

DCA14FR005

Film Crew Struck by Freight Train

CSX Transportation

February 20, 2014

Interview Transcript

Location Manager

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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FILM CREW STRUCK BY TRAIN

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Docket No.: DCA-14-FR-005

FEBRUARY 20, 2014

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JESUP, GEORGIA

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Interview of: CHARLEY BAXTER

Pooler, Georgia

Wednesday,

July 23, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: DANA SANZO  
Accident Investigator

## APPEARANCES:

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National Transportation Safety Board  
Washington, D.C.

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I N T E R V I E W

1  
2 MS. SANZO: My name is Dana Sanzo. I'm an investigator  
3 with the National Transportation Safety Board and today we're  
4 conducting an interview for the investigation -- the railroad  
5 accident that occurred in Jessup, Georgia. And if everybody could  
6 just state your name, please?

7 MRS. NARVELL: This is Rick Narvell, N-A-R-V-E-L-L. I'm  
8 an investigator with the NTSB.

9 MR. BAXTER: And I'm Charley Baxter. I was location  
10 manager for the film *Midnight Rider*, which was the company that  
11 was involved in the accident.

12 MS. SANZO: And thank you for taking the time to do this  
13 interview with us today.

14 MR. BAXTER: You're welcome.

INTERVIEW OF CHARLEY BAXTER

15  
16 BY MS. SANZO:

17 Q. And if I may just start with -- if you could start at  
18 the beginning of the process of trying to obtain the permissions  
19 to be on both on Rayonier's property and on the railroad property.

20 A. Okay. Well, the script actually called for a location  
21 that evidently Greg Allman had a memory of a dream that he had. I  
22 think he had heart attack, and he was in the hospital and he was  
23 being resuscitated. And in the dream he was in his hospital bed  
24 and he was on railroad tracks and he saw his brother, Duane, who  
25 had passed away years ago. And I think the -- sort of the crux of

1 it was Dwayne was going, "Not now, not now little brother." Like  
2 don't cross the bridge, you don't -- you know, stay where you are.

3 So that was our job being the location manager. The  
4 location department was to find a location to do that. And we  
5 used internet to find -- to kind of narrow it down, because we  
6 wanted it to be relatively close to Savannah. So through  
7 photographs, the production designer, Melissa Stewart, and the  
8 director, Randy Miller, and the director of photography,  
9 Mike Ozier, said, yeah, that looks good, we should go down and  
10 visit it.

11 So we went down and visited the location and met with a  
12 representative from Rayonier who I called to see if we could come  
13 down and visit, Tina Kicklighter with Rayonier. And they all  
14 agreed that they liked it. It was actually me; Jay Sedrish, the  
15 executive producer/unit production manager; Hillary Schwartz, the  
16 assistant director; Mike Ozier, the director of photography; and  
17 Melissa Stewart, the production designer. The five of us went  
18 down. I don't remember the date. It was sometime, I think, maybe  
19 in January. I'd have to look back on my notes and see. I don't  
20 recall exactly.

21 And they liked it, and Randy Miller did not go but he  
22 saw photographs, and everybody who he trusted said they liked the  
23 look of it. So I had -- I wrote to CSX to ask permission. It  
24 kind of happened twofold. I didn't have a contact for CSX, so I  
25 Googled them up and found their corporate headquarters in

1 Jacksonville and I called a phone number that said it was  
2 marketing and communications. And I got a young person, and I  
3 don't remember her name -- I might have it written down -- but she  
4 was basically almost like sort of an answering service. And she  
5 said, what's your request? And I said, we'd like permission to  
6 film on the trestle in Doctortown, and told her what we were  
7 doing. And she said, well, we'll have somebody get back with you.

8           And maybe 3 or 4 days or a week later, maybe -- I'd have  
9 to look and see -- I received an e-mail. It was sort of like a  
10 standard -- it wasn't a personal e-mail. It was like just  
11 somebody pushed a button that's like no, and it said that CSX has  
12 a policy of no filming and that they were going to -- you know,  
13 they weren't going to pursue our request.

14           So I forwarded that to Randy and Jody and Jay and my  
15 five people who had been with us. And I relayed that to Tina  
16 Kicklighter with Rayonier, who -- she at the time had said that  
17 she felt like she might able to network through their relationship  
18 with CSX. So she was going through like her operations people to  
19 try and see if they didn't have a relationship. Because it wasn't  
20 unusual for events to happen in and around the trestle. Like the  
21 city of Jesup, I think, has events there and there's like some  
22 sort of Civil War commemorative thing where there's re-enactors  
23 and a cannon. And I think they do that in the proximity of the  
24 trestle. So there -- you know, it seemed like it was going to be  
25 a possibility.

1           And eventually she did actually -- Tina had referenced a  
2 couple of times to me as time was passing to Diane or somebody  
3 calling, Diane's supposed to call you, or some person I don't  
4 remember. I've got it in the e-mails, but I don't remember her  
5 actual name. And I said, no, I haven't heard anything from  
6 anybody. And finally I did receive a phone call from a woman  
7 named Carla, I think it's Jeroe or Jelloe -- Groleau, from CSX.  
8 And she said, okay, what's going on? And I told her what was  
9 going on.

