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

4
5 CORNERSTONE CHEMICAL
COMPANY,
PLAINTIFF,

6 VS.

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

12 _____ /
DEPOSITION OF BOGUMIL STANISLAW KWIATKOWSKI

13 DATE: JUNE 24, 2020
14 REPORTER: KRISTEN LIVESEY
PLACE: PHELPS DUNBAR, LLC
100 SOUTH ASHLEY DRIVE
15 SUITE 200
16 TAMPA, FLORIDA 33602

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10 KATARZYNA JANKOWISKI, INTREPRETER
(APPEARED VIA ZOOM)

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THE DEPOSITION OF BOGUMIL STANISLAW KWIATKOWSKI TAKEN AT
PHELPS DUNBAR, LLC, 100 SOUTH ASHLEY DRIVE, SUITE 200,
TAMPA, FLORIDA 33602 ON SUNDAY THE 24TH DAY OF JUNE 2020
AT APPROXIMATELY 9:09 A.M.; SAID DEPOSITION WAS TAKEN
PURSUANT TO THE FLORIDA RULES OF CIVIL PROCEDURE.

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



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1 PROCEEDINGS

2 COURT REPORTER: So we're going to have to open
3 just like we are in a video. So if I could swear
4 you in first, please raise your right hand. Do you
5 swear or affirm that you will truly and correctly
6 translate these proceedings from English into Polish
7 and from Polish into English?

8 INTERPRETER: I do.

9 COURT REPORTER: Okay. This is the videotaped
10 deposition of Bogumil Kwi --

11 MR. BUTTERWORTH: Kwiatkowski.

12 COURT REPORTER: -- Kwiatkowski in the case of
13 Cornerstone Chemical Company versus V/M Nomadic
14 Milde, IMO number 9463554, her engines, tackle,
15 equipment, furniture, appurtenances, et cetera, in
16 rem; M/V Atlantic Venus, IMO number 9628257, her
17 engines, tackle, equipment, furniture,
18 appurtenances, et cetera, in rem; and Crescent
19 Towing and Salvage Inc., in person. Today's date is
20 June 24, 2020. The time is approximately 9:11 a.m.
21 Will Counsel please introduce themselves for the
22 record?

23 MR. BERCAW: I'm Jim Bercaw on behalf of
24 Plaintiff in the lead case, Cornerstone Chemical
25 Company, and Claimant in the separate limitation



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1 proceedings that have been filed by the Nomadic
2 Milde interests as well as the Atlantic Venus
3 interests.

4 MR. BUTTERWORTH: Michael Butterworth and
5 Michael Held appearing for Nomadic Milde interests.

6 MR. FREY: Kevin Frey on behalf of Crescent
7 Towing and Salvage Company Incorporated.

8 MR. DEPAULA: Tim DePaula appearing for the
9 Atlantic Venus interests, Golden Helm and Osaka
10 Fleet.

11 MR. SHARPE: David Sharpe, representing FM
12 Global and other interested underwriters.

13 MR. PHELAN: Robert Phelan of Cozen O'Connor,
14 representing interested underwriters.

15 MR. BERCAW: I think that's the full gang.

16 COURT REPORTER: All right. Will you please
17 raise your right hand for me, sir? Okay. Do you
18 solemnly swear or affirm that the testimony you are
19 about to give in this case is the truth, the whole
20 truth, and nothing but the truth? Okay. You can
21 just --

22 THE WITNESS: I do.

23 DIRECT EXAMINATION

24 BY MR. BERCAW:

25 Q Mr. Kwiatkowski, my name is Jim Bercaw. We



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1 just met, and I think we had a brief telephone or a Zoom
2 conversation last weekend. We are here to take -- today
3 to take your deposition in this matter. Okay. I'll go
4 over some rules of a deposition before we start the
5 actual questions and answers. First of all, you
6 understand that you are under oath to tell the truth,
7 the whole truth, and nothing but the truth, correct?

8 A I understand.

9 Q Also you have a soft speaking voice thus far.
10 And so if I ask you to repeat your answer, it's not
11 because I'm giving you a hard time. I want to make sure
12 that the translator heard it properly so that we can get
13 an accurate translation back. Do you understand?

14 A Okay.

15 Q Okay. This -- have you ever given a
16 deposition or testified in a judicial proceeding under
17 oath?

18 A I don't recall right now.

19 Q Okay. Well, what this is is it's a question
20 and answer session where the attorneys ask you questions
21 and then you're to give the answer to the best of your
22 ability and that's truthful. Do you understand?

23 A Okay.

24 Q Especially with your deposition, where we're
25 probably going to get into some technical information



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1 concerning the CPP system and other engine room
2 equipment, I may not ask the question in a way that
3 makes sense to you, and if -- should that occur, I want
4 you to stop me and say, "I don't understand the
5 question." And I will try to rephrase it in a more
6 meaningful fashion for you, okay?

7 A Okay.

8 Q Otherwise, if you don't indicate that you
9 didn't understand me, then we're going to be operating
10 under the -- with the understanding that you understood
11 my question and that you answered it truthfully and to
12 the best of your ability. Do we have that agreement?

13 A Yes. I understand.

14 MR. BERCAW: Okay. Also for Counsel, just some
15 bookkeeping and administrative matters. Of course,
16 we're taking this, I presume, to the Federal Rules
17 of Civil Procedure, and therefore all objections are
18 preserved except for objections to the form and the
19 responsiveness of the answer. And because we're
20 having several attorneys participating via the Zoom
21 video and audio feed, do we have an agreement that
22 one -- an objection by one counsel is good for all
23 counsels to prevent a -- you know, cacophony of
24 objections?

25 MR. BUTTERWORTH: That's a very good idea, Jim.



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1 We agree.

2 MR. PHELAN: We agree.

3 MR. FREY: We agree.

4 BY MR. BERCAW:

5 Q Lastly, I would like to attach Mr.
6 Kwiatkowski's curriculum vitae as Kwiatkowski Exhibit
7 number 1 to this deposition. And then thereafter, any
8 exhibit that I'm introducing through Mr. Kwiatkowski,
9 they will be identified as Kwiatkowski Exhibit 1 through
10 -- whenever we're finished with that, okay? Mr.
11 Kwiatkowski, I want to make sure that I'm not
12 consistently insulting you by mispronouncing your last
13 name. Could you please pronounce it for me?

14 (JANKOWISKI EXHIBIT 1 MARKED FOR
15 IDENTIFICATION)

16 A Bogumil, that was the first name, Kwiatkowski.

17 Q Kwiatkowski. Thank you. Okay. Please state
18 your full name for the record.

19 A Bogumil Stanislaw Kwiatkowski.

20 INTERPRETER: Interpreter spelling of the first
21 name, B-O-G-U-M-I-L. Middle name, S-T-A-N-I-S-L- A-
22 W. Last name spelled, K-W-I-A-T-K-O-W-S-K-I.

23 BY MR. BERCAW:

24 Q What is --

25 MR. BUTTERWORTH: Jim, we've been -- and we



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1 have no objection if you wanted to address questions
2 to Chief Engineer Bogumil. It's a little bit easier
3 for us to say than the last name. So we started
4 just using Bogumil ourselves.

5 MR. BERCAW: Okay.

6 MR. BUTTERWORTH: It is totally up to you to
7 use -- however you want to do it.

8 BY MR. BERCAW:

9 Q All right. Could you please state your home
10 address?

11 A That's [REDACTED], that's the name of the town.

12 INTERPRETER: Interpreter spelling, S [REDACTED] -
13 C-I-N. The ZIP code for the city is [REDACTED], so [REDACTED]
14 [REDACTED]. And then the street name, [REDACTED].

15 BY MR. BERCAW:

16 Q You're a citizen of the Commonwealth of
17 Poland?

18 A Yes.

19 Q Are you a citizen of any other country besides
20 Poland?

21 A No.

22 Q All right. How long have you been holding a
23 certificate or license to work as a chief engineer on
24 ocean-going vessels?

25 A I do not remember exactly, but for sure for



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1 the past 20 years.

2 Q Okay. Before you held a chief engineer's
3 license, did you work in any other capacity in the
4 engine department or the engine room department of
5 ocean-going vessels?

6 A Yes. I did, on other ships, and my position
7 was just a lower position than that of the chief
8 engineer.

9 Q All right. And that's what I'm trying to find
10 out, Mr. Kwiatkowski, what those other positions were.

11 A I was an assistant. Then I was a fourth
12 engineer, a third engineer, and a second engineer.

13 Q The government body that issued your licenses
14 as an assistant, a fourth engineer, third engineer, and
15 second engineer was the maritime authority of the
16 government of Poland?

17 A Yes. That's correct, the maritime authority
18 in Poland.

19 Q Okay. Was any action taken against your
20 license as an assistant in the engine department by the
21 maritime authority of Poland or by any other
22 governmental agency?

23 A No. There has never been anything like that.

24 Q Has any -- has the maritime authority in
25 Poland or any other government agency taken action



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1 against your license as a fourth engineer?

2 A No. Nothing like that happened. No.

3 Q And same thing with your license as a third
4 engineer. Has the maritime authority of Poland or any
5 other governmental agency taken action against your
6 license as a third engineer?

7 A No. Nothing like that happened. No.

8 Q Okay. And your license as a second engineer,
9 any government agency, including the government of
10 Poland, take any action against your license as a second
11 engineer?

12 A No. Nothing like that happened.

13 Q And lastly, since you've been a chief engineer
14 for -- or you've been -- since you've been holding a
15 chief engineer's license for approximately 20 years, has
16 the government of Poland taken any action against your
17 chief engineer's license?

18 A No. Nothing like that has ever ha -- ever
19 happened.

20 Q Has any other government agency, for example,
21 the Coast Guard of the United States or the maritime
22 authority of England, something like -- similar like
23 that, ever taken an action against your chief engineer's
24 license?

