

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

FIRE ABOARD *GRANDE COSTA D'AVORIO* *

AT BERTH 16 IN THE PORT OF NEWARK IN * Accident No.: DCA23FM039

NEWARK, NEW JERSEY ON JULY 5, 2023 *

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Interview of: MR. MARIAN CIUMALA, 3rd Officer
Grande Costa D'Avorio
(Morning Session)

via Microsoft Teams

Friday,
February 2, 2024

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P R O C E E D I N G S

(9:10 a.m. EST)

1
2
3 CDR BARGER: All right. Good morning. Today is February
4 2nd, 2024, and the time is now 9:10 a.m. Eastern Standard Time.
5 We are back on the record for the formal hearing regarding the
6 fire and subsequent fire fatalities -- firefighter fatalities that
7 occurred on board the *Grande Costa D'Avorio* on July 5th, 2023, in
8 Newark, New Jersey.

9 I am Commander Christian Barger of the United States Coast
10 Guard. I'm the lead investigating officer for this First District
11 formal investigation and the presiding officer over these
12 proceedings.

13 The First Coast Guard District Commander convened this
14 investigation under the authority of Title 46 United States Code,
15 Section 6301 and Title 46 Code of Federal Regulations Part 4. Our
16 purpose is to investigate circumstances surrounding this incident.
17 The investigation will determine as closely as possible the
18 circumstances and factors that contributed to the incident so that
19 proper recommendations to prevent similar recurrences can be made.

20 Besides myself, the Coast Guard investigation team consists
21 of Lieutenant Commander Stephanie Moore, Mr. Willy Pittman and
22 Lieutenant Brandon Reed who is also the recorder. The legal
23 counsel to the investigation is Lieutenant Commander Katherine
24 Ward.

25 The National Transportation Safety Board is also

1 participating in this hearing. Mr. Bart Barnum is the
2 investigator-in-charge for the NTSB and is assisted by Ms. Nancy
3 McAtee.

4 The Coast Guard has designated five parties in interest to
5 this investigation. We will now take appearances for the party as
6 I call each. Grimaldi Deep Sea. And, Mr. Levy, I believe you're
7 on mute.

8 MR. LEVY: Thank you. Good morning, Commander and everyone.
9 I'm John Levy from the Law firm of Montgomery McCracken, and we
10 represent Grimaldi.

11 CDR BARGER: Okay. And, I'm sorry. Please spell your last
12 name for the record for the transcriptionist.

13 MR. LEVY: L-e-v-y.

14 CDR BARGER: Okay. Thank you. And for Ports America.

15 MR. ZONGHETTI: Good morning, Gino Zonghetti for Ports
16 America from the firm of Kaufman Dolowich, Z-o-n-g-h-e-t-t-i.

17 CDR BARGER: Okay. Thank you. American Maritime Services of
18 New York.

19 MR. HONEA: Tanner Honea of the law firm of Freehill Hogan
20 and Mahar on behalf of American Maritime Services.

21 CDR BARGER: Okay. Thank you. And for the Port Authority of
22 New York-New Jersey.

23 MR. REILLY: John Reilly, R-e-i-l-l-y, for the -- with the
24 Port Authority.

25 CDR BARGER: Thank you. And for the City of Newark?

1 MR. LIPSHUTZ: Good morning, everyone. My name is Gary
2 Lipshutz, L-i-p-s-h-u-t-z, first assistant corporation counsel,
3 City of Newark, and I'm here for the City and Department of Public
4 Safety, Division of Fire. Good morning.

5 CDR BARGER: Thank you. Okay. This morning, we continue our
6 formal proceedings through virtual witness testimony via Microsoft
7 Teams.

8 Today's witness is Mr. Marian Ciumala, third mate on the
9 *Grande Costa D'Avorio* on July 5th, 2023. Lieutenant Reed, please
10 swear in the witness and the translator.

11 LT REED: Good morning. The following witness may require
12 the use of a translator. Mr. Caliga, will you please come n
13 screen.

14 MR. CALIGA: Yes, sir. Good morning.

15 LT REED: Good morning. Please raise your right hand.
16 (Whereupon,

17 TOUGALOO CALIGA

18 was duly sworn to interpret the questions and answers to the best
19 of his skill, judgment and ability.

20 LT REED: All right. Thank you. You may look at -- please
21 state your name and spell your last name for the record.

22 INTERPRETER: My name, sir?

23 LT REED: Yes.

24 INTERPRETER: My name is Tougaloo (ph.) Caliga, C-a-l-i-g-a.

25 LT REED: All right. Thank you very much.

1 INTERPRETER: Thank you.

2 LT REED: And, Mr. Ciumala, please raise your right hand.

3 (Whereupon,

4 MARIAN CIUMALA,
5 was called as a witness, and having been first duly sworn, was
6 examined and testified, as follows:)

7 LT REED: All right. Thank you very much. I'll now ask a
8 few preliminary questions for you.

9 THE WITNESS: Okay.

10 LT REED: Please state your name and spell your last name?

11 THE WITNESS: My name is Marian Ciumala, last name, C-i-u-m-
12 a-l-a.

13 LT REED: Okay. On July 5th, 2023, what was your profession?

14 THE WITNESS: I was third officer on board the *Grande*
15 *Costa D'Avorio*.

16 LT REED: Okay. And who were you employed by at that time?

17 THE WITNESS: I was employed by Grimaldi Deep Sea.

18 LT REED: What professional certificates or certifications do
19 you hold related to that position?

20 THE WITNESS: All the required certificates for a deck
21 officer, the basic requirements.

22 LT REED: All right. And then how long had you been serving
23 as a third mate on the *Grande Costa D'Avorio*?

24 THE WITNESS: It was my first time working with Grimaldi. My
25 first time there.

1 LT REED: Okay. And how long have you been on board?

2 THE WITNESS: Starting from 1st of April. So 3 months.

3 LT REED: Okay. Thank you very much, Mr. Ciumala. Commander
4 Barger, the witness is ready to proceed.

5 CDR BARGER: Okay. Thank you, Lieutenant Reed. I will lead
6 the questions for this witness.

7 DIRECT EXAMINATION

8 BY CDR BARGER:

9 Q. Good morning, Mr. Ciumala.

10 A. Good morning.

11 Q. What is the highest rating of certifications of ship's
12 officer that you hold?

13 A. Can you repeat please?

14 Q. What is the highest rating or what is the highest level of
15 ship's officer license that you hold? Is third mate the highest?

16 A. On Grimaldi, yes. I was only the third officer but before
17 Grimaldi, I was the second officer.

18 Q. Okay. So you're a license or credential, is that as a second
19 officer?

20 A. The license for the third officer and second officer is the
21 same, it's operational level. So it's the same license.

22 Q. Okay.

23 A. Actually you are a deck officer.

24 Q. Deck officer. Okay. And then what training and education
25 have you had to become a ship's officer.

1 A. If you want to become a ship's officer, it's compulsory. You
2 have to finish the one -- to finish one Maritime University, and I
3 finished the Maritime University here in my city (indiscernible).

4 Q. Okay. And what year did you finish the Maritime University?A.
5 Excuse me.

6 Q. In what year did you finish the Maritime University?

7 A. I finished it in 2017.

8 Q. Okay. And did you begin sailing on commercial ships
9 immediately thereafter?

10 A. No, before. In 2015 but I was only deck cadet at that time.

11 Q. Okay. And then after you graduated the Maritime University,
12 did you begin sailing on your license then?

13 A. No. After that, I was on several companies, on several
14 vessels that were actual vessels like an AB. After that I became
15 an officer.

16 Q. Okay. And what types of cargo ships have you sailed on?

17 A. I was on container vessels. I was on tanker vessels. I was
18 on harbor dredger vessels, and the last one was the RORO from
19 Grimaldi.

20 Q. So was the *Grande Costa D'Avorio* the first RORO that you
21 worked on?

22 A. Yes.

23 Q. And you mentioned I believe that you started on board the
24 *Grande Costa D'Avorio* for the first time in April of 2023. Is

25

1 that correct?

2 A. Yes, that's correct.

3 Q. And where was the ship located when you joined it?

4 A. In Dakar, West Africa.

5 Q. Okay. And during your 3 months on board up to July 5th,
6 2023, was there much change of the crew while you were on board?

7 A. Yes, there were several changes of the crew.

8 Q. Okay. Did the captain or the chief officer change while you
9 were on board over those 3 months?

10 A. Only chief officer.

11 Q. Okay. And during your 3 months, how many, how many port
12 calls, estimation, how many port calls did you make with the
13 *Grande Costa D'Avorio*?

14 A. A lot of them.

15 Q. Okay.

16 A. More than 10. It's more than 10.

17 Q. More than 10.

18 A. Yes.

19 Q. Okay. And cargo operations with roll on, roll off cargo was
20 conducted in each?

21 A. Yes.

22 Q. And as the third mate or third officer on board the *Grande*
23 *Costa D'Avorio*, what were your duties?

24 A. My duties in navigation or on shore or all of them?

25 Q. Let's start with at sea.

1 A. At sea. So, taking care of navigation, of course. Taking
2 care of documents. When I'm talking about documents, I mean pre-
3 arrival at sea or departure from port. Of course, I'm judging
4 navigation as I said. Passage planning and updating the
5 publication, the

6 AIS. In general -- and I'm in charge of the hospital. In this
7 company, I was in charge of the hospital also.

8 Q. And when you say hospital, where was that located on the ship
9 and what kind of -- can you describe the facilities?

10 A. Yes, it's most -- most part of it is compulsory located in
11 deck 12 but in front of the, in front of the bridge, and inside we
12 have a fourth bed -- beds for what injured people if we have any.
13 The medicine which is (indiscernible) to have our type of vessel,
14 and I am in charge of checking the expiration date and, of course,
15 the inventory also for this medicine to be sure it's there. If
16 somebody has some problem, I have to, I have to give the pills to
17 them but only after I inform the captain. Only with his permission
18 I give the medicine.

19 Q. Okay. All right. Thank you. And then your duties when the
20 ship's in port.

21 A. When we are in port, depends if we go in the next port and
22 it's very close, of course, I have to prepare again the documents,
23 the pre-arrival and the departure documents for the port. And,
24 unless I'm in charge of the cargo operation --

25 Q. Okay.

A. -- under the supervise -- the supervising of chief officer.

1 He is the one who indicates where I have to be.

2 Q. Okay. And then during a typical cargo operation, when you're
3 involved with it, what are your actual -- what's your tasking?

4 A. Depends on the orders I receive from chief officer. I can
5 stay in the cargo control room to check, of course, the balance,
6 the heeling of the vessel, the ventilation and if he says to move
7 to the specific deck where is the operation, the loading be in
8 charge of operation, I have to stay there and supervise the cargo
9 operation to see if there are any incidents or not, if the cargo
10 -- if the correct cargo and inspect the cargo from.

11 Q. And then as far as in the case of an emergency, what are your
12 duties as third mate as it relates to the muster list for either
13 abandon ship or fire?

14 A. Depending on the situation, as you said, if it's an abandon
15 or fire on board, my duty is to go to the muster station, confirm
16 my position and the presence of my team members, that they are
17 there in the muster station -- with the captain I mean. And after
18 we have to, at his order, we have to proceed to the hospital.

19 Q. Okay. And --

20 A. Where I receive other instruction from him.

21 Q. Okay. And in the case of a fire, what are your duties
22 specific to that type of incident?

23 A. Depending on the situation is the same, but if I am the
24 officer on duty, like happened this time, I have other duties to
25 do.

Q. Okay. So just to clarify, during a fire when you are not the

1 officer on duty, you would be responsible for reporting to the
2 hospital?

3 A. Yes, I am the first aide team leader.

4 Q. Okay. And is there other team members assigned to the
5 hospital with you?

6 A. Yes.

7 Q. Okay. Who would those be in the case of a fire?

8 A. On this vessel was the cook, the oiler and the mess man.

9 Q. Okay. And then if you are the officer on duty during a fire,
10 who would, who would man the hospital if you have other duties? A.
11 If I am on duty or if I need to see where is the fire located, of
12 course, because I am the one responsible to explain to the captain
13 what happened. And after -- under his instruction, I go or I
14 don't go to the hospital.

15 Q. Okay. Understood.

16 A. But per muster list, this is my duty after -- under his
17 instruction, I do what he tells me.

18 Q. Okay. And when you say he, is that the captain or the chief
19 officer?

20 A. The captain.

21 Q. Captain. Thank you. And during your 3 months on board the
22 *Grande Costa D'Avorio*, how often were fire drills conducted?

23 A. Very often. We did a lot of them. I lost count of them, but
24 a lot of them.

25 Q. Okay. Do you recall how frequently? Was it weekly, monthly?

1 A. It was weekly.

2 Q. Weekly for fire drills?

3 A. At least, yes. At least weekly for the drills. I don't know
4 if it was fire drill, but it was a lot of them especially fire and
5 abandon were very often.

6 Q. And besides fire drills, was there any type of other fire
7 training conducted on board?

8 A. Yes.

9 Q. Can you describe that?

10 A. We have rescue from enclosed space in case of emergency, of
11 course. We had also fighting against pollution, the pollution. I
12 think these are the ones I did.

13 Q. Okay. And then prior to July 5th, 2023, so before the port
14 calling at Newark, New Jersey, do you recall when the last fire
15 drill was that you participated in on board the ship?

16 A. No.

17 Q. Okay. Do you recall at all what it consisted of or what type
18 of fire or where on the ship?

19 A. We had, as I said, a lot of fire drills and located in
20 different parts of the vessel, inside the garage, inside the
21 accommodation, in the weather deck. So we had a lot of them in
22 different location.