10           She personally was sort of -- she was kind of  
11 supportive. She liked the story and she thought that'd be cool;  
12 you know, a nice story, maybe we could help. She said, oh -- I  
13 think her term was, I'll run it up the flag pole, but she said, I  
14 have to tell you, in the past 4 years since I've been here, we've  
15 never allowed any filming on CSX property. She went, we -- CSX  
16 has a no film policy. And I said okay. And she said, but just  
17 send me an e-mail and tell me where, when, what, and how. She  
18 said keep it brief, and I'll see what I can do.

19           So that was on a Friday late in the afternoon like  
20 around 5:00, February something. I don't -- I don't remember.  
21 I've got it written down, because I have the e-mail where I sent  
22 to her. And I didn't want to make any assumptions.

23           What I do for my job is I get permission for film  
24 companies, and I handle insurance and permits and police and  
25 parking and like the support, is basically what -- the logistics



1 and the support. And I'm provided the details through -- part  
2 comes through the art department, production designer, through the  
3 assistant director, through maybe the, you know, camera  
4 department. They'll give me logistics of what they want. And I  
5 didn't want -- I felt like we just had one shot at this to do it.  
6 So I asked Jay Sedrish and Hillary Schwartz, they were by my  
7 office, and I said let's -- help me put this letter together,  
8 because I don't want to send the thing off and then one of you go,  
9 oh, why didn't say or how come you didn't ask? So I asked for  
10 their input and together we wrote this brief, sort of, request,  
11 which I -- I said, okay, you guys good with it? You got it? And  
12 they went, yep, and I said okay, there it goes. So I e-mailed it  
13 to Carla at CSX at like 5-something that evening, on a Friday  
14 evening. It might have even been Valentine's Day. I'm not sure.

15           And then I never heard anything back. And  
16 Tina Kicklighter would say, from Rayonier, have you heard  
17 anything, have you heard anything? I said no, I haven't heard  
18 anything. And in the meantime, Randy and Jody and some of the  
19 team when we were together said, well, what do you think? And I  
20 said I -- well, they have a no film policy so I'm inclined to  
21 think they're not going to do it, but this one woman who's with  
22 their communication who seems to be in a position to run it past, I  
23 don't know, maybe. I said maybe there is, maybe there's a 50/50  
24 chance, I don't know.

25           And -- but I had received permission, and we were in the

1 process of getting the insurance and everything straight, from  
2 Rayonier to be on their property. Rayonier owns all the property  
3 that surrounds the tracks and the trestle. So we had permission  
4 to do that. And Randy Miller, the owner of the company and the  
5 director, said, well, we're going to go for it; we're going to go  
6 down and do it. And I said, well, I can't have anything to do  
7 with that. If you have permission, I'll go and I'll do, you know,  
8 what my job is, but if you don't have permission I can't go. I'm  
9 not going to have anything to do with that.

10           And they put it on a schedule and they scheduled it to  
11 be filmed on February 20th. And I think it was to leave our  
12 production offices in Savannah at like 1:30 for the crew to get  
13 there by like 3:30 or 4 or something like that. And I said, well,  
14 we don't have permission so I'm not going to go.

15           And then that morning at like 10:00 or 9-something, I  
16 got an e-mail from Carla saying, you know, I'm sorry, but we can't  
17 -- CSX cannot support your request to film down there, and good  
18 luck with your project, and may I suggest that you go, like, with  
19 some short-line railroads or some other. So I, like as soon as I  
20 read it, forwarded that to Randy and Jody, the owners of the  
21 company and the producers, and Jay Sedrish, and Hillary. I think  
22 I sent it to like five people.

23           And but we're also -- you know, it's like our office's,  
24 you know, this might be -- we're right in a big bullpen so, I  
25 mean, I can -- I'll e-mail, but I'm like, hey -- I walk in, did

1 you get the e-mail? And they're like, yeah. And they said, well,  
2 we're going to go for it. I'm like well, I can't. I'm not going  
3 to -- I don't -- I can't afford to do that. I have to go by the  
4 books. I might want to work with CSX again and I don't want to be  
5 somebody who is involved in that so I'm not going to do it.

6 And they made the arrangements to go down. I had --  
7 Tina Kicklighter had been copied on the e-mail from CSX; she's  
8 with Rayonier. And I called her and said, they want to come down;  
9 they're going to come down and I think they're going to try and go  
10 for it. And I said, if you're not comfortable with this, just let  
11 me know because I certainly don't want you to have to be involved  
12 in something that's -- and she went no, no, I'll try and help  
13 them.

14 You know, it was in my experience with Randy and Jody  
15 and with the business, I felt pretty confident that they were  
16 smart enough to come up with an alternative. Because it's like if  
17 you're down there, you have permission to be on this property,  
18 there's the trestle, you can show it, just don't get on the tracks  
19 and -- they're really -- they're smart. I felt like if anybody  
20 can come up with it, those two will come up with something that  
21 works.

