



**SURVIVAL FACTORS ATTACHMENT**

**Interviews with Wives of Tesla Driver and Passenger**

**Spring, Texas**

**HWY21MH007**

**(62 pages)**

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

FATAL CRASH AND FIRE OF TESLA \*

MODEL S IN SPRING, TEXAS, \*

Accident No.: HWY21FH007

ON APRIL 17, 2021 \*

\*

\* \* \* \* \*

Interview of: TERRI VARNER



The Woodlands, Harris County, Texas

Friday,  
April 23, 2021

APPEARANCES:

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National Transportation Safety Board

TOM BARTH, Ph.D.  
National Transportation Safety Board

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I N T E R V I E W

1  
2 MR. KAMINSKI: Today's date is April 23, 2021. My name is  
3 Ronald Kaminski with the National Transportation Safety Board.  
4 Along with me here at [REDACTED] is Mrs. Varner. And  
5 your first name?

6 MRS. VARNER: Terri.

7 MR. KAMINSKI: Terri, T-E-R-R-?

8 MRS. VARNER: I.

9 MR. KAMINSKI: --I, Varner, V-A-R-N-E-R. Along with her is  
10 her attorney, Chris Portner, P-O-R-T-N-E-R. Also with the  
11 Constable's Precinct 4 is Sergeant Wolsey, W-O-L-S-E-Y, and  
12 Corporal Cappi, C-A-P-P-I. So we're going to start, excuse me,  
13 oh, I'm sorry, and NTSB Investigator Thomas Barth, B-A-R-T-H.

14 So, go ahead.

15 DR. BARTH: So, this is all completely voluntarily. Feel  
16 free to share with what you'd like. Also, if I ask a question  
17 that's, you know, you feel too sensitive about or you don't want  
18 to answer, obviously we can move on and take whatever time that  
19 you need. So, --

20 MRS. VARNER: I do want to ask a question.

21 DR. BARTH: Sure.

22 MRS. VARNER: Are you going to share with me? I've been here  
23 for (indiscernible) days and I, are y'all going to share with me  
24 what you know?

25 DR. BARTH: So our investigative process is that the first

1 phase of the investigation on scene, which we're at right now is  
2 to collect factual information and we sometimes, in bigger cases  
3 where there's a big public presence, we sometimes hold press  
4 conferences and stuff, this is a smaller scale investigation where  
5 we just have two investigaltors here right now collecting factual  
6 information where we collect that information because we're still  
7 trying to process and understand what it is we have. We don't  
8 release that information immediately. What will happen is within  
9 a couple of weeks, or a month for sure, our agency will release a  
10 preliminary report and that will go out to the public on our  
11 website. That preliminary report will indicate that we're  
12 conducting an investigation and provides some basic information  
13 about the investigation.

14       The next step after that is that we process all the factual  
15 reports, we coordinate with the other investigative agencies. A  
16 few months down the line, those will get finished up and then we  
17 start our analytical process and then so it can take for us to  
18 create the final product, or report, for this investigation, can  
19 take up to a year. And then upon that time, we can release, we  
20 will release that report and a public docket with background  
21 information. We release only our findings, the report with our  
22 findings and factual information.

23       But apart from that, we have a victim's assistance division  
24 that you can coordinate with if you have, you know, if you have  
25 questions. We can't really divulge the process of our

1 investigations, and the information that we're collecting because  
2 we're still trying to understand it all and we don't want to  
3 release information that's inaccurate, but we do have a group that  
4 you can coordinate with for questions and for some assistance.

5 MR. KAMINSKI: Right, we can give them your email, either one  
6 of your emails, and they will keep in contact with you when  
7 something new comes out, or if you have any questions.

8 MR. PORTNER: I think the a more basic question that we're a  
9 little concerned about is, originally we had heard that Tesla was  
10 not going to provide the underlying data and logs, can you tell us  
11 if they have done that?

12 DR. BARTH: No, not yet. Tesla's being extremely  
13 cooperative, and also, our agency has the authority to collect  
14 that information at any rate.

15 MR. PORTNER: Sure, but have they provided that to you?

16 DR. BARTH: Yeah, we're in the process of collecting, we have  
17 ownership, we have control of the vehicle right now, and so we  
18 have taken all the physical evidence that's worthwhile for us, for  
19 the physical evidence from the vehicle, and Tesla has been very  
20 cooperative now that, for the data that they have, like in their  
21 computer systems, it takes time to coordinate all that and for  
22 them to create that information. So it hasn't finished yet, but  
23 they are, it's in process.

24 MR. PORTNER: They're giving it to you, or they claim they  
25 are.

1 DR. BARTH: Yeah.

2 MR. PORTNER: Okay.

3 MRS. VARNER: Well I just (Indiscernible) that it was odd  
4 that he released information about, not autopilot, more on, and  
5 I'm thinking -

6 DR. BARTH: You mean Elon Musk?

7 MRS. VARNER: Elon Musk tweeted that, and so it's like, okay,  
8 so well if you go that information, you obviously have the other  
9 information. Why aren't you releasing that? I mean, I don't mean  
10 to be, but that's not --

11 DR. BARTH: I think that there's not necessarily the, a clear  
12 connection to what he releases publicly to what actually, what the  
13 real information is, you know what I mean.

14 MRS. VARNER: Oh, (Indiscernible)

15 DR. BARTH: I mean, the true, I think what he's basing it on  
16 is what he knows about what the vehicle does separate from this  
17 incident. I don't think that he has the final information from  
18 this vehicle. So.

19 MR. PORTNER: Was there any useful information in the black  
20 box, was that destroyed?

21 DR. BARTH: We're still trying to determine that.

22 MR. PORTNER: Okay.

23 MRS. VARNER: I didn't even know those cars had black boxes.

24 MR. PORTNER: Yeah.

25 CONSTABLE: They referred to it as an EDR,



1 BCM, or ACM. It collects a required amount of data that the NITSA  
2 or NTSB requires vehicles to maintain and it's not a complete  
3 health report of the vehicle, but it's what usually  
4 (Indiscernible) data collecting points and every vehicle's  
5 required to have it, so that, I guess, in this situation it is a  
6 form of a black box, it just is not as elaborate as you would  
7 expect.

8 MR. PORTNER: And the gentleman over here that was having  
9 trouble downloading his cameras, did y'all figure out whether he  
10 was able to get that information or not?

11 CONSTABLE: We have served a Subpoena on that with his  
12 technical support. From our understanding is that he has hired a  
13 technician to come in and find out what's going on with it. He  
14 doesn't personally want to touch it, so he doesn't accidentally  
15 delete anything. In the past he has, as is elaborate as his  
16 system is, he has accidentally deleted stuff when he was trying to  
17 review. He does not want that to happen. From what I'm  
18 understanding with the neighbors, his system is extremely  
19 elaborate. So, he has hired a technician to come in and try to  
20 recover that data.

21 MR. PORTNER: Okay. And then, logistics wise, once y'all get  
22 to a point in your investigation where you're able to release  
23 information, will we be provided a copy of the underlying data?  
24 Or will we just have to get that through the legal process?

25 DR. BARTH: So in our investigations, the factual information

1 will become, will be placed into a docket that's released to the  
2 public. And so you will have access to all the factual  
3 information and the final report with our findings and if there's  
4 any recommendations that's made out of it. What doesn't get  
5 released to the public is the analytical process information that  
6 creates that final report. So all the factual information and the  
7 findings are released.

8           CONSTABLE: On our side of the investigation, like I had  
9 stated to you a minute ma'am, we aren't looking at a criminal  
10 investigation, so therefore there won't be a need to maintain  
11 certain documentation that could interfere with the criminal side  
12 to it. So once our report had been completed, the initial report  
13 that will be immediately available to you, within the 10-days of  
14 the accident, will be the crash report. That will be put out.  
15 The continued investigation, hand-in-hand with NTSB, NITSA, TESLA,  
16 and their representatives will be on-going with them, and once we  
17 complete that, we will release that information too, but it will  
18 be available through the public information act on our side.

19           MR. PORTNER: Okay.

20           MRS. VARNER: I guess there's no reason to keep that private.  
21 It's unbelievable what the media is doing. It's terrible. I  
22 mean, I went to the funeral home yesterday and selected the plot  
23 and the lady says, what do you want to do about the media? And I  
24 said, what do you mean? They're calling you? I hadn't even  
25 signed on the dotted line, and the media is already calling them.

