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COPY

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2 CIV.A.NO.2:20-1441 (LEAD)
C/W 2:@0-1453 & 2:20-1506
3 JUDGE ELDON E. FALLON
MAGISTRATE JUDGE JANIS VAN MEERVELD

4
5 CORNERSTONE CHEMICAL
COMPANY,
PLAINTIFF,

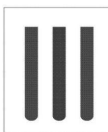
6 VS.

7 M/V NOMADIC MILDE, IMO NO.
8 9463554, HER ENGINES, TACKLE, EQUIPMENT,
FURNITURE, APPURTENANCES, ETC., IN REM;
9 M/V ATLANTIC VENUS, IMO NO.
9628257, HER ENGINES, TACKLE, EQUIPMENT,
10 FURNITURE, APPURTENANCES, ETC., IN REM;
AND, CRESCENT TOWING &
11 SALVAGE, INC., IN PERSONAM,
DEFENDANT.

12 _____/
DEPOSITION OF VINCENT ABARICIO

13 DATE: JUNE 26, 2020
14 REPORTER: JODY PRALAT
PLACE: PHELPS DUNBAR, LLC
100 SOUTH ASHLEY DRIVE
15 SUITE 200
TAMPA, FLORIDA 33602

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ADAM TUKER, NTSB
(APPEARED TELEPHONICALLY)
LILLY MAY BAYLEY, OFFICIAL TAGALOG TRANSLATOR
REYNALDO IBAY, TAGALOG TRANSLATOR
(APPEARED VIA ZOOM)



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STIPULATION

THE DEPOSITION OF VINCENT ABARICIO TAKEN AT PHELPS
DUNBAR, LLC, 100 SOUTH ASHLEY DRIVE, SUITE 200, TAMPA,
FLORIDA 33602 ON SUNDAY THE 25TH DAY OF JUNE 2020 AT
APPROXIMATELY 2:50 P.M.; SAID DEPOSITION WAS TAKEN
PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE.

IT IS AGREED THAT JODY PRALAT, BEING A NOTARY PUBLIC AND
COURT REPORTER FOR THE STATE OF FLORIDA, MAY SWEAR THE
WITNESS AND THAT THE READING AND SIGNING OF THE
COMPLETED TRANSCRIPT BY THE WITNESS IS NOT WAIVED.



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PROCEEDINGS

COURT REPORTER: We're going on the video record. The time is 2:50 p.m. Johanny Rivera is going to be our videographer today, and she will be recording these proceedings. Madam Interpreter, will you please raise your right hand? Do you swear or affirm that you will truly and correctly translate these proceedings from English into Tagalog and from Tagalog into English?

THE INTERPRETER: I do.

COURT REPORTER: Sir, can you please raise your right hand? Do you swear or affirm that the testimony you're about to give in this case will be the truth, the whole truth, and nothing but the truth?

THE INTERPRETER: Yes, ma'am.

THE WITNESS: Yes, ma'am.

MR. BERCAW: Okay. Mr. Abaricio, you may remove your mask if you feel comfortable doing so. If you want to leave it on, that's fine, too.

DIRECT EXAMINATION

BY MR. BERCAW:

Q Okay. Could you please state your full name for the record?

A I am Vincent Gib Abaricio.



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1 Q Okay. Mr. Abaricio, what is your home
2 address?

3 A I live in [REDACTED],
4 Philippines.

5 Q Would it be possible for you to spell that for
6 the court reporter?

7 A [REDACTED]
8 [REDACTED], P-H-I-L-I-P-P-I-N-E-S.

9 Q Thank you, sir. I take it you're a citizen of
10 the Republic of the Philippines; is that correct?

11 A Yes, ma'am.

12 Q Okay. Do you hold citizenship in any other
13 country besides the Philippines?

14 A No, sir.

15 Q Okay. I have been provided by the Nomadic
16 Milde interests a two-page document. It starts on page
17 35, NM 35.

18 MR. BERCAW: Michael, if you could put that
19 binder in front of the witness, I would appreciate
20 it.

21 MR. BUTTERWORTH: What was that number?

22 MR. BERCAW: 35 and 36.

23 BY MR. BERCAW:

24 Q Sir, are pages 35 and 36 a true and accurate
25 copy of your certificate issued by the Republic of the



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1 Philippines to serve as an able-bodied seafarer?

2 A This is correct, ma'am. I -- I ranked down as
3 a bosun, but what's written here is I'm an able
4 seafarer, but I'm okay with that.

5 MR. BERCAW: Okay. I'm going to attach Ms.
6 Bayley's resume and CV that was previously provided
7 in this case as Bayley Exhibit 1. And then I'm
8 going to attach the two-page document we were just
9 discussing as Abaricio Exhibit 1. If you would
10 please turn to page 58.

11 (BAYLEY EXHIBIT 1 MARKED FOR IDENTIFICATIION)

12 (ABARACIO EXHIBIT 1 MARKED FOR IDENTIFICATION)

13 BY MR. BERCAW:

14 A Okay, sir.

15 Q It's my understanding that this is a one-page
16 document comprised of your statement prepared after the
17 incident; is that correct?

18 A Yes, sir.

19 Q Okay. And this is a true, correct, and
20 complete copy of your statement, right?

21 A Yes, sir.

22 Q I'll attach that as Abaricio Exhibit 2. Mr.
23 Abaricio, how many times have you signed an employment
24 contract with Interships to serve as the bosun of the
25 Nomadic Milde?



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1 (ABARACIO EXHIBIT 2 MARKED FOR IDENTIFICATION)

2 A With regards to -- to Nomadic Milde, where the
3 boat I -- I was in recently -- was -- was my first time
4 for Internship, but I have -- as a bosun, but I have been
5 working as a bosun in other vessels before this.

6 Q How long, in approximate years, have you
7 worked on ocean-going vessels as a bosun?

8 A To my recollection, more than two years.

9 Q Before you served as a bosun, what positions
10 did you hold with respect to ocean-going vessels?

11 A Before that I worked as an OS, but first I
12 started -- but first I started as a cadet.

13 COURT REPORTER: I'm sorry.

14 MR. BERCAW: Cadet. Go ahead. Keep
15 translating, ma'am.

16 THE INTERPRETER: Cadet. Okay. I started as a
17 cadet, then -- gosh, I don't even understand my
18 writing. What's OS again?

19 THE WITNESS: Ordinary seaman.

20 BY MR. BERCAW:

21 A Sorry, an ordinary seaman, and then an able-
22 bodied seaman. And then I was promoted to my current
23 rank, which is a bosun.

