S

8:54 a.m.

Male: Can you please raise your right hand?

MR. BOGENSCHUTZ: Right hand.

Male: Do you solemnly swear or affirm that the testimony you are about to give is going to be the truth, the whole truth, and nothing but the truth?

MR. LEWKOWICZ: Yes.

Male: Thank you.

MR. RODRIGUEZ: Okay, I'm going to start by reading in the record, a statement in the record, a little bit about the process here, and then I'll turn it over to Sathya for questions.

So we're here pursuant to a subpoena issued by the National Transportation Safety Board to Mr. Lewkowicz on September 1, 2016, and revised on September 12, 2016, that Mr. Lewkowicz said his attorney, Mr. Bogenschutz, requests to accommodate their schedules.

The subpoena was issued to obtain Mr. Lewkowicz's sworn testimony regarding the crash of a Hawker 125, registration November, 237, Whiskey, Romeo in Akron, Ohio on November 10, 2015, and the events leading up to the accident, all of which a part of NTSB investigation number CEN16, Mike, Alpha, 036.

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1 Mr. Lewkowicz, your sworn testimony is
2 necessary to assist the NTSB in resolving some
3 conflicting facts that have been provided to us as a
4 part of its safety investigation.

5 So the purpose of an NTSB investigation is
6 to increase safety. It's not to assign fault or blame
7 or liability in any sense.

8 The NTSB, however, we cannot offer any
9 guarantees of confidentiality or immunity from
10 prosecution or certificate actions.

11 Ultimately a transcript of this deposition
12 will appear in the public docket for the investigation,
13 which will be available to the public via the NTSB
14 website.

15 You're entitled to have a representative who
16 can be an attorney or otherwise. Is Mr. Bogenschutz
17 your representative?

18 MR. LEWKOWICZ: Yes.

19 MR. RODRIGUEZ: Mr. Lewkowicz, Mr.
20 Bogenschutz can advise you as you feel necessary, but
21 he can't answer the questions for you or supplement
22 your answers. If he interrupts, you'll still be
23 required to answer the questions that are asked. Do
24 you understand that?

25 MR. LEWKOWICZ: Yes.

1 MR. RODRIGUEZ: So this deposition is being
2 taken, like I said, for the purpose of the NTSB
3 investigation.

4 By regulation, NTSB accident investigations
5 are fact finding proceedings with no formal issues and
6 no adverse parties.

7 Materiality and relevancy of questions and
8 exhibits shall not be the subject of objections in a
9 legal sense, nor are other legal objections entertained
10 during this process. So do you have any questions
11 about that?

12 MR. LEWKOWICZ: No.

13 MR. RODRIGUEZ: Okay. Sathya, you can go
14 ahead.

15 DR. SILVA: All right. Again, I'm Sathya
16 Silva. I'm a human performance investigator on this
17 investigation, and I know I didn't get a chance to talk
18 to you when the accident first occurred, and so this is
19 part of the process of getting more information and
20 following up on some of the questions that David's
21 asked you. And also, kind of to expand on your
22 experience at ExecuFlight.

23 BY DR. SILVA:

24 Q So before we get into the nitty gritty, can
25 you state your name, full name, for the record?

1 A Augusto Daniel Lewkowicz.

2 Q Can you spell that please?

3 A A-U-G-U-S-T-O, Daniel, D-A-N-I-E-L, and then
4 Lewkowicz, L-E-W-K-O-W-I-C-Z.

5 Q Wonderful. And what is your age?

6 A Fifty-four.

7 Q And what is your position at ExecuFlight?

8 A Owner, Director of Ops.

9 Q Great. So, in your opinion, can you
10 describe the safety culture at ExecuFlight and provide
11 examples as you can?

12 A We don't, we don't like to do things that
13 are unsafe. We, there's many flights that we don't do
14 that are not unsafe, but not within the pattern of what
15 we do.

16 We are not cargo operators, so there are
17 many times that we refuse flights that are for Delta
18 Airlines or for American at 2:00 in the morning to
19 deliver a part to a stranded aircraft, only because
20 whoever I would call would be more than likely
21 sleeping.

22 Q Okay.

23 A And where legally it could probably be done,
24 realistically it would be a fatigue flight. So I can't
25 tell you how many of those we pass up. We do take some

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1 at times, when the circumstance permits. Usually
2 there's no notice for flights like that. So this is
3 one way.

4 Everybody has days off. Everybody is
5 encouraged to discuss anything that is of any safety
6 concern. We have meetings. We've recently had a
7 meeting to discuss our GOM --

8 Q Okay.

9 A -- and what it says. We encourage everybody
10 to read the GOM, and the GOM specifies that, you know,
11 what those things are, just to review them.

12 And when we do have a meeting, like the last
13 meeting we had was relative fatigue, and our position
14 concerning fatigue, which was given to every pilot.

15 Q Okay.

16 A And basically what I told them is that,
17 here's the deal, I don't care what duty times say, what
18 flight times say, let's not talk about that. Let's
19 just talk about you being tired.

20 If you're ever in a flight or you're tired
21 and you don't want to take it, you don't take it.
22 Simple as that.

23 No one can tell if someone is fatigued other
24 than that individual themselves, and so I wanted to be
25 very clear with everybody, letting them know that if

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1 you are fatigued, you don't have to do the flight.

2 That simple.

3 Q Okay. So in your, we put out a factual pre-
4 operations report, and ExecuFlight's provided a
5 response to that factual. Do you recall your response?

6 A No.

7 DR. SILVA: This is already in the docket,
8 so, or this is already public, so we don't need to put
9 in an exhibit.

10 MR. RODRIGUEZ: Thank you.

11 DR. SILVA: So this is your response to the
12 factual report.

13 MR. LEWKOWICZ: Oh, yes. Okay.

14 BY DR. SILVA:

15 Q And in this, in this document, you state,
16 can we see where we have it here, your prioritization
17 of safety.

18 So you state that you have a checks and
19 balances system, kind of to, in place to ensure a
20 positive safety culture. Can you describe the
21 statement that you used, checks and balances, that you
22 have in place?

23 A I just talked about a few of those. Again,
24 and I've said this before in our original interview, is
25 our company is not an extremely large company. Right

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1 now we're full-time 10 pilots. And it's easy for me to
2 communicate with each and every pilot.

3 It would be something impossible to do with,
4 you know, 121 carrier or even big 135 operators. But
5 in our particular case, we are small enough that I can
6 take advantage of speaking with the pilots, having
7 meetings.

8 We know, we know, we know who they are. So
9 we know who is prone to be up at night, and who's, you
10 know, past 8:00 at night, they're asleep. So we know
11 each one of the pilots. I know them. I fly with them.

12 You know, routinely, we get trained.
13 There's, every month people are being trained at
14 simulator. Currently right now I've got two pilots in
15 school.

16 We discuss what we should not do, even
17 though legally we can, such as non-precision approach,
18 more so today than any other time because of the
19 accident.

20 Q How often would you say you communicate with
21 each of your pilots?

22 A Daily. Coincidentally, concerning safety, I
23 had a flight yesterday with one of our pilots. I was
24 the Captain, he was, he's also a Captain. He was
25 sitting in the right seat and we were shooting a non-

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1 precision approach to Fort Lauderdale Executive.

2 We were cleared for the approach. It was an
3 RNAV approach, and it was raining, and visibility was
4 bad.

5 An airplane just in front of us had landed
6 and they asked him, what was the condition, and the
7 gentleman replied, just, we broke out just at minimums.
8 And we were, I was at the final fix, and the co-Captain
9 was under the impression that I would start descending
10 and try this approach.

11 I said, negative. We're not even going to
12 go down. We're going to, the winds were such that the,
13 it was a crosswind, a direct crosswind. So we, I
14 elected to do the ILS and, which is a much safer
15 approach, and we broke out. We went to the other side
16 of the city, and came in through an ILS.

17 And then we had a, probably an hour
18 discussion with the pilot because I sensed that he
19 would've attempted to --

20 Q Okay.

21 A -- do this approach when, in my opinion, was
22 not necessary.

23 And he came and we both came to the
24 conclusion that that was the best thing to do, which
25 was to not even attempt it. And this was a very recent

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1 flight.

2 Q How often would you say you have these kinds
3 of feedback discussions with your pilots?

4 A Every flight is, you know, there's generally
5 something to debrief. We encourage debriefing
6 concerning a flight, an approach.

7 Q And who's doing this debriefing?

8 A Either pilot.

9 Q Okay.

10 A Particularly if there's anything in, of
11 importance, or not common. What I just described was
12 not a routine or a common thing, but it,
13 coincidentally, it just happened.

14 And anytime any approach, the briefing prior
15 to the approach is very important, obviously, but not
16 just prior, also after.

17 Q Is it included in any of your operating
18 procedures in terms of encouraging this debriefing? Or
19 how do your pilots, how is this practiced, communicated
20 with your pilots?

21 A Well, I've flown with every pilot that works
22 with us. I've always done it, my key or my pilots that
23 have been with me for a long time do the same thing.

24 Again, this is because it's a smaller
25 company. It's not a big company, so in our particular

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1 case, we'll pretty much do the same thing.

2 Q Okay. Okay. So in your previous interview,
3 you stated that the Director of Operations at the time
4 was acting Director of Safety. Can you describe the
5 roles that you've defined as the Director of Safety?

6 A It says it in the GOM. Basically what it
7 comes down to in a nutshell is to make sure that
8 everyone is following the GOM and is aware of the GOM.

9 Everything pertinent to the safety of the
10 operation or what you can do or cannot do and how you
11 should or should not do it is spelled out in the GOM.

12 So if you have to break it down to one thing
13 only that a Director of Safety would have to do is make
14 sure that everyone is aware of the content of the GOM
15 by having meetings and discussing certain items.

16 If you try to teach the entire GOM in one
17 shot, you're probably not going to get anywhere. So we
18 pick a subject relative to the GOM, and we discuss that
19 and we beat that up, and then the next time we have a
20 meeting, we get another subject.

21 So to describe, the safety officer's
22 responsibility is to assure that everything is being
23 followed within the GOM.

24 Q And how often do you have these meetings to
25 discuss the GOM?

1 A Once a month. It's hard to get all the
2 pilots together at the same time. Sometimes it's a
3 short notice.

4 We've, I notice that this is a day we can
5 possibly call everybody in because they're here, then
6 that's when we do it. We never, usually never can get
7 everybody in. There's always somebody that's either at
8 school or maybe on a trip.

9 Q Where are these meetings typically held?

10 A In our offices.

11 Q So specifically at the time of the accident,
12 what would you say were your strengths in terms of
13 safety culture?

14 A Everything I just discussed.

15 Q Okay. Anything you'd like to add to that?

16 A No.

17 Q Okay. Where, what would you say could've
18 been improved, looking back, again, at the time of the
19 accident?

20 A Improved?

21 Q Improved, yes.

22 A Eliminating the constant speed, or constant
23 descent approach. Making sure that pilots are
24 completely discouraged in performing that approach if
25 it's anywhere nears to minimums or definitely not at

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1 minimums. Just avoiding it altogether.

2 Q You said the constant descent approach?

3 A Yes.

4 Q Can you, can you define that?

5 A No level offs at any given point between
6 final fix and the minimum descent altitude.

7 Q And you've, and you've eliminated, you don't
8 want them to do this approach anymore?

9 A No.

10 Q And what was the issue with these
11 approaches?

12 A An accident.

13 Q Are there any other things that you've
14 changed in the, in the company with respect to safety
15 since the accident?

16 A I will say that I had, well, when we had the
17 accident, there were two pilots that were being trained
18 at the time. They were at the simulator. And we paid
19 for that training, but we never brought them on.

20 And I think that's probably a direct
21 derivative because of the accident. Not that they were
22 bad pilots. We hired them. We thought that they were
23 good pilots, but they were lower time, and I decided
24 that I didn't want pilots unless they had a minimum, at
25 least 1,500 hours.

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1 Another thing is little by little we started
2 to phase off the older equipment airplanes,
3 specifically the Hawker 700. We had two. After the
4 accident we had one.

5 We kept it running up until about a month
6 ago, which now, it is due a major inspection, but we
7 are considering not doing that and just selling the
8 aircraft and replacing it with a more moderate Hawker.

9 Q Okay. So what is your concern specifically
10 with the older Hawkers?

11 A I have no concern. I think it's a
12 combination of marketing as well.

13 Q Okay.

14 A But the older aircrafts are less desirable
15 to, you know, passengers. And furthermore, it's a, the
16 more automated airplanes are saw to be safer.

17 Q Okay. Have you had any changes in staff
18 since the accident?

19 A Yes.

20 Q Initiatives you've taken there, can you
21 describe those?

22 A Well, we've hired quite a few pilots.

23 Q How many would you say?

24 A Four.

25 Q Okay.

1 A And we've let go of some pilots too.

2 Q And what was the reasoning behind, were
3 these layoffs or were they fired? What was the
4 circumstances in terms of their personal --

5 A I don't like to use that word, fired.

6 Q Okay.

7 A We, in one case, because the aircraft that
8 the pilot was primarily hired to fly is no longer
9 flying. The Hawker 700.

10 Q Have you had any changes in management since
11 the accident?

12 A Yes.

13 Q Can you describe those changes?

14 A Yes. I placed a new chief pilot.

15 Q Okay.

16 A Primarily because I like the, his experience
17 with management positions, and because the pilot that
18 was the chief pilot was promoted to a Gulf Stream 5
19 aircraft, which will require him being outside the
20 country for extended periods of time, and would not be
21 able to be a functional chief pilot.

22 Q Was that within the company that he's flying
23 the Gulf Stream, or is it --

24 A Yes, within our company. Yes.

25 Q Okay.

1 A That would be on the chief pilot. On the
2 Director of Ops --

3 Q All right.

4 A I was, I became the Director of Ops. I was
5 actually, I had requested to be Director of Ops even
6 prior to the accident, but it wasn't granted until
7 after the accident. So there's really no change there,
8 but --

9 Q Okay. Can you describe your flight
10 following process at ExecuFlight?

11 A Okay. The pilots always text us when they
12 are with the passengers in the aircraft and the doors
13 are closed. That tells us that shortly thereafter they
14 will be airborne, and they do the same thing upon
15 landing.

16 They tell us the doors are open, and usually
17 it is followed up by a question, maybe, by one of,
18 whoever's getting it. It's, generally, it's, I'm
19 getting the flight following, the chief pilot is
20 getting it as well as the people that we have working
21 with the brokers --

22 Q Okay.

23 A -- for their benefit. And we receive
24 information such, particularly when we ask, the typical
25 question, how was everything? How's the aircraft? And

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1 how are the passengers? Any, anything we should know
2 about? And it's either yes or no.

3 Q Okay. What kind of application do you use
4 for these texts? Are they, it's normal SMS?

5 A We have WhatsApp in some cases, and in some
6 cases we have just a regular text from the phone.

7 Q Okay.

8 A Depends on where you're at. If they have
9 internet or if they have some sort of data, then
10 they'll go with the WhatsApp. If they don't have the
11 data, they're just basic text messages.

12 Q Do you have a company cell phone plan? Do
13 you have all of the pilots on a single plan within the
14 company?

15 A No. We have, we reimburse the pilots for
16 their cell phone, the portion that would've been above
17 and beyond their normal usage.

18 Q Okay. How do you normally determine that?

19 A If they're out of country or something that
20 they wouldn't have had, had it not been for the job.

21 DR. SILVA: Great. Okay. So we received a
22 couple of text messages from ExecuFlight early on.
23 This was actually sent --

24 MR. RODRIGUEZ: Different lawyer.

25 BY DR. SILVA:

1 Q Oh, a different lawyer. Okay. So these are
2 the text messages that we received pictures of. And at
3 the very top of the, of the text there, you see that it
4 says, it says Danny, which I'm assuming is you. Is
5 that correct?

6 A Yes.

7 Q Nick. Who is Nick?

8 A Nick is a person that also works with us.

9 Q Okay. Oscar, who is, yes.

10 A Oscar is one of the pilots that's deceased.

11 Q Okay. And Rich?

12 A Chief pilot at the time.

13 Q And who is you in this, in this text
14 message?

15 A Who is you?

16 Q Yes. So at the very top, there's a, sorry,
17 there's you at the very end of the list of recipients.
18 So who is, who's actually sending these text messages?
19 Whose phone is this that we got this, that you got this
20 information and had been sent to us?