1 And I said, absolutely no media.

2           CONSTABLE: Yes, ma'am, unfortunately about the media, social  
3 media and the public view, there is an incredible interest and  
4 desire to put one's personal business out there, just for the mere  
5 purpose of money and benefit to them. Whether the information is  
6 correct, accurate or anywhere within the ballpark, they do not  
7 care. And unfortunately, that's the evil that they're allowed to  
8 do, and they take it to extreme.

9           MRS. VARNER: Well, but we're allowing it. Can't I say I  
10 don't want that released? Can't I say we, don't release it?

11           (Indiscernible)

12           CONSTABLE: There are things that the family can say they  
13 don't want released, but a lot of their information, it comes from  
14 public information. It's already out there. People that they're  
15 hearing, they're seeing, they're researching, they're putting non-  
16 confirmed information out, and it's quite detrimental, not only to  
17 the investigators, the investigations. We've had employees and  
18 officers getting phone calls, and we didn't release our  
19 information to them, because they have those resources, as you and  
20 I do to go out there. They have money. They'll pay people to go  
21 investigate and find this stuff, and then they just continue to  
22 harass.

23           MRS. VARNER: Well I told her, no media at the funeral. And

24 --

25           CONSTABLE: Absolutely, and you can have control over that.

1 MRS. VARNER: -- if I have to have police there, I will.  
2 Because I just think that terrible.

3 INTERVIEW OF TERRI VARNER

4 BY DR. BARTH:

5 Q. Okay, so I think the first thing we'd like to have you just  
6 describe, is you and your husband's knowledge of electric vehicles  
7 and your experiences with them, not specifically to this vehicle,  
8 but kind of a background of electric vehicles and high-performance  
9 cars. You know, how aware was your husband of these vehicles and  
10 had he, you know, had he driven them before owning this vehicle?

11 A. So, I'm not a high-performance person, so he had a Ferrari  
12 and I never even drove it. So that's not me. As far as his  
13 Tesla, so obviously he's very knowledgeable about everything.  
14 He's obviously a physician. Cars were his passion.

15 Q. Do you know if he had driven other electric vehicles prior to  
16 purchasing this one?

17 A. No, I mean, do you consider a hybrid electrical?

18 Q. Oh, sure.

19 A. Okay.

20 Q. Or vehicles with sophisticated autonomous driving features.

21 A. My husband never ever mentioned the autopilot portion of any  
22 vehicle. He was a driver. Okay, and I told you that night I was  
23 a thousand percent sure, because I know my husband and I know the  
24 victim, the other victim, his best friend, and they were not  
25 autonomous people. They drove things. Everett has a truck and

1 you know, they had a bad experience on a Lincoln when they went to  
2 go by a car and so, I knew all that didn't happen, but I've never  
3 heard my husband, like, if somebody asked him about the features  
4 of that car, he could tell you every feature on it, because he  
5 studied everything. But as far as, and he told me, I want to say  
6 he told me everything, we talked, we sat here every morning, every  
7 evening. You know it was just me and him, we didn't have any  
8 kids, so we didn't share, we shared everything. We didn't have  
9 anything secret, that I know of. So he's never mentioned  
10 autopilot to me. Did I know the car had it, yeah, I knew it had  
11 it, but --

12 Q. Okay.

13 A. -- but if you ask me, did he ever use it, I would say,  
14 absolutely not.

15 Q. Okay. Yeah, that serves to answer the question, thanks.

16 A. He wasn't, that's not him.

17 Q. Next, I'd like to move on to this specific car. Can you  
18 describe the history with this specific car, like, you know, when  
19 you got the car, how often did you use it, or how, you know, that  
20 kind of thing? When did you get the car?

21 A. So, that's a very important question because I, I'm not a car  
22 person, I mean I like one car and I want to drive the same car all  
23 the time, but he was. And the one thing, when he got that car, I  
24 want to say January, let's just use 5<sup>th</sup>. Is that what it was? 5<sup>th</sup>,  
25 6<sup>th</sup>.

1 Q. Yeah, I think it--, early January.

2 A. Yeah, and so he said, you know, you know, come ride in the  
3 car and I said, well I'm really not interested, but I did. The  
4 one thing I always told him I didn't like about that car was  
5 getting in and getting out, because I could never get the handles  
6 to open, inside or outside. And so, I never drove his car. I had  
7 to move it one time from the spot to right here for somebody to  
8 get in and out, but I never drove the car. I wasn't a fan of the  
9 car --

10 Q. Um hmm.

11 A. -- just because I'm a creature of habit. I like my own thing,  
12 but I don't like new stuff.

13 Q. How often did he, so you've had the car for, since early  
14 January. How often did he drive it?

15 A. I think it was his daily driver.

16 Q. Okay.

17 A. He rode it. He drove it almost every day.

18 Q. Okay. And do you know if he, did he ever talk about using, I  
19 think, you kind of mentioned before that it didn't seem so, but  
20 did he ever talk about using autopilot feature? Or do you know?

21 A. Never, never. Never, never, never. There's been reports  
22 saying the wife said they were going to go check out the  
23 autopilot. That's completely false. That's a lie. We never,  
24 they never said that. My husband has never said it autopilot, I  
25 mean, ever said I'm going to go try the autopilot out on that car.

1 Q. Um, hmm. Okay.

2 A. if you asked me today, do I think he ever used autopilot  
3 since he owned it, I would say no.

4 Q. Okay.

5 A. Never, because he's not, he's a driver.

6 Q. So that wasn't the attraction of the car to him, it was the -  
7 -

8 A. Oh, God, no.

9 Q. Okay.

10 A. No. The attraction of the car to him was actually the, and  
11 he did love the car, it was the fact that he didn't have to stop  
12 at gas station.

13 Q. Right.

14 A. He thought, you know, that he, no maintenance on the car, you  
15 know, cause he's really busy and, you know, he's got to rush to  
16 get to work if there's an emergency or, you know, I mean if he  
17 went to see his Dad in San Antonio, he didn't drive the car  
18 because he wasn't familiar with the gas, he's not going to pull  
19 over and, where do you pull over, hook up, and his Dad didn't have  
20 that set up, so it was only to work and back.

21 2Q. Right, okay.

22 A. He just works, well you know, what five miles from here. So  
23 that wasn't, that was the attraction that he likes about that car.

24 Q. Okay.

25 BY MR. KAMINSKI:

1 Q. Now did your husband, was he always in the habit of wearing a  
2 seatbelt?

3 A. No. We wear our seatbelts on the freeway. Like if I'm going  
4 to the post office, I probably don't put one on.

5 Q. Okay. So for longer drives, but anything --

6 A. Highway, we're yes, but in the little neighborhood, no.

7 Q. Okay.

8 A. I would say not.

9 BY CONSTABLE:

10 Q. On the, in the same area regarding the vehicle, when we were  
11 pulling some back history on the car, we show that the Tesla came  
12 up for auction in October and we actually got in touch with the  
13 original owner --

14 A. Oh, you did?

15 Q. -- the original owner is still showing to be the original  
16 owner. I understand your husband paid for the car through a wire  
17 transfer on an online option, but then it came up on option again  
18 on December 28<sup>th</sup>, so we're trying to figure out your husband took  
19 custody of it in January, but currently is insured by the original  
20 owner. So we're trying to find out how (Indiscernible) --

21 A. No, no. I, we insured that car, I gave you all the documents  
22 that night.

23 Q. Yeah, and those documents, we check on them, and we actually  
24 called the owner, and we contacted the insurance company, and it's  
25 still insured underneath the original owner of it until the 21<sup>st</sup>



1 of September of this year. So, --

2 MR. KAMINSKI: (Indiscernible)

3 A. No, that can't be right.

4 UNIDENTIFIED SPEAKERS: (Indiscernible)

5 MR. PORTNER: They may have insured it, but they insured it  
6 also.

7 MRS. VARNER: I in, yeah.

8 CONSTABLE: Yeah, no. It was under the same policy, the  
9 insurance thing, but the name was changed on it.

10 CONSTABLE: Yeah, so what it looked like -

11 MRS. VARNER: You mean those people had a Vault  
12 (Indiscernible) policy that we bought the car from?

13 CONSTABLE: Well what it looks like, --

14 CONSTABLE: Yeah, they insured it, the Vault.

15 MRS. VARNER: (Indiscernible)

16 CONSTRABLE1: Yeah, for what it looks like, is somehow, --

17 MRS. VARNER: That's weird.

18 CONSTABLE: -- we don't know how they done it, is they say  
19 the policy's there, but they still left it in the original owner's  
20 name as the insured, not you or your husband. I don't know why  
21 the insurance company did that, but they did. So, --

22 MR. PORTNER: We don't know about that, because the policy  
23 that (Indiscernible) that we got, showed that they had added it,  
24 we gave that to you all, but showed the car had been added. So  
25 we'll have to ask, because we don't know,

1           CONSTABLE: Yeah, we don't know.

2           CONSTABLE: Yeah, when you run it, it's all the previous  
3 owner stuff.

4           MRS. VARNER: The title hadn't been transferred.

5           CONSTABLE: Well yeah, but I'm just saying, even the  
6 linsurance, like the name, same policy number I contacted and went  
7 through all that.