25 A No. Nothing like that has ever happened.



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1 Q Who's your current employer?

2 A Internship Navigation (in English).

3 Q How long have --

4 A Internship Navigation.

5 Q How long have you been employed by Internship
6 Navigation?

7 A It -- it's kind of hard to say. I just do not
8 remember the dates becau -- and the reason is that I --
9 I used to work for them for a while, and then I worked
10 for someone else, and now I'm back with the company for
11 a few years.

12 Q What was the name of the company you worked
13 for between your hitches with Internship Navigation?

14 A Peter Dohle, Sun Ship (in English). A Sun Ship
15 is a separate company from Peter Dohle.

16 Q Is -- are you -- is that Standard Shipping,
17 Stan Ship, or is it Sun Ship? Can you spell it for the
18 court reporter, please?

19 INTERPRETER: Okay. So interpreter spelling,
20 it's Sun, S-U-N, Ship, S-H-I-P.

21 Q And then I think you mentioned you worked for
22 Peter Dohle as well?

23 A Yes.

24 Q Any other company that you worked for between
25 your hitches at Internship Navigation?



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1 A I do not remember. I would have to double-
2 check in the Seaman's Book.

3 Q Right. Okay. All right. When you began your
4 most recent hitch with Intership Navigation,
5 approximately what month and year did that begin?

6 A I -- I don't -- I don't remember. I would
7 have to double-check in my book. Do you mean -- do you
8 mean just the period of my most recent contract with the
9 company?

10 Q Yes. That's what I mean, just the time that
11 you began your most recent hitch with Intership
12 Navigation. When did that start approximately? It
13 doesn't have to be specific.

14 A My most recent contract that is still ongoing
15 right now, I started on February 23rd and I am still
16 under the contract obligation with that company.

17 Q That was February 23 of what year?

18 A Of this year.

19 Q How long are your -- is the length of your
20 contract with Intership Navigation? Is it renewable
21 every year, every six months, or is it a varying time
22 period?

23 A In general the contracts are for four month --
24 months. The -- the most recent one, the current one, is
25 for three months. But -- but we do get some time off in



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1 between those contracts, and it mostly depends on an
2 individual how much time he wants to take off, but I
3 have to say that the company suggests that, well, we
4 sign up for a new contract after a -- a given time.

5 Q And what is that given time period
6 approximately?

7 A Usually it is four months on a ship, four
8 months at home.

9 Q So your current contract with Intership is to
10 work as the chief engineer of the Nomadic Milde, right?

11 A Yes.

12 Q Okay. Before this current contract, had you
13 worked on board another Intership Navigation vessel
14 pursuant to another four month contract or did you work
15 with -- or did you work with Sun Ship immediately before
16 the Nomadic Milde?

17 A My last four contracts have been with
18 Intership Navigation, and that includes the most recent
19 one. So it would be three previous ones and that one
20 that I have worked for Intership Navigation, and all of
21 them were on Nomadic Milde.

22 Q Besides the Nomadic Milde, have you worked on
23 any other vessels whose propulsion was provided by a CPP
24 system?

25 A Yes. I did.



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1 Q Okay. What were the names of those -- that
2 vessel or vessels?

3 A HR ENDEAVOUR. And they were just -- there was
4 a number of other ships that I've worked on. I would
5 have to double-check on the names in my book.

6 Q As a chief engineer on any of those vessels
7 that are propelled by a CPP system, have you ever been
8 involved with the maintenance and upkeep of the
9 propeller itself?

10 A I don't remember working directly on the
11 propeller itself.

12 Q The pitch of the propeller blades of the
13 Nomadic Milde are controlled on the bridge by a forward
14 and backward throttle; is that correct?

15 INTERPRETER: Counsel, could I have the end of
16 the question again?

17 MR. BERCAW: What was the word that's giving
18 you trouble?

19 INTERPRETER: It's not the word but I kind of
20 got stuck after the -- bridge that are controlled on
21 the bridge and then the part of the --

22 MR. BERCAW: Okay.

23 INTERPRETER: -- question.

24 MR. BERCAW: By a throttle that moves.

25 INTERPRETER: By a throttle. Yeah. Okay.



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1 Okay. Got it.

2 A Yes. If the throttle is actually on the
3 bridge, then you are correct. You can control the pitch
4 of the propeller blades from the bridge.

5 BY MR. BERCAW:

6 Q All right. And the throttle is demarcated as
7 zero being the neutral position, correct?

8 A Yes.

9 Q Okay. And then from -- it proceeds on a
10 percentage basis from zero to 100 ahead and then zero to
11 100 in reverse; is that correct?

12 A It's kind of correct. So the pitch indicator
13 would show from the zero or neutral position whether we
14 are from zero to 100 ahead or from zero to 100 astern.
15 That would be kind of indicated by the pitch indicator.

16 Q And the pitch indicator, is that measured in
17 percentage, or degrees, or another method of
18 measurement?

19 A I do not remember that. I would have to look
20 at the indicator.

21 Q Okay. Does the engine room have its own pitch
22 control or the CPP system?

23 A In the engine room, all we have is the pitch
24 indicator.

25 Q So you as the chief engineer or anyone else in



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1 the engineering or the engine control room, cannot
2 affect the pitch of the propeller by any control in your
3 workspace?

4 A I do not understand the question.

5 Q Okay. Because you testified that you only
6 have a pitch indicator in the engine room, I take it to
7 mean that you, as the chief engineer, in -- remaining in
8 the engine control room, cannot adjust the pitch of the
9 propeller of the Nomadic Milde?

10 A If the control is transferred to the bridge,
11 then the engine room has no control over the pitch of
12 the propeller blades.

13 Q Okay. How does the engine, if the control is
14 not transferred to the bridge, how does the engine room
15 -- how could the engine room affect the pitch of the
16 propeller?

17 A I have to give you a little bit of a
18 clarification here, if I may?

19 Q Yes.

20 A We cannot treat the propeller as an
21 independent device because the propeller is connected
22 with a reduction gear. The propeller is connected to
23 the -- to the reduction gear through -- and it is
24 connected through the same -- the same lubricant and oil
25 pumps. There are -- there are two pumps on the system,



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1 one being the main pump. The -- it -- the main pump is
2 connected to the reduction gear, and it is also operated
3 by the reduction gear. The second pump is what you can
4 -- you may call an auxiliary pump, and there is -- and
5 it is -- it is powered by an electric engine. The
6 auxiliary pump is called a standby pump. Now, going
7 back to the question whether I can control the
8 propeller. Before I start the engine and I have the
9 standby pump on, the -- the standby pump of the
10 reduction gear, I will get the oil pressure on the
11 reduction gear and on the pump. And without even
12 starting the engine, I can operate the pitch on the --
13 on the propeller blades, and I can do it in any
14 direction. We can go ahead or go astern how -- as -- as
15 much as I want to. If we have the blades at any
16 different pro -- position other than zero, I -- this is
17 kind of synonymous with stopping the -- or blocking the
18 engine or preventing the engine from starting. If the
19 blades are at any position other than zero, then this
20 prevents me from starting the engine. So the -- going
21 back to the zero, the neutral position on the blades of
22 the propeller gives me a -- a chance to start the
23 engine. So when the engine is off, this is how -- how
24 much control I have over the pitch of propeller blades.
25 So if the control is not transferred to the bridge, but



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1 I have control back in the engine room, then I'm able to
2 control the pitch of the propeller blades as well. So
3 it could be done from the bridge or from the con -- from
4 the engine room.

5 Q Thank you.

6 A I think that's all.

7 Q All right. If the engine, for whatever
8 reason, shuts down, either because of an overload or
9 emergency stop, does that also transfer the ability --
10 or does that also transfer control of the CPP system
11 automatically back to the engine room? Or does the
12 engine room have to take control? Or does the bridge
13 have to transfer control back to the engine room?

14 A I have to give you a little bit of a
15 clarification again. Can I do that?

16 Q Absolutely.

17 A We have two types of -- of --

18 THE WITNESS: Sailing (in English).

19 A -- of ship -- of sailing.

20 INTERPRETER: Thank you.

21 A We have two types of sailing. One is ocean
22 sailing, and that's when you kind of have nothing around
23 you. There is nothing in the close or in the -- in the
24 -- or further proximity around your ship. The second
25 type of shi -- of sailing is maneuver sailing. When we



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1 talk about the ocean sailing, we have a shaft, yes, then
2 we are using a shaft generator. And the shaft
3 generator, when it's operating, it kind of powers the
4 entire ship. If we -- if we -- if we are ocean sailing
5 and something happens to the engine, then the shaft
6 generator takes over. So should the engine shut off,
7 then it is a complete blackout on the ship. And in --
8 in those cases, because it has never happened to me, I
9 cannot tell you whether the control would be
10 automatically transferred from the bridge to the engine
11 room. I just -- I'm -- I'm not able to tell you that.
12 But when we consider the maneuver sailing, the powering
13 -- the powering of the ship comes from electrical power
14 generators. So should anything happen to the engine in
15 that case, so should it shut -- shut off completely,
16 then we still have power provided by the generators,
17 meaning we have our lights on. On this particular ship,
18 this -- the way the system works is that the engine room
19 needs to transfer the power to the bridge. What I mean
20 is to transfer the control of the system to the bridge.
21 The bridge has to confirm that it took over the control
22 of the -- the -- of the engine. So if we have a
23 situation that the engine shuts off and the control is
24 on the bridge, then the engine department, without even
25 asking any questions, can take over the control. So the



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1 control is then under the engine department. So that's
2 what I wanted, to kind of give you an explanation as to
3 how the transfer of the control over CCP [sic] works on
4 that particular ship.

5 Q Okay. So while the Nomadic Milde was at
6 anchor near the Kenner Bend Anchorage in the Mississippi
7 River, it was operating under the configuration for
8 maneuver sailing; is that right?