24 Q The certificate we've been provided includes
25 the -- NM 35, indicates you have a certificate as a



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1 capacity for rating forming part of a navigational watch
2 at the support level. And then page 36 reflects that
3 you have been certified in the capacity as an able-
4 bodied seaman, correct?

5 A Yes, sir.

6 Q And both certificates were issued on August
7 11, 2015, correct?

8 A Yes, sir.

9 Q Okay. All right. So you worked for
10 approximately three years as an AB before you became a
11 bosun; is that correct?

12 A More than three years. More than three years.
13 To my recollection, over four years.

14 Q Okay. And how long did you work as an
15 ordinary seaman before you qualified as an able-bodied
16 seaman?

17 A Two years, sir. I was an ordinary seaman for
18 two years.

19 Q And how long did you work as a cadet before
20 becoming an ordinary seaman?

21 A One year, sir. More than a year.

22 Q All right. With respect to dropping or
23 heaving the anchors of the Nomadic Milde, what are the
24 job responsibilities of the bosun of that ship?

25 A My job is to get assignments from my chief



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1 mate and distribute it to the various people in the
2 vessel.

3 Q Okay. With respect to dropping the anchors of
4 the Nomadic Milde in an anchorage, what does the bosun
5 do during that operation?

6 A Are you referring to my job in preparing
7 before we drop anchor?

8 Q Yes. Anything that a bosun is expected to do
9 during -- before, during, and after the anchors of the
10 vessel are dropped?

11 A We prepare the anchor, first we removed the
12 lashing and then, we switch on the motors that we need
13 to prepare in order to drop anchor. And then we wait
14 for the captain's orders to drop anchor.

15 Q During the time the Nomadic Milde was setting
16 anchors in the Mississippi River on May 8, 2020, you
17 were located at the bow of the vessel, correct?

18 THE INTERPRETER: Could you please repeat the
19 question?

20 Q Sure. During the time the Nomadic Milde was
21 in the Mississippi River on May 8, and she was dropping
22 her anchors in the river, were you located at the bow of
23 the vessel during that operation?

24 A I was at the bow. I was present when anchor
25 was dropped on May 8.



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1 Q Who else was with you at the bow of the vessel
2 during that time?

3 A I was working with someone, but now I don't
4 recall who it was, but I do know I was working with
5 someone.

6 Q Was it the AB, NOS or somebody else?

7 A Probably one of those, but it's just that I
8 don't recall which among them.

9 Q Okay. Were you operating the motors and the
10 brake of the anchor equipment during that operation, or
11 was that other person doing that?

12 A It was me. It was me. I did it myself.

13 Q Okay. Which anchor of the Nomadic Milde was
14 dropped first on May 8, 2020?

15 A I -- right now I don't recall which was first
16 of the two.

17 Q Okay. When the vessel was maneuvered into the
18 position where the first anchor was dropped, how was the
19 anchor dropped? Was the brake simply released and the
20 anchor play out overboard, or was the anchor windlass
21 used to slowly lower the anchor into the water?

22 THE INTERPRETER: Counsel, could you please
23 break that in ideas, please. And the anchor was
24 dropped.

25 BY MR. BERCAW:



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1 Q All right. When that first anchor was
2 dropped, did you release the brake and let the anchor
3 free fall or did you let the anchor go slowly down using
4 the anchor windlass?

5 A At the first place we dropped the anchor --
6 anchor slowly for the windlass, in preparation, and the
7 windlass used the motor to drop the anchor -- to drop
8 the anchor above water -- above water -- one meter above
9 water. We waited for the captain's order, though, to
10 release the anchor, using the motor, that's no free
11 fall. We do not use the motor anymore. We will not use
12 the motor when the captain orders for -- when he orders,
13 drop the anchor, we don't use the motor anymore. We do
14 it ourselves. So we do a free fall -- a free fall.

15 Q Okay. Before you operated the anchor windlass
16 to lower the anchor to one meter above the water, more
17 or less, did you inspect the first anchor that was to be
18 dropped?

19 A Yes, ma'am. Yes, sir. Yes, sir.

20 Q Tell me how you inspected the anchor at that
21 time?

22 A We lowered the anchor down into the river, so
23 we can see -- it was a visual check to see if everything
24 was okay.

25 Q Okay. And so I'm trying to understand. As



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1 the anchor was being lowered, you were at the motor and
2 allowing the anchor chain to slowly pay out from the
3 locker and lower the anchor down to approximately one
4 meter above the water, correct?

5 A Yes, sir. Yes, sir.

6 Q And during that operation, you were the
7 individual operating the motor of the anchor winch, so
8 that the chain would lower the anchor, correct?

9 A Yes, sir. Yes, sir.

10 Q And as the anchor chain was being lowered and
11 where you were at the motor, you could not see the
12 actual anchor because you were blocked by the deck of
13 the ship?

14 A See, the controls and then I will know. I
15 will stop first -- I will stop and then -- so I can see
16 what's happening.

17 Q Right. And the person that was helping you
18 during this operation, were they the individual that
19 would look over the side of the ship and tell you to
20 stop when the anchor got about one meter above the water
21 level?

22 A Yes, ma'am. Because I don't remember who was
23 working with me on May 8th. But he is my companion who
24 would check the anchor before it's lowered.

25 COURT REPORTER: I'm sorry. Could you please



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1 repeat the first word you said, Madam Interpreter.

2 THE INTERPRETER: Interpreter didn't remember.

3 The interpreter will ask him to repeat.

4 BY MR. BERCAW:

5 A That day -- the day, on May 8th, I didn't know
6 who I was working with, but we would alternate in
7 dropping the anchor.

8 Q At what height above the river did the person
9 that was assisting you observe the anchor? If you know.

10 A I -- I don't recall. I don't recall, ma'am.

11 Q Before the first anchor was dropped, did you
12 have time to examine the anchor that was the first one
13 that was dropped?

14 A Yes, sir. Yes, sir.

15 Q How far below you was the anchor when you
16 examined it? And this is the first anchor.

17 A I don't exactly remember how far it was, but,
18 more or less, it was five -- between five and six
19 meters.

20 Q For the first anchor that was to be dropped,
21 did you notice any deformities in the anchor stock
22 before it was dropped?

23 A No, sir. No, sir.

24 Q Did you notice any deviations of the anchor
25 flukes from themselves before the anchor was dropped?



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1 A No, ma'am. The anchor was in good condition
2 before it was dropped.

3 Q Did you notice any bend in any of the links of
4 the anchor chain, for the first anchor that dropped,
5 before you actually dropped that anchor?

6 A No, ma'am. The anchor was okay.

7 Q Did you notice any bends in the links of the
8 anchor chain before the first anchor was dropped?

9 A No, sir.

10 Q Okay. After the first anchor was dropped,
11 then I take it the ship moved to the location where they
12 wanted the second anchor dropped; is that correct?