22 And I felt that I was doing a disservice to Tina and to  
23 Rayonier by sending our people down there without a presence from  
24 our department. So I asked Stephanie Humphries who worked for me  
25 as an assistant, I said do you have a problem going down there and

1 parking our crew and our trucks. Because we had permission to be  
2 there, and it was a presence of, you know, I don't know, probably  
3 -- there was hair trailer, a makeup trailer, and Mr. Hurt's  
4 trailer and, you know, a camera truck and crew cars. Just enough  
5 that I could see Tina going -- whoa, whoa, I don't want to be the  
6 one that has to tell everybody -- because there was an area on  
7 their property adjacent to the tracks that was far enough away  
8 that it was safe. And I had used a Google map and I had told  
9 Stephanie and I told Tina, when you go down there and cross over  
10 the tracks, just go back in the -- by the woods, where the woods  
11 start on the tree line. I said it's pretty and it's shaded and  
12 you're far enough -- you're like 50 yards away, and it's plenty  
13 good.

14           But my thing to Stephanie was, you know, don't -- be  
15 there before everybody gets there so Tina didn't have to deal with  
16 it. Because she know the drivers when they come in. She's like,  
17 Bill, go -- you park over there, and you park -- and then I said  
18 once you get everybody in, you know, you can leave. You don't  
19 need to stay there. You don't need to be a part of it.

20           But that wasn't the case. And then the next thing I  
21 know, she called me in tears at 4-something and said, you know,  
22 there's been an accident. And I wasn't there, so I don't know  
23 about anything other than that.

24           Q. And with the forwarded e-mails, the ones from CSX that  
25 you had forwarded the others at the company, was there any

1 response back through e-mail from them, and --

2 A. Jody came in and sat down, and said -- she was -- I  
3 can't remember specifically what she was asking me. I think it  
4 might have been that she asked me if there was someone else we  
5 could call or had we exhausted the challenge or something. And I  
6 said, you know, we should go -- there is a place we can place film  
7 that's in Macon that's closed, that there's no active track that  
8 we can go to. And she said, well, we're not going to Macon. I  
9 said, okay.

10 You know, and then there was some mildly good-humored  
11 sort of ribbing and banter, because everybody knew I wasn't going.  
12 And there's a lot of people in the company and they were like, oh,  
13 why aren't you going? And I'm like because we don't have  
14 permission. And they're like, oh. And, you know, it was sort of  
15 in the public area of our company. People were sort of good-  
16 naturedly ribbing me for -- and, you know, saying, oh, he's  
17 chicken or whatever. I'm like, I'm just not going. I don't want  
18 to go. We don't have permission. We shouldn't be going down  
19 there.

20 So I think, you know, for the majority of the company of  
21 those, you know, who are involved with like transportation and the  
22 planning and that sort of thing, everybody knew. Certainly the  
23 department heads -- Mike Ozier, the director of photography, knew  
24 we didn't have permission, who handled all the camera department  
25 and the grips and the electrics. And Melissa Stewart, who was

1 responsible for the set dressing and the bed and the props and the  
2 set dressers and the people, she knew we didn't have permission.  
3 And Jody and Jay and Hillary, they all knew we didn't have  
4 permission. Tina knew we didn't have permission.

5 BY MR. NARVELL:

6 Q. Well, that's what I was going to -- I was going to  
7 follow up on that. You got that e-mail that morning from  
8 Ms. Clara, you said, right?

9 A. Carla --

10 Q. Or Carla.

11 A. -- Gireau [sic], I think.

12 Q. Carla, yeah.

13 A. Groleau.

14 Q. That morning that said once and for all, basically, no?

15 A. Well, actually what the e-mail said -- and I have to  
16 admit it was somewhat oddly worded -- was, it said, you know,  
17 "Dear Charley, CSX cannot support your request."

18 Q. Okay.

19 A. That's what it said.

20 MR. NARVELL: Speaking of which, I have a couple more.

21 Did -- I'm sorry --

22 MS. SANZO: Oh, no, go ahead.

23 BY MR. NARVELL:

24 Q. Was this a -- is this like an ongoing chain of e-mails,  
25 so the bottom is the oldest, then it goes -- or were there

1 separate e-mails about this?

2 A. In regard to?

3 Q. Back and forth between Randy --

4 A. CSX?

5 Q. -- and CSX -- everything.

6 A. I didn't get any response via e-mail from Randy or Jody  
7 or Jay or Hillary. It was all me sending the information to them.