8           DR. BARTH: Sounds like it could just be a mix up with the  
9 insurance company.

10          BY CONSTABLE:

11 Q.       The reason why I'm inquiring about it, is because, obviously  
12 we want to make sure that when we complete the crash report, we  
13 have the proper insurance information on that for all parties  
14 involved with that, and then whenever it had a history of auction  
15 on it, we were curious about that down time between auction and  
16 October, and then the husband taking it, or y'all taking custody  
17 of it in January. Was there a process it was going through before  
18 y'all actually took custody of it?

19 A.       So the only think I know about that car, that transaction,  
20 was that I believe they found it on eBay, he found it on eBay, and  
21 it went off of eBay, I guess he, I don't know how eBay works, but  
22 I guess he wrote, you make inquiries, they respond, that's what  
23 happened. They never consummated any arrangement. After, then it  
24 goes off eBay, ends, you know, whatever day, and then that guy had  
25 contacted my husband and said the car is off eBay, are you still

1 interested? I know you showed some interest. I want to get rid of  
2 it. I mean, I don't, this is hearsay, I just kind of remember.  
3 It seems like that's kind of how it went, and then they talked  
4 about it, arranged a price, and then my husband said that the guy  
5 was really, really scared of COVID, and didn't want to get around  
6 anybody. And I'm thinking, well how you going to sell the car?  
7 But I'm not getting in, you know. Anyway, and he said, my husband  
8 said, well I would wire you the money and then I'll have a towing  
9 company, which probably was Milstead. Go, you put everything in  
10 the car, and he'll pick it up and you'll never have to, you know,  
11 see anybody or touch anybody. And that's how I believe it  
12 happened.

13 Q. Well that can be that last time, it showed for the 28<sup>th</sup> of  
14 December, then y'all took it early January, so that would be  
15 within a reasonable amount of time there.

16 A. But I believe the wire, he obviously --

17 BY MR. PORTNER: (Indiscernible)

18 A. -- He obviously, okay, he wasn't going to release the car  
19 until he got the money.

20 BY CONSTABLE:

21 Q. Another reason is also, because, technically in Texas,  
22 because the title hasn't been transferred over by signing it,  
23 there is a signature by him on it, but there's no date of sale,  
24 and then the purchasers, there's no signature or date. So we had  
25 to actually reach out to him and let him know his car was involved

1 in a crash. Because technically he still owns it. Because none  
2 of that process took place. So, yes, you have the bill of sale,  
3 it's not going to prevent that y'all are doing going forward, it's  
4 just where the car sets, who wants access to it, and stuff like  
5 that on or side. Yeah, I do have the bill of sale. Technically  
6 you own it here, but in the law side to it, as far as, say like,  
7 and I'm getting off track a little bit, let's just say that you  
8 purchased a car, it hadn't been transferred out of your name, that  
9 car goes and commits a crime someplace, or the owner wants to come  
10 get it, technically they could have come and got it, if they  
11 wanted it because it was never finalized on the actual title  
12 itself. But, on our side of the investigation, we just wanted to  
13 follow the history of the car. See if there was a maintenance  
14 issue with it. See if the reason why it was sold out as a used  
15 car versus a brand-new car, which is why the gentleman asked what  
16 was his interest in that particular car. What drew us to where?  
17 Was it because of the timeframe it took to manufacture one from  
18 Tesla, or did he just really like that particular model? And it  
19 became available, so he jumped on that opportunity. So we're just  
20 following the history of the car to see if there was any issues,  
21 you know. Was there maintenance problems? Was there a runaway  
22 problem? Was there somebody that, because it was used, did they  
23 try to override some of the systems or anything like that, while  
24 they had it.

25 A. Have you spoke to the previous owner.

- 1 Q. Ma'am?
- 2 A. Have you spoke to the previous owner?
- 3 Q. Yes, we have spoke to him.
- 4 A. Um hmm. I think my husband said that he was very, very  
5 knowledgeable.
- 6 Q. He was. Very nice. Very forthcoming. In fact he did not  
7 know that your, that this particular incident involved that car  
8 until we actually reached out to him.
- 9 A. Okay.
- 10 Q. He remembered y'all very, very well.
- 11 A. Okay.
- 12 Q. And, he has been very cooperative, very forthcoming, and very  
13 accommodating to us.
- 14 A. I would suspect there wasn't, I mean, he probably didn't do  
15 anything, I mean, I think the car has low miles on it. That, I  
16 don't even know.
- 17 Q. Yeah.
- 18 A. Yeah, so I don't know. I don't know what happened before we,  
19 he bought it, my husband bought it.
- 20 Q. Sure.
- 21 A. And like I said, I'm, I don't get involved in his cars.
- 22 Q. Sure. Did you have no idea why he kind of chose that car  
23 instead of just ordering one straight from Tesla and then waiting  
24 for the build date to come out?
- 25 A. No, I really don't, other than he, like I said, he was an

1 attracted to it because the low maintenance and no gas.

2 Q. Do y'all have you own charge. Did y'all had it altered here  
3 where you have to get your own charging here?

4 A. Yes, yes.

5 Q. Oh okay.

6 A. Oh yeah, he's, my husband was meticulous.

7 BY MR. PORTNER: I'll reach out to the, we'll reach out to  
8 the insurance guy and find out what that is, because I don't  
9 (Indiscernible)

10 Q. I will contact him and find out how they transposed the wrong  
11 owner to that. I'm guessing maybe both of y'all have the same  
12 insurance company and --

13 A. That's odd.

14 Q. -- (Indiscernible) when they transferred it over to policy  
15 holder, they accidentally didn't take his name off of it, but, and  
16 we were confused because we have the Texas Sure System. I don't  
17 know if you're familiar with it, but here in Texas the insurance  
18 companies are required every 30 days to report to the State of  
19 cars that insured. So, if we want to tag, now the tag is going to  
20 give us the registered owner information. Sometimes it's going to  
21 automatically run the registered owner's license number for us,  
22 tell us if that registered owners wanted, and then also if the car  
23 has been reported as covered under insurance. Then we can run it  
24 through another system and request the insurance history and it'll  
25 tell us who's insured, policy number, dates of coverage, and all

1 that stuff. When we check it through our system, that's how it  
2 came up as he still being the insured. Now your insurance cards  
3 maybe correct, but how it's reported to the State, it has not been  
4 corrected.

5 A. Now, our insurance card was correct, y'all have that, and we  
6 have proof that we've paid the insurance.

7 Q. Yeah, actually there's no question --

8 A. All I'm saying is \$600 --

9 Q. -- at all about any of that.

10 A. -- to add it. Yeah.

11 Q. -- because we just want to, because you know how, as you  
12 pointed out a minute ago about the media, how they don't tend to  
13 want to put things accurate, it's all about public perception,  
14 they will also have access to our reports and they want to try to  
15 nit-pick this, and you said this, and you said that. We want to  
16 eliminate those possibilities.

17 A. Yeah. That's all I know, really, I mean, I did, it sounds  
18 like it's, like I said, I know we've paid, they took our money,  
19 they never gave it back, and I have a card that says it's insured  
20 under our name. So I don't know what happened on all of that, --

21 Q. Sure.

22 A. -- but I find that very odd that he would be with Volta and  
23 we would too.

24 Q. Okay.

25 A. I thought Volta was more of a company like Chubb, which only,

1 you know, takes select customers, I think. But I don't know  
2 anything about Volta.

3 Q. Okay.

4 BY MR. KAMINSKI:

5 Q. Can you tell us a little bit about the, kind of a change in  
6 the subject here, unless we want to hit other, --

7 CONSTABLE: No we're good.

8 DR. BARTH: Yeah, the more logistical stuff like that, they  
9 can do that separately.

10 BY MR. KAMINSKI: Right.

11 A. But we're wondering if we kind of go back at the, his work  
12 schedule for the three days, two or three days previous. Had he  
13 worked all three day? Well it was a Saturday it occurred on, but  
14 for like, Wednesday, Thursday, Friday was he working all day?  
15 What kind hours was he working?