9 A When the ship was on anchor, the control was
10 in the engine room. The -- the control of both the
11 engine and the control of the -- the pitch, So the CPP
12 system. And the power we had, the -- the power was
13 actually coming from the generators.

14 Q So the electrical power was coming from the
15 generators when you were at anchor, right?

16 A Yes. The generators have to be on when the
17 ship is on anchor.

18 Q Okay. And control of the main engine while
19 the ship was at anchor was originally in the engine room
20 until the bridge asked for it to be controlled -- asked
21 for control to be transferred to the bridge?

22 A No. That's not like that. I have to give you
23 an explanation again.

24 Q Okay.

25 A Every start of the engine and every stop of



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1 the engine takes place in the engine room. So the
2 control at that -- at these points is in the control --
3 in the engine room. Every start of the engine takes
4 place in the engine department, and at that point it is
5 done under the control of the engineering department.
6 Until -- until the speed or the RPMs are stable, and
7 there is -- we have some constant R -- RPMs of the
8 engine, the control remains in the engine room. When
9 you -- when you turn on the boat thruster, which is
10 generated by a shaft generator, and you have -- and you
11 have some -- some parameters that -- that you have to
12 check. And this would be the constant RPMs. You have
13 the shaft generator on, you have the boat thruster on,
14 and you have all the -- and you have all the parameters
15 set and they are safe settings, it's only then that we
16 can actually go ahead and call on the bridge and then
17 transfer the control to the bridge. When -- when the
18 engine is shutting off and the captain is transferring
19 the power -- the control back to the engine room, it's
20 only then that I can go ahead and I -- and I can shut
21 the engine off. So the control kind of remains in the
22 engine department while a ship is on anchor or it's just
23 stopped somewhere. And this is done because this -- to
24 kind of enable starting the engine from the engine
25 department when it's necessary or when the time comes to



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1 start the engine back again. So that's what I wanted
2 you to know.

3 Q Okay. Thank you. What is the role of the
4 governor as concerns the main engine, the gearbox, and
5 the CPP system?

6 A The governor is only to control the RPMs of
7 the main engine.

8 Q The governor prevents the RPMs of the main
9 engine from exceeding whatever the setting of the
10 governor is; is that right?

11 A The governor controls the RPMs of the engine,
12 yes.

13 Q So if I wanted to increase the RPMs of the
14 engine from 75 to 200, how would I do that on the
15 Nomadic Milde?

16 A RPMs are controlled on the engine -- only from
17 the engine room. We have two levers in the engine room.
18 One of the levers -- one of them is for the RPMs, and
19 one of them is for the pitch of the propeller blades.
20 The lever that is on the bridge, there is just one, and
21 that's for the CPP. The governor, there is a -- there
22 is a setting in the governor for the minimum and the
23 maximum RPMs. And then using the lever that I mentioned
24 before, the lever that we have in the engine room, we
25 move it. So depending on the temperature, we can move



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1 the lever up to have the maximum RPMs on the engine,
2 which is going to be 500. So once we move the lever up,
3 then we, kind of, get the -- the max RPMs on the engine.
4 I think that's what I wanted you to know.

5 Q Okay. During the time that the Nomadic Milde
6 was at anchor near the Kenner Bend Anchorage, the pilot
7 advised the bridge to maintain the main engine on short
8 readiness. Do you recall that?

9 A I didn't -- I didn't get any information from
10 the pilot, but I was in communication with the captain.
11 And the captain told me to have the engine on a short
12 standby. Yes. I remember that.

13 Q How is the main engine of the Nomadic Milde
14 maintained on short standby? What do you do with the
15 various generators, main engines, to maintain short
16 standby?

17 A It all depends on -- it all depends on the
18 temperature and the location where the ship is at a
19 particular time. In our -- in our specific case, from
20 the time we dropped the anchors until the time -- until
21 the time that we started the engine, the time period was
22 very short, from the time it stopped to the time it
23 started. Everything -- everything was still very warm.
24 So the engine was still warm, the fuel well was still
25 warm. So the period to start the engine could be made



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1 really, really short because everything was warm. Does
2 that -- does that answer your question?

3 Q Sort of. I have a couple of more questions,
4 then we're going to take a five-minute break, okay?

5 Okay. We know now that within at least an hour, and the
6 times are approximate, that from dropping the anchors
7 that the main engine was instructed to be turned back
8 on, correct?

9 A My -- my calculations are not from the time we
10 dropped the anchors. My calculations would be from the
11 time we stopped the engine.

12 Q Right. Okay. In any event, the fuel and the
13 engine remain warm under the circumstances because
14 between the time they -- instruction to turn off the
15 main engine was given until the time to turn it back on
16 again was relatively short, which allowed the equipment
17 to remain warm, correct?

18 A Yes. And we talking about different fluids
19 which all remain warm. So we talking about the fuel,
20 the oil, and the cooling water. And it was light fuel.
21 It was an MGO, so it didn't matter that much. But those
22 three remained warm, and this kind of made it possible
23 for us to restart quickly.

24 Q Was there any equipment that had to be turned
25 on in order to keep the engine, the fuel, the oil, and



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1 other fluids warm?

2 A Okay. So every time the engine stops, there
3 is -- there is a cooling -- there is a cooling water
4 heater that turns on automatically, and this maintains
5 the cooling water temperature at 60 degrees Celsius the
6 entire time. The oil, on the other hand, was kept warm
7 by the oil purifier, and that was on as well. I think
8 these are the two major equipments that you asked that
9 -- that are important here.

10 MR. BERCAW: Okay. We'll take a break for
11 about five minutes, okay?

12 THE WITNESS: Okay (in English).

13 (OFF THE RECORD)

14 COURT REPORTER: All right. We're back on the
15 video record. The time is now 10:43 a.m.

16 BY MR. BERCAW:

17 Q Mr. Kwiatkowski, what did you review prior to
18 your deposition this date to prepare you for your
19 deposition?

20 A I think it was the alarm list, the engine log
21 book, that would be the two major documents, I think. I
22 don't remember -- don't remember.

23 Q Did you view the VDR recording as concerns the
24 incident involving the Nomadic Milde?

25 A This is what I have to say about this. I do



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1 not know of the system, the VDR system. I have not
2 reviewed the system or looked at it for anything else.
3 And the same goes for -- for this deposition. I -- I
4 know I heard about it, that it exists, but I haven't
5 looked at it. I'm not familiar with it.

6 Q I take it you also did not listen to an audio
7 recording from the VDR system of the vessel, correct?

8 A No. I -- no. I -- I didn't listen to this,
9 and I haven't seen anything. No.

10 Q It's my understanding that there is a Siemens
11 control, or a control unit manufactured by Siemens, that
12 provides alarms and information regarding the CPP system
13 of the Nomadic Milde; am I correct?

14 A The document that I would be familiar with,
15 would be a CPP instructions. And I think this document
16 should be somewhere here in the documentation I have in
17 front of me.

18 Q Okay.

19 INTERPRETER: Excuse me, this is Marek.
20 Clarification from the counsel. Is it the question
21 regarding the documentation or the system, alarm
22 system or control system, the question about the
23 Siemens?

24 MR. BERCAW: Right. The CPP manual was
25 published by the manufacturer of the CPP system,



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1 which I believe was Scana. And you can check if --
2 to make sure that I'm, you know, I'm correct on
3 that.

4 A The only one that we have on the ship level
5 could be in the engine room, or it could be on the
6 bridge. That's correct.

7 BY MR. BERCAW:

8 Q Okay. Is there an alarm panel in the vicinity
9 of the lever in the engine room, that is -- that was
10 manufactured by Siemens and concerns the operation of
11 the CPP system?

12 A In the control room, there is indeed a panel,
13 and the manufacturer of the panel is Siemens, but
14 whether it actually controls the CPP in any way, I won't
15 be able to tell you that. I don't remember any alarms
16 showing up, so if there was anything, and anything
17 concerning the CPP, that would be showing on the
18 Kongsberg.

19 Q Okay. What does the Siemens panel that you
20 just referred to do in the way of providing information
21 to the engine room department or in operating any
22 equipment?

23 A So on the first page, I think there would be
24 information about the engine load. I don't remember
25 exactly what else is there.



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1 Q And this would be information provided to the
2 engine room department by the Siemens panel that we were
3 talking about, correct?

4 A There -- there wasn't a lot of information
5 coming from the panel. So I know that the panel was
6 there, but to be honest, we kind of didn't pay much
7 attention to the panel. It -- it just didn't provide us
8 any information.

9 Q Did you know that the Siemens panel controlled
10 various parameters of equipment within the engine room
11 of the Nomadic Milde?

12 A I didn't know that.

13 Q Okay. Do you know that the parameters of the
14 equipment that were set by the Siemens panel was
15 protected by a password?

16 A I do. I found out -- I found out about it
17 when we have a service who -- who came in. But I won't
18 be able to tell you much more about that.

19 Q When did the service come in that you're
20 referring to?

21 A They were coming because they were repairing
22 the CPP.

23 Q Okay. So this was within the past week or so?

24 A Yeah. Within last week, last couple of weeks,
25 but I see that right now, they are no longer there.



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1 Q Okay. Did you know that the clock for the
2 Siemens panel was capable of being set?

3 A No. I didn't.

4 Q Okay. Do you know what the password is for
5 the Siemens panel we've been talking about?

6 A I don't know that.

7 Q There is another panel in the engine room
8 called the K-Chief, which was manufactured by Kongsberg;
9 is that correct?

10 A Yes. That's the main alarm panel.

11 Q The -- is the K-Chief panel the equipment that
12 generates a printout of all alarms for the engine alarm?

13 A We have a printer that -- that prints any
14 alarms, and that's kind of ongoing.

15 Q Do you have the training and ability to alter
16 the K-Chief system to where certain recurring alarms
17 will not register on the printout?

18 A I don't have the ability to do that, and I'm
19 not an expert to do that.

20 Q Who within the Intership Navigation company
21 hierarchy would have the ability and expertise to modify
22 the alarms being printed out by the K-Chief system?