8 Q. Okay.

9 A. I sent the request to Carla from CSX.

10 Q. Okay.

11 A. And she sent me back the letter -- the e-mail I just  
12 said, so those were the only two.

13 Q. Would it be possible that we could get copies of those  
14 e-mails as well?

15 A. Yeah, yeah.

16 Q. And I'll just make a -- it sounds like there's only two.  
17 Is that all there were? Whatever you have Charley, if --

18 A. Yeah, actually I think probably there's -- the more  
19 ongoing ones are communications between Tina Kicklighter and I  
20 going: I've talked operations; has so and so called you; our guy  
21 is trying to work this in; hey, we're going to make this. You  
22 know --

23 Q. Sure.

24 A. -- there's a lot of short one or two lines between me  
25 and Rayonier.

1 Q. If we could get -- if that's acceptable?

2 A. Yeah.

3 Q. I'll say from like day one, up to just --

4 A. Yeah, I have it in a chronological order that should be  
5 simple for me to do.

6 Q. That would be -- I think that would be helpful because  
7 -- that'll help us understand more. Again --

8 A. And do I just send it to one of you and you can share  
9 it, or do you want me to send it to both of you?

10 MS. SANZO: Whatever's easiest.

11 BY MR. NARVELL:

12 Q. Whatever's easier, yeah.

13 A. Okay.

14 Q. Yeah.

15 A. Well, that's easy to copy so I'll do that.

16 Q. That would be helpful in terms of --

17 A. Yeah, I understand.

18 Q. -- the chronological timeline.

19 A. Yes.

20 Q. You know, who struck John, so to speak, and when and  
21 dates and all that stuff.

22 A. Yep, yep.

23 Q. I want to go back just to follow up here on -- you  
24 mentioned that morning after you received the e-mail from Carla,  
25 that you forwarded it a number of folks.



1 A. Yes.

2 Q. Can you just spell out who those folks were that day?

3 A. Yeah, it was Randy Miller, who --

4 Q. Who's the director, right?

5 A. Yeah, and he also owns the company.

6 Q. Right.

7 A. Unclaimed Freight. And his wife, Jody Savin, S-A-V-I-N.

8 Q. Right.

9 A. Who's the producer, and writer, and co-owner of  
10 Unclaimed Freight.

11 Q. Okay.

12 A. And then Jay Sedrish, who is the unit production manager  
13 and executive producer.

14 Q. How do you spell his name, do you know?

15 A. It's S-E-D-R-I-S-H.

16 Q. S-E-D-R-I-

17 A. Yeah, Sedrish.

18 Q. -- S-H. Okay, go ahead.

19 A. Hillary Schwartz, she's the first assistant director.

20 Q. Okay.

21 A. She handles all the scheduling and making sure everybody  
22 knows who's supposed to be there and at what time.

23 Q. Okay.

24 A. She puts out a thing called a call sheet that  
25 everybody's given so you know what day it's going to be, where

1 you're going to go, what you're supposed to do, what time are you  
2 supposed to be there, what scene are you filming. It all is very  
3 meticulously timed and put out and coded so that everybody  
4 understands. And she can't issue that call sheet without Jay  
5 Sedrish signing it.

6 Q. It's just -- it's choreographing everybody, is that  
7 basically --

8 A. Yeah, it's telling what, where -- you know, what time to  
9 be there, what you're doing.

10 Q. Right.

11 A. And the other person was Melissa Stewart, and she's the  
12 -- it's S-T-E-W- --

13 Q. A-R-T?

14 A. -- -A-R-T, I believe.

15 Q. Okay.

16 A. She's the production designer. She's like the art  
17 department.

18 Q. Okay, and --

19 A. And then my person, Stephanie Humphries, who I would  
20 always copy on everything, because she was organized and kept  
21 track of stuff for me.

22 Q. Who was actually out there at your behest that  
23 afternoon?

24 A. Well, yeah, it was a voluntary basis.

25 Q. Sure.

1 A. I told her she didn't have to go if she didn't want to.

2 Q. Okay. Now was Tina on this cc or on the distribution  
3 line too, or no?

4 A. For the one --

5 Q. This e-mail.

6 A. -- for the one that I sent saying we --

7 Q. Yes.

8 A. She had been cc'd by Carla. Carla sent the original to  
9 myself and Tina.

10 Q. So Tina had been cc'd on previous --

11 A. Yeah. She got it the same time I got it.

12 Q. Okay.

13 A. I just followed up with a phone call with her like  
14 around noon or something like that.

15 Q. Okay. So I count one, two, three, four, five -- six  
16 folks.

17 A. I think that's right.

18 Q. On that day, which is the 20th, the day of the incident.

19 A. Yeah, that morning at like 10-something, 10:50.

20 Q. Okay.

21 A. 58, or 59, something like that. And that was the e-mail  
22 that said CSX cannot support your request.

23 Q. Okay. And then you got no response from anybody?

24 A. Not via e-mail, but they're all out there, like, so --

25 Q. Okay, yeah.

1 A. You know what I mean? I mean, just --

2 Q. Yeah.

3 A. I do it because I've just been in the business long  
4 enough to know that it should be -- you should keep track of the  
5 things that happen, so months later when, what I like to call the  
6 search for the guilty if something fell through, they're like,  
7 well, why didn't you let us know? And I go, I did let you know;  
8 remember that e-mail?

9 Q. Right, right.

10 A. So I always keep stuff.

11 Q. Okay.

12 A. But the irony, and it's just part of living in the 21st  
13 Century is, you know, you open up the door and you go out and you  
14 get a call, you know, so we don't have permission?