16 A. Long hours.

17 Q. Okay. For instance, say I'm going go back to Friday.

18 A. I think he was on call Thursday night.

19 Q. Okay.

20 A. But I don't remember. Let me see. So that would have been  
21 the 15<sup>th</sup>, no, he didn't work all night, it was regular hours --

22 Q. Which were what?

23 A. Oh, God. --

24 DR. BARTH: It doesn't have to be exact.

25 A. -- He got to work every morning about, by 6:00, 6:15, and he



1 got home 6:00, 7:00 o'clock. His, we had just moved his Dad to a  
2 nursing facility at the Broadmoor. We could go Tuesday. He was  
3 going to stay, well he'd been in the hospital at San Antonio. We  
4 decided we were going to move him here because he needs help.  
5 He's 92, or will be 92 in August, and their visitation, because  
6 he's in a COVID, or a quarantine unit. You had to get there  
7 before 3:00 in order to stay two hours, and he only was able to do  
8 that one day. So, we were, he was actually supposed to go to San  
9 Antonio Saturday to put an alarm in his Dad's house and because he  
10 hadn't had time to really spend with his Dad, we elected not to do  
11 that, and just go up there and see your Dad, and that's what he  
12 did on Saturday. So he did not work Saturday.

13 Q. Okay. And, but then on Wednesday, Thursday, Friday it was  
14 pretty much 6:00 to 7:00, all three day?

15 A. One of those days, let's see here, one of those days, I guess  
16 this, I guess they've already, you know what? Let me back that up  
17 because I don't know why his, none of his, I can't say that he  
18 wasn't on-call. I thought he was on-call Thursday, but I can't  
19 remember, but the way his group works is once the day happens,  
20 then they remove it. So I couldn't tell you what days he was on-  
21 call and not. And since his Dad got here, you know, I've been  
22 spending eight hours, seven hours, six every day. So I was  
23 consumed with getting him situated, getting him to properly taking  
24 care of because, you know, it's a nursing facility. They tend to  
25 not do the best job, so I was trying to get all that straight.

1 Q. So he was a fairly early riser since he would start at 6:00.  
2 6:15?

3 A. Yeah. We both are.

4 BY DR. BARTH:

5 Q. What we are trying to do is just characterize his, if he had,  
6 you know, a regular level of work, was he, or was he overly  
7 fatigued or not sleeping well, or something in the days prior,  
8 just to kind of get a characterization of his, you know, if he  
9 would be fatigued or anything like that, of the day of the  
10 incident, is what we're trying to understand?

11 A. My husband was a hard worker. I don't know if you've read  
12 any of the reports from the hospital, all the facilities that he  
13 was involved in, so he, he worked hard his whole life, and  
14 everybody depended on him.

15 Q. But the days leading up to this incident, he was, it wasn't  
16 out of your, he wasn't out of ordinary with problems with sleeping  
17 or anything like that?

18 A. No.

19 Q. Okay.

20 A. He always worked hard, always worked long hours, if anybody  
21 needed anything, he was there. He took care of them. I need to  
22 leave, can you take my spot? Sure, I'll do it. You know, and  
23 that, I mean, his job was his life. He loved being a doctor. He  
24 loved taking care of people. He'd take care, he took care of  
25 everybody. All the doctors' wives, kids, it was Doctor Varner

1 they wanted to do their anesthesia and everything.

2 BY MR. KAMINSKI:

3 Q. So what would be a, did he have a regular bedtime you guy  
4 retired for the night?

5 A. No, we, not really. I would say, you know, some days were  
6 more strenuous than others, but we sat up 'til, you know, 9:00,  
7 10:00 o'clock, you know.

8 Q. Pretty much it, at least for the three days prior --

9 A. Yeah, sometimes 11:00, I mean. I'm pretty much a, I get up  
10 early and workout so I'm a little bit more, I'm the early bird. I  
11 didn't have the, you know, the stress that he did at his job,  
12 obviously. But, no, I mean, everything was --

13 Q. And he had no health issues that you know of, or, that was?

14 A. No, I mean, not really, I mean -

15 Q. Okay.

16 A. (Indiscernible) (whispering to self)

17 BY DR. BARTH:

18 Q. Okay, now if, what we'd like to have you do is to just  
19 described in some detail what you remember about the evening, that  
20 evening, starting with when the friends came over to go out to  
21 dinner.

22 A. Okay. They got here around, a little after 4:00. They had  
23 reservations; I think it was 5:30 at Colleen's. I was, we left  
24 there, I guess, around 8:30, I don't know, I was texting, I  
25 remember I was texting the nurse about his Dad when I was at the

1 hosp, when I was, when we were at dinner because he had an issue,  
2 but I think we got home right around, I don't know what time we  
3 got home, right around 9:00, I guess --

4 Q. Okay.

5 A. -- And then I came in, we all came in except for the  
6 passenger, he went to the car and my husband came in, I guess to  
7 get the key, which I didn't know, but you can't, you can't leave  
8 the key in that car. Like my car, my key's always in it, but that  
9 car, I guess, it locked, or, I don't know, but you always had to  
10 take the key out. It was kind of a hassle. Anyway, and so --

11 Q. So the --

12 A. -- he was showing him the car, and my girlfriend went back  
13 out, because she wanted to look at it, and then they were gone.

14 Q. So the passenger went out to the car, but he had left the key  
15 in the house, but your husband had left the key in the house, so  
16 he came back in to grab the key and then went out.

17 A. Yes, well, when we came in, and obviously it's like --

18 Q. It's hard to under-, to remember it all.

19 A. It really is hard to recap all of that with the trauma and  
20 everything, but I remember we all came in except for Everett, and  
21 he got out of the car when we pulled in the garage and went  
22 straight to the Tesla. I just remember that. And then I remember  
23 my husband coming in and me and Theresa coming in, and then  
24 Theresa went back out. I thought Theresa went back out and said  
25 they're gone. The car's gone. Because she wanted to, because

1 they did talk about it at dinner, and he trying to tell Everett  
2 how neat the, how neat it was, that you didn't have to go ever  
3 stop at a gas station, it was all electric, no maintenance, no oil  
4 change, really the only thing you had to worry about on that car  
5 was tires, and he, he just loved the car.

6 Q. Um hmm, but they didn't talk about autopilot at dinner?

7 A. No, no.

8 BY MR. KAMINSKI:

9 Q. So he, so you, what car did you take to go to dinner? You  
10 didn't take the Tesla?

11 A. No, we took the SUV. I didn't like the Tesla.

12 Q. Okay.

13 A. I mean, I always drive my car everywhere. I just feel  
14 comfortable in my car and, you know, I always drive, and I just  
15 liked it, you know.

16 Q. Um hmm.

17 BY CONSTABLE

18 Q. On that evening, did you do the driving? Or did your husband  
19 do the driving to the dinner and back?

20 A. I did, I did.

21 Q. Okay.

22 A. I think it was me and Theresa sat in the front, I don't  
23 remember, to be honest, but I did the driving.

24 Q. Okay.

25 MR. PORTNER: Y'all have the video, right? Y'all have seen

1 that?

2 DR. BARTH: Which video?

3 MR. PORTNER: The video that shows them coming back, and her  
4 leaving.

5 CONSTABLE: Well we've sent it to the Captain --

6 DR. BARTH: Oh, we haven't seen it yet, if they have it.

7 CONSTABLE: -- and he's been back and forth. He originally  
8 went with y'all, and then a lot of the system was still not  
9 unlocked, so he ultimately is in communication with the technical  
10 guy, that's going back and forth with him because there was large  
11 blocks of video missing that wasn't coming up at all. So they  
12 were trying to work on getting those unlocked and a technician has  
13 got back with the Captain and then for the last day, they too have  
14 been talking and going over, so what's actually came out of the  
15 video, I'm not certain yet.

16 MR. PORTNER: If y'all want to see it, I can show it to you.  
17 I mean, it's all, you're welcome --

18 DR. BARTH: Yeah, let's talk -

19 MR. PORTNER: -- to do whatever y'all want to do, but I'm  
20 just saying.

21 DR. BARTH: Let's talk about that after the interview, that  
22 would be, I think --

23 MR. PORTNER: Obviously, you know, she only knows what, you  
24 know, parts of it, --

25 DR. BARTH: Right.

1 MR. PORTNER: -- but the video's pretty clear.

2 DR. BARTH: Yeah. Okay.

3 MR. PORTNER: Just if y'all want to.

4 DR. BARTH: Sure, yeah, I would.

5 MR. PORTNER: Have y'all made any kind of determination, or  
6 is there anything you can tell me about any the speed of the  
7 vehicle at all?