23 A I do not know that.

24 Q Who within the Intership Navigation corporate
25 hierarchy would have the authority and ability to set



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1 the parameters for the Siemens panel we just got
2 finished talking about earlier?

3 A I do not know that. I'm -- I don't have a
4 clue.

5 Q Okay. We've been provided an alarm -- a
6 series of printouts containing the alarm list for the
7 Nomadic Milde on the K-Chief system, and it begins on
8 the 29th day of January 2020 and ends on the 10th day of
9 May 2020. And for the counsel, it begins on page NM5190
10 and ends on page NM5219. I'd ask that you -- go ahead.
11 Okay. And I would like you to just turn to page NM5190
12 and let me know when you're there. NM5190.

13 A I got it.

14 Q Okay. Were you on board the Nomadic Milde on
15 January 29, 2020?

16 A No. I was not.

17 Q Okay. I believe you said you came on at
18 February 23, 2020; is that accurate?

19 A I started my co -- my contract started on the
20 23rd of February, 2020 and then I was on board of the
21 ship on February 24, 2020.

22 Q Okay. All right. I apologize for asking you
23 to turn to a page -- the first page, could you please
24 turn to page NM5201?

25 A Okay. I got it.



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1 Q I know you weren't on board the vessel on the
2 23rd of February, but there are two entries circled in
3 what appears to be a highlighter appearing at
4 08:05:18.91 and 08:05:54187. Do you see those circled
5 entries?

6 A So the -- the numbers 08:05:1801, this is a
7 time reference, but I also see numbers 1330 next to it.
8 Is this what you mean, Counsel?

9 Q Yes. That's the -- those are the records that
10 I'm interested in for the time being.

11 A So what is your question?

12 Q Okay. My question is, do you know who made
13 the circle around those two entries at 08:05?

14 A I don't know who did those, but I know that
15 the previous chief engineer, this is the -- this is the
16 way that he was marking the testing of the oil water
17 separator done every week.

18 Q Okay.

19 A So that we -- so that it is clear when it was
20 done. I wasn't doing it like that.

21 Q Okay. All right. Okay. All right. Please
22 turn to page NM5209.

23 A Okay. I see it.

24 Q Okay. There is -- I want to start from the
25 line second from the top. Okay.



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1 A I see it.

2 Q So the first of that entry is at 9:15:10.022,
3 correct?

4 A The 022, this refers to the alarm. The time
5 is only the first digits.

6 Q Okay. So 022 is an alarm signifier?

7 A The alarm signifier number would be the 0404
8 -- 05.

9 Q Okay. And what is that alarm signifier? What
10 does that mean, 0405?

11 A It's a -- it's a signal of starting, and it's
12 a signal of a low pressure of the oil on the main
13 engine. This is the signal from pressure switch.

14 Q Okay. To the right of that, in the next
15 column over, the letters X and A appear. What does that
16 signify?

17 A XA refers to miscellaneous alarm. So there
18 would be - well, any alarm or it could -- it could mean
19 a number of different alarms, just miscellaneous.

20 Q Okay. So then proceeding towards the right in
21 that same row, we have two entries, alarm and alarm,
22 correct?

23 A Yes.

24 Q What does alarm-alarm signify?

25 A The first one is the setting, so it would show



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1 the alarm. The second one is the status of kind of the
2 first one. So if you have alarm alarm, the second one
3 would -- would say that it's an ongoing alarm, but if --
4 if you see a return that means it was resolved in some
5 way and that the alarm is no longer active.

6 Q And so if we go to the row immediately below
7 the one we've been talking about, we see alarm return.
8 So that means that whatever the alarm was for the main
9 engine, that had been corrected as of that time; is that
10 correct?

11 A There is a start that -- there is a start of a
12 standby pump for the main engine, and that's a signal --
13 and that's a signal that we receive from the pressure
14 stat when -- pressure switch, when the pump starts. And
15 the second one, all it tells you is that the pump is on,
16 the pressure is up, so the pump is working.

17 Q Okay. You were testifying earlier about
18 turning over control of the CPP system from the engine
19 room to the bridge; you recall that?

20 A Yes. About the transfer of the power -- of
21 the control. Yes.

22 Q Okay. When the engine room transfers control
23 of the CPP system to the bridge, does it generate an
24 alarm on the G-Chief -- or the K-Chief Kongsberg system?

25 A No. It's -- it's not going to be either.



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1 Q Okay. All right. Let's go to -- on the same
2 page we've been talking about, NM5209, the next alarm,
3 which also occurs at 9:15:27 but it is alarm 0138.
4 Describe for me what that alarm is.

5 A I'm going to provide you with a little bit of
6 explanation before I do that, if that's okay?

7 Q He doesn't have to ask permission to explain.
8 It is always appreciated, especially when talking about
9 a technical subject like this. So --

10 A All the -- all the alarms that we receive a
11 printout of have to be looked at in a particular
12 context. The -- the page that we are on right now, all
13 of those alarms refer to a period of time during which
14 the main engine was stopped. So stopping of the main
15 engine is the -- kind of the time frame for us. The one
16 that we talked about previously, so the 0405, was when
17 the -- the oil pump, so the oil pump attached to the
18 main engine, the -- there is no pressure and -- and also
19 the pump is off. That's why we have that alarm there.
20 If the pump is off, and the engine is off, the -- the
21 gear is off as well. So we -- we do not have the
22 pressure present in the system. Every time you press
23 the button to start the main engine, this causes the
24 alarm number 0138 to appear on the list. But because
25 you have the standby pump turned on, and it's



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1 automatically going to go on, the 0138 alarm, the status
2 on the alarm is going to go to -- to return or -- or
3 resolved. But the next alarm that you see, which is
4 going to be the 0213 from the reduction gear, shows --
5 shows a lower pressure in the reduction gear. And then
6 as soon as the standby pump kicks in, you can see the
7 0213 alarm being resolved. So the status is return. So
8 the next 0214 main engine CPP control system fail, so
9 there is an alarm for that, because it is just starting
10 on. This alarm is always activated when the shaft with
11 the CPP is up. And then the next alarm and the numbers
12 refer to when the -- when the air for the engine is shut
13 off, and that would be number 0601 and 0602.

14 Q Okay. I'd like to go back to talk about the
15 alarm for 0214, if I might? Okay. That's an alarm for
16 the main engine CPP control system fail, correct?

17 A Yes.

18 Q Okay. All right. And from what you've been
19 telling us about the -- these series of alarms on May 5
20 is that these alarms are being registered because the
21 engine -- the main engine is being shut off at that
22 time; is that correct?

23 A You cannot disconnect the main engine CPP
24 control system fail from the reduction gearbox.

25 Q Because the pressure in the gearbox is low,



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1 then that's going to automatically trigger the CPP
2 control system fail. Is that what you're telling us?

3 A Well, yes and no. It all depends on the
4 setting of the standby pump in the reduction gearbox. If
5 it is in the auto position, the pump will continue to
6 work and the pressure will continue to be present in the
7 system. The engine, the main engine is off. If we put
8 the lever either to ahead or astern, then this alarm
9 will show as return. If we go back to zero, the neutral
10 position, this alarm will activate as -- again as an
11 active alarm. But if we have the standby pump on -- on
12 manual, not on auto and the pump continues to work, the
13 alarm, what you see on the list, will also show as
14 return.

15 Q Okay. Let's go to the next page, 5210. The
16 first entry is at 9:18:41, correct?

17 A Yes.

18 Q And then we have the alarm for the oil
19 misdetecter fail, correct?

20 A Yes.

21 Q And that's an alarm alarm record, correct?

22 A Correct.

23 Q All right. So --

24 A Yes.

25 Q Okay. So what is that telling us?



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1 A On the previous -- on the previous page, the
2 air for the main engine was shut off. The oil
3 misdetector is a device that compares the amount of
4 fresh air with the air contained within the crank case.
5 In the crank case, we have something foil -- called oil
6 fog.

7 Q And the oil fog keeps the pistons and the
8 shafts lubricated while the engine is on; is that
9 correct?

10 A If the -- if the oil fog concentration is high
11 in relation to the fresh air, then it will cause a
12 shutdown because the air is shut off. The oil in this
13 detector has nothing to compare it with. This is why
14 you have alarm alarm.

15 Q And my question was, when I -- and I apologize
16 for interrupting you -- was, the oil mist is what keeps
17 the pistons and the shafts in the engine compartment
18 lubricated during main engine operation; is that
19 correct?

20 A Not really. It is an engine that is a four-
21 stroke engine. When the oil goes down -- when the oil
22 goes down, it hits the shaft and the -- the -- the crank
23 -- in the crank shaft, the mist could explode. It --
24 it's -- it's kind of produced there. The mist is
25 produced there as the oil goes down and it hits the --



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1 the shaft. So it could explode at that point.

2 Q Which would drive the piston to drive the
3 engine to make the propellers turn?

4 A The mist -- the mist, also called a fog, the
5 oil mist, also called the oil fog is actually harmful
6 for the parts in there. So it's the oil or other
7 lubricants that make it work, but the mist itself is
8 actually harmful.

9 Q Okay. We'll move on. The next alarm is a
10 gearbox. It looks like low oil standby. The pressure
11 pump's not in auto. And that's what you were just
12 talking about previously. So that means it's in man --
13 the pump is now in manual, correct?

14 A And which alarm are we talking about right
15 now?

16 Q 0433.

17 A This is the process of the pump stopping. So
18 this is the exact moment when the -- the control of the
19 pump goes from the auto to manual. Even though it's
20 switched to manual, the pump continues to work. That's
21 why the CPP is in normal condition. And it's not until
22 the -- the next alarm, which is 0138, this is when you
23 see the pump being actually stopped. Someone pressed a
24 button to stop the pump. This is why on shutdown you
25 have alarm, and CPP, you also see alarm.