15 Q. Yeah.

16 A. You know, and you talk about it.

17 Q. Right, right.

18 A. And that's the stuff that is more difficult to say, you  
19 know, precisely and exactly what happened.

20 Q. Do you know if Tina on location that day conveyed this  
21 information to Randy and the others, that they didn't have  
22 permission? Do you know that or not?

23 A. I don't know that.

24 Q. Okay.

25 A. I know called Tina and said if you want to back out of

1 this I understand completely and I'll tell them now that you're  
2 not going to -- that Rayonier's not going to work with us.

3 Q. And that was that day prior to the incident?

4 A. Um-hum.

5 Q. Okay, but you don't you know if she conveyed any -- or  
6 communicated that to -- okay, all right.

7 A. Uh-uh.

8 Q. Let's talk a little bit about post-incident. Did you  
9 have, so Stephanie -- I'm sorry, Stephanie called you, she's  
10 obviously upset.

11 A. Yeah.

12 Q. Because that's the only -- she knew she had died at that  
13 point and others -- train accident, et cetera. Post-incident, the  
14 next day, the next few days, whatever, was there any conversations  
15 or follow-ups either in person or e-mail with Randy or the other  
16 what I'll call principals?

17 A. Yeah. Yes. But, you know -- thank you.

18 UNIDENTIFIED SPEAKER: You're welcome, sir. Sorry about  
19 the delay.

20 MR. BAXTER: That's all right.

21 MR. NARVELL: Wow. They really wanted some pens.

22 MR. BAXTER: That's -- man, I'll tell you. That's  
23 promotion material there.

24 Let me explain something to you.

25 BY MR. NARVELL:

1 Q. Sure.

2 A. So you don't -- because I don't want you guys to  
3 assume --

4 Q. No, no.

5 A. -- any of this stuff. But it's my understanding, if  
6 this is the railroad tracks.

7 MR. NARVELL: Just for the transcript here, Mr. Baxter  
8 is drawing a little a diagram of the --

9 MR. BAXTER: A rather bad one.

10 MR. NARVELL: -- of the accident scene, including the  
11 trestle.

12 MR. BAXTER: And then so these are the tracks and that's  
13 the trestle. There's the river just like underneath it. And this  
14 is the access road where you come into the property and then you  
15 cross over the tracks, and back over there is where I had people  
16 parked. But if I understand it correctly from what Stephanie had  
17 told me, she was actually on this side when the accident occurred.

18 BY MR. NARVELL:

19 Q. Okay.

20 A. And if I understand it correctly, all -- everything  
21 post-accident all was happening over there, which was blocked by  
22 the train. So and she was -- they responded relatively quickly.  
23 No one from over there could come over here, and no one from over  
24 here could go over there. So whatever she was telling me, it was  
25 through someone probably yelling in between the train cars. I

1 don't think Stephanie actually -- I don't know.

2 Q. Okay.

3 A. But it wasn't like she was over here in the middle of  
4 all of it and called me.

5 Q. Right.

6 A. When she called me she was like something -- you know,  
7 we've had a horrible accident.

8 Q. Okay, in this little diagram here, Charley, do you know  
9 which way the train had been going?

10 A. From what I can gather, it was going that way.

11 Q. Okay. Okay, good. So -- well, thank you for that.

12 We'll hold on to this --

13 A. Yeah, yeah, yeah.

14 Q. -- if that's okay?

15 A. I mean, it's rather crude.

16 Q. That's okay.

17 A. But to answer your -- the accident happened on Thursday,  
18 the 20th, and then the next morning -- well, just so you know,  
19 when she told me what happened, by 5:00 I was completely  
20 devastated emotionally. And I went home and I told our production  
21 coordinator and anybody, I said if you guys need me, just call me;  
22 I can't be here anymore.

23 Q. Right.

24 A. So I left. I had been in our production office until  
25 that time, until like around 5 or 5:30.

1 Q. When Stephanie called you?

2 A. Yeah, and no one else knew. I'm the one who had to make  
3 the announcement to the rest of the company and the office that  
4 there had been an accident. Which was -- it was really bad, you  
5 know?

6 Q. I'm sure.

7 A. Because -- I don't know. I mean, the worst thing for me  
8 -- in my worst scenario that I saw, and you always do, kind of do  
9 -- well, maybe it's not the worst, like the end of the world, but  
10 your professional worst-case scenario was that they would probably  
11 get arrested for trespassing and that it would probably damage our  
12 credibility working for the rest of -- because Monday was starting  
13 our -- the first, you know, the first day of filming. We had 24  
14 or 25 days of filming.

15 Q. The following -- that would have been the following  
16 Monday?

17 A. Yeah, that was Friday.

18 Q. Three days hence -- or two days hence, whatever?

19 A. And I had a tremendous amount of prep I was doing to try  
20 and get ready for all that.

21 Q. Right.

22 A. And to get a shot like saying, oh, well, you know, they  
23 were arrested for trespassing, they had no respect for --

24 Q. Right.

25 A. So that's in my brain what I thought was probably going



1 to be a really stupid move on their part.