23 Q. Okay. And did any of those drills that you participated in,
24 were they about a fire occurring in port?

25 A. It was regarding the fire which can occur on board, but not

1 necessary in the port or in the sea. It was regarding fire on
2 board.

3 Q. Okay. Were they always --

4 A. I don't --

5 Q. I'm sorry. Go ahead.

6 A. I don't remember if the scenario was for the port or for
7 the sea, but it was regarding on board in any circumstances.

8 Q. Okay. And were they always conducted at sea or did you
9 conduct -- were fire drills conducted while you were in port? A.
10 To be honest, I don't remember if we have also in port. At sea,
11 I remember we had but I don't remember about the port.

12 Q. Okay.

13 A. I can't tell this because I don't remember.

14 Q. Okay. Thank you. And then shifting specifically now to
15 questions about July 5th, 2023. When did you come on watch that
16 day or come on duty?

17 A. You mean before the incident or how I started my day?

18 Q. How you started your day? From the beginning of the day,
19 when did you come on duty?

20 A. Okay. So my duty is from 8 o'clock to 12 o'clock in the
21 morning and, of course, in the evening. So that time I came in
22 the cargo control room around 8 o'clock in the morning.

23 Q. Okay. And then -- and starting at 8 o'clock then, what was
24 your tasking?

25 A. I remember at this point I stayed in the cargo control room

1 and also I was somewhere, I don't remember which deck to supervise
2 the loading process. But most of the time I was in deck 3 near
3 the CCR, inside the cargo control room.

4 Q. And from the cargo control room, are you able to observe --
5 physically observe any amount of the cargo operations taking
6 place?

7 A. From the cargo control room, you can observe only the cars
8 which are loading which are coming on board or which are leaving.
9 That's the only thing I can see from there regarding the cargo
10 operation.

11 Q. Okay. So if I'm understanding correctly, from the cargo
12 control room, you can see -- can you see all vehicles coming on
13 and off the ship?

14 A. Yes. Yes, if you are looking in the direction of the ramp.
15 Of course, yes, you can see which cars are coming on board with.

16 Q. And does the cargo control room have any TV cameras where you
17 can see other areas of the ship?

18 A. No.

19 Q. And who, if anyone, were you working with in the cargo
20 control room?

21 A. Sometimes it was there the chief officer. Sometimes I worked
22 alone, of course. He was around the vessel.

23 Q. Okay. And during your watch from 0800 to 1200, did you take
24 any breaks?

25 A. No, I was there all the time, and this area I already told you

1 about.

2 Q. And were there any pauses or breaks in cargo operations
3 during that time

4 A. I don't remember now.

5 Q. Okay. And during that time, what was your, what was your
6 communication with the shoreside stevedores and longshoremen?

7 A. In general, they come to the cargo control room and if they
8 need something, they ask me and I help them with what they are
9 saying. I don't remember if something like this happened that
10 day, but I telling like what I do in general or what is happening
11 when this is the normal communication with the shoreside.

12 Q. Okay. And then I believe you mentioned at some point during
13 that period, you went up to another deck where cargo operations
14 were occurring.

15 A. Yes.

16 Q. What was your interaction with the shoreside longshoremen at
17 that point?

18 A. We didn't have any interaction because I was there to see if
19 the cargo operation is going okay.

20 Q. Okay.

21 A. And they did not have any problem at that time.

22 Q. Okay. That was going to be my next question. What was your
23 observation of how cargo operations were going that morning?

24 A. At that time, I didn't saw anything suspicious or --

25 Q. Okay. And compared to, compared to other ports that you've

1 seen cargo operations on board the *Grande Costa D'Avorio*, were
2 they being conducted in a similar nature?

3 A. With all the respect to everybody, but in my opinion, in this
4 port of New York [sic], it's a mess, when we talking about the
5 loading process or the discharging process.

6 Q. And can you explain?

7 A. It looks like people, for example, they don't, they don't
8 want to listen. They do what they want more or less and if you
9 try to tell I need to the stevedores, to the driver, they don't
10 listen what you have to tell them.

11 Q. Can you give an example of a direction you might have given
12 that you felt like wasn't listened to?

13 A. Well, for example, we have a cargo plan which is agreed by
14 all the parties in -- working in the loading process. And, for
15 example, if you want them to put the car as per the cargo plan and
16 you go to the driver and tell him put it more closely or leave the
17 yellow line, you know, empty, free, sometimes they don't listen.
18 Sometimes they become angry. Sometimes it's different depending
19 on the persons.

20 MR. ZONGHETTI: I'm going to object. Is this general
21 testimony? Is this the day of? It's very unclear to me and my
22 belief is he served on one RORO vessel. I think it's very unclear
23 and I think it's unfair.

24 Mr. Ciumala: Can I or --

25 LCDR MOORE: Yeah, I mean I think that if we're clarifying it

1 for those purposes, please proceed, Commander, in getting the
2 details as far as the relevance to this vessel.

3 BY CDR BARGER:

4 Q. Mr. Ciumala, are you describing what you observed in
5 particular on July 5th, 2023?

6 A. No, I'm talking about the Port of New York [sic] in general,
7 what happened because I've been in this Port also before July.
8 And you asked me the situation with the shoreside.

9 Q. Okay. How many times have you -- how many times on the ship
10 have you visited the Port of Newark?

11 A. Including the 5th of July, I think it was the third time.

12 Q. I'm sorry. Third time?

13 A. The third time, including the day of that incident.

14 Q. And so on the day of the accident, July 5th, 2023, did you
15 experience any issues with cargo operations that you were involved
16 in?

17 A. No, until the -- I can't remember exactly. That's why I said
18 in general because you asked me about Port of New York [sic] and
19 that's why I said from my opinion, this is my answer in general.
20 I don't know if happened in the day of the accident or before, but
21 in this port was the communication with the drivers and sometimes
22 it's like this.

23 Q. And in your 3 months on board the ship, in your observation
24 of cargo operations, was the manner in which they loaded vehicles
25 the same as other ports? And I'm speaking to a comparison of July

1 5th, 2023, how the vehicles were being loaded that day compared to
2 other port calls.

3 A. In that day I remember that they were forcing their car but
4 to be honest, I can't compare what I was feeling, what I was
5 feeling when I was in New York [sic] with other port. In my
6 opinion, this was the hardest port for the cargo operation. This
7 is what I felt every time I came in the Port in New York [sic].

8 Q. Okay. And we understand from previous testimony, that
9 vehicles that weren't able to drive themselves or be driven onto
10 the ship, were pushed on board with other vehicles. Have you seen
11 that occur in other ports?

12 A. No, with other cars, no.

13 Q. Okay.

14 A. They were using the -- they were using our Bobcat.

15 Q. Okay. And did you observe from the cargo control room or
16 when you were up on one of the decks, did you physically observe
17 vehicles being pushed on board the vessel?

18 A. Yes.

19 Q. And from what you remember of July 5th, 2023, what types of
20 vehicles were being used to push others on board?

21 A. As I remember, there was one Jeep involved or one car from
22 the brand Jeep and I don't know if they are called trucks. This
23 one, this load one, they were using and except for this trucks,
24 they use this SUV from the brand Jeep.

25 Q. Okay. And can you describe what you remember of the Jeep?

1 A. Yes. In my watch, in the morning time, somewhere between 8
2 and 12, there was one particular thing. I was in deck 3, near the
3 ramp, near the access to the inside of the vessel, and there was
4 one, one Jeep pushing one of the cars and at some point it stopped
5 somewhere in between the main ramp, up from deck 3, in that part,
6 and I saw some white smoke going out from the car.

7 Q. And do you remember the color of the Jeep?

8 A. I don't remember the color of the Jeep, I know that only it
9 was not a dark color. It was like -- I don't know the exact
10 color.

11 Q. Okay. And when you say white smoke coming from the Jeep, can
12 you describe where that was coming from?

13 A. It was coming from the -- as I can imagine, somewhere where
14 the batteries or the engine of the car was located, somewhere from
15 the front of the car but from the inside.

16 Q. Okay.

17 CDR BARGER: Lieutenant Reed, can we bring up Coast Guard
18 Exhibit 3, page 1?

19 BY CDR BARGER:

20 Q. And, Mr. Ciumala, are you able to see the image on the
21 screen?

22 A. Yes, it's of the car, of yellow Jeep.

23 Q. Okay. And does this stock picture, it's just a generic
24 picture of a Jeep. Does it look similar to the vehicle you're
25 talking about?

1 A. Yes, the shape, it's similar.

2 Q. Okay. How is this picture different from the vehicle that
3 you remember seeing used on the ship?

4 A. First of all, for me, the car in the photo it looks like a
5 new car. This one which I'm talking about for sure was already
6 used, was looking let's say similar to the pushed car. I mean it
7 was let's say, let's say not in the best condition, the car. It
8 was not new. And the car, as I said, it was a light color. It was
9 not a dark color but I don't remember now which color.

10 Q. Okay. And then using this picture as reference, when you say
11 you saw white smoke, again could you tell us, in reference to this
12 picture, where that was coming from?

13 A. It was like the photo we have here with the left side, yeah.
14 So -- okay. So here, yes. It's somewhere in the front part but
15 in the left, in the left side, but somewhere I say located there,
16 the engine or the battery, I don't know exactly because I am not
17 engineer. But to the left part of the car.

18 Q. Okay. And so I believe Lieutenant Reed's cursor is on the
19 right side of the car?

20 A. Yes. Now, somewhere there it was -- the smoke was coming
21 outside --

22 Q. Okay.

23 A. -- somewhere in this area.

24 Q. And when you observed the smoke --

25 MR. ZONGHETTI: I'm sorry. I'm very confused because you

1 said the right side, and the cursor's on the -- it's on the left
2 side of the car.

3 CDR BARGER: Yes, I'm sorry. The cursor was on the right
4 side at the time. I was trying to orient myself. So, for the
5 record, the cursor is currently on the left side of the vehicle in
6 the line diagram that is looking down from the top of the vehicle,
7 around the front hood, it would also be what is the driver's side
8 of the vehicle.

9 THE WITNESS: Yeah, that's correct. The driver's side.

10 LCDR Moore: And also, just for future, if there's any
11 request for clarification or objections, please identify yourself
12 for the transcript.

13 MR. ZONGHETTI: My apologies. That was Gino Zonghetti.

14 LCDR MOORE: Thank you.

15 BY CDR BARGER:

16 Q. And at the time on July 5th, 2023, when you observed some
17 white smoke, what was the vehicle doing at the time?

18 A. The vehicle was pushing another vehicle, and at some point,
19 because I didn't pay attention why he stopped, I saw he was
20 talking. That's when I saw the smoke. So there were two persons,
21 the driver and the one another. It was an African American. He
22 was the guy which gives the direction to the drivers where to
23 bring the car. I think it was a tallyman, but as I said, it was
24 the guy which gave the direction to all the drivers. I saw the
25 guy all the morning. And after that, they called the -- from the

1 upper deck. I don't know from where, another man. It was a tall
2 man and slim one. I don't know his name. I don't know his rank.
3 I know that I saw him that day and in total after, there were
4 three persons down near that car.

5 MR. ZONGHETTI: And I did not understand part of his
6 testimony when he was describing this gentleman. I'm sorry.

7 CDR BARGER: Yes, let me -- Mr. Zonghetti, please give me an
8 opportunity to ask. I will ask that follow up clarification.

9 BY CDR BARGER:

10 Q. So, Mr. Ciumala, when you described the first person --

11 A. Yes.

12 Q. -- was that, was that person in one of the vehicles --

13 A. No.

14 Q. -- giving direction or was that person on deck 3 giving
15 direction?

16 A. He was on deck 3 giving direction all the morning. That's
17 why I assumed he was the tallyman. He was the one counting the
18 cars, checking the number of the car and where they should load
19 the car.

20 Q. Okay.

21 A. He was the one giving direction but from deck 3 giving
22 direction to the driver where to go.

23 Q. Okay. And you said tallyman?

24 A. Yes, I'm speaking of the tallyman.

25 Q. Okay.

1 A. I don't know his name because I never spoke with this man,
2 not even after this, I never spoke with him.

3 Q. Okay. Do you remember what he was wearing?

4 A. He was dressed in some dark clothes only, and he had some
5 kind of symbol on the chest, but I don't know what was written
6 there, and that's all I remember.

7 Q. Okay. And to clarify, did the vehicle -- did the Jeep that
8 you're talking about stop near him?

9 A. Yes, somewhere in front of him, and after he came close to
10 the driver, the driver, of course, went outside to check what
11 happened with this vehicle, and they were talking together and
12 checking under the, under the hood, to see what is there, the
13 source of this smoke. And in the same time, the other tall and
14 slim guy came from the upper decks.

15 Q. Okay. And what was your understanding the tall and slim
16 guy? A. Well, let's say he was around 1 meter 90 centimeters
17 because he was taller than me, and I am 185. So he was taller
18 than me, and it was slim. He was slimmer.

19 Q. Okay.

20 A. Like this.

21 Q. And do you know what his position was?

22 A. No. I saw him several times in that morning, but we never
23 interact.

24 Q. Okay. Can you describe what he was wearing?

25 A. On his head, he had one white helmet, safety helmet, and I

1 don't remember the other part of the -- of his clothes. I
2 remember he had some vest, some -- the one, the one which reflect
3 the light, the green one or orange one. I don't remember now
4 exactly it's color.

5 Q. Okay. And both of those individuals were from the shoreside
6 crew?

7 A. Yes, yes, from the shoreside crew.

8 Q. Okay. And then what did the tall and slim guy do?

9 A. He came down the ramp. He stopped near the car and driver,
10 and the other guy, and they talked between each other regarding
11 why the smoke there was possible -- the possibilities of what
12 caused this white smoke I suppose because they were looking at the
13 car.