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1 MR. BERCAW: Okay. Yeah. Sure. We'll -- at
2 Mike Butterworth's request, we'll take another five-
3 minute break. All right.

4 (OFF THE RECORD)

5 COURT REPORTER: Okay. We'll go back on the
6 video record. The time is now 11:51 a.m.

7 BY MR. BERCAW:

8 Q Mr. Kwiatkowski, can you turn to page NM5216?

9 A Okay. I'm here.

10 Q Okay. In the middle of that page, there is a
11 series of errors of alarm return alarm return concerning
12 1354.

13 A Yeah. I see that.

14 Q What is going on at that time?

15 A This is engine room water mist strength
16 system, and that's a local fire extinguishing system.
17 From what I remember, the alarm appeared because -- or
18 disappeared when we tightened the electrical wires that
19 were coming into a box. So the alarm that you see on
20 that page is connected to one of the wires being loose.

21 Q And according to these time entries, it took
22 about six minutes to tighten the wires?

23 A The -- the -- the box of the control room is
24 large, so because we didn't know which wire that was, we
25 were just going through all the wires in the control



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1 box, and -- and we kind of tightened them.

2 Q And that process, it's not six minutes. It
3 actually -- the alarm started at 18:28:20, and it was
4 resolved at 18:32:48. So it's about four-and-a-half
5 minutes to tighten all the wires; is that about
6 accurate?

7 A So the end of the process is probably correct,
8 but we didn't start at the time that it was first seen.
9 We -- we were not -- we were doing this as the alarms
10 kept coming. So I am not able to tell you whether the
11 time would be correct here when we started doing that.

12 Q Okay. On page 5216, there is an arrow at the
13 entry for May 8, 2020 at 20:34:36. Do you see that?

14 A Yes. I see that.

15 Q Okay. Do you know who put that arrow there?

16 A I have no idea.

17 Q It wasn't you, was it?

18 THE WITNESS: Excuse me? (in English).

19 A I -- I don't remember. I don't recall me
20 doing this, but I don't know.

21 Q Is it accurate to say that when the K-Chief
22 alarm system is giving the main engine CPP control
23 system fail, and it's in an alarm alarm system, that the
24 propeller system cannot operate?

25 A In general, we can say that the main engine is



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1 off.

2 Q Okay. But if the main engine is off, then the
3 propeller is not going to turn, right?

4 A Yeah. The shaft -- the shaft is off too. Yes.

5 Q Right. And so it's only when you have the
6 main engine CPP system -- control system fail that has
7 alarm return that the propeller is capable of being used
8 for the ship; is that correct?

9 A No. Not -- not necessarily. It could also
10 mean that the CPP is on. I mean, it -- it -- it would
11 work. The main engine is off and all it -- it -- it
12 would tell you that the standby pump is in the manual
13 position. This could well indicate just this, the
14 manual position of the oil pump.

15 Q Can the propeller turn while the K-Chief
16 system is reporting main engine CPP control system fail
17 in an alarm alarm setting?

18 A Yeah. The propeller can turn very slowly. And
19 that is possible because -- because there is a turning
20 gear in the main engine that would allow for the
21 propeller -- propeller to turn, but that would be a very
22 slow-turning propeller.

23 Q Give me a range of how slow the propeller
24 would turn in RPMs if the system was in an alarm alarm
25 state like we just talked about?



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1 A The main engine's RPMs are 500 when it's on --
2 when the main engine is on. The shaft is at 125 RPMs.
3 So the reduc -- reduction ratio is 1:4. This is when we
4 have the main engine running at 500. When we have the
5 turning gear turning the engine, I -- I'm guessing a
6 little bit here. I'm not going to give you an exact
7 numbers, but I think that the engine would turn once
8 within 40 seconds. So the shaft would work four times
9 slower than that. I have never measured that exactly,
10 so I wouldn't give you the times.

11 Q So if your assumptions are correct, under that
12 scenario where the main engine is rotating once every 40
13 seconds, and you have the 1:4 reduction in operation,
14 then the propeller would not be providing any propulsion
15 either forward or astern under those circumstances. You
16 would agree with me?

17 A That's correct. Very minimal, yes.

18 Q Okay. If we go to the alarms that start
19 showing up at 20:34:36. Explain for me what is
20 happening at this time to cause those alarms to go off.

21 A All those alarms are connected to the main
22 engine shutting off.

23 Q The time that appears here, what time zone is
24 that set at?

25 A This is -- this is a UTC time.



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1 Q Okay. So the entries at 20:34, according to
2 you, these are all started -- these alarms are all
3 triggered by the main engine shutting off?

4 A Yes. These are all connected to the main
5 engine shutting off, and we're looking at the reduction
6 of the rotations, the start pump, the air shutting off,
7 and -- and some other -- the oil pump also.

8 Q Okay. The next series of entries begin on May
9 8, 2020 and are at 21:43:04. That begins at -- near the
10 top of page NM5217.

11 A I see that.

12 Q Okay.

13 A Starting with alarm number 0602 to alarm with
14 a number 0213, all those information, all those alarms
15 indicate that the engine was starting. It was being
16 turned on.

17 Q Okay. And so the next entry after the last
18 0213 is 0214, main engine CPP control system fail alarm
19 alarm, correct?

20 A What's the time that we're talking about?
21 Counsel, what -- what's the time of the --

22 Q Yeah. 21:43:59.

23 A Okay. So this is connected to the starting of
24 the main engine, and this is only done after -- you can
25 turn it on, but you first -- the main engine turns with



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1 air. So you -- so you -- before you turn it you have to
2 let some air in. So when you -- so when you do the air
3 blowing for the engine -- when you do the air blowing
4 for the engine, the engine starts turning, but it's not
5 started yet. The oil pump attached to the main engine,
6 causes the pressure in the system to go up. The shaft
7 begins to turn as well, that's why we're seeing an
8 alarm. So 21:43:48, we see an alarm. We see main
9 engine CPP control, and that's alarm and return because
10 it was resolved.

11 Q All right.

12 A After the blowing is completed, then the main
13 engine is still, it doesn't turn. That's why we have
14 the main engine CPP alarm alarm. So we have the main
15 engine that is stopped. We also have the shaft that is
16 stopped, and we have the pump that is stopped.

17 Q What time are you at, Mr. Kwiatkowski?

18 A Yes. This is 21:43:59. The main engine is
19 off, but it's ready to be started after blowing.

20 Q Okay. And so the -- at that time we have the
21 CPP control system fail, but it is resolved at 21:44:26;
22 is that correct?

23 A Yes. And that's connected to the fact that
24 the engine was started and the shaft started to turn as
25 well. That's why it is resolved.



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1 Q What does the fuel index alarms XI indicate?

2 A XI means miscellaneous index.

3 Q Okay. And there is a -- if we look at the
4 entry for 21:44:24, it looks like there is a percentage
5 there. And it says, IFH then alarm. Do you see that?

6 A Yes. I can see the percentage. That's the
7 high -- the -- the IFH means high fuel. I will explain.
8 On the RPM regulator there is a curve where -- where --
9 where a sensor is attached to. The RPM regulator
10 regulates how much fuel goes into the system.

11 Q Okay.

12 A When the engine starts, the fuel pump are
13 extended to their maximum position.

14 Q Okay.

15 A So that the -- the sensors go so closely to
16 the cam that you can see that it is at 116.9 percent.
17 That's the maximum that the system can have, and that's
18 what the indicators tells you. When the engine starts
19 turning and it is at an appropriate RPMs, then -- then
20 the -- the -- the governor kind of backs off with how
21 much fuel it supplies.

22 Q Okay. The entry at 23:52:32 is an error code
23 1017, and that's in an alarm alarm status. What does
24 that mean?

25 A This indicates some kind of unnatural or -- or



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1 unusual disconnection between the brake and the shaft.

2 Q The brake and the shaft of the propeller?

3 A No. It's not about the CPP. It's abnormal
4 shaft generator because - no, this is about the main
5 engine giving power to the shaft generator. And then
6 you have the shaft generator power the bow thruster. So
7 that's what the alarm is about.

8 Q Okay. So at 23:52:32, the shaft generator has
9 an abnormal trip and is in an alarm-alarm system,
10 correct?

11 INTERPRETER: Counsel, I apologize. Could I
12 have that question again?

13 Q Sure. At 23:52:32 the shaft generator has an
14 abnormal trip and is in an alarm alarm status?

15 A Yes. The shutdown -- the shutdown here was
16 caused -- was triggered by the main engine losing the
17 RPMs.

18 Q Why did the main engines lose RPMs at that
19 time?

20 A You can see, about three entries above that --
21 three alarms above that, you can see that there was an
22 engine overload.

23 Q And how is that indicated?

24 A So if -- because the fuel index is high.
25 Because when you have the engine losing the RPMs at -- I



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1 mean, they are slowing down, then you have the regulator
2 supplying an additional -- or, kind of, supply of fuel
3 to the engine.

4 Q And what alarm is signifying the engine is in
5 an overloaded status?

6 A In the control room, on our panel, we have an
7 indicator, which is just a light that turns on whenever
8 there is an engine overload. Additionally, we have some
9 other events going on whenever there is an engine
10 overload. And I will -- and I will give you examples of
11 those. For example, one of those indicator would be a
12 high exhaust gas to turbo charger. The next one could
13 be pumping of the turbo charger. And the way we know
14 about it is because we can hear explosions, as if there
15 was a bomb, or a hand grenade, or something just going
16 off.

17 Q Okay. At what time is the first alarm that
18 indicates an engine overload on the alarm list for the
19 Nomadic Milde?

20 A It's number 0617, and the time for that alarm
21 is 23:51:44.

22 Q Okay. And so when the main engine is in
23 overload, what protective -- I guess, impediments are
24 used by the alarm system to prevent the engine from
25 completely destroying itself because it's in overload?