21 A Let me think for a second. I believe this
22 may have been Sal. Is Sal one of the people in, does
23 it say Sal anywhere there? Because this is real small
24 lettering that I'm --

25 Q Okay. Yes, it does. I mean, from what I

1 can see that there is no Sal.

2 A There is no Sal, so then it would've been
3 Sal. Because Sal would've been part of that group.

4 Q Okay.

5 A Was my name here?

6 Q Danny's the first name on there.

7 A Okay. All right. So then I would've
8 received it. So the you probably was Sal.

9 Q Okay.

10 A And I think that's who may have provided
11 this information.

12 DR. SILVA: Okay.

13 MR. RODRIGUEZ: Sathya, what was the exhibit
14 number in those notes?

15 DR. SILVA: Well, we're going to go Exhibit
16 1.

17 (Whereupon, the above-referred to
18 document was marked as Exhibit No.
19 1 for identification.)

20 MR. RODRIGUEZ: Okay.

21 BY DR. SILVA:

22 Q All right. So when, you mentioned that when
23 the doors close, message is sent. The passengers are
24 already in the aircraft. What are the pilots typically
25 doing at this time?

1 A Closing the door and briefing. One's
2 briefing the passengers. The other one is getting
3 authorization for engine start, if required. And then
4 once they're in, they're starting engines and they're
5 requesting taxi clearance.

6 Q Would you consider this on duty? Would the
7 pilots be on duty within this time period?

8 A Yes.

9 Q And in terms of typical pre-flight
10 activities before a flight, can you describe what those
11 activities would look like, and when you would consider
12 a pilot, again, on duty within the pre-flight
13 activities?

14 A Duties prior to a flight, and again, a lot
15 of this can depend on what kind of a flight, if it's a
16 pop-up or if it's a schedule flight. But such duties
17 would include pre-flight, the aircraft externally,
18 internally.

19 They can, you know, putting the fuel in the
20 aircraft, flight plans, weight and balance, and then,
21 you know, checking weather and stuff like that.

22 Q Okay. Great. So how do you keep track, as
23 a company, of the duty time of your pilots, duty and
24 rest times of your pilots?

25 A Each pilot keeps its own duty time because

1 it's a personal thing of the pilot.

2 Q Okay. So as a company, you don't keep
3 records of --

4 A We keep the records.

5 Q Okay.

6 A But we don't keep, they're the ones that
7 tabulate their duty times.

8 Q Okay.

9 A And they tabulate it based on, most of them
10 have logbooks. And they can use their logbook as a
11 reference. Flight logs could be used as a reference,
12 but not necessarily because it's an aircraft item.

13 Duty times are noted, or not duty times, but
14 when they are off the blocks, are noted in, on those
15 logs, generally by the pilot flying.

16 Q Okay. So you said that these flight logs
17 can be used to --

18 A Can be used for one of the pilots, as
19 whoever's signing it.

20 Q Okay. What is your process for assigning
21 pilots to flights when you receive a, receive a request
22 for a flight? How do you decide?

23 A If, there's different criterias. If the
24 flight is going to a Latin speaking country, then we
25 would probably like to have one speak, one Spanish

1 speaking individual as a crew member.

2 Q Okay.

3 A At least one. Who's, depending who's
4 available. Some pilots are wanting to fly and be out
5 of town, others have other things that they have to do.

6 We ask them if, are they good with this
7 flight, and if they have a problem, then they would
8 tell us if they have a problem, and we can go to an
9 alternative way. It's a common thing.

10 Q So what's the lead time typically when you
11 get a flight or a request to, when the passengers would
12 want to depart?

13 A It's an on-demand charter company. With
14 that said, I opened up by mentioning that we don't
15 necessarily do pop-ups at 2:00, 3:00 in the morning,
16 primarily because of the fatigue situation.

17 However, we would do it at 2:00, 3:00 in the
18 afternoon if we can put a crew together, if we can put
19 a crew together. If we can't, we can't.

20 Q Okay.

21 A So there's many times that we've passed up
22 flights because we cannot crew them. The, that's it.

23 Q So do, you say within 24 hours, it's
24 reasonable to get a request for a flight?

25 A Oh, yes.

1 Q Okay. Is it, and that's more typical than
2 having more lead time than 24 hours?

3 A Sure. And some, we have flights that are,
4 been pre-programmed two, three weeks ahead --

5 Q Okay.

6 A -- as well.

7 Q And how do the pilots get notice of their,
8 of their flights once you've assigned them?

9 A They get an email. They usually get an
10 email. We give them the original email one time, and
11 flights can change quite a bit as far as times are
12 concerned.

13 So rather than flooding them with emails, we
14 advise them to continuously look on the website, and
15 that's always activated. That way they're always
16 looking at the latest and the most current.

17 Q Okay.

18 A Because we find that if we send 100 emails,
19 they are just not looked at. So rather than going that
20 route, we advise them to look on the board and that
21 will show them what the latest schedule is.

22 Q Okay. Is there anyone who reviews these
23 assignments? Where, who makes these assignments,
24 specifically, and is there anyone who reviews them?

25 A I make assignments. I select crews.

1 Sometimes they're selected by the chief pilot.

2 Q Okay.

3 A Sometimes, you know, I'm asked to be, a
4 pilot will ask me if they could be on a specific trip.
5 So we, you know, we try to accommodate everybody.

6 Q And once you make the assignment, is there
7 anyone else who looks at the assignment? Is there
8 anyone else who looks at the flight?

9 A The pilots look at them.

10 Q Okay.

11 A The chief pilot is always looking at them.
12 Everyone's always looking at it.

13 Q And what are you looking for specifically?

14 A Maintenance is looking at it too because
15 that's how they see what airplane is going and when
16 it's going.

17 Q And in terms of reviewing, what will they
18 typically look for in, when you're, when you've
19 assigned the flight and, what, in terms of you as a
20 pilot, what would you look for in terms of accepting
21 whether you could take this flight or not? Or do you?

22 A We would, no. Some of the things that I
23 just discussed concerning, I'm not going to put two
24 only English speaking individuals to go to Bogota.

25 You know, there's a lot of Spanish being

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1 spoken over the radio in some of these countries and
2 it's good for one of the pilots to at least understand
3 what's going on, even if it's not directed at him, just
4 so he can have a verbal situational awareness, if any.
5 So we, that's one of the considerations.

6 I, as a Director of Ops, I'm very hands-on
7 with making sure that the pilots like, we, if we hire
8 some new pilots, we're not going to match them with
9 pilots that are also new. So we're going to try to
10 keep a more experienced pilot with a new person that's
11 started to work with us.

12 Q So the pilots themselves ask whether they
13 can take a flight, or is it assigned to them and you
14 expect them to come back to you?

15 A We always give them the courtesy in asking.
16 I mean, again, we're a small company. We know each
17 other. We don't need people to be purposely mad about
18 doing something they don't want to be doing. There's
19 no reason for that.

20 So if they have a reason not to do it, they
21 can always, you know, ask not to be on that flight.
22 And they have.

23 Q So what do you do if the pilot refuses a
24 given flight? What's your process?

25 A Ultimately, if we can't take the flight, we

1 don't take the flight, ultimately. If I can cover it
2 by myself doing it, then I'll do it.

3 Q Okay.

4 A So one way or another, you know, we work it
5 out. And I've found myself flying quite a bit, you
6 know, lately, to be able to accommodate people's needs.

7 Q What are typical reasons the pilots have for
8 not taking flights?

9 A Personal. Personal in nature. It could be
10 also feeling under the weather.

11 Q Great. So can you describe, about the time
12 of the accident as also compared to now, how would you
13 describe, how is the company doing financially? You
14 don't need to give specifics, but in general.

15 A About the same.

16 Q Okay. Were there any hardships at the time
17 of the accident or potential hardships that you were
18 facing as a company?

19 A Sure. We, the, I think this happened in
20 November, and so that's the beginning or right in the
21 heavy season for what we do. So we had slower activity
22 in the month of November and December and January. But
23 little by little, it starts coming back.

24 Q With, had this begun before November, or is
25 it typically, do you, do you, would you say that's a

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1 result of the, of the accident, or your normal, the
2 normal cycle of your, of your flights?

3 A No. The business for the entire charter
4 world, from what we understand, has been slower this
5 year than it was last year. This, that's, that is
6 true.

7 However, in addition to that, that we
8 would've experienced anyways, the fact that we had an
9 accident clearly makes us vulnerable and harder to pick
10 up business, but we've, it was, it's, people still
11 charter with us.

12 Q So were you having slower business before
13 the accident?

14 A Sure.

15 Q So that whole year prior, the calendar year?

16 A It's been a, it's been a slow year. You
17 know, it's been, it's been a slow year to some extent.
18 But we also have Part 91 operators that we manage
19 airplanes for. So they still fly the airplanes, and
20 that's Part 91.

21 DR. SILVA: Okay, so, we move on to the
22 correspondence, email correspondence you had with Jim
23 over the last couple of months.

24 MR. LEWKOWICZ: Okay.

25 DR. SILVA: This is Exhibit 2 and these

1 subject line of this email is CEN16MA036: Updated
2 Factual Information. And, this is correspondence
3 between Danny Lewkowicz and Jim Silliman, the IIC.

4 And, this is the correspondence from the
5 original email that Jim sent you on July 27th. Up
6 until this, your response on August 4th.

7 Do you recognize this email?

8 (Whereupon, the above-referred to
9 document was marked as Exhibit 2
10 for identification.)

11 MR. LEWKOWICZ: Yes.

12 DR. SILVA: Okay. So, the original email,
13 which is shown at the -- beginning at the bottom of
14 page two to three and finishing up on four, highlights
15 a calculation regarding a possible exceedance of duty
16 time for the first officer of the accident flight.

17 Can you describe what information you knew
18 about this, this possible exceedance, or the potential
19 exceedance of the time of -- in the time, in this case,
20 I think that flight occurred on November 6th or
21 November 7th, were you involved at all in that decision
22 making process or assigning these flights or --

23 MR. LEWKOWICZ: I was not involved in
24 assigning the flight that they were in departing on the
25 6th of November and concluding on the 7th of November.

1 That was a charter that was sold by one of my
2 salespersons.

3 I was involved in the flight that proceeded
4 that which became aware to me that same date, being the
5 6th if the 6th is Friday. Was the 6th Friday?

6 BY DR. SILVA:

7 Q Let's see what the --

8 A Or 7th.

9 Q Yes.

10 A The 7th was Friday? So, I think the 7th, we
11 -- I committed to providing another flight for someone
12 that asked me for a flight to do a concert in Mexico
13 and they wanted to go to just do that concert and come
14 back from the concert as soon as the concert finished.

15 So, the crew that I had selected for that
16 was the chief pilot. I called him up and asked him if
17 he could do that trip.

18 Q Okay.

19 A And, I also called up the would-be co-pilot.
20 In this case, the only person, after discussing it
21 with, well, after looking at the availability of all
22 the pilots would have been Renato. So, I called Renato
23 Friday and asked him if he could do that trip back-to-
24 back.

25 And, he said as long as it doesn't interfere

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1 with his flight times, he'd have no problem. I told
2 him he would be flying with Rich Ruvido.

3 And, I said, at that point, I told him,
4 well, your flight doesn't start tomorrow until 6:00
5 p.m. It no longer starts at 4:00 p.m. So, show up to
6 the airport shortly prior to, you know, to the
7 scheduled departure.

8 And, that's it. I asked him to -- I told
9 him that Donnie would get the aircraft ready and they
10 didn't need two people there to prepare the airplane.

11 Usually, those things are done, like flight
12 plans are done the night before and weight and balance.

13 So, he even said, no, don't worry, I'll be
14 rested. And, that was it.

15 Q Okay. So, you said you were -- got notice
16 of the flight on the 6th, is that correct?

17 A I said that I got notice of the flight on
18 Friday and I'm not sure if Friday was the 6th or 7th.
19 I believe it was the 7th looking at this spreadsheet.
20 I don't have a calendar in front of me.

21 DR. SILVA: It was the actual date. Was it
22 within 24 hours of the -- after you got it?

23 MR. RODRIGUEZ: So, just to show him, right,
24 so we can orient ourselves, November 2015, the 6th was
25 a Friday, the 7th is a Saturday.

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1 MR. LEWKOWICZ: Okay. So, the 6th would be
2 a Friday.

3 DR. SILVA: Okay.

4 MR. LEWKOWICZ: I got a hold of that flight
5 on the 6th.

6 BY DR. SILVA:

7 Q Okay.

8 A And, the flight would have been the 7th at
9 night.

10 Q Okay.

11 A Okay? So, when I spoke to Renato about
12 doing that particular flight was on Friday the 6th.
13 That's when I spoke to him.

14 Q Okay. And, did you call him?

15 A Yes, I called him.

16 Q So, you called his cell phone, is that --
17 did you use your personal cell phone?

18 A I don't know, I cannot remember. I called
19 him at night and I'm not sure where I was that night.

20 Q Do you know approximately what time?

21 A 8:00, 9:00.

22 Q Okay. So, okay, so, you talked to him on
23 the night of the 6th. Let me just make sure I have
24 what you said correctly written down.

25 So, you had a conversation with him on the

1 night of the 6th. From what we understand, this is
2 when he was in Teterboro on an overnight. Okay? And,
3 you notified him about the flight the next day. And,
4 that's when you told him Donnie would get the aircraft
5 ready?

6 A Yes, the main purpose of my call to him was
7 to see if he would be to do that flight, if he could,
8 if he was up to doing that after returning so we can
9 service that other customer.

10 Q Okay.

11 A And, I told him Rich will be the captain,
12 you would have to be the co-pilot. It'll be a back-to-
13 back flight.

14 Q Okay.

15 A And, he said providing it doesn't exceed my
16 flight time limitations, I have no problem.

17 Q Okay.

18 A And, then, he added, I will be rested
19 whenever he saw that I was, you know, steering him to
20 not show up to the airport until shortly prior to his
21 6:00 p.m. departure, he says, don't worry, I'll be
22 rested, period.

23 Q Okay. So, would you say that you were aware
24 of the potential exceedance of duty time for that
25 flight?

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1 A No, I was not -- well, yes. It would have
2 been within duty times and it was within duty times.
3 But, it was within duty times probably a little closer
4 than we would have wished it to be. They should have
5 returned slightly earlier from Mexico. But, they fell
6 within duty time.

7 Q So, when you -- okay, so, when you spoke
8 with them, you already knew that the Teterboro return
9 flight was going to be delayed?

10 A Yes.

11 Q Okay. And, that was the night of the 6th
12 that you had that information.

13 A Yes.

14 Q Okay. So, are you normally in the loop if
15 there's a communication of this kind of coordination
16 when it comes to flights like these?

17 A If it's my flight and, in the particular
18 case, the flight that went to Mexico was my flight, so,
19 I would be in the loop, yes.

20 Q What do you mean by my flight?

21 A The flight that we were putting him, the
22 second flight was a flight that I sold.

23 DR. SILVA: Okay, that you sold, okay.

24 MR. RODRIGUEZ: When you refer to that,
25 which flight on this list are you talking about?

1 MR. LEWKOWICZ: One that went to Mexico.
2 The one that started in Orlando to -- well, Fort
3 Lauderdale, Orlando, Orlando, Monterrey, Mexico and
4 then Monterrey, Mexico back to Miami.

5 MR. RODRIGUEZ: Okay.

6 DR. SILVA: Okay. Okay. Did you get any
7 details about the first officer's rest that day, the
8 day that would be the 7th regarding when Renato
9 actually came on duty and when he got to the airport?

10 MR. LEWKOWICZ: No.

11 BY DR. SILVA:

12 Q So, you never got information about that?

13 A I don't think I understand the question.

14 Q So, in the emails that you provided us,
15 there are details about the FO's rest about the day of
16 the 7th. How did you get that information?

17 A Of his rest?

18 Q Yes.

19 A I don't --

20 Q So, on the first page of Exhibit 2, you have
21 details about Renato and when the rest area rooms, you
22 should have been -- you asked him to stay at the hotel
23 and the FBO on his own. How did you get these details?

24 A This is when I talked to Donnie.

25 Q Okay. And, was that a phone call with

1 Donnie?

2 A I had a phone call with Donnie, yes.

3 Q And, did you call him?

4 A I called him.

5 Q And, when did you talk to Donnie about this
6 information?

7 A I don't recall, but, I would assume shortly
8 after we got these emails, shortly before I sent the
9 emails. When did I send it? On the 4th? So, probably
10 the 4th or the 3rd.