14 Q. Okay. And to confirm, where were you when you were observing
15 this?

16 A. Yes, I was near the ramp, the entrance to the vessel and the
17 car was in front of me.

18 Q. Okay. So you were not, you were not in the cargo control
19 room, but on deck 3?

20 A. Yes, that's correct.

21 Q. Okay. Did you have any interaction with the shoreside
22 crewmembers at this time?

23 A. No.

24 Q. Okay. And then what happened with the vehicle?

25 A. I remember I was there to keep -- to be in place of the AB

1 because he had some job to do. I don't remember now what kind of
2 job. So I had to stay there in case somebody comes on board.
3 And, after that, I remember the AB returned there, and I went
4 there. And after some time, I saw the car working again without
5 any problems or the problems I mentioned before, it was not there
6 any more.

7 Q. Okay. And at the immediate time on July 5th, when you saw
8 the smoke come from the vehicle and then those three individuals
9 checking it out, do you remember did the vehicle continue then to
10 push the car onto the ship? Did the vehicle exit the ship? Do
11 you remember what they did with it?

12 A. No, I don't remember what happened after that because I told
13 you, I kept the place for the AB and after I had my job to check
14 the CCR, and I just remember, in the same watch, I saw the car
15 working again. I don't know how much time passed after the
16 incident, but I saw the car in the same watch working again.

17 Q. Okay. And then when you saw it working again, did you
18 observe any issues with it?

19 A. After that time, no smoke was coming out, that's for sure.
20 That's why I didn't pay attention to that car any more. I saw it
21 working. It's not getting outside any more of the smoke. So.

22 Q. Okay. And during your 8 to 12 watch, did you see that same
23 vehicle being used frequently?

24 A. Can you repeat please?

25 Q. During your 4 hour watch from 8 to 12, did you see that same

1 vehicle being used frequently?

2 A. Yes.

3 Q. And how are you sure it was the same vehicle?

4 A. Because I saw in that day only one car from the brand Jeep.
5 That's why I say it's the same.

6 Q. Okay. And then at 12 o'clock, 1200, what did you do then?

7 A. At 12 o'clock I finished my watch, and after that I have my
8 lunch break. And after the lunch break, I don't remember exactly
9 what I have done.

10 Q. Okay. But you were off duty or off watch.

11 A. Yes.

12 Q. And then when did you come back on duty or back on watch?

13 A. I came back on watch in the evening time.

14 Q. Okay.

15 A. Before 2000.

16 Q. Okay.

17 A. Before 2000, I don't know exactly because my watch start
18 2000. So before 2000.

19 Q. And where did you stand watch at 2000?

20 A. I was only in deck 3 and in the cargo control room. It is
21 located, of course, in deck 3, but only in this area, in the aft
22 part and in the cargo control room.

23 Q. Okay. And then who, if anyone, at 2000 were you working
24 with?

25 A. I don't remember their names now. One of the person which

1 was still there was the chief mate, the AB on duty and the bosun
2 and some other OS's or AB's. And also the driver, our driver, was
3 still on deck working.

4 Q. Okay. And then were your -- was your tasking at 2000 the
5 same as what you had been doing in the morning?

6 A. Yes, that's right because the second mate which finished his
7 watch at 2000 told me that we are almost, we are almost finished
8 with the loading operations.

9 Q. Okay. And what was your observation of cargo operations
10 taking place then while you were on watch in the evening?

11 A. I saw the guys bringing up the cars, and the -- nothing else
12 in particular.

13 Q. Okay. Did you see that same Jeep vehicle being used?

14 A. At some point in the evening time, yes, I saw, I saw the Jeep
15 which I saw in the morning being used, yes.

16 Q. Okay. And in the evening on July 5th, did you observe any
17 issues with that vehicle?

18 A. I don't, I don't remember now if they have -- they had any
19 problems with that car in the evening.

20 Q. Okay. And then when the fire occurred on board the vessel,
21 were you on duty?

22 A. Yes.

23 Q. Okay. And where were you located at that time?

24 A. I don't remember exactly the place. I know for the entire
25 evening, I was between the CCR and the aft part of the vessel.

1 And I remember when I learned about the fire, I was outside of the
2 cargo control room in the aft part, somewhere in the aft part of
3 the vessel, in deck 3, of course, but I don't know exactly which
4 place.

5 Q. Okay.

6 CDR BARGER: Lieutenant Reed, if we can please pull up Coast
7 Guard Exhibit 2.

8 BY CDR BARGER:

9 Q. Mr. Ciumala, this will be a video that Lieutenant Reed will
10 play from a security camera. I'll let the video play first for
11 you to observe and then ask you a question. And, Mr. Ciumala, are
12 you able to see the imagine on the screen?

13 A. Yes, yes, yes.

14 (Playing video.)

15 BY CDR BARGER:

16 Q. And, Mr. Ciumala, what is depicted in this video look
17 familiar to you?

18 A. You mean the car which was pushing this? The car as I can
19 see, it's the car of the brand Jeep. But I was not -- I don't
20 remember to see when they were pushing this -- at this moment at
21 8:58 p.m.

22 Q. Okay.

23 A. I don't remember to see it come on board at this time, around
24 this time.

25 Q. Okay. And if this video was taken by the time stamp on the

1 video of 8:58 p.m., on July 5th, where would you have been located
2 in this image?

3 A. As I said, I don't know for sure. I can't say for sure. I
4 know only that I never left this area which I told you before I
5 was. Even I was in somewhere here in the aft part where is the
6 car now somewhere or I was in the cargo control room.

7 Q. And either of those locations in this video, would those have
8 been just inside of where that ramp -- where the vehicle goes up
9 the ramp?

10 A. Sorry. Can you repeat please?

11 Q. So you say either you were on deck 3 or in the cargo control
12 room. Would both of those locations looking at this image be
13 inside the ship at the top of the ramp?

14 A. Yes, it's inside of the ship but the cargo control room, you
15 can't see from here because it's in the right side and here you
16 can see only a part of the left side of the vessel.

17 Q. Okay. All right.

18 CDR BARGER: Lieutenant Reed, you can take down the exhibit.

19 BY CDR BARGER:

20 Q. And, Mr. Ciumala, if I recall what you said earlier
21 correctly, from where you stood watch, to include then when you
22 were on watch at 2000, you were able to see all vehicles coming on
23 and off the ship. Is that correct?

24 A. If you, if you are looking at only in that direction, yes,
25 you can see them. If you are doing, for example, something else,

1 you have some documents or you have to check the healing and you
2 don't pay attention to the direction, of course, you can't see.

3 Q. Okay. And can you also hear what is going on out on -- if
4 you're in the cargo control room, can you also hear what is going
5 on out on deck 3 where the vehicles are coming in?

6 A. By hearing, what are you referring to? You can hear, you can
7 hear the fans, the ventilation. Of course, you can hear the horn
8 of the car if they are using it. You can hear if the engines of
9 the car but if somebody talks to you from the ramp and you are
10 inside of the cargo control room, you can't hear.

11 Q. Okay. And just prior to when you became aware of the fire,
12 did you observe any concerns or issues with any of the vehicles
13 coming onto the ship immediately before that?

14 A. No.

15 Q. Okay. And then how did you, how did you become aware of the
16 fire?

17 A. At some point, I remember I was not in the cargo control room
18 for sure. I was somewhere near the ramp, and by radio I heard the
19 chief officer. He was calling me, and that's when I find out that
20 we have a fire on board.

21 Q. Okay. And you said the chief officer was calling you. What
22 was he calling you to do?

23 A. He called me by the radio, of course. He was calling my
24 name. I replied to him, and after he told me we have a fire on

25

1 board in deck 10, please go and inform captain and close all the
2 ventilation as part of our procedures.

3 Q. Okay. And how did you or did you notify the captain?

4 A. So from the time I was talking to captain -- to chief
5 officer, I am sorry, I went, of course, to the cargo control room
6 because there we have telephone. So we can call in different
7 parts of the vessel. Actually in each cabin and engine room. So
8 from there, I was trying to call captain. At this moment, the AB
9 which was on duty with me, he also heard the mayday from chief
10 mate, and he was already calling captain. And when I arrived in
11 the cargo control room, he gave me the telephone. After this,
12 captain answered.

13 Q. Okay. And what was the discussion with the captain?

14 A. So I just told to captain -- I told captain we had fire on
15 board on deck 10, and he was -- I don't remember exactly, he was
16 -- he wanted some details, details which I didn't have at this
17 time because it was no time, as I explained before, of what the
18 chief mate told me, and he said, okay. I will go up and he hanged
19 up the phone.

20 Q. Okay. And then what did you do?

21 A. I closed the ventilation. And after that, because we were
22 talking before, I -- my duty is to go and check the nature and to
23 see exactly what happened or what is the reason for the fire. At
24 this moment, I left the cargo control room and I went to deck 10.

25 Q. Okay. And then how did you close the ventilation?

1 A. In the cargo control room, there are two computers. One is
2 for chief mate, he's doing his cargo plans there. And one is the
3 control for the ventilation, for the lights and from there you can
4 stop the ventilation.

5 Q. And besides on the computer, did you hear or see indication
6 that the ventilation shut down?

7 A. At that moment, there was, of course, a lot of noise. You
8 can -- you could hear also the fire alarm of the vessel. You
9 could hear some people screaming while I was going to deck 10,
10 some stevedores were going off the vessel, of course, and they
11 were screaming telling me it's fire on board, go down. Obviously,
12 we as part of the vessel, we have our responsibilities in case of
13 emergency. So I couldn't go down.

14 Q. Okay.

15 A. So regarding what you asked, I can't tell you if I heard the
16 ventilation shutting down or not because I was not paying
17 attention.

18 Q. Okay. And then did you make it all the way to deck 10?

19 A. Yes, I went to deck 10.

20 Q. Okay. And how did you get to deck 10?

21 A. I take -- I took the ramp which was going to deck 6. Here as
22 I said, I met some of the stevedores which were going down.
23 Somewhere in deck 6, I met -- I start to meet with members of the
24 crew which were working at that moment. I remember somewhere near
25 -- I was -- now, I was on the ramp which was leading to deck 10

1 already, but I was near somewhere in front of deck 7 where I tried
2 to get one extinguished together before one of the OS's. I don't
3 remember who was with me at that time. And at this moment, chief
4 mate was shouting from deck 10 to me. He was with me at the
5 entrance to deck 10 and he was shouting and calling me to go and
6 help him with the fire hoses. As I said, at this moment, I didn't
7 know how the fire spread or what was the situation there. I knew
8 or I had only the information and as per the procedure, I stopped
9 to take one extinguisher with me. I didn't take it. The
10 OS's remained to take the extinguisher. I just follow chief mate
11 instruction, and I went to deck 10.

12 Q. Okay. And when you got to deck 10, what did you do?

13 A. So when I went -- when I arrived there, I was near the
14 entrance. I could see a lot of smoke, black smoke, somewhere in
15 the left part -- on my left, yeah. So the starboard side
16 actually, but in the aft part of the vessel. I could see very big
17 flames and I could see some kind of shape of the car. It was like
18 a SUV. At that moment, I didn't know which car, what happened
19 exactly. After that, I found out that the Jeep and the details,
20 but at that moment, I could see only the shape of a car burning,
21 and looking like a SUV.

22 Q. Okay.

23 A. So, I continue or --

24 Q. Yes, please. Yeah, what did you next?

25 A. Okay. When I arrived there, I saw this -- the smoke and the

1 shape, and the chief mate, everything happened very fast. Chief
2 mate told me, help me prepare the hose. We start to prepare the
3 hose. I remember he was opening the valve, and I was the one
4 connecting the nozzle. And we tried to extinguish the fire.

5 Q. Okay.

6 CDR BARGER: And, Lieutenant Reed, if we could bring up Coast
7 Guard Exhibit 7(b). Okay. And, page 1 I believe is deck 10, and
8 if it's possible if we could zoom in just a little on that image.

9 BY CDR BARGER:

10 Q. And, Mr. Ciumala, are you able to see the image on the
11 screen?

12 A. Yes, I can -- okay. Now, I can see the zoomed.

13 Q. Okay. And unfortunately you don't have control -- or hold
14 on. That's not deck 10. That's deck 11 I believe.

15 A. Yeah, this is deck 11 -- no, that is deck 10, yes.

16 Q. Okay. If you could, when you connected the fire hose, can
17 you describe on this image or this layout of the ship's deck 10,
18 where that was?

19 A. Yes. So the hydrant it's where is the arrow, the one which
20 is one that is leading -- it's the ramp. Exactly the area. This
21 is hydrant I am looking about and, of course, near it is the hose
22 we used.

23 Q. Okay. So for the record, based on the location of the
24 cursor, that is around frame 23 on the portside just at the top of
25 the vehicle ramp where the white or the outline of an arrow is

1 coming up that ramp. Is that correct?

2 A. Yeah, that's correct.

3 Q. Okay. And then were did you observe the fire from that
4 perspective?

5 A. So, the fire was at -- let's say somewhere between frame 10
6 and 15 but in the aft part, of course, there where is the frame
7 10, but more or less from the midship to the portside. So
8 somewhere near the middle, more or less there.

9 Q. Okay. So for the record then, the cursor is currently around
10 frame 10 to 12.

11 A. Yes.

12 Q. And just slightly to the portside of centerline.

13 A. Yeah, that's correct.

14 Q. Okay. And then what did you go?

15 A. So we connected the hose. As I said, I connect -- chief mate
16 was connecting the hose to the hydrant, and after he opened the
17 valve and I -- in the meantime I connected the nozzle, and we
18 waiting for the water to extinguish the fire.