2 Q. Okay.

3 A. But having said all of that, and to go to back the next  
4 morning or the next day, I think maybe -- I can't remember -- it  
5 might have been like noon or 1, Randy and Jody and Jay had called  
6 for a meeting in the production office out at Meddin Studios. And  
7 so Randy Miller and Jody, his wife, and Jay Sedrish and Hillary,  
8 pretty much, you know, most all the department heads, were  
9 probably -- 30-some people maybe, 30 --

10 Q. Were you in attendance?

11 A. I was.

12 Q. Okay.

13 A. And someone -- I thought somebody from NTSB was there.  
14 Maybe I'm wrong. I know somebody from OSHA was there and the  
15 union representatives for the different unions, and there was a  
16 grief counselor who they had contracted or contacted, I don't know  
17 how you --

18 Q. Okay.

19 A. And they tried to walk through it. And it was very  
20 difficult. It was very emotionally charged and awkward, and a lot  
21 of crying. And then one of the guys who was with the art  
22 department just sort of said, did you have permission to be there?  
23 And they didn't answer the question.

24 Q. Who's they?

25 A. Jay Sedrish, Jody Savin, Randy Miller, Hillary Schwartz.

1 The question wasn't asked of me. They asked them. And as they  
2 started hemming and hawing, the guy said, just answer the simple  
3 question, did you or did you not have permission? And I think  
4 Jay's -- Jay Sedrish's response was, "It's complicated." And the  
5 guy kind of went off and said, well, that's bullshit, you know;  
6 you didn't have permission, you shouldn't have been down there,  
7 and blah, blah, blah. But once again, nobody looked at me and  
8 said, did you? And I wasn't comfortable, because I wasn't there.  
9 I don't know what they did. I don't know how it happened.

10 Q. Right, you weren't physically present.

11 A. Yeah, I wasn't there and I didn't get to talk to them,  
12 so -- but there was a lot of anger and sadness, grief. It was  
13 pretty fucked up. Excuse me. It was pretty messy.

14 Q. Do you know who, the individual who asked this direct  
15 question, who he represented?

16 A. He was one of the set dressers.

17 Q. Oh, okay. Was there anyone from CSX there that you  
18 remember?

19 A. I don't think so.

20 Q. Anyone from the Federal Railroad Administration, or the  
21 FRA, there? Remember that?

22 A. I don't think so.

23 Q. Another alphabet soup agency. You did something about  
24 OSHA?

25 A. Yes, OSHA was there.

1 Q. OSHA was there?

2 A. Yeah.

3 Q. Was there any state representatives there? When I say  
4 state, I mean like law enforcement or any other agency from the  
5 state of Georgia there?

6 A. I don't know the answer to that.

7 Q. Okay.

8 A. I know there was OSHA and I know there was the union  
9 representatives.

10 Q. But the set director is the one that asked this burning  
11 question, if you will?

12 A. No, he's a dresser.

13 Q. Oh, dresser.

14 A. Yeah. He would be the one who would take the bed and  
15 carry it out and put it on the tracks.

16 Q. Okay.

17 A. Or select -- you know, find the bed, and go purchase the  
18 bed and get the sheets that go on the bed and --

19 Q. Okay.

20 A. He works for the art department. He works for Missy.

21 Q. For?

22 A. But I don't think he was there.

23 Q. Okay. Does he work -- I'm sorry, I don't mean to  
24 belabor this. He works for the art department, for who? For  
25 Unclaimed Freight?

1 A. Yeah, we all were employees of Unclaimed Freight.

2 Q. Okay. Okay, I was just clarifying that, all right.

3 A. Except maybe Jay Sedrish, and Mike Ozier might be -- you  
4 know, they have companies as -- whatever you call --

5 Q. Subsidiary companies or?

6 A. Yeah, it's like you don't pay them directly. You bill  
7 the company.

8 Q. Okay, okay. So --

9 A. Loan-outs at the corporation, I guess is what it's  
10 called.

11 Q. Okay, so Randy and Jody and these other folks, they  
12 never -- the only thing that came out from one of these, what you  
13 just said, is it's complicated?

14 A. The only thing that came out in regard to, you know,  
15 maybe why it happened. There was a lot of talk about -- and this  
16 is where it got really awkward -- about, like, people -- some of  
17 them were saying, well, what Sarah would want, that Sarah would  
18 want the filming to continue, and then I think that's what brought  
19 out a lot of the hostility because people felt it was audacious to  
20 say something like that.

21 Q. Okay. So this was the following day. Was there any, in  
22 succeeding days, was there any e-mails or any other meetings  
23 regarding this that you were involved with or e-mails that you  
24 saw, or?

25 A. I got an e-mail that seemed mildly insignificant. I

1 don't remember. I'd have to go back and see. But I got an e-mail  
2 from like Jay Sedrish saying, can you send us a copy of the e-mail  
3 that you had sent us originally or something.