11 Q Okay.

12 So, just so we make sure that we're straight
13 on the facts here, who was originally scheduled for
14 that Mexico flight, on the overnight from November 7th
15 to 8th?

16 A Rich Ruvido and Renato.

17 Q And, when did Renato find out he was
18 scheduled for this trip?

19 A Friday.

20 DR. SILVA: Great, okay.

21 Now, I just have an example here of the trip
22 sheets that you guys sent us for the accident flight.
23 And, I just would like you to go through each section
24 and tell me what information is on these -- is in this
25 document, for one leg is fine. I just, for the record,

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1 would like a description of this document that you use.

2 (Whereupon, the above-referred to
3 document was marked as Exhibit 3
4 for identification.)

5 MR. LEWKOWICZ: Okay. So, we'll do leg one.
6 It states where it's departing from, the date it's
7 departing from, the time it's departing from and the
8 FBO that we're using as far as where we're going. It
9 says where it's going to arrive, estimated arrival time
10 and also the FBO that we're going to be using.

11 And, it's calling out a flight time, a
12 distance, you know, the passengers, the type of
13 aircraft and type of flight. And, who the pilots are
14 and who the passengers are.

15 DR. SILVA: Up top, what is this no-fly list
16 and the selectee list that are written here? Is that
17 internal to ExecuFlight?

18 MR. LEWKOWICZ: No, that's TSA for
19 determining if there's anybody within those passengers
20 that are in the no-fly list.

21 BY DR. SILVA:

22 Q Okay, so, that's the no-fly list. What
23 about the selectee list?

24 A It's part of that as well.

25 Q And, so, these are the passengers you would

1 not be able to --

2 A If they were flagged, yes.

3 Q Okay, great.

4 And, when is this document generated?

5 A Once we book the flight, we start generating
6 it, not necessarily noting the passengers yet or, for
7 that matter, the crew, the things we don't know, who
8 the crew is going to be or who the passengers. It
9 depends on how much lead time there is as well.

10 So, if this is a trip that is going to
11 happen -- if there's anything that we have right now
12 scheduled in December, and some airplanes are schedule
13 for December, we necessarily haven't assigned the crews
14 yet.

15 Q Okay.

16 A And, we necessarily don't know who the
17 passengers are either.

18 So, what we would definitely know is that
19 there's a flight booked from Fort Lauderdale to St.
20 Paul, as in this case, on this date, at approximately
21 that time.

22 Sometimes, we don't even have the time.
23 Sometimes it's to be determined as to what time the
24 time would be.

25 DR. SILVA: Okay. Okay, so, that's a good

1 explanation of that document.

2 And, the next exhibit we've got here is the
3 attachment to your August 4th email. This is in
4 response to our request for the trip sheet for the
5 Teterboro flight.

6 And, this is going to be labeled Exhibit 4.
7 Okay, so, in this trip sheet, can you go, again, as we
8 did with the last trip sheet, can you just describe
9 each aspect of the document?

10 (Whereupon, the above-referred to
11 document was marked as Exhibit 4
12 for identification.)

13 MR. LEWKOWICZ: Okay. The hawker 800
14 departing at 9:00 a.m. on November 6th from Fort
15 Lauderdale to Teterboro, arriving that day. And, the
16 FBOs were also noted.

17 It's got the pilot. It doesn't have the co-
18 pilot. The reason for it is because this -- we
19 generated this -- this is not the one that we had sent
20 the pilots, this is the one that, if we go into our
21 system and ask for it now, by backtracking, this is
22 what it would show. Okay?

23 DR. SILVA: Okay.

24 MR. LEWKOWICZ: And, Donnie, or not Donnie,
25 Renato has been removed as a pilot, so it doesn't have

1 data on him anymore, so, it doesn't show him anymore.
2 It only shows Donnie. The passengers and any notes.

3 BY DR. SILVA:

4 Q Okay. So, this is a different document than
5 the trip sheets that you provided for us for the
6 accident flight?

7 A This is what we can get right out of the
8 calendar right now.

9 Q Okay. Where did you get the information on
10 the trip sheet for the accident flight? Was that
11 received -- was that -- this information taken from
12 your system after the accident?

13 A Probably, I mean, are you talking about the
14 accident flight?

15 Q Yes, so the --

16 A Okay.

17 Q -- Exhibit 3 that we have that you talked
18 through.

19 A This one here?

20 Q Yes.

21 A Okay.

22 This was probably given to you the same day.
23 We probably printed it the same day.

24 Q So, you keep records for how long?

25 A Thirty days. And, in this particular case,

1 it was probably printed that day.

2 Q Okay.

3 All right, so, if we move on, let's go back
4 to Exhibit 2, which is the email correspondence that
5 you have here, our IIC.

6 A Okay.

7 Q And, in your response to this email is,
8 beings at the bottom of page one to the top of page
9 two.

10 A I'm sorry, bottom of page one over to page
11 two?

12 Q Correct.

13 A Okay, all right.

14 DR. SILVA: So, that is your response to an
15 email. You recognize that?

16 MR. RODRIGUEZ: You're talking about the
17 email sent on August 3rd?

18 DR. SILVA: Yes, the email sent on August
19 3rd, 2016 to Jim Silliman, subject line, CN16MA036
20 Updated Factual Information, okay, so, just regarding
21 some of the details that you provided in this email.

22 You state that you asked Donnie to prepare
23 the aircraft for the return trip on his own. When did
24 you talk to Donnie to get this -- to ask him to do
25 this?

1 MR. LEWKOWICZ: No, I said I talked to
2 Renato and I told Renato that I asked Donnie, or we'd
3 ask Donnie to prepare the airplane on his own, that he
4 didn't need to be part of that. And, he said, yes,
5 yes, I know, don't worry about it. And, that was it.

6 I never called Donnie to tell him to prepare
7 the aircraft on his own. I asked him about it when we
8 got these emails. I said, when I called him, I said,
9 concerning this flight that Renato had to fly back-to-
10 back, I had asked him not to go to the airport, you
11 know, until shortly prior to the flight.

12 I'm not sure, you know, exactly how that
13 came down, but I would presume that you prepared the
14 aircraft. And, he says, yes, I did.

15 BY DR. SILVA:

16 Q Okay. So, in the, let's see, let me make
17 sure this is right.

18 Okay, so, the third sentence there says, in
19 fact, that is why when we learned that the return from
20 the flight from Teterboro on the 7th was going to be
21 delayed from its original departure time, we opted to
22 ask Donnie, the captain, to prepare the aircraft for
23 the return on his own.

24 Did you ask Donnie --

25 A I spoke -- I did not speak to Donnie. I

1 spoke to Renato. It may have been Sal that may have
2 spoken to Donnie. I took the part of speaking with
3 Renato concerning whether or not he was in agreeance to
4 doing the flight. That was my concern.

5 My concern -- the big thing here was the
6 doing the flight back-to-back. So, my thing was to
7 speak to Renato.

8 If anything, Sal would have spoke to Donnie
9 concerning, you know, the rest of it. I did not speak
10 to Donnie at any time on the 6th or 7th or while this
11 flight was happening. I only spoke to Renato.

12 Q Okay. And, when would Sal have reached out
13 to Donnie for this to relay this to him?

14 A I'm not sure, but, I would assume that
15 Friday night.

16 Q Okay. So, where was Renato when you spoke
17 to him on the 6th, do you recall?

18 A I don't know.

19 Q Okay. So, the other -- there's another
20 statement in here that you said, when you heard the
21 passengers arrived earlier, you asked Renato to show up
22 at 5:15. So, when was it when the passengers arrived?

23 A It's -- let me -- what --

24 Q So, this is, again, page two.

25 A Okay.

1 Q And, on the sixth line down, however,
2 passengers arrived slightly early, thus, Renato was
3 then asked to show up at 5:15 for an immediate
4 departure.

5 A Right.

6 Q So, he was contacted again. He was then
7 asked to show up at 5:15. Who would have contacted him
8 to give him this message?

9 A Again, probably Sal. Okay? I did not
10 contact him for that. I didn't know the nitty-gritties
11 of this right here. But, as it turned out, he was at
12 the airport anyway.

13 Q Okay. So, do you know when the passengers
14 actually arrived?

15 A What time? They left at 5:22, is that when
16 the airplane went in the air? I would assume they
17 arrived probably ten minutes prior. They just go
18 straight to the airplane generally, the passengers.

19 Q Okay. And, do you, as a company, get
20 information about when passengers arrive?

21 A No.

22 Q Okay. That's only through the pilots?

23 A Mm-hm.

24 Q Okay.

25 Okay, and then, Exhibit 4, let me put this

1 on here. This is another response to the same email
2 chain. This was sent --

3 MR. LAWRENCE: Wait a second, isn't this
4 Exhibit 5?

5 DR. SILVA: Oh, five, sorry, yes, sorry.

6 MR. LAWRENCE: So, which one was four?

7 DR. SILVA: Four was the --

8 MR. LAWRENCE: The trip sheet?

9 DR. SILVA: -- trip sheet of the Teterboro.

10 MR. LEWKOWICZ: This is one, right?

11 DR. SILVA: So, this is an email from you,
12 to, again, our IIC, Jim Silliman, on Friday, August
13 19th at 11:53. And, this has the same subject line,
14 CEN16MA036, Updated Factual Information.

15 Okay, so, again, here, this is when you
16 describe the -- when you provided the trip sheet that
17 we went over in Exhibit 4.

18 And, we asked you also for the credit card
19 receipts for that.

20 (Whereupon, the above-referred to
21 document was marked as Exhibit 5
22 for identification.)

23 MR. LEWKOWICZ: Can you hand me that one,
24 the number five?

25 DR. SILVA: Oh, yes, sorry.

1 MR. LEWKOWICZ: Thank you.

2 BY DR. SILVA:

3 Q All right, so, here, you did state that you
4 would ask Donnie to go back in his old emails to look
5 for the original, were you able to do that?

6 A I did.

7 Q Okay. Did he provide the originals to you?

8 A No.

9 Q Did he say he didn't have it or was it --

10 A I don't recall what he said. I have -- I
11 don't recall.

12 Q Okay. Okay, so how were trips specifically,
13 in your system, I'm trying to understand your system --

14 A I would have forwarded Donnie this same
15 email.

16 Q Okay.

17 A And, by virtue of me forwarding this email,
18 I'm asking him for that copies. And, the fact is, I
19 not only forwarded him this email, but I also forwarded
20 him this email. Do you have a copy of that? You
21 showed it to me earlier, we took a picture of it. Yes,
22 that was it, the one in the top, the picture. Yes,
23 right there.

24 So, for the record, this email that I sent
25 Mr. James Silliman on August 4th, 2016 at 12:42 p.m.

1 was also sent to Donnie --

2 Q Okay.

3 A -- on the same day at 12:42, I don't know if
4 the time on here, but, it was sent to Richard Ruvido on
5 the original reply to Mr. Silliman. I just replied to
6 everybody that he had engaged in.

7 And, for the record, I also sent it to
8 Donnie Shackelford because he was mentioned it, Miguel
9 Gomez because he's our current chief pilot and Richard
10 Ruvido because he was our chief pilot at the time as
11 well as out counsel. So, we did send that as well.

12 Q Okay.

13 A Like minutes, with exactly what was said.

14 Q So, this was forwarded within your company?

15 A Within our company to every -- to anybody
16 was mentioned in the email, they had a copy of it.

17 Q Okay. And, who was Miguel Gomez?

18 A He's our current chief pilot.

19 Q Okay.

20 A Because he's our chief pilot is why I put
21 him in there, probably didn't need to put Miguel Gomez,
22 but I did.

23 Q And, Chris Jahr (phonetic) is? Who is
24 Chris?

25 A He works -- he's our counsel.

1 Q Okay. Right, is he -- yes, okay.

2 Okay. So, when we go back to your
3 scheduling software that you use, how are the trips --
4 so, when you create a trip, how do you normally update
5 that? Is that time stamped somewhere in terms of the
6 information you get originally?

7 A No, it's just we can always override
8 whatever is on there as far the times are concerned.
9 So, same thing with the quotes.

10 If you do a quote and you send out a quote
11 and then you redo a quote, that same quote, the new
12 prices will come in and it won't match exactly to what
13 you had originally quoted because it takes wind
14 variations and how much flight time it's going to be.

15 So, but, we can -- that's a problem when,
16 you know, when we do stuff.

17 But, as far as the crew members and/or what
18 time the flight's supposed to depart, if it's still
19 going to the same place, we can always override that.
20 And, again, because, if we send emails with every time
21 there's a change, there are so many emails that would
22 get sent and they are just not seen. They're just flat
23 out not seen. They're not even respected. They've
24 become like junk, like junk email. So, many pilots
25 have told us that. That's like clutter. They're about

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1 to put it in a clutter basket.

2 So, what we do is, we just encourage them to
3 look at it in the web port. That's the most current as
4 we know it.

5 Q So, when you go in, for example, with that
6 Teterboro flight, you said that you were notified that
7 they were delayed. And, was that updated in your
8 system, the new departure times?

9 A It was.

10 Q Okay. So, when you update it in your
11 system, do you have to regenerate the entire document?
12 Is it something you can go and change the time only?

13 A Yes, just change the time.

14 Q Okay. And, everything else should remain
15 the same?

16 A Everything's the same.

17 Q Okay. And, the system, does it overwrite
18 the original? Do you know if it deletes the original
19 and creates a new --

20 A It overwrites the originals.

21 Q Okay. And, 3rd of November --

22 A No.

23 Q Okay. So, you stated that the original trip
24 sheet was sent to Donnie on the 3rd of November, is
25 that correct?

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1 A Third of November?

2 Q Yes. In your email on August 19th, which is
3 Exhibit 5.

4 A Oh, when the possibly when the flight was
5 booked?

6 Q Mm-hm.

7 A Possibly, yes, I wouldn't have sent it, it
8 would have been whoever sold it.

9 Q Right, okay. So, that email was --

10 A Yes, I would say that the original one
11 probably was sent shortly after.

12 Q So, do you have record of when the originals
13 were sent? Where is that record at?

14 A It's not sent by our servers, it's sent
15 through the web server so, it's a -- that's a third-
16 party product. So, all we do is trigger a send to the
17 crew members and it gets set. It's not being sent
18 through our servers.

19 Q Okay. So, how -- so, given that this
20 occurred on the 3rd of November and the original was
21 overwritten, is there a log kept of the other versions
22 or the dates of the other versions?

23 A No, not that I know of, no.

24 Q Okay. So, is there a record of when flights
25 were booked?

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1 A When it's booked, we -- and they sign the
2 quote, there's generally a record of the quote that
3 they're -- that has been signed and it's a sold flag
4 and it goes to our Accounts Receivable department and,
5 you know, different people get it and it gets closed
6 off as soon as the trip is off.

7 Q What do you mean it gets closed off?

8 A I mean, once we collect the money, once we -
9 - the trip is done, we don't ever see it again. We
10 don't ever revisit it.

11 Q Okay. Okay, so, when you stated that you
12 originally sent that to the company, originally sent
13 him a trip sheet on November 3rd, my question is, where
14 did you get the information that you had a trip sheet
15 sent on November 3rd?

16 A The person that books it just, once it's
17 booked, there's an area in the page where you click
18 booked and then it becomes a flight and then we can
19 pick the pilots at that point. If Sal would have
20 picked the pilots, he would have then sent email crew.
21 And, then, that's how they would have gotten it.
22 That's it.

23 Q Okay. So, did you have information, because
24 we asked you this -- about this information on August
25 9th or I believe that email was sent prior to August

1 9th, your response is on August 19th.

2 A August 19th?

3 Q Of this year, yes. A couple of weeks ago.

4 A Okay.

5 Q When we asked you for the trip sheets, you
6 stated that Donnie received a trip sheet on November
7 3rd.

8 A Well, is that what I said? It would be
9 common for that to happen. That's usually when it
10 happens. As soon as it -- if the crew was selected at
11 that particular moment in time, then he would have
12 received it.

13 I didn't book that trip. I didn't set it
14 up. That part -- that particular trip, the only trip
15 that I set up was the one afterwards, the one that
16 would have been just with Renato, not the one that got
17 the airplane to New York.

18 So, I cannot assure you whether or not he
19 was notified on the 3rd or whether he was notified on
20 the 5th for the trip that he had on the 6th, okay, as
21 far as Donnie is concerned.