8 DR. BARTH: Nothing definitive.

9 CONSTABLE: The speed just, just shy of actually being in the  
10 car, you have to rely on a lot of the science, you know, the  
11 formulas and CDRs, EDRs, witnesses, doing some math and there's so  
12 many variables to take place that you can derive a minimum of  
13 speed and a maximum speed, you'd have to go through and see what  
14 evidence is available to try to plug that stuff in, and during an  
15 investigation you have to go and get those items and then  
16 sometimes they're not available so you got to go another route to  
17 them saying this particular algorithm, if you will to apply, to  
18 put on the other side. So we're still in a process of gathering  
19 that as to where we can take some measurements from the highway,  
20 and we can use some standard formulas that we may have, but that's  
21 only probably going to give you a minimal within a ballpark, but  
22 it's not as accurate as some of the others. So before we start  
23 just putting information out, we want to gather all together,  
24 bounce those formulas off each other, and get an average of what  
25 it is. And that we're still in the process of that.

1 DR. BARTH: He had asked about the speed of the car, so.

2 MRS. VARNER: It was fast I think it was a fast car.

3 BY DR. BARTH: Yes.

4 Q. I think the police probably have already asked you, but could  
5 you describe, during the meal, or prior to the meal, any drinks  
6 and things that your husband had had?

7 A. Yeah, we told them, I mean, yes, we, I didn't have anything.  
8 We had wine and I think Everett had a martini. I think he ordered  
9 maybe another one and didn't drink it. I mean, it was an early  
10 dinner.

11 Q. So your husband had --

12 A. We were there for three hours.

13 Q. -- your husband had some wine?

14 A. Um hmm.

15 Q. Do you know about how many glasses?

16 A. No, I don't really know, I mean, I don't know how much.

17 Q. Okay.

18 A. Maybe one or two. I don't know how much was left when, you  
19 know, I really don't know. I didn't monitor anyone.

20 Q. Okay.

21 BY MR. KAMINSKI:

22 Q. Would you have a guestimate maybe of timewise from the time  
23 when they went out and then when, I guess, Everett's wife went out  
24 to check to see where the guys were? 10 to 15 minutes?

25 A. It was fast. I mean, like I said, Everett never came in the



1 house.

2 Q. Right.

3 A. He just, we pulled up, and Everett went straight to the car.  
4 I came straight in. Theresa came in. Bill came in and I guess  
5 Bill, like I said, went back out because he had to have the key,  
6 because you can't get in the car, and then Theresa went out. I  
7 just remember Theresa coming back say they're not out there,  
8 because she wanted to go see the car because he'd talked about it.  
9 And I just remember her coming back saying, they're not, they're  
10 gone. And I'm went, Oh, Wow. That's what I remember.

11 Q. Okay.

12 MR. PORTNER: It's two or three minutes on the video.

13 A. Yeah, about that.

14 Q. Oh, okay.

15 MR. PORTNER: It's quick.

16 A. That's the best I can remember, I'll be honest. It's, just  
17 like that whole day, when I try to recap everything, it's just I  
18 can't even remember, well until I, what did I eat? What?, you  
19 know, it's just like a fog.

20 Q. Sure. Now you mentioned that you didn't, you didn't  
21 particularly care for the car because you had trouble with the  
22 handles going into the car, and getting out. Did your husband  
23 ever mention any issues that he thought, Yeah, I think it's kind  
24 of a couple times I've had issues with the handles?

25 A. Not to my knowledge.

1 Q. Okay.

2 A. But he's, you know, he's, I'm not a car person and, you know,  
3 I, that was the only thing I could think about the car, and like I  
4 said, I hardly ever rode in it. I just, when we went anywhere, we  
5 always took my car because that's where I'm most comfortable, and,  
6 but every now and then, he'd like to take his and I'd say, I don't  
7 like to take your car because it's a pain getting in and out. I  
8 mean, my husband was real calm demeanor. I'm a little bit more  
9 hyper and so when we go somewhere, I'd be sitting there, you know  
10 try to, waiting on him to get me in, when, you know, and getting  
11 out, I never could get the door open.

12 BY CONSTABLE:

13 Q. On that same aspect, the doors, is it something that? Is it  
14 just not as straight forward as grab the handle and pull out? You  
15 got to kind of manipulate it at a certain angle to get it? More  
16 of a like a muscle memory? You know, like some cars you can just  
17 grab it and obviously it just opens right up, and I'm guessing  
18 with some of the newer, high-end cars, maybe fancier cars, not be  
19 a wing door, or whatever, and you got to push a button in a  
20 certain spot. What did you find difficult about it? You said,  
21 because you mentioned inside and outside it was giving you a pain?

22 A. Well so, the outside they retract and their flush, --

23 Q. Okay.

24 A. So even, like say, we would have been able to get over there,  
25 we wouldn't have been able to get him out the car, because it was

1 flush.

2 Q. When it's flush is it controlled by the electronics within  
3 the car to make it pop-out?

4 A. I believe it is.

5 Q. So, possibility, and I know that you don't know, I also don't  
6 know, so if it lost power, it's a potential that it wouldn't pop  
7 out as a manual override where you can exit? Is it possible for  
8 the interior side too?

9 A. Well you want me to, what I was told, and of course I don't  
10 know, this is hearsay, but I'm sure, I was told that the insides  
11 of the car, the husband, the back seat have no manual override.  
12 So, if he did go in the backseat, which we know he did now, there  
13 was no way to get out of the car. So he, you know, which is even  
14 more devastating that you know that he tried to save his life and  
15 his friends. So --

16 Q. How do we know there's no override in the back?

17 A. This is what I was told by guy, by someone that does have a  
18 Tesla and is very familiar with them.

19 Q. Sure.

20 A. So you can't do it anything from the outside, from the  
21 inside. The front seat, the front two doors, there is a manual  
22 override, but they're very tricky and you got know they're there,  
23 and you got to know how to use them. That's what I was told. But  
24 I never saw it. I couldn't tell you anything about it.

25 Q. And that's in the event of loss of power? You would manually

1 override to try to get it out.

2 A. That's what I was told.

3 Q. And then, as far as what you understand how it related to  
4 you, the rear seats, no matter, whether you know it's there or  
5 not, there is absolutely no manual override at all.

6 A. That's right, so when he got in the back seat, and was trying  
7 to get out -

8 MR. PORTNER: But we don't know that's right or not, that's  
9 just what we've been told.

10 Q. Sure.

11 A. That's right.

12 Q. And that's the same thing that the gentlemen at NTSB were  
13 explaining as well as us, is there's unknowns that we don't know.  
14 So we obviously want to be as accurate as possible before we start  
15 putting anything out.

16 A. That's just what he told me, which you know was really  
17 devastating because we know my husband ended up in the back seat  
18 of the car, right? I mean, I think that everybody's pretty clear  
19 about that. So, and then there was statements that there's no way  
20 you could have got in the back seat of that car. And my husband  
21 saved lives. And that's all he did, his whole life, was save  
22 lives, so he was trying to save a life, and he was trying to save  
23 his and his friends. So he did jump in that back seat, I mean, I  
24 just can't, this is me thinking about this, if that's how he got  
25 in the back seat, which I was told, there was no forced trauma, or

1 anything, then that's the only conclusion I can come to.

2 MR. KAMINSKI: But the autopsies, we haven't gotten any  
3 information yet from medical team, I don't believe.

4 DR. BARTH: Yeah, we'll have to wait for that information to  
5 understand exactly what injuries were sustained. Okay.

6 MR. PORTNER: Yeah, when y'all look at the video, despite  
7 what all the news reports have said, and everything else, it's  
8 obvious that Bill was driving the car. He got in the driver's  
9 seat, you can watch him all the way until the car leaves and it,  
10 you can see it on the video, all the way up to immediately before  
11 the crash point. So, whatever -

12 DR. BARTH: Which video?

13 MR. PORTNER: The videos that, from the,

14 CONSTABLE: The one that y'all have?

15 DR. BARTH: There from the camera that's mounted on the --

16 MR. PORTNER: There's four cameras, the there's three of them  
17 that really show it pretty clearly.

18 DR. BARTH: Okay, so you could see him, you could see them  
19 get into the car and drive off and then you see that the car goes  
20 down the street without any, without stopping or anything -

21 MR. PORTNER: Right.

22 DR. BARTH: -- like that until the crash.

23 MR. PORTNER: Yes.

24 DR. BARTH: Okay.

25 MR. PORTNER: Well, it goes -

1           CONSTABLE: How far down the street can you see that?

2           MR. PORTNER: You can see, I'll show it to you, but you can  
3 see -

4           CONSTABLE: Okay.

5           MRS. VARNER: I don't want to see it.

6           BY MR. PORTNER: I know where the-,

7 Q. Terri, do you want me to discuss this in front of you?

8 A. No, I don't

9 Q. Why don't you take a break.

10          MR. PORTNER: Sorry.

11          DR. BARTH: No problem.

12          MR. PORTNER: You can't see the crash, but if you skip forward  
13 three, four, five frames, you can see the fire.