4 Q. Okay.

5 A. The one that said no. And one of their lawyers e-mailed  
6 me and said, are you -- is your computer on west coast time or  
7 east coast time? And I was like, it's on the east coast, why?  
8 But evidently what happened was the time stamp on my e-mail was  
9 10:50--something that February 20th, but each one of those people  
10 that I sent it to were California and their computers, yep, said  
11 it was like 1--something. And he was like, so did you, you know --  
12 and I'm like, no, that's there's, not mine. But other than that  
13 there was nothing.

14 Q. Okay.

15 A. Nobody had anything else to say really.

16 Q. And then this happened, you know, off the top of my  
17 head, what, six months ago or five months ago now?

18 A. February 20th.

19 Q. February 20th. Here we are at the latter part of July.  
20 Anything else, Charley, again, in the days and weeks and now  
21 months after this, up to this point, e-mails or any other phone  
22 calls or meetings about this incident?

23 A. Do you mean have I had any communication with any of  
24 them?

25 Q. Yes.

1 A. No.

2 Q. Okay. All right.

3 A. No, I don't think I could do that.

4 MR. NARVELL: Okay, that's what I have for right now.

5 MS. SANZO: I have a few follow-up ones.

6 MR. BAXTER: Sure.

7 MS. SANZO: And probably a little bit of --

8 BY MS. SANZO:

9 Q. And on -- for the trip that was out there just to take a  
10 look at the location for the first time --

11 A. Yes, ma'am.

12 Q. -- was there any employees of Rayonier on that trip?

13 A. Yeah, Tina Kicklighter was with us. We met -- I don't  
14 think you can get on -- I don't think you can go on that property  
15 without -- because it's a gate that's locked. I think security  
16 had to come and open the gate, and then she had to escort us.

17 Q. And let's see. And I just wanted to clarify one point  
18 is, earlier you were talking about asking Stephanie Humphries if  
19 she would go out with the equipment and then also had said after  
20 that then she could leave. I just wanted to make sure I had that  
21 accurate, that it was her that you both told could leave after  
22 delivering the equipment.

23 A. Yeah. She had been -- she knew that I was unhappy with  
24 them making this decision. And she knew that I wasn't going  
25 because I thought it was unprofessional and we shouldn't be

1 involved in that sort of behavior. So I felt in asking her --  
2 well, actually I said, if you would like to, if you would like to  
3 volunteer; you don't have to do it. I understand if you don't  
4 want to, because I'm not going to. But we do have permission to  
5 be on Rayonier, and so the trucks can go there and they will need  
6 to be parked by somebody. And she said I don't mind, I'll do it.  
7 And I said then you can leave, you don't -- once you've parked the  
8 trucks, you don't need to be there anymore. But it's, you know,  
9 once you get there, there's always people that are asking  
10 different things and, you know, I can see -- she's such a smart,  
11 caring person that I can see her wanting to hang around and make  
12 sure everybody's taken care of before she left.

13 MR. NARVELL: Right.

14 BY MS. SANZO:

15 Q. And did -- well, as has been reported in the press and  
16 then what has been echoed in previous interviews that we have  
17 done, so far what we've been told is that on the day of the  
18 accident people were being told that there's two trains expected  
19 and after that it would be clear. And then also that if one did  
20 show up, there would be 60 seconds to clear. And do you have any  
21 knowledge about who or where that information came from?

22 A. Uh-uh. No.

23 BY MR. NARVELL:

24 Q. Had you heard that after the incident?

25 A. I mean, just what you guys said, I've read it.

1 Q. Right.

2 A. It's complete and utter nonsense. I mean, it's just  
3 nonsense, and I don't know who would have said it or who -- and  
4 the thing that I really just -- I can't come to terms with, I  
5 can't understand it, is that Jay Sedrish and Hillary Schwartz and  
6 Randy, you know, for that matter, their all professionals -- you  
7 can't get a group of filmmakers, even if it's 5 of them, but a  
8 group of 25 of them, to do anything in less than 10 minutes or 15  
9 minutes. I mean, you just can't, because they're too focused and  
10 they have too much to do. And it's like, okay, wait a minute, I  
11 mean, I need to get -- let me get the pens and -- you're going no,  
12 no, you know, screw the pens -- you know, they can't do it. They  
13 just can't.

14 Now, if you were able to say, you know, you've got 5  
15 minutes and this is important, maybe. You'd still -- you'd have  
16 to be yelling at someone at the end. But 60 seconds isn't enough  
17 time to put your hands in your pocket. You can't do anything. I  
18 mean, literally you can't do anything.

19 And I think that it would be hard for -- I didn't know  
20 Sarah, I've never met her, but I think any of the people who were  
21 involved with the camera aspect, it would be hard for them to  
22 comprehend, take the \$300,000 camera and throw it in the river. I  
23 don't think they could -- I don't think their brain would allow  
24 them to go, well, this a fortune, just walk away from a fortune.  
25 And the lenses cost \$100,000. I've got to pick each lens up



1 and -- it's just -- it's incomprehensible.