22 If we knew that he would have been the pilot
23 assigned for that particular trip on the 6th, chances
24 are that Sal, who I think is the person who sold it,
25 would have put the crew, his name over there, and sent

1 it out just as a heads up.

2 But, I am not 100 percent sure that that's
3 when he was notified or if he was notified on the 5th
4 or the 4th, I have -- on a normal basis, it would be
5 the day that we book it, we'll probably assign a crew
6 and we'll notify the crew. But, I'm not 100 percent
7 sure that that's the way we did it in this particular
8 case, whether it was the 3rd, 4th or 5th.

9 Q Okay. So, when you sent us this email, what
10 actions did you take to get the information that you
11 gave us?

12 A What actions did I take?

13 Q Yes. So, given this email, you can take a
14 minute to read it if you would like, Exhibit 5, what --

15 A Okay.

16 Q The question is, we asked you for specific
17 document, and, what I'm asking is, how did you go about
18 getting that information?

19 A Because I know the software and, what I said
20 is, from our scheduling software, we only have the last
21 trip sheet we sent which was attached. Not the
22 original one, as once it is changed, it overwrites the
23 original version.

24 I will ask Donnie if he can go back to his
25 old emails that he would have received. I can't go to

1 the ones that were sent because it's not sent through,
2 you know, any program that we have on our computers or
3 anything like that. It's sent through a web-based
4 thing, so I can't go back to that.

5 But, I could ask Donnie if he had any emails
6 and I know I did. I'm sure that I would have probably
7 sent him this particular email to see if he had the
8 email of this original. It would not surprise me that
9 he doesn't have it either or that he wouldn't have it,
10 but, you know, there's a chance.

11 Q Okay. Can you continue on, though, with the
12 --

13 A All right. All right, so, he has the
14 original one sent to him on the 3rd of November. I
15 said on the 3rd of November, but I'm not sure that it
16 would have been sent to him on the 3rd of November.

17 If he was -- assigns the crew shortly after
18 booking it, then it would have been the 3rd of
19 November. But, it could have been the 4th, I don't
20 know when Sal, in this particular case, would have
21 assigned them on the airplane.

22 It was a Hawker 700, I believe, this trip,
23 I'm not sure. Was it? Yes, it went on a Hawker 700.
24 So, chances are, it would be Donnie because that's the
25 airplane that he was mainly tagged to fly.

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1 Deleted items on our service only lasts 30
2 days and they are wiped out. So, even though we also
3 get a copy, we do not hold it, yes. So, all our
4 deleted message, by default, it only stays in the
5 deleted stuff 30 days and then it just gets wiped out.

6 Q So, do you -- did you have to go back and
7 look at when this flight was booked in order to figure
8 out when Donnie may have gotten an email in the time
9 frame?

10 A I had to look to see -- I can't remember
11 how, I figured -- I possibly asked Sal when it was
12 booked and, or there's a -- whenever we book
13 something, one of our girls puts that there's a trip
14 sold on that day and what money we should expect. Then
15 it's a hold bunch of pages so she always knows whether
16 or not we've been paid for a trip.

17 She may have looked over there because
18 that's -- a lot of the times, when we ask about things
19 relative to flights, that's kind of like the first
20 thing that they go and look at. So, it could have been
21 that, I don't know.

22 Q So, did you ask for information from your
23 dispatch team?

24 A I asked Sal if he, yes, if he remembered
25 when and he said, yes, I think that was the third,

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1 couple, you know. It may be the actual date could come
2 from this book. I didn't -- I've not gone back to try
3 to figure out exactly how we came up with when it was
4 booked.

5 DR. SILVA: Okay.

6 Dave, would you like to take over?

7 MR. LAWRENCE: Yes, I've just got a couple
8 of questions, Danny.

9 Earlier Dr. Silva asked you some questions
10 about duty times and rest times and I'm paraphrasing,
11 but you responded that each pilot keeps their duty
12 time, something to that nature, they're responsible for
13 their own flight --

14 MR. LEWKOWICZ: Their own flight, right,
15 right.

16 BY MR. LAWRENCE:

17 Q Okay. As a company, is there any
18 responsibility to ensure or validate that the duty
19 times are correct prior to a scheduled trip?

20 A In assigning them, yes.

21 Q In assigning?

22 A Yes, in assigning.

23 Q Okay. Anything as far as just making sure
24 that they were -- they're legal before they even start
25 the trip? Not just the scheduling portion, before the

1 --

2 A The software that -- this product that we
3 have does flag us if there's anything not right,
4 providing the pilot has been putting all their
5 information, like, for instance, if their medical is
6 valid or even their passports, if they're still valid,
7 and stuff like that. It does flag us if there's
8 something red.

9 So, we keep that up and we use it now also
10 for registering flight times with the aircrafts. It's
11 a very, you know, it's got -- it gives us a lot of good
12 information.

13 But, as far as schedule -- as far as
14 reviewing, we get to see the duty times once a month,
15 once they fill out -- they have the responsibility, the
16 pilots have the responsibility to provide to us their
17 duties monthly. So, we look at it and it's there for
18 review for our FAA principles to look at it should they
19 want to.

20 Usually, the pilots come in once a month to
21 turn in their duty sheets so we have them and keep
22 them. And, they're the ones that prepare that as far
23 as their duty times, what they flew, when they flew and
24 whether it was Part 91, Part 135, et cetera.

25 Q Okay. So, for -- let's talk about Renato

1 for the Teterboro trip, between the Teterboro trip and
2 the Mexican trip --

3 A Okay.

4 Q -- when he got into Fort Lauderdale after
5 the Teterboro trip, and it was prior to going out to
6 the Mexico trip --

7 A Right.

8 Q -- who's responsibility was it to ensure
9 that he was legal for that Mexico trip?

10 A It would have been our responsibility and
11 that's -- I called him and told him that it's within
12 duty and within flight time. And, he reiterated, as
13 long as -- actually, he started, as long as it's within
14 -- I don't breach my flight time limitations, I have no
15 problem. That was something that he --

16 Particularly Renato, Renato was very big on
17 to not breaching anything relative to duty or flight
18 time. Anyone that knows Renato will tell you that.

19 So, for him to purposely bust a duty time or
20 even get close to busting a duty time would be unusual.
21 And, he will not do it, he wouldn't have had to do it.

22 Q Okay. I don't have copies, but this is a
23 reference from the General Operations Manual, it's the
24 Flight Locating Procedures.

25 A Right.

1 Q The highlighted area, could you read that
2 first duty responsibility for the ops management
3 personnel on duty?

4 A Right. Initiating flights, primary
5 initiating flight 135 for the company, the Operations
6 Management person on duty authorized to exercise
7 operation controls proceed as follows.

8 Review the flight and duty time status of
9 each crew member selected to accomplish the flight and
10 ascertain that the crew member can complete the flight
11 assignment pursuant to the requirements of FAA 135, 263
12 and 267.

13 Contact flight service or the National
14 Weather Service and determine from the weather
15 briefings --

16 Q Okay, that's -- just the first part.

17 A Okay.

18 Q The first duty responsibility. What did
19 ExecuFlight do or what did the ops management personnel
20 on duty do to ascertain the legal flight status of
21 Renato between the Teterboro and Mexico flight?

22 A That's what I did. That's what I -- I
23 looked at the trip and I knew that we were going to be
24 asking him to do a back-to-back and, providing that he
25 started at 5:30 and finished, I think the original

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1 flight, the flight to Mexico probably would have
2 finished earlier than the 7:15, I think would have, if
3 they were on time, they probably would have finished by
4 6:00. Okay?

5 They were late, but they still made it
6 within time. That part, and when I was doing the
7 calculations, I wasn't actually going all the way to
8 7:15, I was only going to about 6:00. So, I was well
9 within duty from an assignment point.

10 Now, that doesn't alleviate the fact that he
11 may not want to do it because he's sick, if he's sick
12 or because, you know, he's just tired and doesn't want
13 to do an all night. He doesn't function, that's why I
14 called him. Not because of whether there be an
15 infringement in duty and/or flight time, but rather
16 whether or not he's up to doing the flight, period. He
17 said, no problem.

18 And, the only thing he says, providing that
19 we don't have a duty time or a flight time concerns.
20 And, I said, no, it's within -- it is within that.
21 But, again, we're asking him to do a back-to-back
22 flight. So, as a courtesy, I would ask him whether or
23 not he is capable or willing to do that.

24 Q Okay.

25 When he got into Fort Lauderdale after the

1 Teterboro flight, prior to going, did anybody ask him
2 what time he left Teterboro? Because the duty time
3 restriction was very close.

4 A Right, correct, as it turned out.

5 Q Okay. Anybody ask him what he time he
6 actually left Teterboro so they could make that
7 calculation to see if he was legal to go to Mexico?

8 A The chief pilot was with him in that flight.
9 Okay? The chief pilot was with him. They talked about
10 the duty time according to Rich Ruvido. And, they
11 always had the option of not coming back from Monterrey
12 had it been where it would have been completely not
13 legal. Okay?

14 I don't know what their drop dead time was,
15 but if they weren't to get out by a certain time, they
16 weren't going. They always had that option. Okay? It
17 wouldn't have been the end of the world for them not to
18 come back until later one.

19 But, so, they discussed their duty time and
20 they discussed what it would be -- whether it would
21 okay or not okay for Renato, not Rich.

22 Q Right.

23 A And, they were comfortable with what they
24 did.

25 Q Okay. If they had left Teterboro early --

1 A Okay.

2 Q -- would he have been legal to even begin
3 the Mexico trip?

4 A If he had left at 4:00?

5 Q Yes.

6 A Initially, based on what they were telling
7 me when they were going to finish the concert, I think
8 the time that we were expecting them back from this
9 concert that they were doing was more like 4:00 in the
10 morning or 5:00 in the morning, at latest, that's the
11 time that we thought they'd be back. Because they were
12 going to be leaving, doing the show and coming straight
13 back. Okay?

14 So, these guys got late, the artists, and
15 the pilots who were there to regulate whether or not
16 they can continue or not, they knew what they had and
17 what they didn't have, elected to come back because
18 they were within.

19 Q Did anybody look at the out time or the
20 doors closed message from Teterboro to ensure that
21 Renato was legal to go to Mexico when he got into Fort
22 Lauderdale?

23 A Yes, he -- it, initially, the -- when I
24 looked at this from the beginning, I thought he was
25 leaving at 4:00 p.m. And, within a 4:00 p.m.

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1 departure, it was legal, based on when it would be
2 coming back from Mexico. Okay?

3 Q If they departed --

4 A If they had departed at 4:00 p.m. Okay?
5 When I looked at it --

6 Q From Teterboro?

7 A From Teterboro, from Teterboro.

8 Q Okay.

9 A The 4:00 p.m. would have still played with a
10 4:00 a.m. arrival. They would have still played.
11 Okay? More like a 6:00 a.m. arrival. Okay? Within the
12 14 hours. Okay? Even the 4:00 p.m. would have worked.
13 Okay?

14 So, had they been on time and, based on what
15 we were told as to when these music people would be
16 coming back, it would have been fine. Okay?

17 Now, they didn't leave at 4:00 p.m., they
18 left at 5:00-something p.m. Right? So, that extended
19 it the other way. But, the point is that, they always
20 had the option of, if they were to be breaking duty
21 time, to stay in Mexico. That wouldn't have been a
22 problem.

23 Q And, for the Mexico flight, who was the
24 management personnel on duty responsible for flight
25 locating for that Mexico flight when they left Fort

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1 Lauderdale to Mexico?

2 A I was there. I'm aware of that trip, but
3 there is no flight management person on duty. We don't
4 have a 24-hour staff in the office. They send the --
5 text us and we all get them. But --

6 Q But, the GOM says that the ops management
7 person on duty will be responsible.

8 A That was me.

9 Q And, that was you?

10 A Mm-hm.

11 MR. LAWRENCE: Okay. I might come back to
12 that, but, I want to ask you some questions, I want to
13 shift a little bit to the weight and balance.

14 Early on, we received, when we asked for the
15 weight and balance for the particular flight, this also
16 in the document, do you want to exhibit this, Jim?

17 MR. RODRIGUEZ: Yes, just so we can refer to
18 it.

19 MR. LAWRENCE: This would be six. Okay,
20 this is the weight and balance information that was
21 provided to us.

22 I want to ask you a little bit -- a couple
23 of questions about the weight and balance process. How
24 do crews determine the weight and balance for your
25 aircraft?

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1 (Whereupon, the above-referred to
2 document was marked as Exhibit 6
3 for identification.)

4 MR. LEWKOWICZ: There's a Weight and Balance
5 Manual and the Weight and Balance Manual says the last
6 weight and how it was done back then versus today
7 because it is different today.

8 But, you're talking about prior to the
9 accident?

10 MR. LAWRENCE: Prior to the accident.

11 MR. LEWKOWICZ: Right, okay. So, there's a
12 Weight and Balance Manual and the Weight and Balance
13 Manual tells them what the -- basically, what all the
14 weights are. And, that's what they use.

15 Then, they fill in the -- they have the long
16 way they can do this, a weight and balance, or they
17 have this computerized way that they can do it.

18 The computerized weight starts with a basic
19 operating weight and that can be manipulated and they
20 start putting weights thereafter.

21 A lot of times, they put the generic weights
22 just which, in the case of the accident, I think they
23 used a standard 200 pound per person weight. I think
24 that's sort of --

25 BY MR. LAWRENCE:

1 Q Where is that a standard?

2 A It's not a standard, it should be what it
3 is. You know, plus or minus, but it's certainly not
4 200 on a per person basis. If they did that, they're
5 actually being very conservative.

6 Q Okay. Is that approved procedure to use a
7 standard of 200?

8 A No.

9 Q Okay. Where did this printout come from
10 when you provided this? Where did you get this?

11 A Rich. Rich -- in Rich's office from Rich's
12 printer.

13 Q Okay. So, the information, when was it sent
14 to Rich's office?

15 A I don't know, I have no idea.

16 Q Okay. Is this information sent before the
17 two-day period even started? Is this something created
18 when the --

19 A Not two days, no, I wouldn't say two days
20 prior. I would say the night prior.

21 Q Okay.

22 A Donnie is an example, always sends it the
23 night prior.

24 Q Okay. So, this information was created for
25 all the legs of the two-day trip and it, you say it

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1 could have been sent to the chief pilot prior? But,
2 this is not the actual weight and balance for each
3 individual flight, would you agree? Should each --
4 should the pilot conduct a weight and balance for each
5 particular flight?

6 A Yes.

7 Q So, would this be considered like a pre-
8 weight and balance before the flight that they could
9 use and then alter?

10 A It could be, it could be considered that
11 because they still have the long hand that they can
12 also do.

13 Q Okay. So, the information in here, though,
14 the Ultra Nav that comes to you, shouldn't that -- this
15 information be what is been transferred by the pilot
16 into the flight log?

17 A It should be, not necessarily, based on what
18 you just said.

19 Q Well, explain that.

20 A Well, you said, if they did that the night
21 before, transmitted it and did something different the
22 day of the flight because an extra passenger showed up
23 or a passenger didn't show up or they wanted more fuel
24 for whatever reason or didn't.

25 So, then, they would do something different.

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1 They could go long hand at that point or they can redo
2 it and not transmit it. They had already transmitted
3 something and, if they were in a hurry or something
4 like that, it wouldn't be the way to do it, but I
5 cannot say exactly how it came down.

6 Q So, let's say an extra passenger came out
7 and that would alter the weight and balance for this.

8 A It would alter it.

9 Q Would they be required to resend an Ultra
10 Nav for that particular weight and balance back to the
11 chief pilot?

12 A They would.

13 Q Well, would they be required to do that?

14 A They would.

15 Q Okay. Would that --

16 A They would have to be required to do a new
17 weight and balance and, not necessarily even send it to
18 us, they can leave it with the FBO.

19 Q Do they ever leave it with the FBO?

20 A No.

21 Q Who at the FBO would take a weight and
22 balance? What would they do with it from this company
23 that just happens to park there overnight?

24 A I used to take the weight and balances for
25 the military when they would leave their weight and

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1 balances for me in Bolivia and I didn't know what to do
2 with it.

3 Q So, is there a procedure for them to leave a
4 weight and balance at an FBO for the FBO to then send
5 it to you to --

6 A I've left -- if I've done a weight and
7 balance, I would -- I've left it with the FBO. Hey, if
8 anything ever happens, here's what you give to people
9 that will be coming to talk to you.