13 A I don't recall now, ma'am.

14 Q How many anchors were out for the Nomadic
15 Milde on May 8, 2020 before the vessel came in contact
16 with the Atlantic Venus?

17 A Two anchors, sir. Two anchors.

18 Q So the second anchor was set, that would be
19 you and that individual who you can't remember at the
20 bows of the vessel, correct?

21 A Yes, ma'am. I had someone working with me.
22 Most of the time I have two companions when we work on
23 the anchor.

24 Q Okay. So who were those two companions that
25 worked with you in dropping the anchors of the Nomadic



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1 Milde?

2 A Ma'am, I no longer remember who they were.

3 Q Okay. When you set the second anchor of the
4 Nomadic Milde, it basically followed the same process
5 and operation that we just described in setting the
6 first anchor; is that correct?

7 A Yes, sir.

8 Q Okay. So you operated the motor to lower the
9 anchor to approximately one meter above the water,
10 correct?

11 A Yes, sir.

12 Q Okay. And you were taking direction from at
13 least one deck hand as to when the anchor was at one
14 meter above the water level, right?

15 A Yes, ma'am -- yes, sir. Yes, sir.

16 Q And then you inspected the condition of the
17 second anchor of a distance five to six meters just like
18 you did on the first anchor, correct?

19 A Yes, sir.

20 Q Okay. That five to six meters you were
21 talking about for both the first and second anchor when
22 you conducted your inspection, that was the distance
23 from your eyes standing on the deck to the top of the
24 shackle at the very top of the anchor where -- or the
25 swivel where the anchor chain connected, correct?



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1 A I'm not sure, but mostly that -- the same
2 distance.

3 Q Right. But the distance is the top of -- let
4 me ask it again. The top of the anchor is connected to
5 a swivel that rotates 360 degrees, correct?

6 A Yes, sir.

7 Q Okay. And that swivel is where the anchor
8 chain connects to the anchor itself, correct? Yeah.
9 So --

10 A Yes, sir.

11 Q I'm not trying to get a specific distance of
12 like 5.32 meters or something like that, but generally
13 speaking, when you were talking about your distance from
14 the anchor when you were inspecting it, your eyes were
15 approximately five to six meters from the shackle on top
16 of the anchor that we've been talking about, right?

17 THE INTERPRETER: The question was answered
18 before it was interpreted, is that okay with,
19 Counsel?

20 MR. BERCAW: That's fine. I think his answer
21 was, "Opo, Sir." Which I -- I'm not a Philippine
22 literate, but it seems to sound like, "yes."

23 THE WITNESS: Yes, sir.

24 THE INTERPRETER: "Opo," that's correct.

25 MR. HELD: Yes, sir.



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1 BY MR. BERCAW:

2 Q Okay. Okay. All right. For the second
3 anchor, when you inspected it, when you inspected the
4 anchor stock, did you see any deformities in the anchor
5 stock when you were on the deck of the vessel looking
6 down at it?

7 A No, sir. No, sir.

8 Q Okay. For the second anchor that was to be
9 dropped, did you notice any irregularities or
10 differences in the alignment of the flukes of the
11 anchor?

12 A No, sir. No, sir.

13 Q Okay. And did you notice any deformities or
14 bends in the anchor chain itself that was involved with
15 the second anchor that was to be dropped off the Nomadic
16 Milde?

17 A No, sir. No.

18 Q Okay. Have you been advised, told or
19 otherwise learned of the condition of the starboard
20 anchor of the Nomadic Milde that was retrieved from the
21 river bottom?

22 A Could you please repeat the question?

23 Q Yes. Has anyone told you about the condition
24 of the starboard anchor of the Nomadic Milde that was
25 retrieved from the river bottom?



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1 A Yes. After the incident occurred.

2 Q Okay. Who told you?

3 A I don't recall who it was now, but I did see
4 the picture.

5 Q Okay. How many pictures did you see of the
6 starboard anchor?

7 A I don't remember exactly how many, but perhaps
8 around two.

9 Q Okay. And when did you see those pictures of
10 the anchor?

11 A If you're asking for the exact date, I don't
12 recall, but I saw it after the incident happened.

13 Q Okay. Did you see those photographs when you
14 were in Tampa or when you were still on board the vessel
15 in the river?

16 A Not in Tampa, but before we arrived in Tampa.
17 That I remember.

18 Q Did Counsel for the Nomadic Milde interests
19 show you those pictures?

20 A No, sir.

21 Q So who showed them to you?

22 A Honestly, I do not recall, but it was one of
23 my co-workers on the vessel.

24 Q Do you remember their name?

25 A No, sir.



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1 Q Okay. What did the pictures of the anchor
2 show?

3 A What I saw was that the fluke had -- was bent.

4 Q Anything else that those pictures showed you?

5 A Nothing more, sir. Only that.

6 Q Do you know where that photograph that was
7 shown to you currently is?

8 A No, ma'am.

9 Q You would agree with me that if that fluke was
10 bent at the time the anchor of the Nomadic Milde was
11 anchoring in the Mississippi River, then that anchor was
12 no longer suitable to serve as an anchor for that ship?

13 A Yes, sir.

14 Q Okay. Do you know when the bend in the fluke
15 occurred?

16 A After the accident occurred.

17 Q Explain how you know that?

18 A I saw that there was the bend in the fluke
19 after the accident -- I saw in the picture the bend in
20 the fluke after the accident occurred.

21 Q Right, but I'm asking you, when did the bend
22 in the fluke occur? At what point in time?

23 A Sir, I do not exactly know when the bend in
24 the fluke happened, but if you are going to base a time
25 span, the bend in the fluke was after the accident



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1 occurred because there was no bend when it was dropped.

2 Q At least no bend in the fluke that you could
3 see?

4 A There was no bend before I dropped it.
5 Everything was okay.

6 Q As far as you could tell from five to six
7 meters away; is that correct?

8 A Yes, sir.

9 Q Do you know what the bottom of the Mississippi
10 River is like as far as consistency of the soil?

11 A No, sir.

12 Q Would you expect a soft, muddy bottom of the
13 river to bend the fluke of the anchor that you saw in
14 the picture after the accident?

15 A It's possible, ma'am.

16 Q Okay. Not probable though, right?

17 MR. HELD: Objection.

18 A I don't know what happened at the time because
19 I didn't see it, but if you base -- but if you base what
20 I saw after the accident, the bend in the fluke was the
21 only picture I saw after the accident occurred.