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1 A In our -- in our particular -- in our
2 particular situation, with the engine overload, the CPP
3 should reduce its pitch as much as possible right away.
4 So the load that the engine would get from the CCP
5 should be as little as possible to help with the -- with
6 the engine overload. If it's not done, then we have to
7 do it. We have to do it manual. We have to do it
8 ourselves.

9 Q So the engine's in an overload status. The
10 CPP control system is transferred to the bridge, so it
11 is up to whoever is operating the CPP system on the
12 bridge, once the engine is in overload, to reduce the
13 propeller pitch. Is that what you're saying?

14 A If the system doesn't -- if the system doesn't
15 do it on its own and the pitch is not reduced, so there
16 is another indicator on the bridge as well. It's --
17 it's another light indicator there. So if they see the
18 engine overload, then they also have the power to
19 control it with the CPP lever. And they can also reduce
20 the pitch of the CPP from the bridge.

21 Q Right. Okay. If the pitch of the propeller
22 is not reduced at the bridge while the engine is in
23 overload, at some point the system automatically reduces
24 the propeller pitch, correct?

25 A No. The way -- the way it works, it is --



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1 whenever you have the engine overload, it is the system
2 itself that should trigger the pitch reduction for the
3 CPP. If the system itself is not doing that, then you
4 have the manual control. So whoever is on the bridge
5 can reduce that.

6 Q Okay. And when the CPP system with the main
7 engine in overload is automatically reducing the
8 propeller pitch, does it set it back to zero?

9 A No. It will be reduced up to a certain point.
10 It cannot be reduced to zero or neutral position because
11 you have to maintain the maneuvering of the ship. If
12 after the first system reduction of the pitch, the --
13 the -- the engine is still in overload, then the system
14 would reduce more. If the overload continues, then the
15 system would continue to reduce the pitch. So it's done
16 gradually.

17 Q Okay. If the system is operating properly,
18 and the engine is in overload, can the bridge override
19 the automatic function and increase the propeller pitch,
20 either ahead or astern, with the main engine in
21 overload?

22 A I don't know. I have never seen anything like
23 that.

24 Q Okay. A what point -- you've indicated at
25 time when the vessel, the main engine began to



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1 experience overload conditions, and I think you said it
2 began at 23:51:44 according to this alarm list; is that
3 correct?

4 A This was 23:51:44.

5 Q Okay. That's when the engine went into
6 overload, correct?

7 MR. BUTTERWORTH: Objection to form.

8 A From the alarm list, that's what I think, yes.

9 Q Okay. And when did the engine stop being in
10 overload?

11 A That's at 23:54:32.

12 Q Okay. After 23:54:32, did the engine return
13 to an overload status?

14 A I don't see anything like that because the --
15 the -- the next entry there indicates that it was shut
16 off.

17 Q So at 23:54:42, the main engine is shut off;
18 is that correct?

19 A That's what the alarm list tells me. It is
20 possible that the engine could continue to turn because
21 of the velocity.

22 Q Okay.

23 MR. BUTTERWORTH: What was the time on that
24 again?

25 MR. DEPAULA: 23:54:42.



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1 MR. BUTTERWORTH: Okay. 23:54:42

2 BY MR. BERCAW:

3 Q Yeah. Is -- was the engine shut off because
4 it had been in overload, or was that a -- it was shut
5 off by something someone in -- on the bridge or the
6 engine room did?

7 A Today -- today I already know that it was the
8 captain who pushed the button of the emergency shutdown.
9 At -- at that time, I wasn't aware of that. That's why
10 I thought -- at that time, I thought that the engine
11 shut off by itself. That's why you can see that later
12 on, the engine is restarted. It's restarted by me
13 because I didn't know what had happened. I didn't know
14 about the captain pushing the button.

15 Q Okay. When did you begin restarting the
16 engine?

17 A That was the time 23:56:14.

18 Q All right. So you restart the engine at
19 23:56:14?

20 A Yes.

21 Q Does the engine go into overload after you
22 restarted the engine?

23 A It is no longer in overload.

24 Q When was the engine turned off next?

25 A This -- we have the time of 23:58:14 when the



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1 engine is already shut off. I apologize. It is
2 actually 23:58:04 for the engine is shut off at that
3 time.

4 Q Who shut off the engine at that time?

5 A I did.

6 Q Okay.

7 MR. BERCAW: Did you want to take a break for
8 lunch?

9 MR. BUTTERWORTH: -- before 30 minutes.

10 MR. BERCAW: That's fine. Everyone --

11 COURT REPORTER: All right. We'll go off the
12 video record at 12:51 p.m.

13 (OFF THE RECORD)

14 COURT REPORTER: We're back on the video
15 record. The time is now 1:28 p.m.

16 BY MR. BERCAW:

17 Q Sir, you understand that you are still sworn
18 to tell the truth, the whole truth, and nothing but the
19 truth, correct?

20 A Yes.

21 Q All right. If we look on the entries on page
22 NM5217, which was what we were discussing when we took
23 the break, we note that you -- the engine, the main
24 engine and associated equipment were in the process of
25 starting at 21:43:04, according to this record, correct?



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1 A Yes.

2 Q And that the alarms that are triggered or
3 activated because the engine has just been restarted all
4 were clear at 21:44:30, correct?

5 A Yes. Correct.

6 Q So once those alarms that were triggered
7 between 21:43 and 21:44 were cleared, is it my
8 understanding -- is my understanding correct that the
9 engine and the propeller could be used normally?

10 A I don't understand the question whether you
11 could start them normally because at that time, they
12 were already on.

13 Q Right. And that's the -- they could be
14 operated normally, and they being the main engine and
15 the associated equipment including the CPP system?

16 A Yes. That's correct.

17 Q And then between 21:44:30 through 23:51:44,
18 the main engine in the CPP system were running without
19 any alarms being triggered during that roughly two hours
20 and seven minutes, correct?

21 A Yes. That's correct.

22 Q Okay. And starting at 23:51:44 and continuing
23 until 23:54:32, the main engine went into an overload
24 state?

25 A Yes. That's correct. We have engine



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1 overload.

2 Q And then at 23:54:42, where -- you understood
3 that the captain executed the emergency shutdown of the
4 main engine, right?

5 A That's what the alarm list shows. Yes.

6 Q Yeah. And it was only after you had a chance
7 to speak with the captain, after the incident, that you
8 realized that at 23:54:42, he was the one that caused
9 the emergency shutdown of the engine; is that correct?

10 A I found out about it after I stopped the
11 engine, when I restarted it and then stopped it. That's
12 why -- that's when I found out about the captain using
13 the emergency stop button.

14 Q Okay. But the main engine of the Nomadic
15 Milde remained in emergency stop from 23:54:42 to
16 23:55:59, correct?

17 A I have it from 23:54:42 to 23:55:59.

18 Q Right. Okay. And then at 23:56:14, that's
19 when you began your operations to restart the engine,
20 correct?

21 A It is not an -- any operation. It's just
22 pressing a start button.

23 Q But that happened around 23:56:14, correct?

24 A Yes.

25 Q Okay. And then I believe you testified before



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1 the break for lunch that the -- you shut off the engine
2 at 23:58:04; is that correct?

3 A Yes. At that time, the engine was already
4 shut off.

5 Q Okay. When did it -- when was it shut off if
6 it was not at 23:58:04?

7 A Looking at the list, I'm not able to tell you
8 at what exact time I pressed the stop button.

9 Q It was certainly no later than 23:58:04
10 though, correct?

11 A That's what I think.

12 Q Okay. When was the last time that you
13 calibrated the clock in the K-Chief system with the
14 actual time for Greenwich Mean Time, or UTC?

15 A I do not do the calibration, and I am not able
16 to tell you when the calibration took place. I think it
17 is a responsibility from one of the deck officers.

18 Q One of the deck officers is responsible for
19 calibrating the K-Chief system for the Nomadic Milde?

20 A The calibration of the K-Chief system must be
21 done in relation to a different specific time. It could
22 be done in relation to the GPS, VDR, or some other
23 system. I am not able to tell you which of those
24 systems would be the reference system for the time.

25 Q I take it then that you have never calibrated



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1 the KG -- or the K-Chief system to either the ECDIS, the
2 GPS, or any other device as long as you've been chief
3 engineer of the Nomadic Milde?

4 A I don't recall doing that.

5 Q All right. Who in the deck department would
6 be tasked with calibrating the clock for the K-Chief
7 system with the actual UTC time?

8 A I don't know.

9 Q Okay. Probably a handful of questions left,
10 sir. Why did the main engine go into overload?

11 A I know it now, the anchor chain -- the anchor
12 chain from Atlantic Venus broke our CPP.

13 Q During the time period that we've been --
14 you've been testifying about that the engine was in
15 overload, there is no indication that there is a CPP
16 system failure of any kind on the alarm list that we've
17 been talked to me about; is that correct?

18 A Because it was not the CPP system. It was the
19 propeller that was struck.

20 Q Would you expect the CPP system failure alarm
21 to be triggered if the individual propeller's blades of
22 the Nomadic Milde were stuck at 70 percent ahead?

23 A I don't know that.

24 Q Okay. Would you expect the alarm for the main
25 engine CPP control system fail to be triggered if the



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1 propeller's blades of the CPP or the Nomadic Milde were
2 stuck at 70 percent ahead and could not be corrected no
3 matter how the throttle that controlled the pitch of the
4 CPP was positioned?

5 A I don't know that.

6 Q Who should know that?

7 A I didn't know. I -- I never had a case like
8 that.

9 Q I'm going to attach a copy of the K-Chief
10 alarm list for the Nomadic Milde that we've been talking
11 about, the entire thing from pages NM5190 to 5219 as
12 Kowalski Exhibit 1, okay? I'm sorry. I take that back,
13 and strike it. I'm going to attach them as Kwiatkowski
14 Exhibit 1. Mr. Kowalski was yesterday. If you would
15 turn to page NM029. Pages NM29 through 30 comprise your
16 current chief engineer officer certificate, correct?