2           If I or anyone who knew anything about it said somebody  
3 told me we have 60 seconds, I would go, well, that's completely  
4 unacceptable. We need 10 minutes. If we can't get 10 minutes,  
5 we're not going to do it. And I just don't understand who could  
6 have possibly thought, we're cool, 60 seconds is good. I don't --  
7 I mean, it's like -- it's almost like somebody had to have been  
8 hallucinating or some sort of mass hypnotist or something. I  
9 don't know. I don't get it.

10          Q. So it sounds like what you're saying is that they may  
11 have perhaps pulled this number out of the air?

12          A. Oh, I have no idea.

13          Q. Right.

14          A. I have no idea. I just know that it's just totally  
15 unacceptable under any circumstances. Sixty seconds is not  
16 acceptable.

17          Q. Sure.

18          A. It's just not acceptable for us to do anything. We need  
19 10 minutes, easy.

20          Q. Had you worked on --

21                Go ahead Dana, I'm sorry.

22                MS. SANZO: Oh, no. Go ahead.

23                BY MR. NARVELL:

24          Q. Have you worked with railroads before CSX or any of the  
25 other --

1 A. Yeah, yeah.

2 Q. I mean on a bridge or a trestle scene, or just --

3 A. Yeah. Yeah.

4 Q. And you had -- did you have permission then?

5 A. Yes.

6 Q. But this one no, okay, for whatever reason.

7 A. Yeah, yeah. I mean, what I do -- what I've done in the  
8 past, and I've done a significant amount of train work and some  
9 with CSX, I'll usually, depending on the extent of it, bring in a  
10 train -- an independent train coordinator who's familiar their  
11 lingo and they trust him and he's licensed. There's a guy named  
12 Author Miller; Art Miller is a very reliable transportation  
13 specialist for the railroad. And I've done a couple of projects  
14 where I hired Art to come in and --

15 Q. Okay.

16 A. -- he would kind of coordinate it all. But it's very  
17 laborious and redundant. The redundancy's pretty amazing, and  
18 obviously you can see why.

19 Q. There's a reason for that.

20 A. Yeah. And it's laborious, it takes time, and it's  
21 expensive. It is expensive.

22 Q. One last -- my last area for now is, and this will go  
23 with Stephanie. After she called you and in the days after this,  
24 did you have any conversation with Stephanie about, did you tell  
25 them they don't have permission? Did she even go there, or did

1 she just do what you asked to her and then this thing happened?

2 A. I'm not sure that I understand your question.

3 Q. So did you ask -- question Stephanie as to, well, did  
4 you communicate the fact that they didn't have permission when she  
5 got out on scene there, or did she just do what you had asked her  
6 to do?

7 A. No, I think she got in the middle of it. And I think --  
8 I think, from what I remember what Stephanie told me was that she  
9 was sort of treated as an annoyance. Because she was very  
10 adamant, like, get all that stuff off of here, you don't -- you  
11 know, you can't put that stuff on here, move it away. Because  
12 what happens is you'll -- you know, it's like if we're making a  
13 film here, before you know it, the doorway's going to be  
14 completely packed full of stuff, and how do you get people in and  
15 out of the room? You're like, hey, man, people have to come in  
16 and out of the room, so move it to the side.

17 Q. Cables?

18 A. Everything.

19 Q. Yeah.

20 A. Whatever. Boxes, that sort of stuff. And I think she  
21 was saying she was going around to each one, each little group,  
22 from what I understood of what she said, saying, you know, get all  
23 that stuff back, move it back out of the way. you know, and trying  
24 to anticipate if a train did come, that they would have room to  
25 get through.

1 Q. Do you know if she specifically told anybody out there,  
2 we don't have -- you don't have or we don't have, however, it was  
3 characterized, permission to be out here? Do you know if that  
4 specifically was stated?

5 A. That, no, I don't.

6 Q. Okay.

7 A. But I would be really surprised if it wasn't because  
8 she, she wasn't shy about telling people what was going on. But I  
9 don't know that.

10 Q. That's the principal question I was asking. Because I  
11 could see the cables and the --

12 A. Right.

13 Q. -- all the other stuff. I mean, that's a pretty proven  
14 thing.

15 A. Yeah.

16 Q. But that's what I was specifically asking.

17 A. I don't know. That would be -- I would have to ask  
18 Stephanie. That would be a question she would have to answer.

19 Q. Okay, good.

20 MR. NARVELL: That's all I have for right now for  
21 Mr. Baxter.

22 MS. SANZO: It is, and we can always follow up if  
23 there's something comes up later --

24 MR. BAXTER: Yeah, yeah, sure.

25 MS. SANZO: -- with a call or an e-mail. And again, we

1 really appreciate you taking the time to do this.

2 MR. NARVELL: Yes.

3 MS. SANZO: It's been very helpful for us, and that will  
4 conclude the interview.

5 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           FILM CREW STRUCK BY TRAIN  
                                  FEBRUARY 20, 2014  
                                  JESUP, GEORGIA  
                                  Interview of Charley Baxter

DOCKET NUMBER:           DCA-14-FR-005

PLACE:                    Poole, Georgia

DATE:                     July 23, 2014

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

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Keith J. Maurer  
Transcriber