22 Q Right. So based upon what you're telling me,
23 either the muddy river bottom of the Mississippi River
24 caused the fluke to bend or the fluke was bent before it
25 went -- it was dropped and given your distance, you just



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1 couldn't notice it, correct?

2 MR. HELD: Objection.

3 A No, sir. Because I did see that the anchor
4 was perfect before we dropped it.

5 Q Okay. I gave you two scenarios to explain the
6 bend in the fluke of the anchor. In your mind, is there
7 any other explanation for why the fluke would be bent?

8 MR. HELD: Objection.

9 A May I continue my response?

10 Q Sure.

11 A I don't know what there is in the river
12 bottom. There must have been something at the bottom of
13 the river. I can't say it was the mud, but I see what
14 was below the water.

15 COURT REPORTER: I'm sorry, Ms. Interpreter,
16 you keep speaking while he's talking and I'm missing
17 the first part of your answers. Could you repeat
18 what that answer was?

19 THE INTERPRETER: Apologies. But, you know,
20 once it comes out of my mouth, I don't remember
21 anymore.

22 MR. BERCAW: Repeat your answer, please.

23 MR. HELD: Objection. Do you remember your
24 answer?

25 BY MR. BERCAW:



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1 A I don't know what kind of soil is at the
2 bottom of the river, but after the incident, I saw the
3 fluke was already bent, so there must have been
4 something hard at the bottom of the river that could
5 have caused it.

6 Q In the absence of something hard that would
7 have caused the bend in the fluke, the only other
8 rational explanation would be that the fluke was bent
9 before that anchor was dropped, correct?

10 MR. HELD: Objection. Objection.

11 A I don't agree with that statement, ma'am,
12 because I saw the anchors were in perfect condition
13 before it was dropped into the water. There was no bend
14 in the fluke.

15 Q And I'm asking you to assume that if there was
16 nothing hard that the fluke came in contact with during
17 the time of the incident, that the only other rational
18 explanation for the bend in the fluke is that it existed
19 at the time the anchor was dropped from the Nomadic
20 Milde?

21 MR. HELD: Objection. He's already said it was
22 in perfect condition. I think three times before it
23 was dropped. So -- and he's already said that that
24 would not be rational. If you want to answer it
25 again, Vincent, feel free.



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1 THE INTERPRETER: May -- may the interpreter
2 interpret what --

3 MR. HELD: Please.

4 THE INTERPRETER: -- the original question is,
5 then you would have to repeat again what -- what
6 your objections were because I don't remember.

7 MR. HELD: Yes, ma'am.

8 THE INTERPRETER: Thank you.

9 BY MR. BERCAW:

10 A I don't agree with what was being said, ma'am,
11 because -- because I, myself checked the fluke before it
12 was dropped in the water. It was perfect.

13 Q And from the photograph that you saw and don't
14 know where it is now, you had no other observations of
15 any other defects or deformities in the anchor except
16 for the bent fluke, correct?

17 MR. HELD: Objection. Asked and answered. You
18 can answer.

19 A What I saw in the picture was that the fluke
20 had the bend, several days after the accident.

21 Q And that's the only problem you noticed with
22 the anchor in that photograph?

23 MR. HELD: Same objection.

24 A I haven't recognized other problems but all I
25 saw when I looked at the picture was that there was a



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1 bend in the fluke.

2 Q So to close out this line of questioning, you
3 don't remember who was at the bows with you, but you do
4 remember the anchor was in perfect shape; is that
5 correct?

6 MR. HELD: Objection.

7 A What I do recall, but there was nothing wrong
8 with the anchor before I dropped it into the water. And
9 I don't remember who I was with when we did that.

10 Q All right. After the anchors were dropped of
11 the Nomadic Milde, how many shots of anchor chain were
12 on the starboard anchor?

13 THE INTERPRETER: How many what?

14 MR. BERCAW: Shots.

15 A I don't recall now how many shots.

16 Q Okay. How many shots of anchor chain were out
17 at the port anchor when the Nomadic Milde was anchored?

18 A I don't recall, sir.

19 Q Okay. When the anchors had been set, what was
20 the next thing that you did?

21 A Once the anchors had been dropped, what I do
22 is I wait for orders from the captain.

23 Q So did you remain at the bows or did you go
24 into the living quarters of the house?

25 A I stayed in the bows, sir.



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1 Q How did you communicate with the captain or
2 the chief mate, when you were at the bows?

3 A We use a radio. A one-way radio.

4 Q Did the one-way radio have a channel selector
5 on it or was it just one channel?

6 A There are different channels. There are
7 channels that one can choose.

8 Q What channel did you choose or the captain
9 choose to communicate?

10 A I don't recall now, sir.

11 Q Okay. When were you advised that there was a
12 problem with the way the Nomadic Milde was having when
13 she was at anchors?

14 A If you're going to ask me what time, my answer
15 is, I don't remember, but I do know it happened in the
16 afternoon.

17 Q Before we get into that any further, I
18 understand that one of the anchor lockers held one shot
19 less than the anchor chain for the other anchor locker.
20 Do you know why one anchor chain was one shot less than
21 the other?

22 A I don't understand the question. What is the
23 question?

24 Q Okay. I understand that one of the anchor
25 chains for the Nomadic Milde had one less shot of anchor



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1 chain than the other. Why is that?

2 A I don't know.

3 Q After the Nomadic Milde had set her anchors,
4 what did you do to secure the anchor chains?

5 A Once the captain said, we are set anchor, then
6 I -- I tightened the brake and -- and put a stopper.

7 Q And you did this for both anchor chains; is
8 that correct?

9 A Yes, sir.

10 Q Okay. Is the anchor brake for the anchor
11 windlass of the Nomadic Milde one that can be adjusted
12 to where it's only partially engaged or is it simply,
13 it's either engaged or disengaged?

14 A No, sir. It can only be withdrawn if it's
15 tight.

16 Q So it's either on or off. There is no partial
17 braking?

18 A It's not on or off. It can be tightened --

19 Q Okay.

20 A -- tightly.

21 Q How --

22 A Or --

23 Q Okay. How tightly did you secure the brake
24 for the anchor windlass of the first anchor that
25 dropped?



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1 A It was tight enough to prevent the chain -- I
2 tightened it tight enough so that the chain wouldn't
3 move.

4 Q Okay. And after you tightened the brake to
5 that extent, then you put in the stopper; is that
6 correct?

7 A After I tightened the brake then I put the
8 stopper.

9 Q Okay. And then you went to the other anchor
10 windlass and did the same thing. Is that basically
11 correct?

12 A Yes, sir.

13 Q Okay. Did you remain at the bows of the
14 vessel after you engaged the brakes and put in the
15 stoppers for both anchor chains until the time of the
16 incident?