10 Q Okay.

11 A Sure.

12 Q So, just to be clear, the pilot should have
13 done an actual weight and balance for that each
14 particular flight?

15 A Correct.

16 Q They should have sent that information to
17 the company, correct, prior to the flight? And, that's
18 the information that should go into the flight logs?

19 A Flight logs, right.

20 Q Right. Did that occur for this two-day
21 period? Did the pilots do that?

22 A They had flight logs and they put flight log
23 numbers -- they put numbers into the flight log.

24 Q Right.

25 A This we know because you guys salvaged some

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1 of that. You guys found that. So, I would say he did.

2 Q Okay. Well, this is the only weight and
3 balance they ever sent. Was there any Ultra Nav
4 printouts that were sent that correspond to the flight
5 logs and weight and balance the pilots did for each
6 flight?

7 A This is the only thing we have.

8 MR. LAWRENCE: Okay. So, obviously, for the
9 very first flight, when they took off and they were
10 going up to St. Paul, okay, this information, you had
11 at the, I guess the chief pilot's office, this was sent
12 to the chief pilot's office? Was this an accurate --

13 MR. BOGENSCHUTZ: Excuse me, David.

14 MR. LAWRENCE: Yes?

15 MR. BOGENSCHUTZ: We're continuing to use
16 the word this, we're talking about Exhibit 6 all the
17 time?

18 MR. LAWRENCE: Exactly, we're still on
19 Exhibit 6.

20 MR. BOGENSCHUTZ: Okay, sorry.

21 MR. LAWRENCE: This information the chief
22 pilot had, or the company had prior to the flight,
23 correct?

24 MR. LEWKOWICZ: Yes.

25 BY MR. LAWRENCE:

1 Q Okay. Was there any other information that
2 was sent, just to be clear, on that particular flight,
3 for that very first flight --

4 A Not that I'm aware of.

5 Q Okay. Is, in the GOM, there is a -- in that
6 same reference in the section for flight locating,
7 there is a reference for weight and balance. Can you
8 read that as part of the duty officer's responsibility?
9 Right there, it's in the highlighted.

10 A Oh, okay.

11 Review fuel requirements and weight and
12 balance information for the flight to determine
13 compliance with applicable FARs.

14 Q Did that occur on the very first flight of
15 this two-day pairing?

16 A I would say yes.

17 Q Why?

18 A There was nothing here that flagged us
19 concerning this flight that would interfere with weight
20 and balance information whatsoever like, for instance,
21 if you're departing from Toluca, Mexico and you have to
22 go to Teterboro, you cannot go.

23 Q Is this first flight, and I'm still looking
24 at the Ultra Nav printouts, is that first flight an
25 accurate weight and balance for that flight for the

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1 first flight of that two-day period? It's right there
2 on the front.

3 A Let me take a look at it. It seems to be,
4 I'm not -- I don't have any of these numbers in my
5 head, but it seems to be a, you know, a good weight and
6 balance.

7 Q Okay. Earlier you told me that 200 pounds
8 as a standard --

9 A: Oh, well --

10 Q -- is not something that you would consider
11 a standard in that --

12 A As long as -- that's correct. And, by
13 looking at that, you know, I would say that they used
14 just estimated numbers.

15 Q Okay. Again, was this an accurate weight
16 and balance for the very first flight of this two-day
17 period?

18 A I would say no based on the 200 pounds.

19 Q Okay. Should somebody at ExecuFlight see
20 this prior to this trip starting and questioned the
21 crew, since this 200 weight is being used on each and
22 every flight?

23 A The answer to your question there, okay, is
24 as follows. If there is anything in here that does not
25 present a safety of concern, okay, such as the 200

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1 pounds versus maybe a 140 and there's no numbers that
2 are being briefed as far as max takeoff weight or
3 anything like that, then, no.

4 But, I'll broaden this, okay, on to the
5 question, has anybody ever been questioned concerning a
6 weight and balance that they have transmitted prior to
7 a flight?

8 I'll give you the answer to that, the answer
9 is yes. So, as a matter of fact, it was Donnie after
10 the accident. And, he did present a weigh and balance.

11 Okay? I'm the one that got it and I called him up.
12 And, I said, Donnie, what are doing putting it -- all
13 that kind of fuel? You're going out of El Paso, it's
14 4,000 of elevation, it's hot. How are you doing that?
15 What are you doing? What --

16 Well, I'm going to go flaps zero and but is
17 there any reason you need to have that much fuel and be
18 that heavy? I would -

19 Well, I just wanted to get you some numbers.
20 Yes, I will put a little less fuel, you're right. And,
21 I said you've got a heck of a tailwind. And, I'm not
22 comfortable with you based on what he has submitted to
23 me via email because we changed it to a different way
24 of submitting these things where it goes email. And,
25 that was with Donnie and that can be asked to Donnie.

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1 Q Okay. Still staying with this particular
2 weight and balance, if you go to -- if you flip over a
3 couple pages to the accident flight. It's second to
4 the last page on the first. I'm sorry, it's actually
5 the last page.

6 There should KMGY through KAKR, the very
7 last page, do you have it? Here it is, I'll give you
8 this copy.

9 A Okay.

10 Q That's the actual flight weight and balance,
11 correct?

12 A Okay.

13 Q All right. Does that also reflect 200
14 pounds per passenger?

15 A It does.

16 Q Okay. Is that an accurate weight and
17 balance for the accident flight?

18 A Based on this standard of 200 pounds per
19 person, I would say no, just as I said no on the first
20 one.

21 Q Okay. Did anybody question the crew at any
22 point in time prior to their departure that this weight
23 and balance that you had was inaccurate for that
24 particular flight?

25 A No, not that I'm aware of.

1 Q Okay.

2 A This was received in an office that we don't
3 see it. It's for the purpose of making sure that if
4 anything does happen, we have something to see what it
5 is, under what conditions were they taking off.

6 Q Well, there's a GOM responsibility for their
7 operations management person on duty to review the
8 weight and balance, correct?

9 A For every flight?

10 Q Yes.

11 A It's, again, if there was anything that is
12 blatantly wrong that they cannot do, then we would, you
13 know, we would be flagged. There'd be a red number. I
14 mean, we would know. And, under that circumstance, we
15 would question them.

16 But, in this particular case, there wasn't
17 anything.

18 Q The 200 pounds per person didn't flag
19 somebody at ExecuFlight that --

20 A It --

21 Q -- possibly the weight and balance protocols
22 for actual weight or asked plus ten was not complied
23 with?

24 A We did not get this. We had it, but it
25 wasn't seen by the chief pilot. He was on a flight.

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1 Q Well, should it have been seen by somebody?

2 A The pilots dispatch themselves. They are
3 the ones that are doing this flight. They're the ones
4 that are checking their own weather. They are the ones
5 that are, you know, conducting the flight.

6 We don't have a dispatch team as I think
7 you're alluding to with a 121 world. So, to answer
8 your question, no, we do not supervise every single
9 action that is taken place by the crews. We're
10 expecting them to do things as they know they should.
11 And, flying within gross weight is one of them.

12 Q You mentioned a flight plan. Let me ask
13 about that. Anybody review the flight plan for this
14 particular -- the accident flight prior to them
15 departing?

16 A No, they file their own flight plan.

17 Q All right. I understand they file it, did
18 anybody review it --

19 A No.

20 Q -- at ExecuFlight? Is that a responsibility
21 based on the GOM operations management duties?

22 A Well, number four, verify appropriate flight
23 plan has been filed and weather briefing received by
24 the pilot in command.

25 They had a flight plan filed and the -- and

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1 they had checked weather.

2 Q Who at ExecuFlight, other than the pilot,
3 verified that?

4 A I don't know.

5 MR. LAWRENCE: That's all I have. Thanks.

6 D. SILVA: Jim?

7 MR. RODRIGUEZ: Okay. I'm going to ask you a
8 few questions about the November 7th flight, the
9 Teterboro one to Fort Lauderdale.

10 MR. LEWKOWICZ: Okay.

11 BY MR. RODRIGUEZ:

12 Q And, a few hours before that.

13 So, the captain was Donnie? You've
14 identified him as the captain, is that right?

15 A Yes.

16 Q And, that's Donnie -- that's Mr.
17 Shackelford, right?

18 A Correct.

19 Q All right, just because I get confused when
20 I start saying Donnie and Danny, I'm going to refer to
21 him as Mr. Shackelford.

22 A Sure.

23 Q And, then, Renato, what was his position on
24 that flight?

25 A First officer.

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1 Q First officer, okay.

2 So, did Mr. Shackelford ever tell you that
3 he went to the airport alone without Renato prior to
4 that flight?

5 A No.

6 Q So, Mr. Shackelford, did he tell you that
7 they went together from the flight?

8 A He didn't tell me either way.

9 Q Okay. Did Mr. Shackelford ever tell you
10 that he found out about the early departure because he
11 saw passengers in the lobby of the hotel?

12 A No.

13 Q Did he ever tell you that he reached out
14 Renato based on seeing the passengers in the hotel?

15 A He -- no. At the hotel?

16 Q Yes, prior to --

17 A Seeing the passengers at the hotel?

18 Q Right.

19 A That doesn't make sense.

20 Q Or in the lobby of the -- I'm sorry, maybe
21 it was the lobby of the FBO. Did he tell you --

22 A That's a big difference.

23 Q Okay. So, did Mr. Shackelford ever tell you
24 that he found out about an earlier flight when he saw
25 passengers in the lobby of the FBO?

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1 A I had a conversation with Donnie concerning
2 this. I can't remember exactly what, you know, the
3 conversation ended with what I wrote down as I
4 understood it when I spoke to Donnie. So, whatever I
5 wrote down is exactly what I understood.

6 Subsequently, I sent what I wrote down to
7 Donnie and the other people that I mentioned to you and
8 that I showed you in that exhibit right there of the
9 email.

10 I also, I told them to come in because we
11 were going to talk about it in greater detail. But,
12 what I did is, I wrote the email. Okay? And, is it
13 one page to this? I thought -- so, I wrote the email
14 to Donnie and then I sent it to you guys exactly as it
15 was written.

16 Donnie, I asked him to call me and he then
17 sent me a text. Have you guys seen this text from
18 Donnie?

19 DR. SILVA: No.

20 MR. LEWKOWICZ: Okay. The text is, got the
21 email, that email right there. Will see you at 2:30.
22 My response to him was, if you got the email and
23 understand, you don't need to come in. If everything
24 is, you know, if you understand it, if there's anything
25 that is inaccurate, if there's anything that I said,

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1 based on what we've spoken, if there's anything
2 inaccurate, then, of course, you would need to tell me
3 or you need to come in or, you know, whatever or tell
4 anybody. That's it.

5 MR. RODRIGUEZ: So, real quick, you're
6 referring to a text message? What's the date on that
7 text message?

8 MR. LEWKOWICZ: Text message is August 4th,
9 2016. And it's at 1:09 p.m. probably 15 minutes after
10 I sent the email.

11 Okay. And, it could have been that, you
12 know, that's all he came up with. That's the email
13 that I sent everybody that you guys have a copy of.

14 MR. RODRIGUEZ: Let's mark this as, what is
15 it, this is Exhibit 7. And, the email you were
16 pointing is --

17 (Whereupon, the above-referred to
18 document was marked as Exhibit 7
19 for identification.)

20 MR. LEWKOWICZ: The email that you already
21 have, yes.

22 MR. RODRIGUEZ: So, did Mr. Shackelford ever
23 tell you that Renato was at the FBO in one of the pilot
24 restrooms while Mr. Shackelford --

25 MR. LEWKOWICZ: Pilot restrooms? As in a

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1 bathroom?

2 BY MR. RODRIGUEZ:

3 Q No, I'll say it again.

4 Did Mr. Shackelford ever tell you that
5 Renato was at the FBO in one of the pilot rest area
6 rooms?

7 A I think we talked about. I think he said,
8 yes, he was at the airport and when they showed up he
9 was easy to find. He was there.

10 Q And, did Mr. Shackelford tell you that he
11 did the pre-flight of the aircraft while Mr. Renato
12 rested?

13 A That's what I asked Renato to do. That's --
14 I told --

15 Q Did Mr. Shackelford tell you that he pre-
16 flighted the aircraft while Mr. Renato rested was the
17 question?

18 A Say again?

19 MR. BOGENSCHUTZ: Listen to the question and
20 answer the question.

21 MR. LEWKOWICZ: I can't recall, I cannot
22 recall.

23 BY MR. RODRIGUEZ:

24 Q Did Mr. Shackelford tell you that Renato
25 arrived at the FBO on his own without Mr. Shackelford?

1 A No, I think that Shackelford is the one that
2 -- not Shackelford, but Renato, when we talked the
3 night prior is who told me, yes, I'll get on my own to
4 the FBO. I'll go on my own to the FBO. But, I'm not -
5 - I can't recall whether Donnie told me that or not.
6 There wasn't much spoken between Donnie and I.

7 Q So, Mr. Shackelford never told you that
8 Renato arrived separately from him to the FBO?

9 A No, not that I recall.

10 Q Okay. And, did Mr. Shackelford tell you
11 that Renato didn't go on duty until 5:15 p.m.?

12 A Renato was asked not to go on duty until
13 shortly prior to the flight. The flight was supposed
14 to be 6:00 p.m. And, as it turned out, they got
15 earlier than they expected based on their original
16 already delayed flight that they were supposed to be
17 four, then six and then they came in a little earlier.

18 Q Did Mr. Shackelford ever tell you that
19 Renato didn't go on duty until 5:15?

20 A I don't know how -- no, I don't know how he
21 would know that. Renato's duty times would stem from
22 something Renato would do, that's where the duty times
23 would come in from, not from the flight log that was
24 done by Donnie.

25 Q Okay. Did Mr. Shackelford ever tell you

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1 that Renato actually pre-flighted the aircraft?

2 A No.

3 Q Did he ever tell you that -- did Mr.
4 Shackelford ever tell you that he was feeling ill and
5 so he was in the pilot rest area while Renato pre-
6 flighted?

7 A Not a word. That who was -- just to be
8 clear, who was feeling ill?

9 Q Did Mr. Shackelford ever tell you that he --

10 A That Shackelford was? No.

11 Q Okay. Could you look at Exhibit 2, the
12 email, the first day, August 4th, 2016 at 12:42 p.m.?

13 A You know, I don't think I -- all right.

14 Q Do you see that exhibit?

15 A Yes.

16 Q And, it's an email dated Thursday, October
17 4th at 12:42 p.m., do you see that?

18 A Right.

19 Q Can you take a minute and read over the --
20 do you see that the top, it says, I spoke to Donnie and
21 he told me the following, do you see that?

22 A Okay, yes.

23 Q Could you read over 1 through 4 just to
24 yourself for a second?

25 A Okay.

1 Q So, you've reviewed 1 through 4?

2 A Yes.

3 Q Did Mr. Shackelford ever tell you anything
4 that was inconsistent with bullets 1 through 4 there?

5 A Did Mr. Shackelford tell me anything that
6 was inconsistent?

7 Q Inconsistent with bullets 1 through 4 there
8 as you spoke to him --

9 A As we spoke, as we discussed, this is
10 exactly what, you know, the conversation with Donnie
11 started with prior to -- with exactly what I told you
12 that I had the conversation with Renato that night
13 prior.

14 And, I said, and I reiterated to Donnie what
15 it was or what instructions I had given him because I
16 needed him to fly the next day if he was available to
17 do it and if he was up to doing it.

18 And, Donnie did not -- he says, you know, I
19 can't really remember that day all that much. I know
20 that we were at the FBO for what -- or when the
21 passengers showed up.

22 I also saw Donnie and he didn't tell me
23 anything of what you had referenced earlier concerning
24 him pre-flighting the aircraft or him being sick, none
25 of that was spoken. It was pretty much spoken as this

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1 right here.

2 I asked him, so, is it fair for me to assume
3 that the person that prepared this aircraft was you?
4 And that Donnie -- that Renato was not on duty, per the
5 instructions that we had given him. Is that fair to
6 assume? And, he says yes.

7 Q So, are you -- when you say you spoke to
8 Donnie who told me the following, you spoke to him just
9 before preparing this email, is that right?