17 (KWIATKOWSKI EXHIBIT 1 MARKED FOR
18 IDENTIFICATION)

19 A Yes (in English).

20 Q Okay. I'm going to attach that document as
21 Kwiatkowski Exhibit 2. On page -- okay. In page 31,
22 that's your chief engineer's certificate issued by the
23 Republic of the Marshall Islands, correct?

24 (KWIATKOWSKI EXHIBIT 2 MARKED FOR
25 IDENTIFICATION)



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1 (KWIATKOWSKI EXHIBIT 3 MARKED FOR
2 IDENTIFICATION)

3 A Yes.

4 Q Okay. If you would turn to page 64, please.

5 Okay. It's a one-page document being the true and
6 accurate copy of your handwritten statement after this
7 incident, correct?

8 THE WITNESS: Correct. (In English).

9 A Yes.

10 Q Okay. I'm going to attach a copy of that as
11 Kwiatkowski Exhibit 4. And I have some questions for
12 you on this and then I'll conclude my questioning. I'm
13 reserving my right to ask some follow up questions. When
14 did you prepare the statement?

15 (KWIATKOWSKI EXHIBIT 4 MARKED FOR
16 IDENTIFICATION)

17 A On May 8th.

18 Q At what time?

19 A I don't remember.

20 Q Who asked you to prepare the statement?

21 A I don't remember.

22 Q Okay. Who -- when you were preparing your
23 statement, there are specific time entries in there. Did
24 you look on any documents or any other device to obtain
25 those times?



1 A I don't remember because it happened so -- I
2 -- I just don't remember.

3 Q The time entries that you obtained, were they
4 obtained by looking at the main deck log of the Nomadic
5 Milde, or are these based upon your memory at that time?

6 A I think the second option. I wasn't looking
7 at the deck log. So I think the second option is right.

8 Q Okay. And that -- so that would be based upon
9 your memory on May 8, 2020, for those time entries; is
10 that correct?

11 A Yes.

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

13 MR. DEPAULA: Think it's my time?

14 MR. BERCAW: Yeah, Tim. It's your turn.

15 CROSS EXAMINATION

16 BY MR. DEPAULA:

17 Q All right. Chief, good afternoon. My name is
18 Tim DePaula. Can you see me and hear me all right?

19 A Yes. I see you.

20 Q All right. I'm going to ask you some
21 questions, and I apologize in advance because I'm going
22 to jump around a little bit from Mr. Bercaw's questions,
23 okay?

24 A Okay.

25 Q If I understand your testimony from earlier,



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1 you said that the governor on the main engine controls
2 the RPMs?

3 A It regu -- it controls the RPMs through the
4 amount of fuel, yes.

5 Q Before May 8th, was the -- let me back up.
6 From the time you boarded the vessel on February 24,
7 2020, when you got on board, was the governor
8 malfunctioning?

9 A At -- at that point of time, I don't think
10 that there were any problems. I think that at that time,
11 it worked properly.

12 Q At some point after you boarded, did the
13 governor begin malfunctioning?

14 A We had a problem in Venezuela to stop the
15 engine. To stop the -- in order for us to stop the
16 engine, we have to get the RPMs down to 360. We were
17 trying to use the lever to reduce the RPMs, and all we
18 were able to do was to go from 496 down to 460. With
19 RPMs like that, it's impossible to stop the engine. So
20 we manually pushed -- pulled on the fuel rack, and it
21 was the fuel rack that made it possible for the RPMs to
22 go to the minimum that is required to stop the engine.
23 And then at that point, it was possible for us to stop
24 the engine.

25 Q Who determined that the governor was causing



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1 that problem?

2 A I notified the office of the company of this
3 situation. And -- and -- at the end of those
4 communications the -- a decision was made that at a port
5 in the United States that the -- the -- the problem will
6 be repaired.

7 Q How did you notify the office?

8 A I wrote an e-mail. In my e-mail, I described
9 the problem that had occurred, and I sent it to the
10 captain. And then the captain is responsible to sending
11 out the mail.

12 Q The e-mail that you sent to the captain
13 describing the problem, have you seen that e-mail prior
14 to your deposition today in preparation for the
15 deposition?

16 A No. I didn't. I wasn't interested in that.

17 Q Do you still have a copy of that e-mail?

18 A I think it's on the ship. I also want to tell
19 you -- I also want to tell you that the e-mail was not
20 only addressed to the captain, but also to the
21 superintendent in the office. All the e-mails that we
22 send must go through the captain.

23 Q What is the superintendent's name?

24 A That's Mr. Zelko Zar.

25 INTERPRETER: Interpreter spelling, Z-E-L-K-O.



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1 Last name Z -- Z-A-R.

2 Q Was the issue you were having with not being
3 able to shut the engine off, was it causing any alarms
4 to go off on the K-Chief printout that we looked at
5 earlier?

6 A It wouldn't be on the alarm list because when
7 you increase the RPMs from the minimum to the maximum,
8 or when you decrease from the maximum to the minimum,
9 it's kind of a normal procedure, so it wouldn't trigger
10 any -- any alarms.

11 Q Did the governor actually get replaced while
12 you were on board the vessel?

13 A Yes. It was replaced.

14 Q And when was it replaced?

15 A I don't remember the date, but it was when we
16 were in -- in port. And when the ship was received --
17 was being loaded.

18 Q In New Orleans, correct?

19 A Yes. In the -- in the loading port, yes.

20 Q What exactly was replaced when the governor
21 was replaced?

22 A The entire governor was replaced.

23 Q That includes the controller for the governor?

24 A All I can tell you, it -- that it was the
25 entire governor and also, like, a box that goes into the



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1 -- the -- the panel. So I cannot tell you whether
2 that's the controller or not, but those two items were
3 replaced. It's like an electronic panel-like thing.

4 Q Is it on the actual governor, or is it on a
5 panel in the engine room somewhere else?

6 A There is, like, a -- a cabinet at the back of
7 the engine and inside that cabinet, that's where the
8 little box is located.

9 Q Did the engine crew replace the governor, do
10 the actual installation, or was it outside technicians?

11 A It was an outside service that came from the
12 land.

13 Q What type of testing was done on the governor
14 and the main engines after the governor was replaced?

15 A After the governor was replaced, the main
16 engine was started, and then the setting was set for the
17 maximum RPMs and the minimum RPMs.

18 Q And who set those settings?

19 A It was the outside service that did the
20 replacement. The -- the -- the same service that did
21 the replacement of the governor.

22 Q Okay. Were there plans to test the governor
23 and see how it's working at sea after it was installed?

24 A Not really, because this was done while the
25 ship was in a port, and also the -- the shaft generator



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1 was tested and was turned on and off, and everything
2 worked properly. So there was no need for additional
3 testing.

4 Q The testing that was done on the engine and
5 the shaft generator after the governor was replaced was
6 all while the vessel was at the load berth, correct?

7 A Yes. It was all when we were still in port
8 and when the ship was being loaded.

9 Q Did you or any other member of the engine crew
10 do any additional testing when the vessel was actually
11 underway?

12 A No. We didn't do any more testing because
13 there was no indication that any more tests were
14 necessary.

15 Q Does the vessel have a right-handed or left-
16 handed propeller?

17 A The -- the propeller itself, the pitch can go
18 either way, but the shaft is -- is right-handed. But
19 the -- the shaft is right and the -- we have a
20 controllable pitch propeller on that ship. So the --
21 the right shaft means that when you are in the stern
22 area of the ship and you're looking ahead to the bow, it
23 is on the right.

24 Q If I understand you correctly, you're saying a
25 right-handed propeller means that the propeller will



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1 turn clockwise?

2 A This is the ship, and that's the stern, that's
3 the bow. We're looking from this direction, so the
4 propeller is turning clockwise

5 Q And did I understand -- did you say that in --
6 on this ship, you can change it to a left-hand propeller
7 as well?

8 A The shaft and the propeller itself only goes
9 one way. But the -- the blades -- the blades on the
10 propeller can go either way.

11 Q Correct. So the propeller and the shaft
12 always turns to the right, but depending on if it goes
13 astern or forward, the pitches of the propeller change?

14 A Exactly so, yes.

15 Q Did I understand your testimony earlier that
16 the vessel was burning MGO while you were in the
17 Mississippi River?

18 A Yes, because we were in the economic sulfur
19 control and we -- because the requirement is that we use
20 a low sulfur -- and MGO as the content of the sulfur
21 below .1 percent, that's why we were using MGO. Do you
22 see that?

23 Q All right chief, I want to show you a picture.
24 I'm going to try and share it.

25 A Yes, I see that.



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1 Q Can you tell me what that is?

2 A That -- that's the control station at the
3 engine room.

4 MR. DEPAULA: And I will attach this, I think,
5 as -- Exhibit 5, is the next exhibit. I'll e-mail
6 to everybody as well.

7 (KWIATKOWSKI EXHIBIT 5 MARKED FOR
8 IDENTIFICATION)

9 BY MR. DEPAULA:

10 Q You were asked a lot of questions earlier by
11 Mr. Bercaw about the controls in the engine room, what
12 type of control -- CPP and the engine; do you recall?

13 A Yes, I do.

14 Q And the --

15 MR. BUTTERWORTH: Tim, before you continue, I'm
16 not sure how Zoom works with your picture up there
17 is -- are we still recording the Chief Engineer
18 Bogumil? Is he still on Zoom? Or are we looking at
19 you being blocked out by your picture? Cause what
20 you could do is send me the picture and I'll put it
21 on my iPhone or I can put it on my --

22 MR. DEPAULA: He's -- on both of them for mine.
23 So both the person speaking as well as the image
24 show up on Zoom.

25 MR. BUTTERWORTH: I'm just wondering if I can



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1 -- do you want to e-mail it to me and I'll just put
2 it on my laptop?