17 A If you're asking until the incident occurred,
18 the answer is no.

19 Q Okay. Tell me what you did between the time
20 that you installed the last stopper on the last anchor
21 chain, until the time of the incident.

22 A After set the anchor then the captain said
23 that we were done at the bow. So what we did was we
24 cleaned up our stuff in the deck.

25 THE INTERPRETER: We then do -- sorry. Go



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1 ahead.

2 A And then after that we went accommodation and
3 we were told to come back to the deck and stand by
4 because something was happening.

5 Q Who told you to come back to the deck because
6 something was happening?

7 A One of the officers, but I don't recall now
8 who it was.

9 Q Okay. And what was happening?

10 A We were told to go back to the deck and be on
11 standby because there was further dragging.

12 Q What was dragging?

13 A I was told the anchor.

14 Q Okay. Before the Atlantic Venus came in
15 contact with the Nomadic Milde, did you remove any
16 stopper from the anchor chains?

17 A I didn't remove anything, sir.

18 Q Okay. Before the Nomadic Milde made contact
19 with the Atlantic Venus, did you disengage any of the
20 brakes on the anchor windlass?

21 A I don't recall, sir.

22 Q Okay. Did you take a telephone video
23 recording from the bows of the Nomadic Milde when she
24 was in contact with the Atlantic Venus?

25 A The video -- it was -- there's a video taken



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1 when we already -- when we already -- when we already
2 hit the Venus. There's -- I -- the cell phone wasn't
3 mine. It wasn't -- I wasn't the one who took the video
4 but a co-worker did.

5 Q Whose cell phone took the video after the
6 Nomadic Milde made contact with the Atlantic Venus?

7 A Yes, sir. The video was -- was -- taken after
8 -- after the collision.

9 Q I know that. I'm asking, who took the video?

10 A One of my co-workers, but I don't exactly know
11 which one among them.

12 Q At any time that the Nomadic Milde was in
13 contact with the Atlantic Venus, did you receive an
14 instruction from the bridge to let out anchor chain?

15 A I did receive radio calls that we had hit
16 Atlantic Venus, but I don't recall now who those were
17 from.

18 Q Okay.

19 A I don't recall who called and what was said in
20 the call.

21 Q Okay. Do you know if you received an
22 instruction after the Nomadic Milde hit the Atlantic
23 Venus at any time before the vessel hit the dock to let
24 out anchor chain?

25 THE INTERPRETER: Counsel, could you please



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1 just repeat and --

2 MR. BERCAW: Yes.

3 THE INTERPRETER: -- not too long?

4 MR. BERCAW: I shall try.

5 THE INTERPRETER: Thank you.

6 MR. BERCAW: Okay.

7 THE INTERPRETER: Appreciate it.

8 MR. BERCAW: You're welcome.

9 BY MR. BERCAW:

10 Q I'm going to talk about the period between the
11 time the Nomadic Milde first struck the Atlantic Venus
12 until the time the Nomadic Milde hit the Cornerstone
13 dock, okay?

14 THE WITNESS: I think what -- your statement
15 was wrong, ma'am. I'm referring to the interpreter.

16 Q I'll re-ask the question. I only want to talk
17 about the time period between the Nomadic Milde making
18 contact with the Atlantic Venus and the time the Nomadic
19 Milde made contact with the Cornerstone dock.

20 A Okay, sir.

21 Q Okay.

22 A Okay, sir.

23 Q All right. During that time period, did you
24 receive an order to let out anchor chain?

25 A I don't recall, sir.



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1 Q If you did receive a call to let out anchor
2 chain, how would you have gone about releasing the
3 anchor chain?

4 A If my official officer told me to release the
5 anchor chain, I can release it by removing the brake or
6 I can release it through the -- using the motor.

7 Q Before you did any of those options, isn't
8 there something you have to do first?

9 A Yes. If I release the anchor or the chain, I
10 need to remove the stopper.

11 Q The stopper comes off first, correct?

12 A Yes. We have to remove the stopper first
13 before we release.

14 Q Right. And so whether you're going to let the
15 anchor chain pay out using the windlass or by simply
16 disengaging the brake, the stopper comes off first,
17 correct?

18 A Yes, sir. That's correct.

19 Q Is removing the anchor chain stopper a one-man
20 or a two-man operation?

21 A One person can do it, but it's easier and
22 faster if there were two.

23 Q Okay. It takes one person to either operate
24 the anchor windlass or to release the brake, depending
25 on how you want to release the anchor chain, correct?



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1 THE INTERPRETER: Repeat that. Counsel, could
2 you repeat that?

3 Q It takes only one person to operate the anchor
4 windlass or to release the brake, correct?

5 A One person can operate windlass.

6 Q Okay. And one person can release the anchor
7 brake, correct?

8 A One person can handle releasing. One person
9 can release the anchor brake but there is preparation
10 needed before the release.

11 Q Explain that to me.

12 A Before I release the anchor, I make sure that
13 the brake is tight, very, very tight. And once the
14 captain says to release the anchor or release the chain,
15 because the brake has been tightly -- is-- has been
16 tight, then I need help to release it a little bit.
17 Once it release -- it is released completely, then I can
18 do it just by myself because it has been untightened a
19 bit.

20 Q Okay. So if you were going to just let the
21 anchor chain drop without using the anchor windlass, you
22 would disengage the anchor -- you would tighten the
23 brake first, the next thing that you would do is
24 disengage the anchor windlass, and then you would
25 disengage the brake that had just been re-tightened; is



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1 that correct?

2 A That's correct, sir.

3 Q Okay. Before the Nomadic Milde hit the
4 Cornerstone dock, did any of those operations we just
5 described occur?

6 A There were incidents that happened before. We
7 did something before it hit the Cornerstone dock
8 according to what we're discussing right now. But then
9 -- but I -- right now I don't recall what it was. But I
10 know we did something that we needed to do before we
11 ended up hitting the wharf.

12 Q What was the something that you needed to do
13 before the Nomadic Milde hit the dock?

14 A In my recollection, it was related to the
15 windlass and the chain, but I don't recall what it was
16 now because that was a long -- that occurred quite a
17 long time ago.

18 Q Okay. Which windlass are you referring to?

19 A Two, sir. Two. Port and starboard, sir.

20 Q And what was done to either one of those
21 windlasses?

22 MR. HELD: Objection.

23 A I don't recall now what I -- what procedure I
24 did -- the windlass, because things just happened too
25 fast.



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1 Q Okay. Am I correct that the starboard anchor
2 chain failed before the Nomadic Milde hit the
3 Cornerstone dock?