19 Q. And I'm sorry. Did you say you connected another hose?

20 A. No, no, negative.

21 Q. So you just --

22 A. We were waiting for the -- yeah, just one at this point.

23 Q. Okay.

24 A. Because at that point -- in that extent, at that point was
25 only me and him.

1 Q. Okay. And who was operating the hose?

2 A. I was, I was keeping the nozzle, yeah, the hose waiting for
3 the, for the water to come to spray and the chief mate was opening
4 the hydrant, the valve of the hydrant.

5 Q. Okay. And when the water did come, was it a -- was it good
6 pressure? Was it a solid stream?

7 A. Negative. While I was there, the water didn't come.

8 Q. Okay.

9 A. We had pressure in the hose because the hose was in pressure,
10 but no water came out while I was there, while I was still there.

11 Q. Okay. So you never sprayed water onto the fire?

12 A. Yes, I never. While I was there, we didn't spray the water.

13 Q. Okay.

14 A. Yeah.

15 Q. And why, why if you had water pressure did you not spray
16 water on the fire?

17 A. We didn't have water on the line because when you, when you
18 open the pumps, yeah, it takes some time to -- for the water to
19 reach. While the water on deck 10, the water needed some time to
20 come to deck 10. That's what happened. And, I didn't have the
21 time to actually attack the fire before that because a lot of
22 smoke, black smoke came to us and we had to retreat. So, yeah.

23 Q. And did you actually stretch the hose line into the space
24 towards the fire at all?

25 A. The hose remained there. At that point, we had to retreat

1 because a lot of smoke was there, and the chief mate told me, if I
2 can go in the one deck below. So in deck 9, to cool down from
3 deck 9 and this is the point where I left deck 10, me and on the
4 ramp to deck 9 I found another AB and other first mate, and I
5 don't know what happened in deck 10 any more and if they had time
6 to use the water or not. When I arrived in deck 9, we connected
7 two hoses. One was operated by one of the AB and one was operate
8 by me and the other third officer. At this point, we had water
9 and we cooled down the roof under the fire before -- with water,
10 but I don't know what happened in deck 10 after I left.

11 Q. Okay. And when you left deck 10, was the chief officer still
12 there?

13 A. Yes, he was still there. He only told me -- he gave me
14 instructions to go in deck 9 and cool from below.

15 Q. Okay. And then when you entered deck 9, did you observe any
16 fire there?

17 A. No, there was fire at that moment. We cooled only the
18 dripping, yeah, from the top. Maybe some, dripping through the,
19 through the holes of the -- where we put the lashing, when we made
20 the lashing for the cars, there are some holes there and through
21 these holes there was dripping some metal, plastic, I don't know
22 what was that, and we were cooling down also this drippings then
23 with the water, of course.

24 Q. And where on deck 9 was that dripping down?

25 A. So, in deck 9, around frame 10. So below the car which was

1 in deck 10, somewhere in this area.

2 Q. Okay. Thank you.

3 CDR BARGER: Lieutenant Reed, we can take down the exhibit.

4 BY CDR BARGER:

5 Q. And then did you continue to do boundary cooling on deck 9?

6 A. Yes, we did this boundary cooling in deck 9 until I felt I
7 have -- I breath very heavily. So at this point, I stop the other
8 two guys. I took them, and while I took them, a lot of black
9 smoke covered the entire deck 9. So when we were out of deck 9,
10 you could see nothing inside. We were coming outside from the
11 smoke. That's why after this, I had a little bit of problem
12 breathing for a while.

13 Q. Okay. So, conditions -- if I understand correctly,
14 conditions on deck 9 changed. It became too smoky --

15 A. Yes.

16 Q. -- or smoke filled and you and all of the crewmembers left
17 deck 9?

18 A. Yes, we left deck 9. Actually, we were only three persons
19 inside deck 9, and me and the other two as I said, I took these
20 guys -- these two guys outside. I told them -- and then the
21 entrance of deck 9, we met with chief mate, which told us to
22 retreat, but we already did retreat because I told you, a lot of
23 smoke came. And some were -- at this point, the captain give out
24 -- gave out the order to go down to close the water tight door and
25 everything because he will release the CO2. So this is the point

1 when all the crew go -- went to the main ramp somewhere in deck 3,
2 and as I said, from this point, until a little bit later, I had
3 some breathing problems.

4 Q. Okay. And who closed -- you said the order was given to
5 close water tight doors. Who closed the water tight doors? Did
6 you?

7 A. No, I didn't close any. I remember as I said, I was
8 breathing heavily, but I went down and in deck 6, I wanted to
9 close the water tight door for the weather deck. I remember there
10 was already one person which was closing. I left this and I went
11 for the water tight door between deck 3 and weather deck and there
12 again was somebody. And after this, I didn't do anything because
13 of the breathing problems were much worse.

14 Q. Okay. And then what did you do?

15 A. So, I remember I met, at the moment I don't know what is his
16 rank there, what is his name, I forget after all this time, was
17 one smaller guy with glasses from shore, of course, from the
18 shore, but I don't remember his rank. I remember he came to me to
19 give me some water. I told him first time I don't need him
20 assisting, and I stayed on the ramp outside.

21 Q. Okay. And this person that you're describing was part of the
22 shoreside stevedores or longshoremen?

23 A. He was part of the shoreside, but I don't remember now for
24 which party he was working. I don't remember now, and I also
25 don't remember his name. I just remember he had -- he was small

1 and he had glasses.

2 Q. Okay. All right. And then were you, were you at that
3 location at the ramp when the fire department arrived?

4 A. No, I was not on the ramp when the fire department arrived.
5 I already left.

6 Q. Okay. And where -- I'm sorry. Where did you go then?

7 A. So, while I was taking a rest say like this because of my
8 breathing, I understand that captain gave the order to release the
9 CO2 after we closed everything on our side. And I just -- I don't
10 know when or how but I remember that I heard that we still had
11 some fire in deck -- the fire spread and not it was somewhere in
12 deck 12 or something like that. I don't remember exactly. I saw
13 chief mate and somebody else, another person left this deck 3 and
14 went up. And after that, I remember that we also left deck 3 and
15 we went to deck 11. And I remember I took the remaining person in
16 deck 3 with me except for the duty AB.

17 Q. Okay. And when you say remaining persons, those are members
18 of the ship's crew?

19 A. Yes, of the crew, part of the crew, the guys which were
20 working in -- which were there for the cargo operation, all of us
21 we retreat to deck 3.

22 Q. Okay. And then how did you go up to deck 11?

23 A. So, we take the staircase from the starboard side which is
24 located near the elevator. I told them -- I remember I told to
25 the guys which were in front to pay attention. If they see

1 something like smoke or fire, return. Fortunately, there was
2 nothing on the staircase so we continued our way until deck 11.

3 Q. Okay. All right. And, Mr. Ciumala, I think this is probably
4 a good breaking point. We've been going for about an hour. So
5 we're going to take a -- let's take a 10 minute recess.

6 A. Okay.

7 Q. And then we'll come back.

8 CDR BARGER: So the time is now 10:28 a.m. and we will resume
9 again at 10:38 a.m.

10 THE WITNESS: Okay.

11 CDR BARGER: Thank you.

12 (Off the record at 10:28 a.m.)

13 (On the record at 10:38 a.m.)

14 CDR BARGER: Okay. Good morning. The time is now 10:38 a.m.
15 Eastern Standard Time. Mr. Ciumala, are you still there?

16 THE WITNESS: Yeah, I am here. Can you see me?

17 CDR BARGER: I can see you, yes.

18 THE WITNESS: Perfect.

19 CDR BARGER: The hearing is now reconvened. Again, it's
20 10:38 a.m. Eastern Standard Time, and we are back on the record
21 regarding the fire on board the *Grande Costa D'Avorio*. This is a
22 continuation of Mr. Ciumala's testimony. Mr. Ciumala, just as
23 reminder, you're still under oath.

24 THE WITNESS: Yes.

25 BY CDR BARGER:

1 Q. Okay. Mr. Ciumala, when we broke for the recess, I believe
2 you had -- you were describing having gone up the starboard side
3 stairwell to deck 11. If you could, please describe what the
4 conditions were when you got up to deck 11?

5 A. Before that, I just want to inform you that I can't see you.

6 Q. Oh, you can't see me.

7 A. You may talk. So I can't see you move. I can't see nothing.

8 Q. Okay. Can you at least hear me then?

9 A. Yes, I can hear.

10 Q. Okay. I will try my camera off and back on but while I'm
11 doing that, since you can hear me at least, if you could please
12 describe for us what you observed when you got up to deck 11.

13 A. Well, when I arrived in deck 11, there was some of my
14 colleagues, part of the crew, were in deck 11. I don't remember
15 now who was there. I remember that there was one AB. He was -- I
16 don't remember if he already started to cool down or if he was
17 preparing the hoses to cool down the wall on deck 11. And after
18 that, I remember in deck 12. So I was near the elevator, going to
19 deck 11, and I saw captain in deck 12 looking at -- when they were
20 coordinating the teams, and he saw me. At this point, I ask him
21 about the hospital, if I go there and like this or he needs me.
22 And, he told me that he will need my assistance with the teams
23 because it's a big problem with the fire. We have fire on board.
24 It's big, and at the moment, it's no need for the hospital. He
25 told me just the hospital to be ready just in case. I told him

1 that it is ready inside.

2 Q. And then at that time, did you -- when you said you were on
3 deck 11, did you observe or enter the cargo area on deck 11?

4 A. No. After I left deck 3, I never entered the cargo area
5 again until after the fire was out after 2 days.

6 Q. Okay. And then on -- when you then got up onto deck 12, what
7 were the conditions that you observed up there.

8 A. Sorry. Can you repeat?

9 Q. On deck 12, what were the conditions you observed there?

10 A. I don't know about deck 12 because as I said, captain told me
11 to help the guys in deck 11. So I become the team lead -- one of
12 the team leader of the boundary cooling. So we started to cool
13 the walls in deck 11. So I don't know what was the situation in
14 deck 12 at that point.

15 Q. Okay. And then what did you do next?

16 A. So we start with the cooling. From time to time, I check the
17 walls with my hands to see if they are warm or not or if they are
18 cold. I don't remember now what I felt at that moment, and at
19 some point, two firemen came to our deck, except for the -- for
20 our AB, which was on duty on the ramp, I was the first one to
21 encounter these two firemen, the first two firemen which came
22 through the same staircase, staircase like us.

23 Q. Okay. And when you were describing the boundary cooling, I
24 know deck 11 has cargo space. It has area that's, you know, open
25 weather deck and there's area that is crew berthing as well,

1 correct?

2 A. Yes.

3 Q. Where were you all doing the boundary cooling?

4 A. So we were on starboard side, from the outside, of course,
5 where is the lifeboat, starboard side located near, near it. We
6 were cooling down the walls of the garage. So on the starboard
7 side.

8 Q. Okay.

9 A. In the vicinity of the lifeboat, of course. In front of the
10 lifeboat is the garage in deck 11.

11 Q. Okay. And then -- so when the two firefighters came up, what
12 happened then?

13 A. So two firefighters arrive. I don't know their name. I know
14 only that they were two African Americans. They were not equipped
15 properly. I mean they had T-shirts. They had the mask was not on
16 the face. I don't remember if it was laying down their shoulder
17 or it was not even there. I don't remember what they -- if they
18 didn't have the mask. They asked me where is the fire. I told
19 them that the fire is inside the garage, and they asked me if they
20 can -- where to access the garage, and as I said before, that
21 everybody or chief mate actually was in deck 12 near the
22 staircase. So this was the point to gather up everybody. I told
23 them they're in there, if they can use also the door in deck 11.
24 I told them they should go there. They didn't want to listen to
25 me, and they wanted to go inside the garage to open the door of

1 the garage in deck 11. At this moment, I stopped them, and I told
2 them that we already released inside the CO2, and I told them
3 don't go, stay outside. The refused to listen to me. I suppose
4 they understand what I told them because I told them the CO2 is
5 released already inside. If you go there, you can't breathe
6 without the mask. They didn't listen to me. At some point,
7 captain which above me in deck 12, told me to tell them the thing
8 I already spoken to them, and after that he also shouted to them
9 to don't go inside. I also repeated this and only after this
10 moment, they started to equip themselves with the firefighter
11 fighting jacket, with the different apparatus and helmet and
12 everything. Only after we shouted them and told them many times
13 that inside they can't breathe.

14 Q. Okay. So they had the equipment with them, but they weren't
15 wearing the mask when they first came up?

16 A. Yes, they had the equipment with them. They wanted to go
17 inside, without the equipment, and only after we told them many,
18 many times, me and captain, to don't -- to never open the door and
19 go inside without proper equipment, they listened to us.

20 Q. Okay. And did they ever open the door?

21 A. Yes, they opened also the door, but they opened the door in a
22 manner a little bit strange. Normally in case of fire, you must
23 check, you must see if the door is warm or not because if you open
24 it, normally when the oxygen, you don't know what inside, of
25 course. So if the oxygen reaches inside, it can make -- it's the

1 risk of explosion, of course. And they opened the door like it
2 was normal situation, like they enter in a normal case.

3 Q. Okay. Were you able to observe the conditions? Were you
4 able to see through the door into the cargo deck?

5 A. When they opened the door and they wanted to go inside, I
6 remember they have this only one flashlight or each of them had
7 one flashlight and ax, no hydrants, no hoses, nothing. They go
8 only like this. And while the door was open, from the angle I
9 was, I could see only a little bit inside, but I saw some white
10 smoke, white to gray smoke which didn't come -- it didn't come
11 outside. It remained only inside. And after that, they closed
12 the door.