10 A Yes.

11 Q Okay. And --

12 A Or probably, yes.

13 Q Okay. And, did Mr. Shackelford tell you
14 anything that's inconsistent with the email at that
15 time?

16 A No, that's correct. What I wrote is what I
17 understood, which is why I copied him, which was why I
18 sent it to him, okay, and why I asked him if he read it
19 and he actually did say he read the email. And, he
20 never, ever called me or told me anything different to
21 then versus what I have written down right here.

22 Q So, after the fact, did he ever convey
23 anything that was inconsistent with this?

24 A I've not talked to him ever since.

25 Q So, he's never -- he never told you any

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1 facts or any inconsistencies?

2 A Never, not in writing, not in anything. He
3 said he got the email and that was it.

4 Q Did you ask MR. Shackelford to give us any
5 false information about the time line leading up to the
6 flight?

7 A Did I ask him to give you any false
8 information?

9 Q Yes.

10 A Absolutely not.

11 Q Okay, a couple of other questions.

12 Do you have an in-house IT person?

13 A Yes, not in -- well, he's not in-house, but
14 he's a contracted person, yes.

15 Q Contractor? What's his name?

16 A Edgar.

17 Q Edgar? Do you know his last name?

18 A Salvatierra.

19 Q What's the name of the company he works for?

20 A BlueNext or something like that. I don't
21 really know the name of the company.

22 Q Was he the IT person at the time of the
23 accident?

24 A Yes.

25 Q Has been the IT person ever since?

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1 A Yes.

2 Q Have there been any other IT people that
3 worked between then and now?

4 A No.

5 Q And, has -- was he also the IT person in the
6 several days leading up to the accident?

7 A Yes.

8 Q One more question. Come back to Exhibits 3
9 and 4 which are these trip sheets.

10 A Mm-hm.

11 Q Could you just explain to me the difference
12 in the formatting between Exhibit 3 and Exhibit 4?

13 A The company is, oh, well, this is -- the
14 difference is that this is a passenger, this is what
15 you see in the website, this is for the passengers.

16 Q And, that's Exhibit 4?

17 A That's Exhibit 4. This is for the pilots,
18 but it's also changed a little bit in format. The
19 format's changed by the company that does this.

20 This one, I know, I would not be able to
21 generate this number 3, I would not be able to generate
22 it now because when I tried, unless I created the
23 pilot, it wouldn't print it. So, that pilot no longer
24 is in our system.

25 So, if I tried to duplicate this, it would

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1 do it with only the names of the pilots that are there.
2 In this case, neither one of these guys. So, that
3 would not appear today.

4 Q What's the name of the program that
5 generates this?

6 A Airplane Manager.

7 Q Airplane Manager? And, so, both Exhibits 3
8 and 4 come from Airplane Manager?

9 A Yes.

10 Q Okay. And, it's just a, is in a different
11 selection?

12 A Right, yes. Just --

13 Q For formatting number 4?

14 A Right. One is more designed for the pilots,
15 number 3 and number 4 is more designed for the
16 passengers.

17 The -- it doesn't have flight lists, no
18 flight list information. But, that's stuff, this is
19 more passengers itinerary and this is more for the
20 crew.

21 Q Do you have any ability to edit these after
22 they're printed out?

23 A You can always edit them, and change times
24 and stuff light that?

25 Q Right.

1 A Yes.

2 Q So, once you print it out, is it in --
3 what's the format, is it a PDF, is it a Word file, is
4 it --

5 A PDF.

6 Q Okay.

7 A Yes, you know, you can print out directly,
8 right off the screen to -- we use PaperPort, which is a
9 program that we put everything in instead of paper into
10 a PaperPort thing and then we print it to paper if we
11 have to.

12 Sometimes, if you print something, this
13 could be three, four pages. We don't want the three,
14 four pages. We only want one page. And, so, that's
15 how we save a little bit on paper.

16 But, we -- that's how it works. And,
17 sometimes, we'll send the crews, this as well, just so
18 they'll see what we've sent the passengers, which, if
19 it's just a change of itinerary, maybe we can get away
20 with just sending this because they don't need to see
21 the no-fly list again. They already have that.

22 MR. RODRIGUEZ: I think I'm done if you guys.

23 DR. SILVA: Well, Jim?

24 MR. LEWKOWICZ: I would like to comment on
25 one thing.

1 MR. RODRIGUEZ: One second.

2 Can we go off the record one second? Do you
3 guys want to take like a five minute break and then
4 come back and wrap up?

5 MR. LEWKOWICZ: I'm okay to just finish now.

6 MR. BOGENSCHUTZ: Well, before he makes his
7 comment, let me talk to him.

8 (Whereupon, the above-entitled matter went
9 off the record at 10:56 a.m. and resumed at 11:02 a.m.)

10 DR. SILVA: All right, we're back.

11 I just had one final thing. We have the
12 phone number for Renato as [REDACTED]. This is the
13 same number that you have written on your -- on the
14 trip sheets.

15 MR. LEWKOWICZ: Okay.

16 BY DR. SILVA:

17 Q Is this the number that you would have used
18 to communicate with him?

19 A I would assume so.

20 Q Okay. Are there any other phone numbers?
21 Any other ways you have tried to communicate with him?

22 A There was a hotel, but I don't -- can't
23 recall.

24 DR. SILVA: Okay. All right, Jim?

25 MR. SILLIMAN: You know, I do -- I will ask

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1 a question. Kind of, and it's a very general question,
2 but why did you hire Renato in the first place?

3 MR. LEWKOWICZ: He was recommended by a
4 pilot that was with us at the time. He worked with
5 him. He spoke highly of him. He was a Hawker pilot.
6 He was a type rated in the Hawker, was flying charter
7 with the Hawker at a place called Personal Jet which is
8 a charter business, no longer a charter business, but
9 at the time they were, similar to us.

10 And, I was looking for a Hawker pilot. So,
11 rather than hiring somebody that I would have to train
12 from scratch -- we still have to send them for
13 training, but at least, in this particular case, we're
14 sending somebody that has accumulated time and type
15 that makes sense for us.

16 And, I had no reason to think that I should
17 not hire Renato. He was, like I said, he was
18 experienced, seasoned charter pilot, I think for like
19 four years. And, that's why.

20 Q And, the reason for hiring Oscar?

21 A Similar. He was also -- came to us with
22 prior history and type aircraft. He was already typed
23 in the aircraft. He was current when he interviewed
24 with me. He was supposed to go for recurrent training
25 and had I hired him, he would go under our certificate.

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1 And, you know, he was a captain. He had
2 some airline experience on top of that. And, he spoke
3 Spanish, which is also an asset to us to some degree.
4 And, that's why.

5 Q The salaries that you pay them, were the
6 competitive salaries? Are they under the under the
7 average or above the average?

8 A No.

9 Q How would you describe them?

10 A No, they're competitive salaries. I think
11 that we were -- I'm not sure of the exact numbers but I
12 think we were paying average salaries for the
13 positions. Average to high.

14 MR. SILLIMAN: I don't have any other
15 questions.

16 DR. SILVA: Okay.

17 Did you have any thing for us?

18 MR. LEWKOWICZ: Because you touched the
19 weight and balance issue and there was -- this is a
20 fact-finding assessment from your perspective and I've
21 read the stuff that was put on the dockets, and I
22 responded to the things that were placed on the
23 dockets.

24 I just wanted to expand on that a little bit
25 more and I would have done that via voice. At one

1 time, in fact, I did call you, but we didn't get to
2 talk because it was over, as you recall. So, I'm
3 taking advantage of doing it now.

4 There is an assumption that the -- that from
5 what I read, that we're calling it possibly that
6 particular flight, the accident flight, may have been
7 over gross weight or potential landing over gross
8 weight, slightly, but nonetheless, over gross weight.

9 And, the reason for that is because,
10 basically, you went by a statement of the fuelers, if
11 I'm not correct, that said top off the wings. Is that
12 correct?

13 MR. LAWRENCE: Right.

14 MR. LEWKOWICZ: And, so, those numbers were
15 then, therefore, altered to match that comment.

16 We also looked at the weight and balance and
17 we look at the weights of the 200 pounds per person,
18 but yet, we don't do anything there, we don't change
19 that, we just leave that one alone as if, indeed,
20 everybody weighed 200 pounds per person.

21 In my opinion, if we change one, if we have
22 the liberty of changing one, we should be able to have
23 the liberty of changing the other as well, or neither
24 one.

25 The main thing that I wanted to say

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1 concerning that is, unless the fueler looked at the
2 fuel gauges to determine that the fuel was topped off
3 on the wings, we have no real way of knowing factually
4 that those wings were topped off.

5 Because, contrary to a Leer 35, where you're
6 actually fueling it with a hose and you see the fuel at
7 the top of the wing, how would a fueler know that the
8 entire wing is full of fuel?

9 Single point fueling controlled by the pilot
10 at the panel and he could stop it before fueling
11 reaching to the top of the wings where, to the number
12 that he would have wanted, let's say, 3800 pounds per
13 side of 3600 pounds per side.

14 The fueler knows that he's come to the end
15 of the line because his truck is not producing any more
16 fuel into the wings. To him, it's full, but that
17 doesn't mean that it's full unless that fueler looked
18 at those gauges. That's the only way that we would be
19 able to factually know that that -- those wings were
20 full of fuel.

21 On the contrary, we're just going by an
22 assumption that they may have been, which there is no
23 verification.

24 So, if we're going to change one thing on
25 paper, then we should change the other one as well to

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1 accommodate it or none.

2 That's all I wanted to say.

3 MR. LAWRENCE: Okay.

4 MR. LEWKOWICZ: Is that fair enough?

5 MR. LAWRENCE: I got it, yes.

6 MR. LEWKOWICZ: Okay, all right.

7 DR. SILVA: I'm just going to pause. Do you
8 have something to say?

9 MR. RODRIGUEZ: I don't, I was just seeing
10 if you guys had any more.

11 DR. SILVA: Just give me one second.

12 Had you had any issues, maintenance-wise, on
13 this aircraft with the fuel gauges?

14 MR. LEWKOWICZ: Not that I am aware of.

15 BY DR. SILVA:

16 Q So, it did not come to your attention, that
17 nobody had reported any issues with the gauging of the
18 fuel on this aircraft?

19 A No, no.

20 DR. SILVA: Okay.

21 Okay, are we all set? Jim?

22 MR. SILLIMAN: I'm fine.

23 DR. SILVA: Dave?

24 MR. LAWRENCE: We can go off the record.

25 DR. SILVA: All right, thank you.

NEAL R. GROSS

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WASHINGTON, D.C. 20005-3701

1 (Whereupon, the above-entitled matter went
2 off the record at 11:10 a.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

Deposition of: Augusto Lewkowicz

In the matter of: Crash of Hawker 125 N237WR in

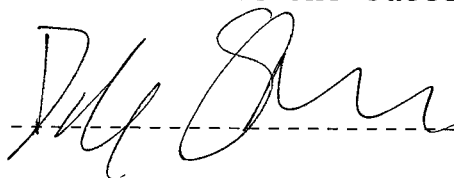
Akron, OH, November 10, 2015

Before: National Transportation Safety Board

Date: 09-20-16

Place: Washington, DC

were duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings; and that I am
neither counsel for, related to, nor employed by any of
the parties to this action in which this deposition was
taken; and further that I am not a relative nor an
employee of any of the parties nor counsel employed by
the parties, and I am not financially or otherwise
interested in the outcome of the action.



Dylan Stroman

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
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WASHINGTON, D.C. 20005-3701



1

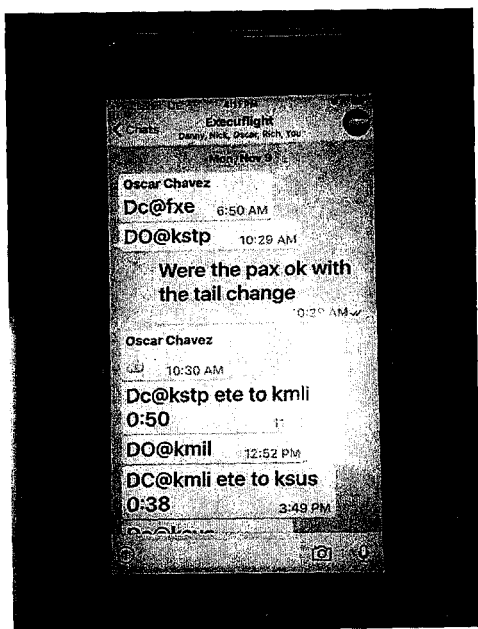
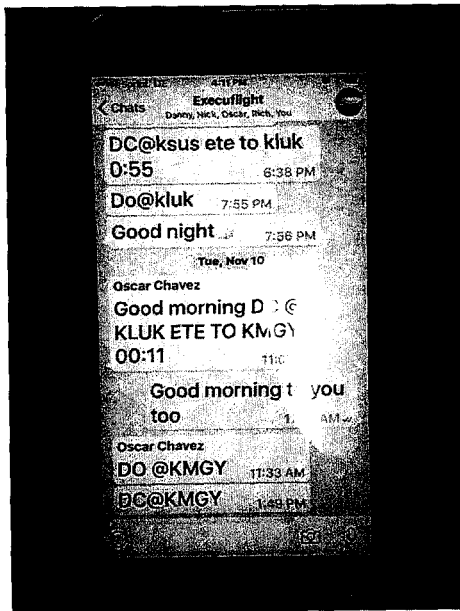
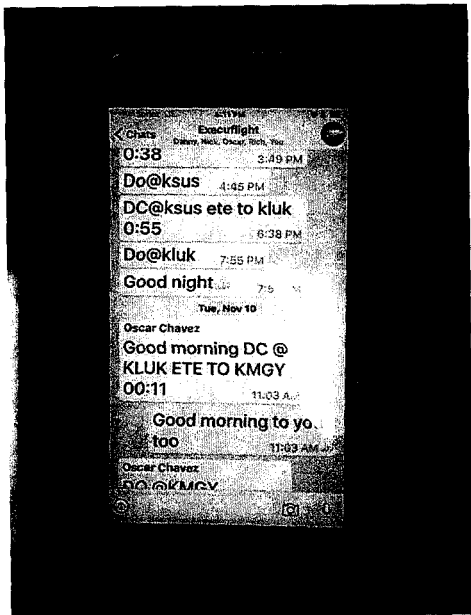


EXHIBIT
CENMA036
1
PENGAD 800-631-6993
09/20/16 DS

Rodriguez James

From: Danny Lewkowicz <[REDACTED]>
Sent: Thursday, August 04, 2016 12:42 PM
To: Silliman James
Cc: Lawrence David; Silva Sathya; Struhsaker Georgia
Subject: RE: CEN16MA036: Updated Factual Information
Attachments: Tripsheet.pdf

I spoke to Donnie who told me the following:

1. Donnie went to the airport on shuttle alone, without Renato.
2. It was Donnie who was told of the earlier departure basically because he saw the passengers in the lobby so he reached out for Renato.
3. As it turned out, Renato was at the FBO in one of the pilot rest area rooms. Subsequently it was quick for Renato to be on duty and ready to depart shortly after.
4. Renato arrived at the FBO on his own probably on the hotel or FBO shuttle at a time not known to us. However he did not go into duty until 5:15PM. He would have gone into duty at about 5:45PM had the 6PM scheduled departure been the case.

So, most communications were by phone and with the lead pilot being Donnie. The only documentation we have is the updated itinerary that is web based and pilots could see changes remotely on either their phones or FBO computers. All we did is update the itinerary and told Donnie the new departure time (Originally 4 PM then it became 6PM yet the Pax arrived early). That was the only thing that changed.

Regards,

Danny Lewkowicz

From: Silliman James [mailto:[REDACTED]]
Sent: Thursday, August 4, 2016 8:50 AM
To: Danny Lewkowicz <[REDACTED]>
Cc: Lawrence David <[REDACTED]>; Silva Sathya <[REDACTED]>; Struhsaker Georgia <[REDACTED]>
Subject: RE: CEN16MA036: Updated Factual Information

Mr. Lewkowicz,

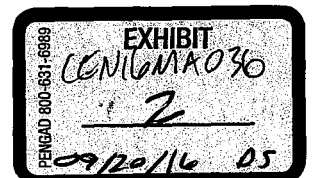
Thank you for providing the information. Is there any written documentation (texts or emails) that supports the FO's starting time of 5:15 pm? I'm guessing that it was done verbally over the phone, but if the supporting documents are available, it would be helpful to have them.

Thanks again for your assistance in the investigation.