4 A The chain was severed a few moments before we
5 hit and anchored that --

6 Q Okay.

7 MR. HELD: He said that -- he said the
8 Cornerstone dock.

9 MR. BERCAW: Yeah.

10 MR. HELD: Cornerstone dock.

11 THE WITNESS: Not anchor.

12 BY MR. BERCAW:

13 Q Okay. So --

14 THE INTERPRETER: Interpreter said (speaking
15 Tagalog).

16 Q Okay. So what you just said was a few moments
17 before the vessel hit the dock, the starboard anchor
18 chain broke?

19 A That's correct, sir. But -- but I -- I don't
20 recall whether it -- it was a matter of minutes or
21 seconds.

22 Q Fair enough. Okay. Before that anchor chain
23 failed, the starboard anchor chain, had the anchor chain
24 stopper been removed?

25 A If you're asking about the stopper in



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1 starboard, I don't recall.

2 Q Okay. Had the starboard anchor windlass brake
3 been disengaged before the starboard anchor chain
4 failed?

5 A Could you please repeat your question?

6 Q Yes. Before the starboard anchor chain
7 failed, was the anchor windlass brake on the starboard
8 side disengaged?

9 A I don't recall, sir.

10 Q Okay. Before the starboard anchor chain
11 broke, was the starboard anchor windlass disengaged with
12 only the brake holding the anchor chain?

13 A The -- the windlass starboard anchor chain was
14 engaged.

15 Q Okay. All right. Do you know why the
16 starboard anchor chain failed?

17 A In my opinion, the starboard anchor chain was
18 working because it was cut.

19 Q What cut the anchor chain?

20 A So I -- I think the anchor chain broke because
21 of the speed.

22 Q Okay. And the starboard anchor chain failed
23 between the top of the hawsepipe and the anchor
24 windlass, correct?

25 A I don't recall now.



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1 Q Okay. Let's talk about the port anchor and
2 the port anchor chain now, okay?

3 MR. HELD: Hey, Jim. We going -- we've been
4 going an hour and 40 minutes. Not right now,
5 whenever we get a chance, can we take a break?

6 BY MR. BERCAW:

7 Q Do you know whether the port anchor chain paid
8 out completely before the vessel hit the Cornerstone
9 dock?

10 A Sir, are you asking me if I know why it was
11 paid out?

12 Q I'm asking you: Was it paid out?

13 A It wasn't paid out. We were -- we were trying
14 to prevent it. It was not us who did the paid out. We
15 were preventing the payout but because of the strong
16 impact, that's what happened.

17 Q What strong impact caused the port anchor
18 chain to pay out?

19 A Because of the fast movement of the boat, then
20 the chain faded out.

21 Q Okay. And unlike the starboard chain --
22 excuse me. I'll start over again. Unlike the starboard
23 anchor chain, which was severed, the port anchor chain
24 ran all the way out of the chain lockage where there was
25 no more chain left on board for that anchor; is that



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1 correct?

2 A Everything in the port side faded out. In the
3 other side, it was stuck off.

4 Q Right. And you're saying paid out, not faded
5 out, correct?

6 A When I say paid out it means the -- the -- it
7 was being lowered.

8 Q Okay. Do you know why all the port anchor
9 chain paid out?

10 A It was because the -- the boat was moving too
11 fast. So he -- he was putting -- it was unpreventable.
12 It was -- the boat was traveling too fast. The brake
13 could not stop it. The brake couldn't stop the chain.

14 Q Okay. Was the stopper --

15 MR. BUTTERWORTH: Are we going to take a break?

16 MR. BERCAW: I'm almost done, okay, with this
17 line of questioning.

18 BY MR. BERCAW:

19 Q Was the stopper removed from the port anchor
20 chain before it paid out?

21 A I don't recall, sir.

22 Q Okay. Was the port anchor windlass
23 disengaged, and the brake tightened before the port
24 anchor paid out overboard?

25 A Yes, sir. That's correct, sir.



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1 MR. BERCAW: Okay. We'll take a break.

2 COURT REPORTER: The time is 4:32 p.m. We are
3 going off the video record.

4 (OFF THE RECORD)

5 COURT REPORTER: The time is 4:40 p.m. We're
6 going back on the video record.

7 BY MR. BERCAW:

8 Q Who disengaged the port anchor windlass?

9 A I don't recall, sir.

10 Q Why was the port anchor windlass disengaged?

11 A After the anchor was set after the accident
12 holding brake. The -- the windlass being disengaged
13 from the chain happened a lot earlier before the rest
14 happened.

15 Q Okay. So -- and you don't remember whether
16 the stopper on the port anchor chain had remained in
17 place or had been removed; is that correct?

18 A I -- I don't remember who or when the stopper
19 was -- was taken out.

20 Q Okay. Could the port anchor chain stopper
21 have been there and then just simply failed because of
22 the force put on it by the anchor and the anchor chain?

23 A Even the stopper was there because of the
24 intensity of the force, it couldn't have been stopped.

25 Q Okay. So we're not clear about whether a



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1 stopper was in place on the port anchor chain at the
2 time it began to pay out, correct?

3 A I just do not know who or when the port
4 stoppered - stoppered was used. That's what I don't
5 recall.

6 Q Or even it was removed, correct?

7 A To my recollection, sir, it had been removed.
8 I just don't know who removed it or when it was removed.

9 Q Okay. And then you are clear that the port
10 anchor windlass had been disengaged at some point?

11 A It was clear to me that the port windlass was
12 disengaged.

13 Q Can you repeat that?

14 A If -- if his question was, if the windlass was
15 engaged, the answer to that is it was not.

16 Q Right. You just don't remember when or why it
17 was disengaged?

18 A Ma'am, I don't remember when the windlass was
19 disengaged.

20 Q Okay. Do you know if the port anchor brake
21 was engaged before the port anchor chain began paying
22 out?

23 A The windlass was not engaged. If he's asking
24 about the windlass, it wasn't engaged in the port.

25 Q Right. The brake on that port anchor



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1 windlass, that was engaged before the anchor began
2 paying out; is that correct?

3 A Windlass was braked -- fully braked before the
4 incident occurred.

5 Q But when the port anchor windlass was
6 disengaged, the port brake could no longer prevent the
7 port anchor chain from paying out before the vessel hit
8 the Cornerstone dock?

9 A Sir, could you please repeat your question?

10 Q But the port brake could not prevent the port
11 anchor chain from paying out before the vessel hit the
12 Cornerstone dock?

13 A I don't understand the question, sir.

14 Q Okay. Do you know if the port anchor and port
15 anchor chain paid out completely from the vessel at any
16 time that the vessel was in the Mississippi River?