14          CONSTABLE: Okay.

15          MR. PORTNER: And so when you go back, three or four frames  
16 before that, you can see the car comes around the curve and then  
17 right where you lose it, is where the accident occurred.

18          CONSTABLE: Okay.

19          MR. PORTNER: So, we can actually, and I'll show it to you,  
20 but we can actually take them from the driveway all the way to  
21 immediately before the accident.

22          CONSTABLE: The camera that's in the keypad, is that just  
23 like a call camera? Or is that an actual recording camera?

24          MR. PORTNER: I'll tell you what I know, there's four cameras  
25 that there are. One is on the garage, there's one on the front

1 door that will show the turnaround, because they back out and do a  
2 little three-point turn, and then there's one on each side of the  
3 gate, on the outside.

4           CONSTABLE: All right.

5           MR. PORTNER: The IT guy, I know the Captain has talked to  
6 him a little bit, but some of the cameras, we don't know if all of  
7 them are motion driven, so they don't run all the time. Some of  
8 them are not.

9           CONSTABLE: Okay.

10          MR. PORTNER: But, when you put the four videos together, you  
11 can see the whole thing.

12          CONSTABLE: Okay.

13          DR. BARTH: Okay.

14          MR. PORTNER: It's what I'm saying, because it's, it's  
15 helpful if y'all look at it.

16          DR. BARTH: So yeah, I think it will be good to look at that.  
17 I think we can, I didn't have any, I was kind of running down  
18 with, I didn't have any other questions for her, I don't think.  
19 So we can terminate the recording. Okay.

20          MR. KAMINSKI: Okay. That concludes the Interview here with  
21 Mrs. Varner. It is approximately 11:05 Central Time.

22           (Whereupon the interview was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

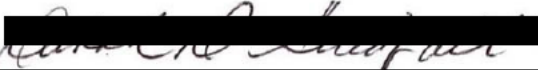
IN THE MATTER OF: FATAL CRASH AND FIRE OF TESLA  
MODEL S IN SPRING, TEXAS,  
ON APRIL 17, 2021  
Interview of Terri Varner

ACCIDENT NO.: HWY21FH007

PLACE: 2 Hammock Dunes Place  
The Woodlands, Harris County, Texas

DATE: April 23, 2021

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.

  
Deborah Dowling Sweigart  
Transcriber



UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

TESLA MODEL S FATALITY \*

IN SPRING, TEXAS, \*

Accident No.: HWY21FH007

ON APRIL 17, 2021 \*

\*

\* \* \* \* \*

Interview of: THERESA TALBOT, Decedent's wife  
Witness

Wednesday,  
May 26, 2021

APPEARANCES:

THOMAS BARTH, Investigator  
National Transportation Safety Board

RON KAMINSKI, Investigator  
National Transportation Safety Board

JUD WALTMAN, Attorney

PAT MCGUINNESS

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I N T E R V I E W

(11:00 a.m.)

1  
2  
3 MR. BARTH: We'll go ahead and start recording. Ron, you got  
4 that?

5 MR. KAMINSKI: Yes, I got it.

6 MR. BARTH: Okay. And so the first question is -- well,  
7 first I have to say -- okay.

8 So it's May 26th at 11:00 a.m. Texas time. We're  
9 interviewing Ms. Talbot for the Spring, Texas investigation. We  
10 have Ms. Talbot, and I forget the -- sorry, the Attorney's name  
11 is?

12 MR. WALTMAN: Jud Waltman.

13 MR. BARTH: Yes, thank you.

14 MR. KAMINSKI: Can you spell that, please?

15 MR. WALTMAN: Sure. J-U-D W-A-L-T-M-A-N.

16 MR. KAMINSKI: Thank you.

17 MR. BARTH: And then from the NTSB, we have Tom Barth and  
18 Ron Kaminski.

## INTERVIEW OF THERESA TALBOT

19  
20 BY MR. BARTH:

21 Q. And so the first question is, do you know -- I'd like to have  
22 you describe a little bit about the beginning of the event. Well,  
23 actually, first, what was the first time that you and your husband  
24 saw this car that the Varners had? Like, did you know about the  
25 car? Did they show it to you previously?

1 A. No, they did not.

2 Q. Okay. So the first time you saw the car was at -- was the  
3 night of the dinner?

4 A. Correct.

5 Q. Okay. Do you know, was your husband familiar with high-end  
6 sports cars?

7 A. No, he was not. He drove a Ford pickup truck.

8 MR. KAMINSKI: Texas. We're in Texas. I'm in the Dallas-  
9 Fort Worth area.

10 BY MR. BARTH:

11 Q. What I'll do is just have you describe in detail the evening  
12 starting with the -- you know, when you arrived at the Varners'  
13 house.

14 A. Okay. We left our house about 3:30 and we arrived at their  
15 house approximately at about around 4.

16 Q. Okay. Then when you got to their house, did you guys -- what  
17 did you guys do then?

18 A. When we arrived at the house, we were actually going there  
19 to -- he wanted to talk to my husband about some investments. So  
20 we entered the house and then it was kind of a cool evening so we  
21 walked outside and sat by the fireplace and they talked about --  
22 he was wanting to do -- questioning about retiring earlier.

23 Q. So about how much time did you spend at the house before  
24 leaving for the restaurant?

25 A. I had made reservations at about 5:30 at the restaurant, and

1 so we -- I guess, maybe about approximately -- we were there at 4,  
2 so we left before 5:30 so that we could get to the restaurant at  
3 about 5:30.

4 Q. Okay. Did you have drinks at the house before you left?

5 A. I did not, and Ms. Varner I don't think had anything to  
6 drink. My husband had one beer and Doc had a glass of wine. When  
7 we arrived, he had a glass of wine in his hand.

8 Q. Okay. So then you left for the restaurant?

9 A. Right.

10 Q. Can you describe just a summary of the dinner, specifically  
11 what types of drinks or cocktails you had at the dinner?

12 A. When we arrived there, Doc had ordered a bottle of wine, and  
13 then my husband ordered a martini dirty. I didn't drink anything.  
14 I know when the waiter came to the table, he poured a glass of  
15 wine for Ms. Varner, and then he also poured a glass of wine for  
16 Mr. Varner, and then brought out my husband's martini.

17 And so we sit and talked for a little bit, and then -- do  
18 want me to go through the whole evening? Okay. We ordered hors  
19 d'oeuvres. How much detail did you want? I lost his --

20 MR. WALTMAN: We lost your audio.

21 MR. KAMINSKI: You're on mute, Tom.

22 MR. BARTH: Sorry, thank you.

23 BY MR. BARTH:

24 Q. Yeah, you don't have to be super specific. I mean, we're  
25 obviously interested in details about alcohol consumption.

1 A. Okay.

2 BY MR. KAMINSKI:

3 Q. As well as discussion regarding the car. Did you guys talk  
4 about any of the -- anything regarding the Tesla?

5 A. Well, when we first got there, like I said, we ordered hors  
6 d'oeuvres and then salads, then the main course, dessert, coffee  
7 afterwards. So we were there for a substantial amount of time.

8 There was conversation that came up at the table about the  
9 car. My husband was just inquiring about, do you like the car?  
10 What about batteries? How long does it take to charge? How far  
11 can you go on one charge of the battery? It was more like  
12 questions about the electronics of the car itself.

13 Q. Right.

14 BY MR. BARTH:

15 Q. Okay. When he talked about the car, did he talk about the  
16 autopilot features at all?

17 A. No, he did not.

18 Q. Okay.

19 BY MR. KAMINSKI:

20 Q. Anything about the Ludicrous mode?

21 A. No, he did not.

22 BY MR. BARTH:

23 Q. Okay. And then just to circle back, so you said that he  
24 ordered a bottle of wine, and then the server poured a glass of  
25 wine for Mr. and Mrs. Varner. Do you remember if Mr. Varner had a

1 second glass?

2 A. Yes, I think -- yes, he did. I think the bottle was empty  
3 before we left the restaurant.

4 Q. Okay. And so then you left the restaurant, and what time did  
5 you arrive back at the Varners'?

6 A. I would say, approximately -- I don't know the exact time. I  
7 know we left the restaurant -- it was after 8:30, and then we  
8 arrived back at their house, I would say, before 9 o'clock.