Best regards,

Jim Silliman

From: Danny Lewkowicz [mailto:[REDACTED]]
Sent: Wednesday, August 03, 2016 6:22 PM



To: Silliman James <[REDACTED]>
Cc: Lawrence David <[REDACTED]>; Silva Sathya <[REDACTED]>; Struhsaker Georgia <[REDACTED]>
Subject: RE: CEN16MA036: Updated Factual Information

All,

Thank you for the letter sent on the 27th of last month. I understand the concern ref duty times. In fact that is why when we learned that the return for the flight from KTEB on the 7th was going to be delayed from its original departure time we opted to ask Donnie (the captain) to prepare the aircraft for the return on his own as we would need to have Renato well rested for a flight we scheduled him following the KTEB-KFXE flight. We asked Renato to show up at 5:30PM for the new departure time of 6PM. However passengers arrived slightly early thus Renato was then asked to show up at 5:15 for an immediate departure. The duty time for Renato did indeed NOT start at 1500 local but rather 1715 local. This is why Donnie opted to go for a 2.5 hr. lead show time himself as he was not flying past KFXE. He had plenty of time to get the airplane ready on his own not requiring both crew members to be at the airport. If you sum up the time with a starting time at 1715 local you will end up with 10:00 rest.

I hope this answered that question.

Regards,

Danny Lewkowicz

From: Silliman James [mailto:[REDACTED]]
Sent: Monday, August 1, 2016 12:47 PM
To: Danny Lewkowicz <[REDACTED]>
Cc: Lawrence David <[REDACTED]>; Silva Sathya <[REDACTED]>; Struhsaker Georgia <[REDACTED]>
Subject: RE: CEN16MA036: Updated Factual Information

OK. Thanks for the update.

From: Danny Lewkowicz [mailto:[REDACTED]]
Sent: Monday, August 01, 2016 9:33 AM
To: Silliman James
Subject: Re: CEN16MA036: Updated Factual Information

James Silliman,

I just received this email as I was flying in China and had no internet. I am in Florida now and will review this matter. I did forward it to our chief pilot who too is out flying and he will look into the issue by tomorrow.

I will follow up sometime this week before I head back to Asia.

Regards,

Danny Lewkowicz

On Jul 27, 2016, at 3:11 PM, Silliman James <[REDACTED]> wrote:

All,

Based on flight logs that Execuflyght has provided for the crewmembers, we intend to reference the following factual information in our CEN16MA036 report. This information was not originally presented at the technical review on April 13, 2016.

The review tells us that the FO returned from a trip from TEB on the 7th and departed immediately afterwards on another trip to MMY. Provided, the recorded duty start time of 1500 EST on the 7th, we're seeing that the FO did not meet the required rest requirements (135.267d) for the final Part 135 flight on the 8th (MMY-MIA). Our calculation shows that he had 7 hours and 45 minutes of consecutive rest in the preceding 24 hours at the time of completion of that flight.

Do you concur with our assessment based on the logs attached? Please review the information and respond with any comments by Friday, August 5.

Below is the information we've tabulated on the first officer's flight history between November 7, 2015 and November 10, 2016.

Flight	Duty Start (EST)	Flight Start: Doors Closed "Out" Time (EST)	Departure "Off" Time (EST)	Landing "On" Time (EST)	Flight End: Doors Open "In" Time (EST)
11/7 TEB – FXE (Part 135)	11/7 1500	11/7 1720	11/7 1726	11/7 2000	11/7 2006
11/7 FXE – ORL (Part 91)	N/A	11/7 2040	11/7 2044	11/7 2129	11/7 2134
11/7 ORL – MMY (Part 135)	N/A	11/7 2157	11/7 2200	11/8 0048	11/8 0052
11/8 MIA – FXE (Part 91)	N/A	11/8 0744	11/8 0751	11/8 0803	11/8 0807
11/9 FXE – STP (Part 135)	11/9 0550	11/9 0650	11/9 0658	11/9 1023	11/9 1030
11/9 STP – MLI (Part 135)	N/A	11/9 1150	11/9 1158	11/9 1245	11/9 1250
11/9 MLI – SUS (Part 135)	N/A	11/9 1550	11/9 1558	11/9 1636	11/9 1640
11/9 SUS – LUK (Part 135)	N/A	11/9 1840	11/9 1847	11/9 1949	11/9 1955
11/10 LUK – MGY (Part 135)	11/10 ~1103	11/10 1110	11/10 1112	11/10 1126	11/10 1130
11/10 MGY – ACK (Part 135)	N/A	11/10 ~1349	11/10 ~1349	N/A	N/A

Best regards,

Jim Silliman



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<logbook nov 9 (004).jpg><logbook nov 10 (004).jpg><FlightLogsRelevant.pdf>



EXECUFLIGHT, INC

Ph: 1-866-483-9854

Fx: 1-954-206-0294

Air Charter Service 1 516 432 5901

Trip Number: 7152

Released By:

No Fly List:

N3080_csv 11-10-15
11/10/15 08:49 PM

Selectee List:

S3042_csv 11-10-15
11/10/15 08:49 PM

Cleared List:

Leg 1	Airport	Date	FBO
Depart:	FORT LAUDERDALE, FL (FXE - FORT LAUDERDALE EXECUTIVE)	11/09/15 6:30 AM (1130 UTC)	Banyan Air Service 954-491-3170 (130.8)
Arrive:	ST PAUL, MN (STP - ST PAUL DOWNTOWN HOLMAN FLD)	11/09/15 9:31 AM (1531 UTC)	Signature Flight Support 651-224-1100 (131.35)
Flight Time: 4 hours 1 min Distance: 1285 NM PAX: 7 Aircraft: HAWKER 700 N237WR Status: Pt.135			
Pilots: Oscar Chavez (PIC) [REDACTED] Renato Marchese (SIC) [REDACTED] MGT Team			

Name

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]

ID's Checked By _____

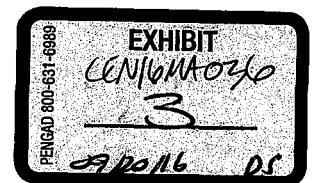
Load Manifest: MaxTOW ActTOW CG FWD AFT TRIM

Leg 2	Airport	Date	FBO
Depart:	ST PAUL, MN (STP - ST PAUL DOWNTOWN HOLMAN FLD)	11/09/15 11:45 AM (1745 UTC)	Signature Flight Support 651-224-1100 (131.35)
Arrive:	MOLINE, IL (MLI - QUAD CITY INTL)	11/09/15 12:32 PM (1832 UTC)	Elliott Aviation 309-799-3183 (130.57)
Flight Time: 0 hours 46 min Distance: 237 NM PAX: 7 Aircraft: HAWKER 700 N237WR Status: Pt.135			
Pilots: Oscar Chavez (PIC) [REDACTED] Renato Marchese (SIC) [REDACTED] MGT Team			

Name

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]

ID's Checked By _____





EXECUFLIGHT, INC

Ph: 1-866-483-9854

Fx: 1-954-206-0294

Air Charter Service 1 516 432 5901

Trip Number: 7152

Released By:

No Fly List:

N3080_csv 11-10-15
11/10/15 08:49 PM

Selectee List:

S3042_csv 11-10-15
11/10/15 08:49 PM

Cleared List:

Leg 3	Airport	Date	FBO
Depart:	MOLINE, IL (MLI - QUAD CITY INTL)	11/09/15 2:45 PM (2045 UTC)	Elliott Aviation 309-799-3183 (130.57)
Arrive:	ST LOUIS, MO (SUS - SPIRIT OF ST LOUIS)	11/09/15 3:21 PM (2121 UTC)	TacAir 636-532-8882 (131.325)
Flight Time: 0 hours 36 min Distance: 167 NM PAX: 7 Aircraft: HAWKER 700 N237WR Status: Pt.135			
Pilots: Oscar Chavez (PIC) ██████████ Renato Marchese (SIC) ██████████ MGT Team			

- Name
- 1 ██████████
 - 2 ██████████
 - 3 ██████████
 - 4 ██████████
 - 5 ██████████
 - 6 ██████████
 - 7 ██████████

ID's Checked By _____

Load Manifest:	MaxTOW	ActTOW	CG	FWD	AFT	TRIM
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Leg 4	Airport	Date	FBO
Depart:	ST LOUIS, MO (SUS - SPIRIT OF ST LOUIS)	11/09/15 5:30 PM (2330 UTC)	TacAir 636-532-8882 (131.325)
Arrive:	CINCINNATI, OH (LUK - CINCINNATI MUNI AIRPORT LUNKEN FIELD)	11/09/15 7:24 PM (0024 UTC)	Landmark Aviation 513-871-8600 (122.95)
Flight Time: 0 hours 54 min Distance: 292 NM PAX: 7 Aircraft: HAWKER 700 N237WR Status: Pt.135			
Pilots: Oscar Chavez (PIC) ██████████ Renato Marchese (SIC) ██████████ MGT Team			

- Name
- 1 ██████████
 - 2 ██████████
 - 3 ██████████
 - 4 ██████████
 - 5 ██████████
 - 6 ██████████
 - 7 ██████████

ID's Checked By _____

Load Manifest:	MaxTOW	ActTOW	CG	FWD	AFT	TRIM
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EXECUFLIGHT, INC

Ph: 1-866-483-9854

Fx: 1-954-206-0294

Air Charter Service 1 516 432 5901

Trip Number: 7152

Released By:

No Fly List:

N3080_csv 11-10-15
11/10/15 08:49 PM

Selectee List:

S3042_csv 11-10-15
11/10/15 08:49 PM

Cleared List:

Leg 5	Airport	Date	FBO
Depart:	CINCINNATI, OH (LUK - CINCINNATI MUNI AIRPORT LUNKEN FIELD)	11/10/15 10:30 AM (1530 UTC)	Landmark Aviation 513-871-8600 (122.95)
Arrive:	DAYTON, OH (MGY - DAYTON-WRIGHT BROTHERS)	11/10/15 10:43 AM (1543 UTC)	Aviation Sales 937-885-3662 (122.8)
Flight Time: 0 hours 13 min Distance: 31 NM PAX: 7 Aircraft: HAWKER 700 N237WR Status: Pt.135			
Pilots: Oscar Chavez (PIC) ██████████ Renato Marchese (SIC) ██████████ MGT Team			

- Name**
- 1 ██████████
 - 2 ██████████
 - 3 ██████████
 - 4 ██████████
 - 5 ██████████
 - 6 ██████████
 - 7 ██████████

ID's Checked By _____

Load Manifest:	MaxTOW	ActTOW	CG	FWD	AFT	TRIM
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Leg 6	Airport	Date	FBO
Depart:	DAYTON, OH (MGY - DAYTON-WRIGHT BROTHERS)	11/10/15 1:40 PM (1840 UTC)	Aviation Sales 937-885-3662 (122.8)
Arrive:	AKRON, OH (AKR - AKRON FULTON INTL)	11/10/15 2:14 PM (1914 UTC)	Summit Airport Services 330-733-4760 (122.95)
Flight Time: 0 hours 34 min Distance: 153 NM PAX: 7 Aircraft: HAWKER 700 N237WR Status: Pt.135			
Pilots: Oscar Chavez (PIC) ██████████ Renato Marchese (SIC) ██████████ MGT Team			

- Name**
- 1 ██████████
 - 2 ██████████
 - 3 ██████████
 - 4 ██████████
 - 5 ██████████
 - 6 ██████████
 - 7 ██████████

ID's Checked By _____

Load Manifest:	MaxTOW	ActTOW	CG	FWD	AFT	TRIM
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EXECUFLIGHT, INC

Ph: 1-866-483-9854

Fx: 1-954-206-0294

Air Charter Service 1 516 432 5901

Trip Number: 7152

Released By:

No Fly List:

N3080_csv 11-10-15
11/10/15 08:49 PM

Selectee List:

S3042_csv 11-10-15
11/10/15 08:49 PM

Cleared List:

Leg 7	Airport	Date	FBO
Depart:	AKRON, OH (AKR - AKRON FULTON INTL)	11/10/15 8:41 PM (0141 UTC)	Summit Airport Services 330-733-4760 (122.95)
Arrive:	FORT LAUDERDALE, FL (FXE - FORT LAUDERDALE EXECUTIVE)	11/10/15 11:00 PM (0400 UTC)	Banyan Air Service 954-491-3170 (130.8)
Flight Time: 2 hours 19 min		Distance: 893 NM	PAX: 7
		Aircraft: HAWKER 700 N237WR	Status: Pt.135
Pilots: Oscar Chavez (PIC) [REDACTED] Renato Marchese (SIC) [REDACTED] MGT Team			
Name			
1	[REDACTED]		
2	[REDACTED]		
3	[REDACTED]		
4	[REDACTED]		
5	[REDACTED]		
6	Diane Street		
7	[REDACTED]		
ID's Checked By _____			
Load Manifest:	MaxTOW _____	ActTOW _____	CG _____
		FWD _____	AFT _____
			TRIM _____



EXECUFLIGHT, INC
 1-866-483-9854
 1-954-206-0294 (Fax)
 info@execuflight.com
 www.execuflight.com

Trip# 7136

Customer Great Healthworks

HS125 - 800A (N355FA) Operated By: EXFA391K

2 hr 11 min 931 nm 2 pax

Airport

Depart 9:00 AM
 Friday, Nov 6
 Arrive 11:11 AM
 Friday, Nov 6

FXE - FORT LAUDERDALE EXECUTIVE
 FORT LAUDERDALE, FL

TEB - TETERBORO
 TETERBORO, NJ

FBO

Banyan Air Service 954-491-3170
 5360 NW 20th Terrace Fort Lauderdale Florida 33309

Signature Flight Support West 201-288-1880
 401 Industrial Ave Teterboro NJ 07608

Pilots Donnie Shackelford (PIC) [REDACTED] MGT Team 1 [REDACTED]

Passenger Name(s)

1 [REDACTED] 2 [REDACTED]

PAX Notes may need to stop @ FTY on the way back

HS125 - 800A (N355FA) Operated By: EXFA391K

2 hr 35 min 931 nm 2 pax

Airport

Depart 6:00 PM
 Saturday, Nov 7
 Arrive 8:35 PM
 Saturday, Nov 7

TEB - TETERBORO
 TETERBORO, NJ

FXE - FORT LAUDERDALE EXECUTIVE
 FORT LAUDERDALE, FL

FBO

Signature Flight Support West 201-288-1880
 401 Industrial Ave Teterboro NJ 07608

Banyan Air Service 954-491-3170
 5360 NW 20th Terrace Fort Lauderdale Florida 33309

Pilots Donnie Shackelford (PIC) [REDACTED] MGT Team 1 [REDACTED]

Passenger Name(s)

1 [REDACTED] 2 Mr. Ken Meares

EXHIBIT
 CEN1611K020
 4
 09/10/16 05

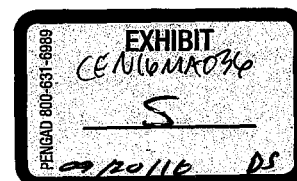
Silva Sathya

From: Danny Lewkowicz <[REDACTED]>
Sent: Friday, August 19, 2016 11:53 AM
To: Silliman James
Cc: Lawrence David; Silva Sathya; Struhsaker Georgia
Subject: Re: CEN16MA036: Updated Factual Information
Attachments: Tripsheet-7136.pdf; ATT00001.txt; American Express US_ Manage Your Card Account_ Online Statement (2).pdf; ATT00002.txt; American Express US_ Manage Your Card Account_ Online Statement (2).pdf; ATT00003.txt; American Express US_ Manage Your Card Account_ Online Statement (2).pdf; ATT00004.txt; American Express US_ Manage Your Card Account_ Online Statement.pdf; American Express US_ Manage Your Card Account_ Online Statement (2).pdf; Tripsheet-7136.pdf; American Express US_ Manage Your Card Account_ Online Statement (2).pdf; ATT00005.txt

I was able to get the attached from our A/E statement. Renato did not have a company credit card - only the captain. So it appears in Donnie's name. But one of the rooms was for Renato.

From our scheduling software we only have the last trip-sheet we sent (attached), not the original one as once it is changed it overwrites the original version. I will ask Donnie if he can go back to his old emails and see if he still has the original one sent to him on the 3rd of November 2015. Deleted items on our servers only last 30 days and then are wiped out so even though we also get a copy, we do not hold on to that past 30 days after deleted.

