

**From:** [FITZGERALD, DANIEL](#)  
**To:** [Wisniewski Luke](#); [REDACTED]  
**Cc:** [REDACTED]; [MATHESON, ERIC](#)  
**Subject:** RE: NTSB Party Participation Request (Form) - COMMODORE grounding -Bushwick Inlet, Brooklyn, New York (DCA21FM029)  
**Date:** Monday, October 18, 2021 11:11:20 AM  
**Attachments:** [Xerox Scan\\_10182021105944.pdf](#)

---

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Luke,

Please see attached. Thanks.

**DANIEL J. FITZGERALD | FREEHILL HOGAN & MAHAR LLP**

80 Pine Street, New York, N.Y. 10005-1759

Tel: [REDACTED] | Direct: [REDACTED] | Fax: [REDACTED] | E-mail: [REDACTED]

---

**From:** Wisniewski Luke [REDACTED] >  
**Sent:** Monday, October 18, 2021 9:59 AM  
**To:** [REDACTED]  
**Cc:** FITZGERALD, DANIEL <[REDACTED]>; [REDACTED] <[REDACTED]>; MATHESON, ERIC [REDACTED] >  
**Subject:** RE: NTSB Party Participation Request (Form) - COMMODORE grounding -Bushwick Inlet, Brooklyn, New York (DCA21FM029)

Good morning Mr. Bevins,

Respectfully request an update on the status of NTSB's party participation request form. Please feel free to contact me with any questions or concerns.

Thank you,

Luke Wisniewski

Sr. Marine Investigator  
Office of Marine Safety  
National Transportation Safety Board  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594

Office: [REDACTED]  
Cell: [REDACTED]  
[REDACTED] (240) 752-6328

---

**From:** Wisniewski Luke  
**Sent:** Friday, September 17, 2021 2:23 PM  
**To:** [REDACTED]  
**Cc:** FITZGERALD, DANIEL <[REDACTED]>; [REDACTED] <[REDACTED]>; MATHESON, ERIC <[REDACTED]>  
**Subject:** NTSB Party Participation Request (Form) - COMMODORE grounding -Bushwick Inlet, Brooklyn, New York (DCA21FM029)

Dear Mr. Jack Bevins,

The National Transportation Safety Board (NTSB) respectfully requests your participation, as a party representative, in NTSB's marine safety investigation of the high-speed passenger ferry *COMMODORE* grounding on June 5<sup>th</sup> at approximately 1608 in Bushwick Inlet, Brooklyn, New York. We request your participation for the purpose of providing technical assistance to the NTSB's evidence documentation and fact-finding activities.

I have attached a copy of NTSB's certification of party representative form. Please fill out the form and return a signed copy to me at your earliest convenience.

Please feel free to contact me with any questions.

Best Regards,

Luke Wisniewski

Sr. Marine Investigator  
Office of Marine Safety  
National Transportation Safety Board  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594  
Office: ([REDACTED])

CONFIDENTIALITY NOTICE - THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.

---

PLEASE NOTE: The information contained in this message is privileged and confidential, and is intended

only for the use of the individual named above and others who have been specifically authorized to receive such. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you received this communication in error, or if any problems occur with transmission, please notify us immediately by telephone - (212) 425-1900. Thank you.

---



NTSB Investigation No. DCA21FM029

Date of Accident: June 5, 2021

Accident Location: Bushwick Inlet, Brooklyn, NY

### **CERTIFICATION OF PARTY REPRESENTATIVE NTSB MARINE INVESTIGATIONS**

I acknowledge that I am participating in the above-referenced marine accident or incident investigation, on behalf of my employer who has been named a party to the National Transportation Safety Board (NTSB) safety investigation, for the purpose of providing technical assistance to the NTSB's evidence documentation and fact-finding activities. I understand that as a party participant, I and my organization shall be responsive to the direction of NTSB personnel and may lose party status for conduct that is prejudicial to the investigation or inconsistent with NTSB policies or instructions. No information pertaining to the accident, or in any manner relevant to the investigation, may be withheld from the NTSB by any party or party participant.

I further acknowledge that I have familiarized myself with the attached copies of the revised NTSB Accident/Incident Investigation Procedures (49 C.F.R. Part 831) and "Information and Guidance for Parties to NTSB Accident and Incident Investigations," and will comply, and, if the party coordinator for my party, take all reasonable steps to ensure that the employees and participants of my organization comply, with these requirements. This includes, but is not limited to, the provisions of 49 C.F.R. §§ 831.61 and 831.63, which, respectively, specify certain criteria for participation in NTSB investigations and limitations on the dissemination of investigation information related to marine investigations.

No party coordinator or representative may occupy a legal position or be a person who also represents claimants or insurers. I certify that my participation is not on behalf of either claimants or insurers, and that, although factual information obtained as a result of participating in the NTSB investigation may ultimately be used in litigation (at the appropriate time, and in a manner that is not inconsistent with the provisions of 49 C.F.R. § 831.63 and 49 U.S.C. § 1154), my participation is to assist the NTSB safety investigation and not for the purposes of preparing for litigation. I also certify that, after the NTSB Investigator-in-Charge (IIC) releases the parties and party participants from the restrictions on dissemination of investigative information specified in 49 C.F.R. § 831.63, neither I nor my party's organization will in any way assert in civil litigation arising out of the accident any claim of privilege for information or records received as a result of my participation in the NTSB investigation.

[Redacted Signature]

Signature

Date

10/18/2021

John J. Bewis

Name & Title

Sasfink He

Party Organization/Employer