9 Q. Okay. Could you describe just your actions? You know, what  
10 the group of people did as you arrived back at the Varners', which  
11 led up to your husband and Mr. Varner going for the drive?

12 A. Okay. Well, when we drove into the driveway -- their car is  
13 difficult to drive in and then get into the garage. It's like a  
14 limited amount of space. The Tesla was sitting -- as we drove  
15 back by the garage, it was sitting outside the garage area, and  
16 then that's when Doc said, oh, let me show you my Tesla. And so  
17 the two guys -- we sat in the -- we were driving in the front.  
18 Terry (ph.) drove and I was in the passenger seat, and then the  
19 two guys were in the back. And so they got out of the car.

20 My husband walked around to the passenger side and tried to  
21 open the door, but he couldn't open it; apparently, it must've  
22 been locked. So then Doc went into the house to get the keys.  
23 Then Terry kind of backed up and then pulled the car into the  
24 garage. We had food leftover, so I grabbed the bag of food and  
25 brought it into the house. I had to go to the restroom, so I went



1 to the restroom. And then I came back out, and I said, Terry, I'm  
2 going to go look at the car. So I walked outside to go see the  
3 car and they weren't in the driveway. They were gone. So I  
4 walked back in and said, Terry -- I said, they're not there, and  
5 she said, well, maybe they just went for a ride right here in the  
6 subdivision.

7 Q. I see. Okay.

8 A. And then --

9 Q. Yeah. And then so about how much -- when was the next time  
10 -- when did you realize that something had gone wrong?

11 A. I guess about -- I'm sorry.

12 MR. KAMINSKI: Take your time. No problem.

13 MS. TALBOT: I guess about 15 minutes, 20 minutes had gone  
14 by, maybe a little longer. I don't know the exact time. But the  
15 phone rang, and Terry answered the phone. It was a neighbor. He  
16 asked if Bill had a Tesla. And she said, yes, he does. And then  
17 he told her that there's been a horrible accident, so we  
18 immediately just -- she said, oh my God, and we just started  
19 running for the door. I ran out to the driveway, and when I got  
20 into the driveway -- I think it was the neighbor was calling us  
21 from his cell phone. I think that's who it was. I think it was  
22 him. And then there were policemen that were also out on the  
23 driveway.

24 Then that's when I saw all the red lights flashing and the  
25 smoke coming in the air, and we were trying to fight the police

1 because I was trying to run down to where they were. One of the  
2 policemen just grabbed me and kind of gave me a bear hug and put  
3 his cheek against mine and just said, honey, he's gone. I said,  
4 oh no. He just said, no one could survive this accident. And  
5 then the police pretty much stayed near my side and near Terry's  
6 side for hours. We had to stay outside on the road and watch.

7 Q. Thank you very much for sharing. I'm sorry for your loss. I  
8 know it's difficult for you to speak about it and it really helps  
9 with our investigation to understand kind of the sequence of  
10 events.

11 So when -- so the police -- so by the time you realized  
12 something was going on, the law enforcement or some first  
13 responders had already arrived?

14 A. Oh, yes. They were there. The fire truck was there, the  
15 lights were flashing. And I kept hearing explosions going off,  
16 and I asked, what was that, and they said that the batteries just  
17 kept exploding.

18 Q. What did you hear? They were like audible kind of booms or  
19 like hissing noises or --

20 A. No, booms. Loud booms.

21 Q. Okay.

22 A. Every so often, like, (imitating explosion), just explosions,  
23 and I knew my husband was still in that car.

24 Q. Okay. Could you describe the firefighter or -- was there  
25 anything notable that you remember about the firefighters or the

1 emergency response as far as -- it sounds like you didn't go up  
2 close to the vehicle so --

3 A. No. They kept us further away and wouldn't let us go close.  
4 They said that hazmats or something was there and it was  
5 dangerous, and that they had put the fire out, but then the  
6 batteries kept igniting and exploding.

7 Q. Okay. I'm trying to straighten out exactly what happened,  
8 but there were two different emergency response agencies there,  
9 and I haven't gotten all the records yet, but there was an  
10 indication that somebody might have been treated at the scene; one  
11 of the bystanders for --

12 A. It was me.

13 Q. Okay. So you -- what did they -- can you describe what the  
14 emergency responders did?

15 A. They basically just came to take my blood pressure, because I  
16 have what's called PVCs, which are premature ventricular  
17 contractions, and I was having -- I'm sure it was just the shock  
18 of everything, and I was having them quite often where I felt like  
19 I was losing my breath, and so they came and took my blood  
20 pressure, which it was high. And so they were trying to keep me  
21 calm, have me do some breathing exercises.

22 Q. Did they bring you to an ambulance to do that or did they  
23 just bring the equipment to you?

24 A. No. They just came to me, had me sit in the car, because it  
25 was cold that night. It was really cold outside. And so they

1 just -- I was just sitting in the car. And they just came to me.

2 BY MR. KAMINSKI:

3 Q. Were you seen once or twice, or --

4 A. Just once.

5 Q. Okay.

6 BY MR. BARTH:

7 Q. And you don't happen to recall which -- there were two  
8 agencies there; one was Cypress Creek and the other one was the  
9 Montgomery County Hospital District. You don't happen to know  
10 which one it was that treated you?

11 A. No, I don't.

12 Q. Okay.

13 A. I think it may have been Cypress Creek, but I'm not sure.

14 BY MR. KAMINSKI:

15 Q. Now, did your husband -- do you and your husband -- do you  
16 guys normally wear your seatbelts when you're in the car?

17 A. Yes.

18 Q. Do you think there's a chance maybe, because they were just  
19 going to do a short drive, that he could've left it off that day  
20 -- that evening?

21 A. I couldn't tell you that. I mean, I have no idea. I mean, I  
22 was surprised that they left, because I thought that they were  
23 just looking at the car.

24 BY MR. BARTH:

25 Q. Okay. Well, I think -- I mean, that's essentially -- is

1 there anything else that you can think of that may be important,  
2 or are there any items that we may have not asked you that you  
3 think are important?

4 A. No, not really. I mean, I didn't -- I don't know a whole  
5 lot, other than what I told you.

6 Q. Okay.

7 MR. KAMINSKI: We're sorry that we had to put you through  
8 this again.

9 MR. BARTH: Yeah. Do you have any questions for us?

10 MS. TALBOT: What can you tell me about the accident? I  
11 mean, what information do you have? Because I really don't know  
12 very much at all.

13 MR. BARTH: Okay. Yeah, so we have -- we released a  
14 preliminary report a couple of weeks ago now, and in this case, we  
15 actually released a fairly detailed preliminary report.

16 Our normal process is that after we initiate an  
17 investigation, we're quite limited on what we release, obviously,  
18 because we want to make sure that anything that we say publicly is  
19 accurate and fully processed. And so our preliminary reports  
20 often just say essentially that we're investigating a crash and  
21 the very basics of what happened.

22 In this one, we actually went into a little bit more detail,  
23 just because there was so much media attention on this crash and  
24 some potential misinformation or misunderstanding of what occurred  
25 in the crash. I can send you that preliminary report if you

1 haven't --

2 MS. TALBOT: I saw it, but it really didn't give me -- it  
3 didn't give me any answers that I'm looking for, to be honest with  
4 you.

5 MR. BARTH: Yes, I understand that. And we won't -- those  
6 types, I think the answers -- the types of questions you have and  
7 the types of answers you're looking for are things that will have  
8 to be evaluation of all the data. And so, you know, we're still  
9 very much in the data collection phases. We're still waiting on  
10 information from the autopsies and from other aspects of the  
11 crash. We're still very much just collecting information, and so  
12 that's one of the reasons that it takes us so long to release a  
13 final report on the crash. There really won't be much more that  
14 gets released until we do the final report.

15 MR. WALTMAN: Hey, Ron. This is Jud. Can I ask you a  
16 question?

17 MR. KAMINSKI: Sure.

18 MR. WALTMAN: And you can yuck and answer, or decline to  
19 answer, or whatever makes you feel comfortable. Are you all  
20 attempting to, or have you all been able to get electronic data  
21 back and forth between Tesla and the car, or the cloud and the  
22 car, or the car itself?

23 MR. BARTH: Yes. We're pursuing that right now, and what I  
24 can tell you is that there was very little data from the car  
25 because the -- at least, telemetric data to Tesla, because the

1 vehicle had not been into a service center, which I believe we  
2 indicated in the preliminary report.