13 Q. Okay. And was there a light inside of deck 11 or was it dark?

14 A. It was dark. That's why I couldn't see too much inside. I
15 could see only at the entrance. Also the angle I was outside and
16 because of the angle, I couldn't see a lot inside, but I could see
17 only what I already told you.

18 Q. Okay. And then what happened?

19 A. After that, they went inside. They never came out through
20 that door. We continued with our, with our boundary cooling. I
21 don't remember when or how or why captain told me to go in deck
22 12. So I went in deck 12 where other teams already making
23 boundary cooling, and I become one of the leader -- the leader of
24 one of the teams in deck 12, and we continued with the boundary
25 cooling in deck 12.

1 Q. And just to clarify. So when the two firefighters opened the
2 door to the cargo deck on 11, did they actually go inside the
3 space?

4 A. Yes, and they closed the door after them.

5 Q. Okay. So they went into the space and closed the door behind
6 them. So you did not see them any more.

7 A. That's correct.

8 Q. And do you -- am I correct in understanding what you said,
9 that you never saw them come back out?

10 A. Yes, I never saw them come out through that door and through
11 the other doors, but I don't know when or how they came out. I
12 just know that I never saw them after that (indiscernible).

13 Q. Okay. And they were wearing masks at that point when they
14 went in?

15 A. Yes, they had -- when they went inside after we told them
16 many times, they were fully equipped without the hose or the
17 extinguisher.

18 Q. Okay. And then when you went onto deck 12, what were the
19 conditions you observed there? Was there any fire?

20 A. Not fire but I could see only some black smoke going out from
21 the ramp which is leading from deck 11 to deck 12. There is one
22 water tight door there.

23 Q. Okay. And that was black smoke?

24 A. Yes, it was black smoke. I don't know what happened there.

25 Q. Okay.

1 CDR BARGER: Stepping back a second, Lieutenant Reed, can you
2 bring up Coast Guard Exhibit 7(b) please and the page with deck 11
3 on it?

4 BY CDR BARGER:

5 Q. And, Mr. Ciumala, are you able to see the image on your
6 screen?

7 A. Yes.

8 Q. Okay. On this image, the door that the firefighters went
9 into, can you point that -- help us orient so we can put the
10 cursor where that door is located?

11 A. Okay. So there is the lifeboat in starboard side. If you
12 see in front of the -- actually in portside of the lifeboat, it's
13 the wall for the garage. So, exactly there. From that, from
14 where the cursor is now, go to the corner in the left. Somewhere
15 there is the door, yes, that one. And go -- so the frame, I don't
16 know, maybe 55 more or less, frame 55, yes.

17 Q. Okay.

18 A. Somewhere at that point.

19 Q. And for the record, that is located just below or just to the
20 starboard of a green arrow that is pointing down in this image?

21 A. Yes, yes.

22 Q. And then is along that bulkhead that you oriented us to which
23 has a green arrow pointing to the -- in this image to the left or
24 to the stern of the vessel --

25 A. Yes.

1 Q. -- is that where you -- what you were boundary cooling?

2 A. Yes, this is what we were boundary cooling from the right to
3 the left to this door.

4 Q. Okay. All right. Thank you.

5 CDR BARGER: Lieutenant Reed, you can down the exhibit.

6 BY CDR BARGER:

7 Q. And then, Mr. Ciumala, when you were on deck 12, you had said
8 that you started doing -- you were one of the teams doing boundary
9 cooling, and I'm sorry. Did you observe any fire on deck 12 at
10 that point?

11 A. No, no fire. As I said, only smoke.

12 Q. Okay. And then did you continue boundary cooling or what
13 happened next?

14 A. Yes, I continued the boundary cooling. I don't know for how
15 long, but I stopped this only when chief mate -- at some point, a
16 lot of firemen were on board, and were already going inside using
17 the staircase from deck 12. So after this point, while we were
18 doing the boundary cooling, chief mate which was there with the
19 firemen near the staircase. I don't know why he had to leave his
20 position to go somewhere in other deck. I don't know what -- for
21 what reason. And at this moment, captain was asking question,
22 what is the situation and so on, and nobody was there to reply
23 because we were all doing boundary cooling. At this moment is
24 when I replied to captain that chief mate is not there or nobody's
25 there from our crew to speak directly with the firemen and I asked

1 permission from him to go there, and he granted the permission to
2 go there. So, this is when I left my duties as team leader for
3 boundary cooling, and I went there to be the connection between
4 the bridge and the firemen.

5 CDR BARGER: And, Lieutenant Reed, if you could bring up --
6 I'm sorry, bring up Coast Guard Exhibit 7(b) again, this time the
7 page with deck 12 on it or what I believe is -- yeah, deck 12.

8 BY CDR BARGER:

9 Q. So, Mr. Ciumala, on this diagram --

10 A. Yeah.

11 Q. -- where were you located when you were doing the boundary
12 cooling?

13 A. So, I was in the starboard side from the centerline to
14 starboard side somewhere there around -- let's see. Around frame
15 25, like this 25. Between 25 and 30.

16 Q. Okay. And is the location of the --

17 A. No, more to the right. More or less somewhere here, yes.

18 Q. Okay. So that the cursor's currently, for the record,
19 located around frame 28-29, just to the starboard or in this
20 image, below the centerline. And where was the, where was the
21 hose line that you were using for boundary cooling extending from?
22 Where was the hydrant that you were connected to?

23 A. I don't remember where because for boundary here in deck 12,
24 we were 14. One was mine which was as I said somewhere around 27-
25 29 frame. One team was doing boundary cooling from the top of the

1 water tight door there. They were exactly on the top, and one --
2 another team was near us, let's say around frame 20, between 20
3 and 25, and one team at some point, the fourth one was somewhere
4 between 50 and 60. And now I don't remember where -- which
5 hydrant we used.

6 Q. Okay.

7 A. Because we had many, many hoses connected to each other. We
8 had from deck 11. we had from deck 12. I don't remember all of
9 them, where we connected them.

10 Q. Okay. And for boundary cooling, were all four teams spraying
11 the deck of 12?

12 A. So my team and the one located somewhere in frame 20, we were
13 spraying on the deck, directly on the deck. The team which was
14 located on top of the water tight door, they were cooling there
15 from above to cut the smoke, yeah, to keep the smoke in place.
16 And the team located there between 50 and 60, I don't remember
17 what they were cooling. We were cooling as I said, my team and
18 the one near us, we were cooling the floor and the cars, of
19 course, but this was our duty.

20 Q. Okay. And you said there was a team over at the water tight
21 door. Is that the door at the top of the vehicle ramp?

22 A. Yes, they were there on top of this one.

23 Q. Okay. And they were spraying towards the opening of the
24 door. Is that correct?

25 A. They were spraying between the water tight door and the wall.

1 There was some crack, some space and through that space they were
2 spraying everywhere because they were doing from the top and the
3 water was going down.

4 Q. Okay. And were they spraying -- do you remember, were they
5 spraying with a straight stream or with a fanned --

6 A. No, I don't remember if they were using stream or -- I don't
7 remember how they sprayed.

8 Q. Okay. And then in relation to events that occurred on --
9 during the incident, how long were you -- or, I'm sorry. You
10 boundary cooled, and then you went over and talked with the
11 firefighters. Where on this diagram did you meet with the
12 firefighters?

13 A. So, now from where I was before, I went now to portside and
14 at some point, I was around let's say frame 10, and between the
15 staircase and the frame 10, somewhere there, but near the
16 staircase, not near the centerline.

17 Q. Okay. Is this --

18 A. We were in this position, yeah.

19 Q. Okay. So the -- for the record, the cursor is currently
20 located near the point of the green arrow over on the portside
21 around frame between 0 and 5, and at the base of the left arrow or
22 the aft arrow for the ventilation system pointing down.

23 And, when you met with the firefighters, what discussion did
24 you have with them?

25 A. In the beginning, I went there. I asked them about the

1 situation, if they are still fighting because captain needed to
2 know if they are still fighting the fire. And, I don't remember
3 what they told me at that point. I remember only that after,
4 after I arrived there, one of the firefighters I assumed he was
5 the leader of that team, because he was the one who was
6 communicating with the inside team and giving direction and that's
7 why I called him like this. I don't know his name and his rank or
8 if he's the leader or not. He was the one who was communicating
9 with the inside guys. He came to me and he asked me if we can --
10 if we have ventilation there. I told him we have ventilation
11 because they want us to open the ventilation. At this moment is
12 the moment when I told to this fireman that if we open this, the
13 fire will spread, and he told me "I know", and "I just want to
14 see how the fire will react inside." I told to him, I have to
15 inform captain and after if he agrees, we can, we can do. I
16 called captain which was in the bridge, and I told him exactly
17 the words the fireman told me, and the same reaction I had also
18 the captain. Captain, that if we open the fire will spread, of
19 course. And I told him but this is what they told me. And he
20 said -- the answer of the captain said tell him again what are
21 the consequences, and yes, we have, and if they really want, we
22 open. I went back to this guy. I told him what captain said,
23 and he said, okay, only when I tell you because I want to see how
24 the fire reacts, and I told the same thing to captain, and we
25 were on standby at this moment. We didn't talk or nothing for
the moment.

1 After some time, he came back and he told me, okay, now you
2 can open the ventilation. I called captain, the captain
3 understood my message and after this, he opened the ventilation.
4 So, I don't know how much time passed after this. He came to me
5 and told me -- the fireman came to me and told me to close the
6 ventilation. I informed the captain. He closed the ventilation.
7 And, at some point, I don't know what happened inside. This is
8 the point when I understand that there is some -- or actually
9 point when I become sure that something happened inside because
10 these guys came to me again, told me to open again because they
11 have some person missing inside. I don't know exactly now the
12 details. And, he said that -- and I said you are still fighting
13 the fire. He told me at the moment they are focusing to recover
14 their crew, their member. I informed the captain about this
15 situation, and we opened again the ventilation. And, at this
16 moment it's when a lot of, a lot of black smoke came to the area
17 where we were. And all of us, including me and the firefighters,
18 we had to retreat somewhere in the aft part where was no smoke,
19 near the flag, where we had the flag in the aft part.

20 Q. And the first time -- so if I'm understanding you correctly,
21 ventilation was turned on twice?

22 A. That's correct.

23 Q. The first time that the ventilation was turned on, did black
24 smoke come out to where you were in front of those vents?

25 A. No, except for the smoke which was coming from the ramp, but

1 we this also before open. This no smoke first time, only the
2 second time was full, and we had to retreat to near the flag, near
3 the aft part of the vessel where the flag is located.

4 Q. Okay. And when -- both times when the ventilation was turned
5 on, were you able to hear that it was on?

6 A. Now, I don't remember if I heard or not because as I said,
7 was a lot of, a lot of noise from everywhere and also everybody
8 was shouting, also I could hear the radio, somebody was speaking
9 in the radio like the inside team with the leader and everybody
10 was shouting there. So I don't know and I don't remember if I
11 heard or not the ventilation.

12 Q. Okay. So the first time, how do you know the ventilation was
13 actually turned on?

14 A. Because captain informed me that he switch on the
15 ventilation. And the stuff that I went to the fireman and told
16 him we opened, we started the ventilation, and he said okay. So
17 he was aware because after he told me to close it.

18 Q. Okay. And the firefighter that you had the conversation with
19 both times about opening up the -- or turning on the ventilation,
20 was that the same firefighter?

21 A. Yes.

22 Q. Okay.

23 A. Both times was the same.

24 Q. And then that firefighter, did you ever see him go down into
25 that port stairwell or was he always on deck 12 with you?

1 A. No, he -- from the moment I arrived there until I left the
2 area, he was always there.

3 Q. Okay.

4 A. Never went inside.

5 Q. Okay. And as far as the ability to communicate with him, did
6 -- were you able to understand what he was saying and did you feel
7 he understood what you were saying?

8 A. Yes. Because every time he told me something, I repeated his
9 comment and he told me, yes, that's correct what I understand and
10 after that, he was the one who understood because he told me, yes,
11 only when I tell you to open because his question was do you have
12 and can you use it, and I had to inform master, and with his
13 approvement I can -- we can start and I told him, I told him,
14 this, and he said, okay, open only when I tell you to open, to
15 switch on.

16 Q. Okay. And when the ventilation was turned on, did you notice
17 the conditions at the vehicle ramp, water tight door, ever change?

18 A. No, I can't say this because I was always facing the
19 staircase where was the fireman, and now I don't remember if I was
20 looking in the opposite direction. Most the time was looking at
21 the fireman, the team leader, because if he had some comments for
22 me to be there and to reply or to ask him for details.

23 Q. Okay. And what were, what were the conditions at the opening
24 to the port aft staircase? What were the conditions there?

25 A. Around the door was very busy. I mean there were a lot of

1 firemen. Some fully equipped with masks and the others probably
2 only to assist them. I don't know their work. It was very busy
3 there as I said and I couldn't see a lot of things there. I let
4 them do their job and only assist them if they need my -- if they
5 need my help with something.

6 Q. Okay. Did you observe any smoke coming out of the port aft
7 stairwell?

8 A. There, I never saw any smoke from the staircase. When they
9 opened the door, I never saw smoke from the staircase.

10 Q. Okay. And did those conditions ever change when the
11 ventilation was turned on?

12 A. So after we opened the second time, the ventilation and a lot
13 of smoke came and covered this area, we had to retreat and by
14 retreat, we climbed on top of the cargo here, and you have to pass
15 through the top of the cars to reach the flag area. So at this
16 moment, I never check to see who's going inside the -- who's using
17 the staircase or who's not using and what is the condition there.
18 We just arrive as I said somewhere in the aft part near the flag
19 and the next thing I remember happened, captain called me through
20 the radio and asked me to retreat from there because it's
21 dangerous. He saw also the smoke and I told him we are in a safe
22 zone for the moment. If it become more dangerous, I will leave
23 this area and leave only the firemen to do their job because as I
24 said, a lot of smoke came to this side.