17 A What I recall is that our chain paid it out
18 before the incident occurred. Our chain paid it out
19 completely on port side the day of the accident. Other
20 than that, nothing else happened. Other than what
21 happened that time, it's never happened before.

22 Q Did the port anchor chain pay out completely
23 before the Nomadic Milde made contact with the Atlantic
24 Venus?

25 THE INTERPRETER: Let me start again.



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1 Q Did the port --

2 THE INTERPRETER: Could you repeat your --

3 Q Yes. Did the port anchor chain pay out
4 completely before the Nomadic Milde struck the Atlantic
5 Venus?

6 A No, sir.

7 Q Okay. The port anchor chain paid out
8 completely before the Nomadic Milde struck the
9 Cornerstone dock, right?

10 A At the Cornerstone dock, the chain was still
11 going out. When we left the bow, the -- the chain was
12 still unwinding at that time.

13 Q Okay. Before you left the bow, the starboard
14 anchor chain had severed, correct?

15 A Yes, sir.

16 Q Okay. As you were leaving the bows, the port
17 anchor chain continued to pay out, uncontrolled, from
18 the vessel, correct?

19 A Yes, sir. But may I explain?

20 Q Absolutely.

21 A When we were -- when we were leaving the bow,
22 sir, the chain was still moving. The chain was still
23 unwinding -- unwinding. And -- but then when we were
24 leaving the wharf, but I thought it was -- when we left
25 the bow, the chain was still turning around, opposite



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1 the -- going out the vessel.

2 Q Okay. All right. That's fine. Did you see
3 the starboard anchor chain of the Atlantic Venus become
4 severed?

5 A No, sir.

6 Q Okay. Do you know if the starboard anchor
7 chain of the Atlantic Venus did fail?

8 A I don't know, sir.

9 Q Did you inspect the port anchor windlass of
10 the Nomadic Milde after the vessel had hit the
11 Cornerstone dock?

12 THE INTERPRETER: Could you please repeat your
13 question?

14 Q Did you inspect the port anchor windlass after
15 the vessel hit the Cornerstone dock?

16 A Yes, sir.

17 Q What, if anything, was the condition of the
18 port anchor windlass, the brake, and the port anchor
19 chain stopper when you did that inspection?

20 A Let me tell you one by one. The anchor chain,
21 when I looked at it, was paid out, everything was paid
22 out port side -- on the port side. And the brake pads
23 of the port side of windlass, was -- was broken.

24 Q And the condition of the port anchor stopper?

25 A I don't recall the condition of the port



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1 anchor stopper.

2 Q Okay. Did you inspect the condition of the
3 starboard anchor windlass, and the starboard anchor
4 brake, and any stopper in that area?

5 A Are you asking whether the inspection was done
6 before the incident or after?

7 Q After the vessel hit the Cornerstone dock.

8 A Yes, sir. I inspected it.

9 Q And what were the results of your inspection?

10 A What I saw the starboard, was that the chain
11 was cut.

12 Q Was there any problem with the anchor windlass
13 on the starboard side?

14 A When I checked after the incident, I found out
15 that there was a problem with the windlass on the
16 starboard side.

17 Q And what was the problem?

18 A Sound was different and the force wasn't as
19 intense, and the frame of the windlass -- the motor of
20 the windlass.

21 Q Okay. What was the condition of the starboard
22 anchor windlass brake after the accident?

23 A It was still okay. The starboard brake
24 windlass was still -- brake was still okay.

25 Q Did you find the starboard anchor stopper?



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1 A Yes, sir. The starboard anchor stopper was
2 still there.

3 Q Do you know why the Nomadic Milde struck the
4 Cornerstone dock?

5 A I don't know, sir.

6 Q Do you know why the Nomadic Milde came in
7 contact with the Atlantic Venus?

8 A I don't know as well, sir.

9 Q Do you know why the Nomadic Milde began to
10 drift downstream before hitting the Atlantic Venus?

11 A I don't know, sir.

12 Q Has anybody told you why the Nomadic Milde
13 began drifting downstream before she hit the Atlantic
14 Venus?

15 A No, sir. I don't recall anyone telling me
16 anything.

17 Q Do you -- did anyone tell you why the Nomadic
18 Milde made contact with the Atlantic Venus?

19 A No, sir. No, sir.

20 Q Did anyone tell you why the Nomadic Milde left
21 the Atlantic Venus and then struck the Cornerstone dock?

22 A No, sir. No, sir.

23 Q What documents did you review before, in
24 preparation for your deposition today?

25 A Nothing, sir.



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1 MR. BERCAW: Okay. I tender the witness.

2 MR. HELD: Tim?

3 MR. DEPAULA: I don't have any questions.

4 MR. HELD: Kevin?

5 MR. FREY: No questions on behalf at present.

6 MR. HELD: Any other attorneys on the call have
7 questions? Okay. Vincent, I have a couple of
8 questions, please.

9 THE WITNESS: Yes, sir.

10 CROSS EXAMINATION

11 BY MR. HELD:

12 Q So okay. Were you on board the vessel when
13 you anchored after first coming into the Mississippi
14 River in Boothville?

15 THE INTERPRETER: Anchored after coming into
16 the Mississippi River in what?

17 MR. FREY: Boothville.

18 MR. HELD: Boothville. Boothville.

19 THE INTERPRETER: Boothville. Would you please
20 repeat your question?

21 MR. HELD: Yes, ma'am. Mr. Vincent, were you
22 on the vessel when it anchored at Boothville around
23 May 5th?

24 BY MR. HELD:

25 A Yes, sir.



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1 Q Okay. Were you involved with the anchoring of
2 the Nomadic Milde at Boothville?

3 A Yes, sir.

4 Q Did you have any problems anchoring the
5 Nomadic Milde at Boothville?

6 A No problem, sir. No problem, sir. Everything
7 was okay.

8 Q Did the Nomadic Milde drag anchors at
9 Boothville?

10 A In my recollection, sir, nothing like that
11 happened when we were in Boothville.

12 Q Did you have any problems at all while at
13 anchorage, at Boothville?

14 A No, sir.

15 Q How long have you been on the Nomadic Milde?

16 A More than one year. Going on 13 months, sir.

17 Q How many times have you anchored the Nomadic
18 Milde over the past -- 13 months?

19 A I don't remember the number of times, sir, but
20 it was a lot.

21 Q Have you ever had a problem anchoring or
22 heaving up the anchors on the Nomadic Milde?

23 A No, sir. Nothing like that happened.

24 Q Did you inspect the anchors while you were at
25 Boothville?



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1 A Yes, sir.