3 But we are also pursuing any information that they may have  
4 or that they can find, and of course, we are trying to see what  
5 information we can gather from the vehicle itself, which we were  
6 able to obtain the electronic data recorder from the vehicle, but  
7 it had suffered damage, and so right now our laboratory is  
8 attempting to reconstruct that equipment and try to pull data off  
9 of it.

10 And then I also think we indicated in our preliminary report  
11 that the other source of data on the vehicle is the SD card that's  
12 in the entertainment console, and that data chip was destroyed, so  
13 there was no data from that.

14 MR. WALTMAN: Do you know that if any of that data that  
15 would've been recorded on the car is also stored on the cloud or  
16 transmitted to Tesla somehow, or have you all run that down?

17 MR. BARTH: Yeah. We're in the process of clarifying  
18 exactly -- there is some information that Tesla has. Most of the  
19 information that they collect on vehicle fleets are disassociated  
20 from the vehicle identification number, and so that data can't be  
21 tracked back to a specific vehicle, but there are certain  
22 transition state parameters that they can trace to the vehicle,  
23 and we're in the process of trying to understand exactly what they  
24 can gather. So Tesla is being cooperative with us in giving us  
25 whatever information they can.

1 MR. WALTMAN: And the car itself, does the NTSB have control  
2 of the car right now, or does some other authority have control of  
3 the car?

4 MR. BARTH: We've released the vehicle back to the state  
5 police, and then I think they released it back to the -- I imagine  
6 that right now the vehicle is owned by the insurance company.

7 MR. WALTMAN: Okay. Yeah, we've talked to Constable Herman's  
8 office about that and put a hold on it, so he's probably still got  
9 it. I just didn't know if -- I just wanted to -- what you knew  
10 about who had possession of it right now.

11 MR. BARTH: Yeah. I'm not sure. We released -- we took  
12 possession, obviously, of a few items of the vehicle itself, and  
13 we have those in our laboratories, but the rest of the wreckage we  
14 released, and I'm not sure who --

15 MR. WALTMAN: If I want to collect those when you're done  
16 with them for litigation purposes, if I need them, who would I  
17 need to talk to; you, or -- what do I need to do, send a letter to  
18 preserve them?

19 MR. BARTH: Yes. So what will happen is, when we finish with  
20 our analysis of those components, then we turn them back over  
21 to -- by that time, usually the police have -- if the police still  
22 have a hold on the wreckage, then we would return it back to them,  
23 but sometimes by the time we get done with it, the police have  
24 finished their investigation and then it would go back to the  
25 insurance company or whoever has possession.



1 But, yeah, that -- I'll put a note in the system that you  
2 would like to follow up with that equipment once we've finished  
3 with it.

4 MR. WALTMAN: Okay. If I wanted to just send a letter so  
5 that I have it in writing that says, hey, hold on to it, do I send  
6 that to you?

7 MR. BARTH: No. You would send it to Brian Bragonier. He's  
8 our investigator in charge for this crash.

9 MR. WALTMAN: You're going to have to spell Bragonier.

10 MR. BARTH: I will, yeah --

11 MR. WALTMAN: You're not going to try.

12 MR. KAMINSKI: It's B-R-A-G-O-N-I-E-R. Bragonier.

13 MR. BARTH: Bragonier or whatever. I don't know.

14 MR. WALTMAN: Bragonier, okay.

15 MR. BARTH: His email address is -- I just want to make sure.  
16 I'll pull it up. I think he uses his --

17 MR. KAMINSKI: Right. So it's [REDACTED] ntsb.gov.

18 MR. WALTMAN: Brian with an I? Is that [REDACTED]?

19 MR. KAMINSKI: Yes. [REDACTED]

20 MR. WALTMAN: [REDACTED] --

21 MR. KAMINSKI: Yep.

22 MR. WALTMAN: -- at ntsb.gov.

23 MR. KAMINSKI: Yes, sir.

24 MR. WALTMAN: Okay. And then did you know -- again, answer  
25 or don't answer, but do you know if anybody from Tesla was

1 involved in any part of the investigation?

2 MR. BARTH: Yeah. So we have -- the way our investigations  
3 work is we have a party system. And then also for -- depending on  
4 if they accept that party system or not, if they're the  
5 manufacturer of the vehicle, we sometimes work with them outside  
6 of the party status.

7 So Tesla did cooperate with the investigation and had a  
8 representative involved. They -- Tesla does not join our party  
9 status, and what that means is that, if you become a party to  
10 investigation, for example, the police are a party to the  
11 investigation, they essentially receive any information that we  
12 collect during the factual portion of the investigation. They  
13 receive a copy of that factual information with the exception of  
14 either sensitive material that's governed by HIPAA laws or other  
15 restrictions. But because Tesla does not join as a party, they  
16 are only -- they can only access the portions of the investigation  
17 specific to what they were involved with and what we needed them  
18 to do. So, yes, they had a representative there, and that  
19 representative was involved with the inspection of the vehicle,  
20 and then, of course, the parts of it there where we were trying to  
21 collect data, but they were not involved with other aspects of the  
22 investigation. So, for example, we collected some evidence of the  
23 video cameras at the home. They would not be able to obtain that  
24 information.

25 MR. WALTMAN: Okay. All right. That's helpful.

1 MR. MCGUINNESS: Hey, Tom. This is Pat McGuinness (ph.).  
2 You and I have talked before. I am also here. Do you know -- and  
3 once again, same caveat, if you don't want to answer, you don't  
4 have to, but do you know what report the first responders had as  
5 to whether or not Mr. Talbot was buckled in at the time they got  
6 to the vehicle -- whether he had put on a seatbelt or whether the  
7 seatbelt was --

8 MR. BARTH: Ron, I don't know if you -- I don't remember that  
9 they specified in their report whether or not they made an  
10 indication of seatbelt use. I don't believe there was anything in  
11 that report, in either of the -- well, the only -- there's the  
12 Woodlands Fire Department report. I don't believe that they  
13 covered that issue, but I can't say for certain because I --

14 MR. KAMINSKI: Yeah. I don't recall them mentioning anything  
15 about the seatbelt.

16 MR. MCGUINNESS: What about airbags?

17 MR. BARTH: Well, by the time -- there was no mention of  
18 deployment or not status because the -- and I would imagine  
19 because the fire was severe enough that any of the fabrics and the  
20 indications of the airbag deployments would've been obscured by  
21 the fire, but I also don't recall them indicating whether or not  
22 the airbag deployed.

23 MR. MCGUINNESS: And would the -- whether the airbags  
24 deployed, would that be something that you might be able to  
25 recover from the black box that you're trying to reconstruct in

1 your lab, or would that be something that would be on the  
2 destroyed SD card?

3 MR. BARTH: It would be -- if we can get the data from the  
4 EDR, the electronics data recorder, it will have that data. It  
5 will -- the data that's -- it's like any -- what we're trying to  
6 obtain is like the typical airbag control module or EDR data that  
7 any vehicle provides, which has the state of the airbag  
8 deployments, the seatbelt use, the braking events --

9 MR. KAMINSKI: And the speed.

10 MR. MCGUINNESS: Yeah.

11 MR. BARTH: -- the standard report you would get from that  
12 vehicle. It does not contain -- it would not contain the detailed  
13 vehicle action information that, like, the SD card in a Tesla  
14 would have more complete data about the history of the vehicle.  
15 The EDR is more like the crash report that doesn't have as much  
16 detail, but it will have the status of the airbags and the  
17 seatbelts and stuff like that, and it will have deceleration data  
18 as well, if it's intact.

19 MR. MCGUINNESS: Right. Okay. I think that's it. I  
20 appreciate it.

21 MR. BARTH: Sure. I don't think I have any other questions.  
22 Ron, do you have any other questions?

23 MR. KAMINSKI: No, sir. No, I think we're through.

24 Again, we want to express our condolences, and sorry we had  
25 to put you through this again.

1 MS. TALBOT: Thanks.

2 MR. BARTH: Thank you.

3 MR. KAMINSKI: And we'll get the answers for you.

4 MS. TALBOT: I hope so.

5 MR. WALTMAN: All right. We appreciate that. Thank you,  
6 gentlemen. We're going to sign off.

7 MR. KAMINSKI: Thank you.

8 MR. BARTH: Okay. Thank you.

9 MR. WALTMAN: Bye bye.

10 (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:           TESLA MODEL S FATALITY  
                                  IN SPRING, TEXAS  
                                  ON APRIL 17, 2021  
                                  Interview of Theresa Talbot

ACCIDENT NO.:               HWY21FH007

DATE:                         May 26, 2021

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.

  
\_\_\_\_\_  
Shelby Shover  
Transcriber