25 Q. Okay. And you said you retreated to an area where the flag

1 was on the image that I believe should still be on your screen.

2 A. Yes.

3 Q. Where is that located?

4 A. So, around frame 5 and near the centerline, somewhere there
5 in this area more or less.

6 Q. Okay. So as described by the witness, the cursor is
7 currently over the centerline at approximately frame 5. Okay.

8 And so when you retreated -- once you retreated to that spot, what
9 did you do then?

10 A. I was -- there in standby and as I said, at this moment, I
11 heard through one of the radio, not ours but of the firemen, that
12 they find one body which was missing. After this, I heard that
13 another person is missing, but returning to the first body, I was
14 there waiting for -- to help them, to help the firemen in any case
15 I can, I could. And at some time, the rescue team arrived with
16 one body, one (indiscernible). It was the first one.

17 Q. Okay.

18 A. And here they start their procedures with first aid and I
19 didn't get too close because it was again busy, full of people,
20 which -- and I let them do their job.

21 Q. Okay. And then during the rescue operations, what were you
22 doing?

23 A. By rescue operations, after they bring the body?

24 Q. Yes.

25 A. So I was there on standby. At some point, somebody from

1 there, from the firemen, came to me and asked me if we can -- how
2 they can lower the body because they needed to bring the body down
3 to put it in the ambulance. And I told them that we have a crane,
4 the provision crane, and they told me if we can use this. I asked
5 captain by radio again. I told him the situation, and he told me
6 that first of all we need to see if the crane is still working
7 because it's electrical. We had fire on board. So we don't know
8 this yet. And I had to standby for a while for the response from
9 him if it's working or not. And I know -- and I heard in the, in
10 the radio at some point, he -- they needed the key to switch on
11 the power for the crane. The key was located in the storage in
12 deck 11. So boatswain was sent there fully equipped with the
13 fire suit to take the key. After that, they told me the crane,
14 it's working and I told to the guy.

15 But before this, there was another thing. I remember that I
16 saw (indiscernible) or one helicopter. And I asked this guy which
17 told me about the crane, I asked him why you are not choosing the
18 helicopter. It's more easier. It's faster. Because if you have
19 a fire on board, the chance of the crane to work is 50/50. And he
20 told me they already called for the helicopter but the helicopter,
21 it doesn't have the proper equipment. I don't remember now what
22 he said. He said that they don't have something to pick up the
23 body. And he -- the helicopter is there just to take the body
24 after we lower it.

25 Q. Okay. And then were they able to lower the firefighter down

1 using the crane?

2 A. Yes. I received the message from the captain that the crane
3 is working. I informed the guys, and they told me to show the way
4 to the crane. I showed them the way to the crane, and they
5 prepared the crane and after, they lowered the body, the first
6 body.

7 Q. Okay. And then what -- walked me through what happened next?

8 A. So, before lowering one fireman, I don't remember which one,
9 asked me if we can use the reflector or light, and I said, I told
10 him we can use it. We have one reflector near the wing of the
11 bridge. We used that. They lowered the first body. I stayed
12 there to recover myself after they -- after my exposure to smoke
13 and heat and everything. And at some point, they bring there to
14 the crane, they bring also the second body. It was one African
15 American. And they just said that this guy was already dead. And
16 again they asked my help with the lights to do the procedures
17 with, I don't know, they are American procedures. The body was
18 covered by the American flag, down were people, and I said, okay,
19 I can do the lights on the body, on top of the body, not a problem
20 for me.

21 Q. Okay. And then after they lowered the second body off, what
22 did you do then?

23 A. After that, I recovered again myself and I continue with the
24 boundary cooling in the same position I was in the first time in
25 deck 12, somewhere frame 25, somewhere there. I went back to that

1 team again.

2 Q. Okay. And was there a lot of water built up or standing on
3 deck 12 at that point?

4 A. Yes, there was water on deck 12.

5 Q. Okay. And was it covering the entire -- was there water
6 covering the entire deck or was it in pockets or small areas of
7 standing water?

8 A. No, the aft part of the vessel, all the aft part was full of
9 water.

10 Q. Okay. And does deck 12 have a combing around it?

11 A. Sorry.

12 Q. Does the deck 12 have a combing around it or a piece of metal
13 that comes up from the deck that would hold the water in?

14 A. To be honest, I don't know why the water was keeping on the
15 vessel. I don't know this reason. Also now I don't know why. It
16 was there. So I don't know.

17 Q. Okay. Do you know -- on deck 12, do you know are there
18 scuppers or drains for --

19 A. Yes.

20 Q. -- like rain water?

21 A. Yes, there are.

22 Q. And do you know, were they open or were they plugged for
23 being in port?

24 A. I don't know if they were opened or not. I know that I never
25 go to check them. I never, I never saw them when I, you know, in

1 this night when the incident occurred because I had other
2 responsibilities. So I never go to check them.

3 Q. Okay.

4 A. But, yes, they exist all over the deck.

5 Q. Okay. And then did you boundary cool from then until the
6 captain ordered the abandon ship?

7 A. Yes.

8 Q. Okay. And during that entire time, was the water pressure
9 sufficient coming out of the fire hoses being used on deck 12?

10 A. Yes, that's correct. At least the hose, the hose my team and
11 the team near me used, I saw because they were near me, they -- we
12 have no problem with the water pressure.

13 Q. Okay. And you still had good pressure when you abandoned
14 ship?

15 A. Yes.

16 Q. All right. Thank you, Mr. Ciumala. That's all the questions
17 that I have for you.

18 A. Okay.

19 Q. I know that was pretty lengthy but I appreciate your time.

20 CDR BARGER: We'll now offer the opportunity for members of
21 the investigation team to ask any follow-up questions. Lieutenant
22 Commander Moore, do you have any follow-up questions?

23 LCDR MOORE: Yes, just a few.

24 BY LCDR MOORE:

25 Q. I'm going to try to keep it in order of your testimony to

1 keep it organized. You mentioned this was your first time on this
2 ship. When you came on board in April, what was the initial
3 onboarding process as far as training or checklists or
4 walkthroughs?

5 A. So, I realize only to this vessel, but this is general for
6 every vessel, and when you come, first time on every vessel even
7 if you been on the vessel before, is the same procedure. The
8 safety officer must do you the familiarization of the vessel. And
9 after that, of course, they take your documents. Now, this part
10 with the documents is my job, but when I came there, was the other
11 third officer which was making the familiarization for the third
12 officer job, and he was the one who took my documents, license,
13 and he made copy and give the captain what he needed. And as for
14 the safety part, as I said is responsible the safety officer and
15 every time you join the vessel, he must make the familiarization
16 of the vessel which happened also in my case.

17 Q. Does that familiarization include the firefighting equipment,
18 lifesaving equipment. Can you just tell us in general what the
19 familiarization was about?

20 A. The familiarization was -- the familiarization also included
21 the fire equipment, the location of the fire equipment. The first
22 included the location of the hydrants, of the hoses, of the fire
23 hoses and, of course, the location of the muster location and my
24 role or in the muster list, this regarding with the fire training,
25 what we need to know regarding the fire. After that, of course,

1 we needed be shown also other things like the documents and so on,
2 the ship's documents, the equipment in my case because I was new,
3 and they showed me the position.

4 Q. All right. Thank you. And you mentioned your license and
5 endorsements. I understand those were lost in the fire. Can you
6 tell me what flag issued your license?

7 A. Romania (indiscernible), but because for Romanians, for us,
8 the Romanian state will issue the document. But in Italy, because
9 the vessel was Italian flag, there is one more rule, using your --
10 using my Romanian license, they issued also Italian license.

11 Q. Okay. Thank you. That was my next question. Then following
12 as you were discussing, you've been to many other ports and
13 observed RORO operations in other ports. Have you seen any other
14 ports using vehicles to push non-running vehicles onto ships or is
15 there some other way to get non-running vehicles onto ships?

16 A. If I remember correctly, I answered this question, and I said
17 that they are -- if the cars are not moving, they were using the
18 Bobcat for this, to push them.

19 Q. Thank you. And then the last thing, when you were discussing
20 being the liaison with the fire department on deck 12, do you know
21 where the chief mate was located during that time?

22 A. Also to this question if I remember correctly, I answered but
23 as I said at some point, he had to leave his position which was
24 near the staircase, and he went down on the other deck. I don't

25

1 know the reason, and at this point is when the master was calling
2 and nobody answered, and I replied to him and he gave me the
3 instruction to go there.

4 Q. Thank you.

5 LCDR MOORE: Commander, that's all the questions I have.

6 CDR BARGER: Okay. Thank you. Lieutenant Reed, do you have
7 any follow-up questions?

8 LT REED: I have no follow-up questions.

9 CDR BARGER: Okay. Thank you. Lieutenant Commander Ward, do
10 you have any follow-up questions?

11 LCDR WARD: I don't have any questions. Thank you.

12 CDR BARGER: Thank you. And going to NTSB, Mr. Barnum, do
13 you have any questions?

14 MR. BARNUM: Yes, Commander.

15 BY MR. BARNUM:

16 Q. Mr. Ciumala, Bart Barnum, NTSB. Can you hear me okay?

17 A. Yeah, I hear you very well.

18 Q. Okay. Thank you. Talking about the Jeep pusher vehicle --

19 A. Yes.

20 Q. -- you observed smoke. Was it smoke or steam? Could you
21 tell?

22 A. As I said from the position I was there, I saw as I said
23 smoke -- white smoke. I am not an engineer. So I don't -- I
24 never approached the car to see it's steam or smoke, but it
25 appeared as like white smoke.

1 Q. Okay. And then I just -- I'm curious about the Jeep pusher
2 vehicle in particular. So you said this incident of the white
3 smoke was in -- on your first watch. You probably already said
4 it, and I apologize for making you repeat yourself. Was it early
5 in your watch or was it at 0800 or when did you notice that fire
6 or smoke?

7 A. As I said before, I don't know. I remember it was in my
8 morning watch. I don't know at what time. I know that it was in
9 the morning watch.

10 Q. Okay. And then you said it operating again in your morning
11 watch. I'm just trying to estimate how long between the incident
12 where you saw the smoke and then when you saw it operating again?

13 A. Also this I don't know because as I said, I saw the car. At
14 the time I saw these three person and three person were taking
15 care. I don't know what they did, and after came my relief, the
16 AB there, which I believe. I don't know what job he had to do and
17 after I continue with my work and after some time, the same, in
18 the morning watch, I saw the car being used again without smoke.

19 Q. Okay. So when you were relieved by the AB, the Jeep was
20 still on the ramp?

21 A. I don't remember this. This I can't remember. I know that
22 only that at some time later I saw it being used again.

23 Q. Okay. And how was it operating? Could you tell if it was
24 operating effectively or was it struggling in any way to perform
25 its operation?

1 A. I remember that the Jeep had some problems pushing but I
2 can't say. I don't remember if this struggling was before or
3 after the smoke, the white smoke, or was also before and after, I
4 don't remember. I remember he had problem pushing. I mean it was
5 obvious that it had problems.

6 Q. How -- just to kind of elaborate on that. How could you tell
7 it was having a problem? Was it, you know, what was it doing?

8 A. First of all, the SUV, the Jeep was a small car and he was
9 pushing like with American truck, I don't know how they are
10 called. If you have some kind of truck and this other heavier for
11 sure than the Jeep and on the ramp, they were forcing the engine.
12 You could hear the engine to the maximum.

13 Q. Okay. So that's just on the ramp?

14 A. (Indiscernible) yeah.

15 Q. So you observed this struggling as you said just on the ramp
16 coming from shore to deck 3. How about, did you ever observe it
17 going on any of the other ramps having those same struggling
18 issues?

19 A. No, no. As I said, most part of the time I stayed in deck 3
20 in the after part of the vessel and only in the cargo control
21 room, and when I left my position and went to the upper, went to
22 the upper decks, I don't remember if I saw the car or not. I
23 remember that it was struggling only in this ramp from deck 3 to
24 deck 6.

25 Q. Okay. Did it ever have to -- did it ever stop and then have

1 to back up and gain speed?

2 A. No, the only problem I saw it was that it was very slowly
3 climbing the ramp and the RPM as I said, the engine was used at a
4 higher speed. I mean they were using the maximum force let's say
5 and the problem with the white smoke.

6 Q. Okay. How about any of the other pusher vehicles? Did you
7 observe any of the other pusher vehicles operating on your watch?

8 A. Yes, I saw vehicle that day pushing other -- pushing the
9 cars, yes, I saw them.

10 Q. All right. Can you briefly describe what those pusher
11 vehicles were?

12 A. As I said before, I don't know if they are called trucks, but
13 you have -- I saw I think another two kind of trucks and the way
14 they were pushing, it was not the same like the Jeep. That's why
15 I said that the Jeep was struggling with the big cars.

16 Q. Okay. And that's all I was trying to get at. You didn't see
17 those struggling in the same manner that you saw the Jeep
18 struggling?

19 A. Yeah, that's correct.

20 Q. All right. Perfect. All right. That's all the questions I
21 have for you, sir. Thank you very much.

22 A. You're welcome.

23 CDR BARGER: Thank you. And, Ms. McAtee.

24 MS. McATEE: I have no further questions.

25 CDR BARGER: Okay. All right. Thank you. Mr. Ciumala, the

1 representatives for the parties of interest will now have the
2 opportunity to ask you follow-up questions. As we have done with
3 previous witnesses, in order to ensure equitable time and
4 opportunity for each party in interest to ask questions, each
5 party will have approximately 10 minutes for cross-examination
6 within the scope of the direct examination questions that are our
7 investigation team has just asked and relevant to informing the
8 purpose of our investigation.