2 Q What was the condition of the starboard
3 anchor, at that time?

4 A The starboard anchor was okay. It had no
5 problems.

6 Q And what was the condition of the port anchor?

7 A The same. The same. The port anchor was in
8 good condition.

9 Q Were there any problems with any of the anchor
10 gear at Boothville?

11 A No, sir.

12 MR. HELD: No further questions. Jim?

13 MR. BERCAW: I have nothing else.

14 MR. HELD: Okay. Anybody else online have any
15 further questions? I'm sorry. I'm sorry, ma'am.
16 Go ahead. Does anybody else online had any more
17 questions?

18 MR. DEPAULA: I have a question.

19 MR. HELD: Okay. I guess we're done.

20 MR. DEPAULA: All right.

21 MR. HELD: And --

22 THE WITNESS: There's a question.

23 MR. HELD: There's -- somebody has a question?

24 MR. FREY: Yeah. I think Tim said he had a
25 question.



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1 MR. HELD: Yeah. Go ahead, Tim. Sorry.

2 Sorry. Yeah, absolutely. Go ahead.

3 MR. DEPAULA: All right. Vincent, you were
4 just asked some questions about doing an inspection
5 of anchors at Boothville?

6 MR. HELD: Tim, would you let -- Tim, if you
7 don't mind? Vincent, this is Tim DePaula. He's the
8 attorney for the Atlantic Venus vessel, okay?

9 THE WITNESS: (No verbal response.)

10 CROSS EXAMINATION

11 BY MR. DEPAULA:

12 Q Okay. You were just asked questions about an
13 inspection of the anchors you did at Boothville?

14 A Yes, sir.

15 Q Did you take any pictures?

16 A No, sir.

17 Q Does the vessel have any policies and
18 procedures on how you were supposed to inspect the
19 anchors prior to anchoring?

20 A We only do visual inspection. And then if
21 there's something wrong or if -- if it looks there's
22 something wrong with the anchor, then I report it.

23 Q Were you trained prior to coming on board the
24 Nomadic Milde on how to inspect an anchor before the
25 vessel anchors?



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1 A With regards to training on how to inspect
2 anchors, no. But my -- but my training is based on my
3 experience.

4 Q Have you ever taken any photographs of the
5 anchors during any inspection while on board the Nomadic
6 Milde in the last 13 months?

7 A In the 13 months that I've been on board, I
8 have not taken any pictures. But my officers have taken
9 photographs of the anchor. But I don't recall when the
10 pictures were taken. But what I do know is it happened
11 when I was still on board the vessel.

12 Q Do you know who took those photographs?

13 A I don't exactly know who, but most of the time
14 it's the officials.

15 MR. DEPAULA: Thank you. That's all the
16 questions I have.

17 MR. BERCAW: Thank you.

18 MR. HELD: Okay. Anybody else have any
19 questions?

20 MR. FREY: No.

21 MR. HELD: Okay. And I'm going to ask the same
22 thing from Mr. Vincent that we did for Mr. Mark
23 Perez. Does anybody have any objection with this
24 man going home? He's been on board for 13 months.
25 He's ready to go see his family. Any objections?



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MR. BERCAW: No objection.

MR. FREY: No objection.

MR. DEPAULA: No.

MR. HELD: Okay. Thanks, guys. Hearing no objection, Mr. Vincent, you can go home.

COURT REPORTER: The time is 5:17 p.m. We're going off the video record.

THE WITNESS: Thank you, sir. Thank you ma'am.

COURT REPORTER: Thank you, sir.

MR. HELD: Thank you, Ms. Bayley.

MR. DEPAULA: Thank you, Ms. Bayley.

MR. HELD: Good job.

(DEPOSITION CONCLUDED AT 5:17 P.M.)



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2

3 STATE OF FLORIDA

4 COUNTY OF ORANGE

5

6 I, the undersigned, certify that the witness in the
7 foregoing transcript personally appeared before me and
8 was duly sworn.

9

10 Identification: Produced Identification

11

12

13

[Redacted Signature]

14

15 JODY LYNN PRALAT

16

Court Reporter, Notary Public

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF ORANGE)

I, JODY LYNN PRALAT, Court Reporter and Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did report the foregoing proceeding, and that said transcript is a true record of the testimony given by the witness.

I FURTHER CERTIFY that I am not of counsel for, related to, or employed by any of the parties or attorneys involved herein, nor am I financially interested in said action.

Submitted on: July 9, 2020.

[Redacted Signature]

JODY LYNN PRALAT
Court Reporter, Notary Public



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1 ERRATA

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3	PAGE	LINE	CHANGE	REASON
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16 I have read the entire transcript of my deposition taken
 17 in the captioned matter or the same has been read to
 18 me.I request that the following changes be entered upon
 19 the record for the reasons indicated. I have signed my
 20 name to the Errata Sheet and authorize you to attach the
 21 changes to the original transcript.

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July 9, 2020

Michael Butterworth, Esquire
Phelps Dunbar, LLP
Canal Place - Suite 2000
365 Canal Street
New Orleans, LA 70130

RE: Deposition of **Vincent Abaricio** taken on **06/25/2020**
Cornerstone Chemical Company v M/V Nomadic Milde, IMO No. 9463554

Dear Mr. Butterworth,

IMPORTANT NOTICE FOR DEPOSITION TRANSCRIPT READ AND SIGN

It is suggested that the review of this transcript be completed within 30 days of your receipt of this letter,
as considered reasonable under Federal Rules*.

X **Attorney - Copy of Transcript Enclosed:** Signature of the Deponent is required. Please have the deponent make any corrections/changes necessary on the Errata Sheet ONLY, sign name on the form where indicated. Please return ONLY the original signed Errata Sheet to our offices within 30 days from the date of this memorandum. If you have any questions, please call our offices.

 Attorney - No Copy Ordered: Since you did not request a copy of the transcript, it will be necessary for the Deponent to call our offices to arrange for an appointment to read and sign the transcript of the Deposition within 30 days of this memorandum.

 Deponent: At the time of your deposition, you did not waive your right to read and sign the transcript of your testimony, therefore, attached please find a copy of the transcript and Errata Sheet. Please read the transcript, make any corrections necessary on the Errata Sheet ONLY, sign the bottom of the Errata Sheet, and return it within 30 days from the date of this memorandum. Please call our offices if you have any questions.

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 The attached executed copies of the Errata Sheet(s) are sent to you for your files. If you have any questions, please call our offices.

Thank you for your attention to this matter.

No. 154704
cc: James Bercaw, Esquire
Timothy DePaula, Esquire
Kevin Frey, ESQ
Waiver:

I, **Vincent Abaricio**, hereby waive the reading and signing of my deposition transcript.

Deponent Signature

Date

*Federal Civil Procedure Rule 30 (e) / Florida Civil Procedure Rule 1.310 (e)

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