Danny



TAKEOFF EFT 1521 Chavez Marchese KFXE KSTP 11.9.15

Field Elevation (Feet): 13
Bar. Press (in. Hg or HPa): 3008
Pressure Altitude (Ft): 0
Temperature (Deg. C): 24
Wind Direction (Deg.): 090
Wind Speed (Knots): 10
Runway Heading (Deg.): 091
Runway Length (Feet): 6002
% Runway Slope (+/-): 0
FLAPS: FLAPS 15
Anti-Ice: Off

None
MAX. ALLOWABLE T.O.G.W (Lbs)...24745
TAKEOFF DISTANCE (Ft).....5939
INITIAL 2ND SEG GRAD% (NET)1.6
INITIAL 2ND SEG GRAD% (GRS)2.4
V1 (Knots).....125
VR (Knots).....125
V2 (Knots).....125
VFTO (Knots).....152
VSE (Knots).....175
Takeoff Thrust (%) APR ARMED99.2
LANDING DISTANCE (FT)2840
LANDING FIELD LENGTH (FT)4740
Vref (45 DEG) (Knots)132
Vref (25 DEG) (Knots)137
WEIGHT & BALANCE

ZERO FUEL:
Zero Fuel Weight: 15465 lbs
18% FWD 26 %MAC 29.8% AFT

TAKEOFF:
Takeoff Weight: 24745 lbs
24% FWD 32.5 %MAC 35.2% AFT

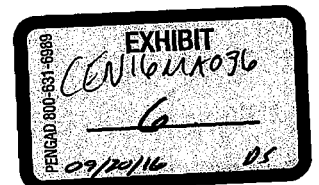
LANDING:
Landing Weight: 18545 lbs
18.3% AFT 25.2 %MAC 29.8% AFT

Seat 1: 200 lbs
Seat 2: 200 lbs
Seat 3: 200 lbs
Seat 4: 200 lbs
Seat 5: 200 lbs
Seat 6: 200 lbs
Seat 7: 200 lbs
Seat J: 0 lbs

Bag. 1: 250 lbs
Bag. 2: 0 lbs

FUEL:..... 8000 lbs
FUEL BURNED: 6200 lbs
VENTRAL FUEL: YES
DORSAL FUEL: YES
LANDING

Field Elevation (Feet): 705
Bar. Press (in. Hg or HPa): 2982
Pressure Altitude (Ft): 805
Temperature (Deg. C): 15
Wind Direction (Deg.): 33010
Wind Speed (Knots): 10
Runway Heading (Deg.): 323
Runway condition: Dry



Landing Weight (Lbs).....18545
Landing Distance (Ft).....2390
60% FACT. LANDING DIST (FT)3990
Landing Vref-45deg (Knots)115
Landing Vref-25deg (Knots)120

Flaps 0 Weight Limit (LB).....22000
Flaps 15 Weight Limit (LB).....22000
Flaps 25 Weight Limit (LB).....22000

TAKEOFF EFT 1522 Chavez Marchese KSTP KMLI 11.9.15

Field Elevation (Feet): 705
Bar. Press (in. Hg or HPa): 2990
Pressure Altitude (Ft): 725
Temperature (Deg. C): 17
Wind Direction (Deg.): 330
Wind Speed (Knots): 10
Runway Heading (Deg.): 323
Runway Length (Feet): 6491
% Runway Slope (+/-): 0
FLAPS: FLAPS 15
Anti-Ice: Off

None
MAX. ALLOWABLE T.O.G.W (Lbs)...20265
TAKEOFF DISTANCE (Ft)....3248
INITIAL 2ND SEG GRAD% (NET)4.2
INITIAL 2ND SEG GRAD% (GRS)5
V1 (Knots).....112
VR (Knots).....114
V2 (Knots).....117
VFTO (Knots).....144
VSE (Knots).....156
Takeoff Thrust (%) APR ARMED99.4
LANDING DISTANCE (FT)2450
LANDING FIELD LENGTH (FT)4090
Vref (45 DEG) (Knots)120
Vref (25 DEG) (Knots)125
WEIGHT & BALANCE

ZERO FUEL:
Zero Fuel Weight: 15465 lbs
18% FWD 26 %MAC 29.8% AFT

TAKEOFF:
Takeoff Weight: 20265 lbs
18.5% FWD 24.8 %MAC 30.1% AFT

LANDING:
Landing Weight: 18565 lbs
18.3% AFT 25.2 %MAC 29.8% AFT

Seat 1: 200 lbs
Seat 2: 200 lbs
Seat 3: 200 lbs
Seat 4: 200 lbs
Seat 5: 200 lbs
Seat 6: 200 lbs
Seat 7: 200 lbs
Seat J: 0 lbs

Bag. 1: 250 lbs
Bag. 2: 0 lbs

FUEL:..... 4800 lbs
FUEL BURNED: 1700 lbs
VENTRAL FUEL: NO
DORSAL FUEL: NO
LANDING

Field Elevation (Feet): 590
Bar. Press (in. Hg or HPa): 2995
Pressure Altitude (Ft): 560
Temperature (Deg. C): 17
Wind Direction (Deg.): 070
Wind Speed (Knots): 08
Runway Heading (Deg.): 090

Landing Weight (Lbs).....18565
Landing Distance (Ft).....2340
60% FACT. LANDING DIST (FT)3900
Landing Vref-45deg (Knots)115
Landing Vref-25deg (Knots)120

Flaps 0 Weight Limit (LB).....22000
Flaps 15 Weight Limit (LB).....22000
Flaps 25 Weight Limit (LB).....22000

TAKEOFF EFT 1523 Chavez Marchese KMLI KSUS 11.9.15

Field Elevation (Feet): 590
Bar. Press (in. Hg or HPa): 2995
Pressure Altitude (Ft): 560
Temperature (Deg. C): 16
Wind Direction (Deg.): 070
Wind Speed (Knots): 08
Runway Heading (Deg.): 090
Runway Length (Feet): 10000
% Runway Slope (+/-): 0
FLAPS: FLAPS 15
Anti-Ice: Off

None

MAX. ALLOWABLE T.O.G.W (Lbs)...18565
TAKEOFF DISTANCE (Ft).....2566
INITIAL 2ND SEG GRAD% (NET)5.7
INITIAL 2ND SEG GRAD% (GRS)6.5
V1 (Knots).....101
VR (Knots).....109
V2 (Knots).....113
VFTO (Knots).....140
VSE (Knots).....148
Takeoff Thrust (%) APR ARMED99
LANDING DISTANCE (FT)2330
LANDING FIELD LENGTH (FT)3880
Vref (45 DEG) (Knots)115
Vref (25 DEG) (Knots)120
WEIGHT & BALANCE

ZERO FUEL:

Zero Fuel Weight: 15465 lbs
18% FWD 26 %MAC 29.8% AFT

TAKEOFF:

Takeoff Weight: 18565 lbs
18.3% FWD 25.2 %MAC 29.8% AFT

LANDING:

Landing Weight: 17165 lbs
18.1% AFT 25.5 %MAC 30.6% AFT

Seat 1: 200 lbs
Seat 2: 200 lbs
Seat 3: 200 lbs
Seat 4: 200 lbs
Seat 5: 200 lbs
Seat 6: 200 lbs
Seat 7: 200 lbs
Seat J: 0 lbs

Bag. 1: 250 lbs
Bag. 2: 0 lbs

FUEL:..... 3100 lbs
FUEL BURNED: 1400 lbs
VENTRAL FUEL: NO
DORSAL FUEL: NO

LANDING

Field Elevation (Feet): 463
Bar. Press (in. Hg or HPa): 2998
Pressure Altitude (Ft): 403
Temperature (Deg. C): 16

Wind Direction (Deg.): 260
Wind Speed (Knots): 08
Runway Heading (Deg.): 256
Runway condition: Dry

Landing Weight (Lbs).....17165
Landing Distance (Ft).....2210
60% FACT. LANDING DIST (FT)3680
Landing Vref-45deg (Knots)111
Landing Vref-25deg (Knots)116

Flaps 0 Weight Limit (LB).....22000
Flaps 15 Weight Limit (LB).....22000
Flaps 25 Weight Limit (LB).....22000

TAKEOFF EFT 1524 Chavez Marchese KSUS KLUK 11.9.15

Field Elevation (Feet): 463
Bar. Press (in. Hg or HPa): 2997
Pressure Altitude (Ft): 413
Temperature (Deg. C): 15
Wind Direction (Deg.): 260
Wind Speed (Knots): 9
Runway Heading (Deg.): 256
Runway Length (Feet): 7485
% Runway Slope (+/-): 0
FLAPS: FLAPS 15
Anti-Ice: Off

None
MAX. ALLOWABLE T.O.G.W (Lbs)...23625
TAKEOFF DISTANCE (Ft)....4993
INITIAL 2ND SEG GRAD% (NET)2.1
INITIAL 2ND SEG GRAD% (GRS)2.9
V1 (Knots).....125
VR (Knots).....125
V2 (Knots).....126
VFTO (Knots).....153
VSE (Knots).....170
Takeoff Thrust (%) APR ARMED98.7
LANDING DISTANCE (FT)2720
LANDING FIELD LENGTH (FT)4530
Vref (45 DEG) (Knots)129
Vref (25 DEG) (Knots)134
WEIGHT & BALANCE

ZERO FUEL:

Zero Fuel Weight: 15465 lbs
18% FWD 26 %MAC 29.8% AFT

TAKEOFF:

Takeoff Weight: 23625 lbs
21.3% FWD 27.1 %MAC 36.3% AFT

LANDING:

Landing Weight: 21425 lbs
19% AFT 25.7 %MAC 30.7% AFT

Seat 1: 200 lbs
Seat 2: 200 lbs
Seat 3: 200 lbs
Seat 4: 200 lbs
Seat 5: 200 lbs
Seat 6: 200 lbs
Seat 7: 200 lbs
Seat J: 0 lbs

Bag. 1: 250 lbs
Bag. 2: 0 lbs

FUEL:..... 8160 lbs
FUEL BURNED: 2200 lbs
VENTRAL FUEL: NO
DORSAL FUEL: NO
LANDING

Field Elevation (Feet): 483
Bar. Press (in. Hg or HPa): 2997
Pressure Altitude (Ft): 433
Temperature (Deg. C): 15
Wind Direction (Deg.): 010
Wind Speed (Knots): 9
Runway Heading (Deg.): 025
Runway condition: Dry

Landing Weight (Lbs).....21425
Landing Distance (Ft).....2530
60% FACT. LANDING DIST (FT)4220
Landing Vref-45deg (Knots)123
Landing Vref-25deg (Knots)128

Flaps 0 Weight Limit (LB).....22000
Flaps 15 Weight Limit (LB).....22000
Flaps 25 Weight Limit (LB).....22000

TAKEOFF EFT 1525 Chavez Marchese KLUK KMGY 11.10.15

Field Elevation (Feet): 483
Bar. Press (in. Hg or HPa): 2997
Pressure Altitude (Ft): 433
Temperature (Deg. C): 15
Wind Direction (Deg.): 230
Wind Speed (Knots): 6
Runway Heading (Deg.): 205
Runway Length (Feet): 6101
% Runway Slope (+/-): 0
FLAPS: FLAPS 15
Anti-Ice: Off

None
MAX. ALLOWABLE T.O.G.W (Lbs)...21265
TAKEOFF DISTANCE (Ft).....3794
INITIAL 2ND SEG GRAD% (NET)3.4
INITIAL 2ND SEG GRAD% (GRS)4.2
V1 (Knots).....116
VR (Knots).....118
V2 (Knots).....120
VFTO (Knots).....147
VSE (Knots).....161
Takeoff Thrust (%) APR ARMED98.7
LANDING DISTANCE (FT)2560
LANDING FIELD LENGTH (FT)4270
Vref (45 DEG) (Knots)123
Vref (25 DEG) (Knots)128

WEIGHT & BALANCE

ZERO FUEL:
Zero Fuel Weight: 15465 lbs
18% FWD 26 %MAC 29.8% AFT

TAKEOFF:
Takeoff Weight: 21265 lbs
18.9% FWD 25.6 %MAC 36.3% AFT

LANDING:
Landing Weight: 20665 lbs
18.5% AFT 25.1 %MAC 30.3% AFT

Seat 1: 200 lbs
Seat 2: 200 lbs
Seat 3: 200 lbs
Seat 4: 200 lbs
Seat 5: 200 lbs
Seat 6: 200 lbs
Seat 7: 200 lbs
Seat J: 0 lbs

Bag. 1: 250 lbs
Bag. 2: 0 lbs

FUEL:..... 5800 lbs
FUEL BURNED: 600 lbs
VENTRAL FUEL: NO
DORSAL FUEL: NO
LANDING

Field Elevation (Feet): 957
Bar. Press (in. Hg or HPa): 2997
Pressure Altitude (Ft): 907
Temperature (Deg. C): 15
Wind Direction (Deg.): 320
Wind Speed (Knots): 7
Runway Heading (Deg.): 026

Runway condition: Dry

Landing Weight (Lbs).....20665

Landing Distance (Ft).....2580

60% FACT. LANDING DIST (FT)4300

Landing Vref-45deg (Knots)121

Landing Vref-25deg (Knots)126

Flaps 0 Weight Limit (LB).....21987

Flaps 15 Weight Limit (LB).....22000

Flaps 25 Weight Limit (LB).....22000

TAKEOFF EFT1526 Chavez Marchese KMGY KAKR 11.10.15

Field Elevation (Feet): 957
Bar. Press (in. Hg or HPa): 2996
Pressure Altitude (Ft): 917
Temperature (Deg. C): 14
Wind Direction (Deg.): 230
Wind Speed (Knots): 6
Runway Heading (Deg.): 206
Runway Length (Feet): 5000
% Runway Slope (+/-): -.42
FLAPS: FLAPS 15
Anti-Ice: Off

None
MAX. ALLOWABLE T.O.G.W (Lbs)...23165
TAKEOFF DISTANCE (Ft).....4866
INITIAL 2ND SEG GRAD% (NET)2.3
INITIAL 2ND SEG GRAD% (GRS)3.1
V1 (Knots).....123
VR (Knots).....124
V2 (Knots).....125
VFTO (Knots).....152
VSE (Knots).....169
Takeoff Thrust (%) APR ARMED99.1
LANDING DISTANCE (FT)2760
LANDING FIELD LENGTH (FT)4600
Vref (45 DEG) (Knots)128
Vref (25 DEG) (Knots)133
WEIGHT & BALANCE

ZERO FUEL:

Zero Fuel Weight: 15465 lbs
18% FWD 26 %MAC 29.8% AFT

TAKEOFF:

Takeoff Weight: 23165 lbs
20.8% FWD 26.9 %MAC 36.3% AFT

LANDING:

Landing Weight: 21665 lbs
19.3% AFT 25.9 %MAC 30.8% AFT

Seat 1: 200 lbs
Seat 2: 200 lbs
Seat 3: 200 lbs
Seat 4: 200 lbs
Seat 5: 200 lbs
Seat 6: 200 lbs
Seat 7: 200 lbs
Seat J: 0 lbs

Bag. 1: 250 lbs
Bag. 2: 0 lbs

FUEL:..... 7700 lbs
FUEL BURNED: 1500 lbs
VENTRAL FUEL: NO
DORSAL FUEL: NO

LANDING

Field Elevation (Feet): 1068
Bar. Press (in. Hg or HPa): 2996
Pressure Altitude (Ft): 1018
Temperature (Deg. C): 15
Wind Direction (Deg.): 240

Wind Speed (Knots): 6
Runway Heading (Deg.): 249
Runway condition: Wet

Landing Weight (Lbs).....21665
Landing Distance (Ft).....3280
60% FACT. LANDING DIST (FT)5470
Landing Vref-45deg (Knots)124
Landing Vref-25deg (Knots)129

Flaps 0 Weight Limit (LB).....21964
Flaps 15 Weight Limit (LB).....22000
Flaps 25 Weight Limit (LB).....22000

EX-7

< Donnie Shackelford CALL MORE

D Non stop from FXE should not be a problem at 4:23 flight time and full fuel 7:06 AM

7:07 AM That's fine I'm doing the routing right now.

D Thanks 7:08 AM

D Are you going to provide cash for the flight and take care of the hotel? 8:36 AM

9:05 AM Yes

Saturday, July 30, 2016

12:58 PM Please call me

Thursday, August 4, 2016

D Got the email, will see you at 2:30 1:09 PM

1:10 PM If you got the email and understand you do not need to come in

Enter message

SEN