9 So first off, Grimaldi.

10 BY MR. LEVY:

11 Q. Mr. Ciumala, I just have a few follow-up questions for you
12 regarding when you first observed black smoke coming out of the
13 garage door at deck 12, okay. You said that it was sometime after
14 you came up to deck 12 from deck 11. Is that right?

15 A. Yes.

16 Q. And when you came up to deck 11, you were initially boundary
17 cooling?

18 A. Yes.

19 Q. And do you know what the firefighters were doing while you
20 were doing boundary cooling with respect to going into deck 10?

21 A. No, I don't know what they were doing inside the garage, but
22 first two guys as I said before, they came in T-shirts. Their
23 equipment was not prepared to go inside, and they wanted to go
24 inside through deck 11, they wanted to go without any masks on the
25 face. This is when I stopped them and after several times

1 and the captain stopped them and they equip themselves completely
2 and put the mask on.

3 Q. So my question is a little different. So when you got to
4 deck 12 and were doing boundary cooling, at that time, you didn't
5 know where the firefighters were in the garage, if they were in
6 the garage at all?

7 A. Yeah, that's correct. I don't know. When I was in deck 12,
8 I know that lot of firemen went inside, but I don't know what they
9 were doing and where they are.

10 Q. So when you started to observed black smoke coming out of the
11 garage door, do you know whether that was after the firefighters
12 were entering the garage or before they entered the garage?

13 A. I don't remember when I saw the black fire [sic] because I
14 didn't saw it in the beginning when I arrived. I didn't pay
15 attention if it's smoke there. I don't remember. So that's why I
16 can't say if the -- I observed the smoke before the firemen be
17 inside. I don't remember this.

18 Q. Now, going back to the conversation that you observed and
19 participated in with the firefighters trying to go into the door
20 on deck 11, can you tell us what the captain said to them and what
21 they said to the captain?

22 A. So, as I said, first of all, I was the one communicating with
23 them. I stopped them and captain was in deck 12 above me. First
24 of all, he called me and told me, tell them to don't go inside,
25 and I told him, I already done, and after he was starting to shout

1 to them, don't go inside because we already released the CO2. He
2 told them this several time, and I remember that the firemen, they
3 were -- I don't know if they were angry or not, but they were at
4 least frustrated because we don't let them go inside. So they
5 have an attitude towards us even if we tried to stop them to go to
6 an incident.

7 Q. What did the firefighters say, if anything, to the captain
8 during this time?

9 A. At this time, I don't remember. I know that they were
10 looking at us, at him. The captain was still shouting, and they
11 were like looking at him like they don't want to do and after we
12 insisted to them, and that's when like they have like -- as I
13 said, an angry attitude. Also they were throwing things on the
14 deck and like this, but as I said, I don't know if they were
15 angry, if they were frustrated. Actually it's like we told them
16 to do something that they did not want because they may be harmed
17 about the reality. We try to prevent them to go inside in the
18 CO2.

19 Q. What kind of things did you see them throwing on the deck?

20 A. They have the bag, probably where they had their equipment
21 like axe, probably their jacket, as I said before, that they come
22 in T-shirt only and only before they go inside, they fully
23 equipped themselves after we told them. And they have one bag and
24 throw on deck. Actually, each of them had one bag and they throw
25 it on the deck.

1 Q. Now, when you observed them trying to go into deck 11 after they
2 had put on their gear, you said they opened the door like a regular
3 door. Do you mean they opened it so that they were facing directly
4 into the space?

5 A. Yes, that's correct.

6 Q. Instead of -- how did you expect them to open the door?

7 A. So, we at the training center, we are trained to open the --also
8 in the drills which we did on board of this vessel and other vessels
9 before, but I remain on this vessel. So basically when you know that
10 inside you have like fire and you want go to inside to attack the
11 fire with water, first of all, you must check with your -- with your
12 back of the hand to check the walls, the door to see the temperature
13 and after you must put your shoulder and your
14 knee in the door so you're wearing some kind of
15 heat inside which will not throw you overboard, but they were opening
16 like a normal door, like in a normal situation. They didn't check
17 nothing. They just opened the door as they went inside without
18 considering the risk of explosion, the fact that there are people
19 near them, like civilian. Yeah, they were going inside opening the
20 door normally.

21 Q. When you initially stopped the firefighters from entering the
22 space, how did you do that?

23 A. I was doing the boundary cooling, and they arrive there. And I
24 told them where to go. They insisted to go from deck 11 and I saw
25 that they go by -- as I said, they were in T-shirts, no mask,

1 and they go directly and put their hands on the door to open it,
2 and this is when I give the nozzle to the AB which was assisting me
3 and I went to them and explained that inside is CO2. They were
4 looking like at me surprised, like I don't know. Like I told them
5 something they didn't know. I told them several times. After
6 that, one of them said, okay, okay, and they started to do the same
7 thing, to open the door, and for few minutes, I tried to explain
8 this. Captain arrived and said the same thing.

9 Q. Now, did you have to stand between them and the door to keep
10 them from opening it?

11 A. I was not between them and the door, but I was very close to
12 them. I mean they could hear me very well because I was speaking
13 very clear and loud enough so they can me.

14 MR. LEVY: I have no further questions.

15 CDR BARGER: Okay. Thank you. Ports America.

16 BY MR. ZONGHETTI:

17 Q. Good morning, sir. I have a few questions for you to follow
18 up a little bit and go over some of your testimony, okay.

19 A. Okay.

20 Q. So, the time that you believe you saw this smoking Jeep,
21 there was a 4 hour span of time and you're not able to say with
22 any specificity when during that 4 hour span between 0800 and 1200
23 you may have seen the Jeep smoking. Is that correct?

24 A. Yes.

25 Q. And let me ask you this. How many RORO vessels had you

1 sailed on before this vessel?

2 A. As I said before, this was my first RORO vessel.

3 Q. And I may have gotten this wrong, but you were on this vessel
4 for about 3 months before the fire?

5 A. Yes, that's correct.

6 Q. And how many ports did you go to, did you call while you were
7 aboard this first RORO vessel that you called -- that you sailed
8 on?

9 A. Can you repeat please?

10 Q. Sure. How many ports, how many different ports did the
11 vessel call in while you were working for these 3 months on your
12 first RORO?

13 A. As I said also before, I don't -- I never counted them but
14 was many and I said more than 10. It's more, more than 10.

15 Q. How many U.S. ports, United States ports?

16 A. If I think back, I think only in United States every time I
17 came it was around 10 ports.

18 Q. Where were they, sir?

19 A. So Baltimore, New York, Wilmington and there was another one
20 but I don't remember now its name, and I've been here, this one
21 was the third time when I came to America with the RORO.

22 Q. So Newark, July 5th was the first time you were in Newark on
23 a RORO?

24 A. No, July 5th, it was the third time.

25 Q. First?

- 1 A. Third, third.
- 2 Q. Okay. I'm not getting it.
- 3 CDR BARGER: I believe he's saying third.
- 4 MR. ZONGHETTI: Third.
- 5 CDR BARGER: Three.
- 6 THE WITNESS: Yes. Third.
- 7 MR. ZONGHETTI: Okay. Thank you.
- 8 THE WITNESS: Three.
- 9 BY MR. ZONGHETTI:
- 10 Q. In Port Baltimore, they use pusher vehicles, correct?
- 11 A. I don't remember but I think they are using our Bobcat.
- 12 Q. Sir --
- 13 A. But I not remember.
- 14 Q. Bobcats are --
- 15 A. I don't remember.
- 16 Q. Bobcats are only used in the Baltimore and in Newark to push
- 17 for minor distances on the vessel, right?
- 18 A. Yes, they are. They were using -- in Baltimore, they were
- 19 using the Bobcats and in New York, they were using their cars, the
- 20 port car to push.
- 21 Q. In Baltimore though, they used pusher vehicles, right?
- 22 A. That's why I said I remember -- I'm not sure if they were
- 23 using --
- 24 Q. The only place, the only place they use Bobcats exclusively
- 25 is in Africa. Is that correct?

1 A. They are using, yes, in Africa, also Bobcats.

2 Q. Okay. And you don't know whether Grimaldi allows Ports
3 America to use Bobcats in Newark or not. Is that fair to say?

4 A. No, I don't know what is the agreement between Grimaldi and
5 Ports America.

6 Q. Okay. Now, you were -- where were you standing exactly when
7 you saw the Jeep with the white smoke coming out of the driver's
8 side of the hood? Were you on the third level, the third deck?

9 A. Yes, on the third deck.

10 Q. And the Jeep had come up from the bottom ramp when you saw
11 it, correct?

12 A. Yes, from the entrance.

13 Q. Okay. And you don't know whether the Jeep had worked earlier
14 that day or not. Is that also correct?

15 A. Yes, it was. I already said that I saw that Jeep before and
16 I saw also after that --

17 Q. Okay.

18 A. -- but I don't remember at what time the incident of the
19 smoke.

20 Q. Did the smoke start coming out of the hood on the driver's
21 side just when it got to the third deck or was it smoking as it
22 came up the ramp?

23 A. I don't know if it was from the beginning, from the ramp, or
24 it was there. I remember that I saw the car stop and the smoke,
25 the white smoke.

1 Q. The distance from the beginning of the ramp to the third ramp
2 is about how many feet?

3 A. I don't know. I never measure the distance.

4 Q. But you can see from the third ramp down to the opening onto
5 the vessel, correct?

6 A. Yes, you can see.

7 Q. And if the Jeep was smoking as it was coming onto the vessel,
8 that's something we should be able to see in the video tape that's
9 directed at that opening at the bottom of the ramp, right?

10 A. I don't know if you can see it on the camera but --

11 Q. You were able to see it. It was very clear to you, you saw
12 white smoke very clearly, right?

13 A. Yes, very clearly.

14 MR. LEVY: I have an objection. The attorney is stepping on
15 the witness' answers.

16 MR. ZONGHETTI: I apologize. I'll slow down. I'm always
17 trying to speed myself up during these hearings, but I'll go
18 slower.

19 LCDR MOORE: Thank you. I think I'd also move on as far as
20 like the footage of him being able to decipher -- I mean we talked
21 about the quality of that. So I think the relevancy is limited.

22 MR. ZONGHETTI: Okay.

23 BY MR. ZONGHETTI:

24 Q. But the point is, you don't know when the smoke started. You
25 just saw it in the third deck. It may have well been smoking

1 while it came up the ramp from the lot, right?

2 A. Yeah, I can't say this because I don't know. So I can answer
3 only to what I know and to when I started to see this. I don't
4 know if it was from the beginning or not. It was --

5 Q. How far --

6 A. -- (indiscernible).

7 Q. I apologize again. How far were you from this Jeep on the
8 third deck when it stopped as you say?

9 A. I never measured to see the distance exactly but close enough
10 so I can see the Jeep, the persons and the smoke. I was that near
11 the ramp.

12 Q. Were you 10 feet away, 20 feet away?

13 A. I don't know.

14 Q. Did the smoke set off an alarm on the vessel?

15 A. No, it was like small quantity in a space very big.

16 Q. Did you smell anything?

17 A. No.

18 Q. Now, the process is that cars are driven up under their own
19 power. They're also pushed and they're also forklift up. Is that
20 all correct?

21 A. Yes, they were pushed by the other cars, by the pusher. I
22 don't remember if I saw them by the forklift in that day.

23 Q. But the process is that cars keep coming up these ramps,
24 right?

25 A. Yes.

1 Q. And when this car as you say it happened, stopped because
2 there was white smoke coming out and three people, the driver and
3 two other people came by the car, and they were talking and
4 looking, right?

5 A. Yes.

6 Q. Were there other cars backing up behind it?

7 A. No, it was only this -- it was only the Jeep and the car
8 which was pushed by the Jeep.

9 Q. Okay. So how long were these folks there? Were they there
10 for a minute, 10 minutes, 20 minutes?

11 A. I don't know. As I said, I saw them at some point when they
12 came there, but I didn't -- he relieved me from there, and I
13 continued with my job. After time, I saw that the car is working
14 again without smoke.

15 Q. Okay. So, you can't say how long the car stopped there while
16 smoke was coming out, but you say that at some point, it continued
17 on its way up?

18 A. Yes, that's right.

19 Q. With no smoke?

20 A. With no smoke.

21 Q. With no smoke.

22 A. With no smoke.

23 Q. How long was smoke actually coming out --

24 MR. LEVY: I'm going to object again. This is John Levy.
25 You're again continuing stepping on the witness.

1 MR. ZONGHETTI: All right. Okay. Okay.

2 BY MR. ZONGHETTI:

3 Q. How long was smoke do you say was coming out of this car?

4 A. Again repeat please.

5 Q. How long do you say some was coming out of this car?

6 A. I don't know for how long. I never check my watch. I know
7 that it came out though. I saw it and after I already told you
8 what happened.

9 Q. But it didn't, it didn't block any other cars or pusher cars
10 or driven cars or forklifts on coming up the ramp, correct?

11 A. If they wanted to come on, they could come. It was exactly
12 more or less in front of the ramp which is leading from deck 3 to
13 deck 6. Through there, I don't remember if they could pass, for
14 example, other cars if they could wait or if they could pass near
15 them. Also I don't know if other cars didn't come on board
16 because of this problem or because it was a delay in the force. I
17 don't know what is the reason but no cars come after the smoke.

18 Q. Okay.

19 CDR BARGER: You have about a minute.

20 MR. ZONGHETTI: I need more time. I need more time.

21 BY MR. ZONGHETTI:

22 Q. There's been testimony in this case by a federal agent that
23 reviewed evidence that there was no smoke, no witnesses said smoke
24 was coming from this car but you saw smoke coming from this car.
25 Is that correct?

1 MR. LEVY: Objection. That's an improper question.

2 MR. ZONGHETTI: That's no an improper question.

3 LCDR MOORE: Well, first I have to --

4 MR. ZONGHETTI: The federal agent had --

5 MR. LEVY: Your Honor --

6 MR. ZONGHETTI: Wait, wait, wait.

7 LCDR MOORE: Please refrain from objections between one
8 another. I will take one at a time. So, Mr. Levy, please go
9 first.

10 MR. LEVY: It's an improper question, asking him, making a
11 representation to him as to what a federal person, a witness
12 supposedly said. That's an improper question, and beyond the
13 scope of the direct examination.

14 LCDR MOORE: Mr. Zonghetti.

15 MR. ZONGHETTI: Agent Hartnett testified as to a basis for
16 his working hypotheses that no witnesses observed smoke before the
17 fire started. This witness has testified he saw smoke. I want to
18 establish that that's, in fact, what he saw.

19 LCDR MOORE: I think that we've established that. So please
20 move on.

21 MR. ZONGHETTI: Okay.

22 LCDR MOORE: Thank you.

23 BY MR. ZONGHETTI:

24 Q. Now, sir, even though you say you saw smoke, you never
25 reported this to anyone on the vessel, correct?

1 A. Yes.

2 Q. And you're aware that the vessel had cargo that was being
3 loaded that was potentially hazardous, right?

4 A. Yes.

5 Q. And this whatever you saw did not concern you, correct?

6 A. Negative.

7 Q. It did concern you?

8 A. So, my responsibility as part of a vessel is the safety of
9 the crew and of the vessel. At that moment, I saw the car was
10 isolated, near it was nothing in the near -- in the vicinity of
11 these two cars, of the one which was with smoke and the one which
12 was pushed, and was only a white smoke. At that time I assumed
13 that there is nothing, and after that I saw that the car is still
14 working. So I assumed that there is no danger for the vessel.
15 Even if there is a mechanical problem of the car, this is -- the
16 car is the property of Ports America and they are in charge of
17 their car.

18 Q. Well, sir, if there was a potential cause of a fire coming
19 onto the vessel, whether it was the Ports' car or anyone else's
20 car, that would be something you should be concerned about, right?

21 A. Yes, if it was, if it was a dangerous situation. As I said,
22 at that moment, it was not a danger situation, not leading to a
23 dangerous situation.

24 Q. Okay. So the smoke you observed was not a concern to you,
25 right?

1 A. At that moment, no. The car was stopped and they were taking
2 care of it.

3 CDR BARGER: Mr. Zonghetti, last question.

4 BY MR. ZONGHETTI:

5 Q. When you went to deck 10 after you were alerted to the fire,
6 do I understand it correctly that you picked up a hose, you waited
7 for the water to engage, take some time, but before that happened,
8 the black smoke got so thick that you had to flee the area?

9 A. So I needed to wait to take the extinguisher first. As I
10 said, I stopped somewhere near deck 7 on the ramp, but near deck
11 7. It was me and one AB or one OS. I don't remember who was
12 there. At which moment I was unlashng the extinguisher. At this
13 moment, the chief mate called me from deck 10 and this is when I
14 left the extinguisher to the other OS. I went there to prepare
15 the hose, and after we were waiting, of course. They started the
16 pump and we were waiting for the water to come. In the meantime,
17 yes, the smoke was coming to us.
18 We had to retreat.

19 Q. Okay. And you don't know what happened on that deck after
20 you left.

21 A. Yes.

22 Q. That's correct, right?

23 A. Yes, that's correct.

24 Q. Okay. Thank you.

25 CDR BARGER: Thank you. American Maritime Services.

BY MR. HONEA:

1 Q. Mr. Ciumala, can you hear me?

2 A. Yes.

3 Q. Okay. When you were on watch on July 5th, that morning from
4 8 to noon, there was also an AB on watch with you. Is that
5 correct?

6 A. Yes, always there is one AB on duty.

7 Q. Right. And when I say on watch with you, he was physically
8 present either on deck 3 or on the main ramp. Is that right?

9 A. Yes, he's always present at the entrance in the vessel.

10 Q. Right. And is his job to ensure that unauthorized person
11 aren't coming on board and he's observing any traffic on and off
12 of the main ramp?

13 A. Yes.

14 Q. Okay. Also during those hours of 8 in the morning until noon
15 that day, are there also occasions when other crewmembers,
16 crewmembers not on watch, also cross through deck 3 for different
17 purposes?

18 A. They can cross, for example, if they are from the engine and
19 they have work, they can cross also there. If they want to go
20 outside, they can cross this area. So, yes.

21 Q. All right. So during your watch that morning, there were
22 occasions when crewmembers who were not on watch would be present
23 on deck 3 or on the main ramp. Is that right?

24 A. If one person is not on watch or not on duty and not properly
25 equipped with safety equipment, the only reason for them to be
there is only when

1 they go outside to relax themselves. And the rest, they are not
2 allowed to stay there. We follow the safety shoes and all the
3 protective equipment.

4 Q. Okay. So if other crewmembers or the AB on watch were to say
5 -- were to testify that they didn't see anything unusual that day,
6 that would be different than what you're saying today. Is that
7 correct?

8 A. I don't know what other people saw. I am here to tell what I
9 saw.

10 Q. Right. But if they were to say that they didn't see any
11 unusual that day, that would be different than what you're saying?

12 A. I don't know. As I said, I don't know what they say. It's
13 only what I saw.

14 LCDR MOORE: I think this has been asked and answered. He's
15 demonstrating his knowledge here today. Thanks.

16 BY MR. HONEA:

17 Q. While you were on watch, Mr. Ciumala, did you have a radio
18 with you that would allow you to communicate to other crewmembers
19 on the ship?

20 A. Yes, I always have a radio with me, a portable radio, VHF,
21 when I am on duty. Everybody when they are on duty, they must
22 have one radio with them.

23 Q. Okay. So had you wanted to make a report regarding the smoke
24 or steam coming from the Jeep, you could have because you had the
25 radio with you?

1 A. Yes, that's correct.

2 Q. But you didn't make that kind of report. Is that right?

3 A. To make a report, you must know what is the situation and I
4 saw at the time, that the situation was not dangerous, and I saw
5 nothing around them. The car was there stopped and they were
6 looking -- I don't know if they knew what is the problem or not.
7 So if they don't know, if I don't know if they knew the problem, I
8 can't say that there is a problem. At that moment, it was not a
9 dangerous situation.

10 Q. I think you said when the Jeep was stopped, the two men were
11 conferring, talking to each other near the Jeep. Could you hear
12 what they were saying?

13 A. No, I didn't approach the Jeep because it was -- the problem
14 was from their car and I let them fix if they could fix. I just
15 observed the thing, the entire situation.

16 Q. During the course of your watch both in the morning and in
17 the evening, you observed that Jeep loading vehicles at different
18 times, correct?

19 A. Yes, pushing.

20 Q. Did you ever get close enough to see inside the Jeep and to
21 see the instrument panel or the dashboard?

22 A. Never.

23 Q. So when you -- I think earlier you said that you believed the
24 Jeep was struggling to push cars on. Is that based on just your
25 experience driving a normal personal car around town or is that

1 based on experience you have loading cars onto ROROs?

2 A. So it based on what I saw and by what I saw visually and what
3 I see from this Jeep and then I said before, the other two trucks
4 which were pushing cars. So while I saw the other truck had no
5 problem pushing, I saw this one had some problem pushing and the
6 RPM of the engine was at maximum, let's say speed rotation.

7 Q. So that is my question there. So you're saying the RPM was
8 maximum or it was going to maximum, but you never looked at the
9 instrument panel. So I mean do you know for sure that it was at
10 the maximum?

11 A. I said it was a high RPM. If it is the maximum or not, I
12 don't know. Of course, I didn't saw the instrument -- I was not
13 -- to see this, you must be inside the car, and I am not part of
14 the Ports America to be inside the car.

15 Q. You also at the beginning of your testimony talked about
16 generally you had had some occasions to instruct drivers or
17 pushers pushing vehicles when you were at Newark. On that day, on
18 July 5th, 2023, did you ever provide instructions to drivers who
19 were loading cars on the ship?

20 A. I don't remember. As I said, I think also in the beginning I
21 don't remember if I give -- I spoke in general, and I said I speak
22 in general because I don't remember if this time also I give some
23 instructions or not.

24 Q. All right. And during the fire fight as you were moving
25 between decks, was there ever an occasion when you looked -- when

1 you were able to see the ramp that leads from deck 10 to deck 11?

2 A. No, I never saw the ramp from deck 10 to deck 11.

3 MR. HONEA: I believe those are all my questions. Thank you.

4 CDR BARGER: Thank you. Port Authority of New York and New
5 Jersey.

6 MR. REILLY: I have no questions.

7 CDR BARGER: Okay. Thank you. And the City of Newark?

8 BY MR. LIPSHUTZ:

9 Q. Good afternoon. Hello. You can hear me okay?

10 A. Yeah, I hear. I hear you.

11 Q. All right. I guess I just want to ask you about the
12 ventilation system and opening the ventilation, okay.

13 A. Okay.

14 Q. So when you were talking about how the firefighters, someone
15 asked you to open the ventilation, you communicated that to the
16 captain. From that point, when the captain orders that the
17 ventilation system be opened, how's that accomplished? What
18 happens?

19 A. So everything, it's happening in the bridge. He must
20 announce the engine room, they have to reset the system, and
21 after that, by computer you just open.

22 Q. Okay. So, I take it then that the captain calls down to the
23 engine room, correct?

24 A. No, he doesn't go to the engine room. By radio, I don't know
25 if the signal reaches from the radio or by telephone.

1 Q. Okay.

2 A. By telephone or by magneto telephone.

3 Q. Do you know if the first time that the ventilation system was
4 opened, do you know if the firefighter, the local firefighter had
5 been lost at that time or did that happen before he was lost? Do
6 you know?

7 A. As I said before, I don't know. Somewhere at this point is
8 where I find out that there is a missing person, but I don't know
9 if this happened before the first time we open, when we started
10 the ventilation or after, but this is the first time, I'm hearing
11 the point where I find out there is a missing body.

12 Q. Okay.

13 A. Missing person. I'm sorry.

14 Q. One of the documents that we have is Exhibit 16 which is the
15 timeline of the ship's voyage data recorder.

16 MR. LIPSHUTZ: Lieutenant, can you put up Exhibit 16 please?

17 LCDR MOORE: Mr. Levy, do you have --

18 MR. LEVY: Yes, I have an objection. It's beyond the scope
19 of the direct, and I'm not sure this witness has any firsthand
20 knowledge of the vessel data recorder and what it says.

21 MR. LIPSHUTZ: I'm just trying to establish a timeline, and
22 if he doesn't have any knowledge, then he'll tell me.

23 LCDR MOORE: What part in particular are you referencing that
24 he would potentially have knowledge to?

25 MR. LIPSHUTZ: Well, I want him to look at the timeline, and

1 I want to ask him about the ventilation systems being opened as
2 reflected on the timeline.

3 LCDR MOORE: As far as him being informed and he hasn't
4 referenced, I don't particular find that helpful in this scenario
5 if it's an estimation of his memory. That would be the extent to
6 which he's informing us personally.

7 MR. LIPSHUTZ: I'm a little confused here. And the reference
8 that I have is the timeline indicates -- the timeline indicates
9 that the vents were opened at around 11:45 local time which was
10 from my understanding was about an hour after the firefighters had
11 declared mayday. That's based on the timeline. And I just want
12 to ask him if that's consistent. But if not, I'll move on.
13 That's okay with me.

14 Mr. Levy: And, Mr. Lipshutz, if you don't mind me saying
15 this --

16 LCDR MOORE: I would prefer if you address it
17 (indiscernible).

18 Mr. Levy: Thank you. You can ask it a different way.

19 LCDR MOORE: And if the benefit here is for him to be able
20 like specific with the timeline, I don't know how that would
21 necessarily change what we're trying to draw from this witness.

22 MR. LIPSHUTZ: Okay. I'll move on. I really don't need to
23 press it. Okay.

24

25 BY MR. LIPSHUTZ:

1 Q. Okay. One last topic, sir. When you were on deck 10 and you
2 hooked up the fire hose, you -- who were you with?

3 A. With chief officer.

4 Q. Is that the first mate or is that the chief -- what's his
5 name?

6 A. Benito, La Fauci Benito. So he's the first officer, yeah.
7 Chief mate or chief officer.

8 Q. Okay. So, the two of you hooked up the hoses, correct?

9 A. Yes.

10 Q. Okay. And you were on the nozzle. You were holding the
11 hose?

12 A. Yeah, I connected the nozzle to the hose and the chief mate,
13 Benito was connecting the hose to the hydrant and opening the
14 valve also. I don't know who made it first, but this is what we
15 do.

16 Q. Sure.

17 (Whereupon, the recording concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FIRE ABOARD *GRANDE COSTA D'AVORIO*
AT BERTH 16 IN THE PORT OF NEWARK
IN NEWARK, NEW JERSEY ON JULY 5, 2023
Interview of Marian Ciumala

ACCIDENT NO.: DCA23FM039

PLACE: via Microsoft Teams

DATE: February 2, 2024

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.


Kathryn A. Mirfin
Transcriber