3 MR. DEPAULA: I can do that as well, I don't
4 know how the actual recording happens, but yeah, I
5 can e-mail.

6 MR. BUTTERWORTH: One second. E-mail it to me
7 and I'll --

8 MR. DEPAULA: If I had an e-mail with everybody
9 on it, I would do that.

10 MR. BUTTERWORTH: Yeah, Michael Butterworth --
11 Michael.butterworth@phelps.com.

12 MR. DEPAULA: I got yours. I e-mailed it.

13 MR. BUTTERWORTH: I think it just came in. Give
14 me a second, Tim, I'm a Boomer.

15 MR. BERCAW: You got it?

16 MR. BUTTERWORTH: Here we go.

17 MR. BERCAW: Okay, Boomer.

18 MR. BUTTERWORTH: Okay, Boomer. Got it. All
19 right.

20 BY MR. DEPAULA:

21 Q All righty. Chief, so the lever that you
22 testified to that was in the engine room, I think you
23 had testified that there is a lever for the RPMs and
24 there is a level -- a lever for the propeller pitch,
25 correct?



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1 A Yes.

2 Q Can you tell me, by looking at this picture,
3 Exhibit 5, what lever is for the propeller pitch? Is it
4 the one on the left that has the green and red numbers
5 next to it, or is it the one on the right that has the
6 blue?

7 A The green and red is for the CPP and the blue
8 one is for the RPMs.

9 Q If I understand your previous testimony, the
10 bridge only has the lever that controls the CPP. It
11 does not have the lever that has the blue indicators on
12 it?

13 A Yes.

14 Q When control of the CPP is switched from the
15 engine room to the bridge, and the bridge -- well, let
16 me ask you this: When the control is switched, do you
17 touch the lever for the RPMs prior to the bridge making
18 any command, forward or stern?

19 A When -- when the engine is started, the lever
20 with the blue color is in the position that you see on
21 the picture. This is showing 360 rotations per minute
22 on the main engine, and that's the minimum setting for
23 the RPMs. I am moving -- during the time that we're
24 starting the engine, I'm moving this lever all the way
25 to the end, until it actually stops, because I want the



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1 RPMs to go all the way up. And when the lever is all
2 the way up, the RPMs on the main engine go to 500 RP --
3 go -- go to 500. That's the maximum. Once we are at
4 the 500 RPMs, then we press the button saying, "Fix
5 control mode," and this is to make sure that we have
6 constant RPMs. Once we press that button down, the lever
7 is not going to be -- won't be able to -- we won't be
8 able to operate the lever, we cannot move it. So what
9 was the question?

10 Q You answered where I was going with it. You'll
11 see on the picture there are indications at the top of
12 pitch percentage, on the top left, and then there are
13 indications about propeller RPM and engine RPM on the
14 top right.

15 A Yes. That's correct.

16 Q Do you record that information manually
17 anywhere?

18 A Well, when you look at those two indicators,
19 the lower one is for RPMs for the engine, and the upper
20 one is for the CPP, so -- well actually, it is for RPMs
21 for the propeller shaft.

22 Q Have you -- does that get recorded anywhere
23 manually?

24 A When the engine is working, every day at
25 12:00, we record -- we make an entry into the -- in the



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1 engine log.

2 Q And what are you recording?

3 A Those two, the RPMs for the engine and the
4 RPMs for the propeller shaft go into the log, and also
5 we -- we record other parameters.

6 Q And that is all contained in your engine log
7 book, you're saying?

8 A Yes. When the engine is on, then that's when
9 we write down in the log. Yes.

10 Q Is there any record kept of actual engine
11 maneuvers while the vessel is underway?

12 A I don't understand; by maneuvering you mean
13 what?

14 Q Well, I'll ask a different way. If the vessel
15 is underway, and the bridge has control of the CPP, and
16 the bridge changes the propeller pitch from Dead Slow
17 Ahead to Half Ahead, is that maneuver actually recorded
18 anywhere?

19 A It is not being recorded anywhere in the
20 engine room because I'm not the one who has control over
21 this. So I would think that it would be recorded
22 whoever has control over this.

23 Q Okay. Aside from the alarm printout that was
24 discussed earlier today, is there any other document or
25 record that gets printed out by the engine room printer?



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1 A No. The alarm list would be the only one.

2 MR. BUTTERWORTH: Hey, Tim, does this picture
3 have a Bates number on it?

4 MR. DEPAULA: No.

5 MR. BUTTERWORTH: Okay. I guess we'll know it
6 when we see it.

7 MR. DEPAULA: I mean, I'll e-mail it to the
8 court reporter, if you want to -- do you want to
9 tell her --

10 MR. BUTTERWORTH: That's fine. I have it -- I
11 have it on my e-mail, I can e-mail it to the court
12 reporter. I'll know what it is. The only one
13 emailed today at this time.

14 BY MR. DEPAULA:

15 Q Chief, if you look at the picture again,
16 Exhibit 5 --

17 A Okay.

18 Q -- you'll see on the actual panel itself,
19 there is a button on the middle right, under functions
20 that says, "Wrong way pitch alarm."

21 A Yes. I see that.

22 Q And also on the left of the panel, there is a
23 little label that says, "Wrong pitch alarm."

24 A Yes. Yes, I see that.

25 Q Explain what that is, please?



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1 A Do you want me to explain what the wrong pitch
2 alarm is or about the buttons?

3 Q I want you to explain what it is.

4 A The wrong pitch alarm is where the pitch --
5 and when we have a situation that, let's say we have the
6 propeller that is set Ahead, and all of a sudden, it
7 would get signal to go astern, so the alarm would go off
8 when a situation like that happens.

9 Q Did that alarm go off at any time on May the
10 8th?

11 A I don't recall.

12 Q The -- on the picture again, Exhibit 5, the
13 bottom right has a section called "emergency operation."

14 A I see that.

15 Q What do those buttons allow the engine room to
16 do?

17 A Those button affect how the blades on the
18 propeller -- propeller work.

19 Q So how can the engine room use those buttons
20 in an emergency situation?

21 A When the -- when there is an emergency, I
22 could use those buttons if I had control transferred to
23 the engine room. And the -- and the lever to control
24 the pitch -- the -- the -- the lever would have some
25 kind of malfunction. So under cer -- under those



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1 circumstances, I would be able to use those buttons to
2 change how the blades work on the propeller. But let me
3 tell you right away, that this -- those buttons were not
4 used because there was no need for that.

5 Q Why not?

6 A Because the lever was working. Everything was
7 working properly.

8 Q When the bridge has control and puts the
9 vessel in astern, what indication do you see on this
10 control panel that the vessel is in astern?

11 A It's the -- the blade propeller pitch
12 indicator that would tell me that. And it's in the
13 upper right corner -- it's in the upper left corner.

14 Q The alarms that you see on the control panel
15 underneath the pitch indicator, do those appear on the
16 alarm printout on the K-Chief system as well?

17 A Out of the three alarms that are in red, the
18 first on the left would indicate the main engine
19 overload. On the printout, there would be indicated by
20 fuel index that would be high. So yes, it would show
21 there as well. The two additional indicators, I do not
22 know whether they would show up or not.

23 Q That actually is audible when it goes off?

24 A All the alarms that you see on the alarm list
25 on the printout, I think they are audible as well.



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1 Q So going back -- if the bridge has control and
2 there was something wrong with the CPP propeller pitch
3 response, does the engine room have any way to manually
4 override it to the correct setting?

5 A I don't know that. I'm -- I'm not a mechanic.

6 Q You were asked some questions earlier about
7 alarms from --

8 MR. BUTTERWORTH: Tim. Tim.

9 MR. DEPAULA: Yeah. Yes.

10 MR. BUTTERWORTH: Well, we've been going over
11 an hour and my teeth are floating. Couple more
12 questions and take a break?

13 MR. DEPAULA: Yeah. We can take a break. It's
14 fine.

15 MR. BUTTERWORTH: Okay.

16 COURT REPORTER: We're going off the video
17 record. The time is now 2:54 p.m.

18 MR. BUTTERWORTH: Thank you very much.

19 (OFF THE RECORD)

20 COURT REPORTER: Okay. We're back on the video
21 record. The time is now 3:01 p.m.

22 BY MR. DEPAULA:

23 Q All right, Chief. We're back from a break.
24 The alarm printout that we looked at earlier, that I
25 believe is Exhibit number 1, are you aware of any alarms



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1 that go off on the K-Chief system but do not print out?

2 A Only on the screen.

3 Q But is it your understanding that every alarm
4 that goes off is actually printed out as well?

5 A The only example I could give you is the
6 ballast pump trip. And I think that it's possible it
7 wouldn't show, because the operations on the pump, the
8 control -- the -- the control is actually on the bridge.
9 So that's the only example I can think of.

10 Q Mr. Bercaw asked you some questions earlier
11 about the K-Chief panel and a separate Siemens panel.

12 A Yes.

13 Q Do I understand your testimony correctly that
14 during the four or so hours that the vessel was at or
15 near Kenner Bend Anchorage and prior to hitting the dock
16 that there were no alarms on the Siemens panel that you
17 noticed?

18 A I have not seen -- I have not seen any alarms
19 on the Siemens panel since the time that I came on
20 board, which is February 24th. I have not seen any
21 alarms on the -- on the Siemens panel. And it was only
22 recently that I was able to see any -- any alarms on
23 that panel.

24 Q What happened recently to change that?

25 A Well, the shaft was taken. The -- the CPP was



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1 repaired, and also the -- the reduct -- and also the
2 reduction gear was opened up.

3 Q And you were able to see what alarms after
4 that on the Siemens panel?

5 A So what I -- what I was able to -- to see was
6 voltage failure or no voltage for 230 volt and 24 volt.
7 That's what I was able to see on the Siemens panel.

8 Q But all those alarms occurred after the
9 incident, correct?

10 A Yes.

11 Q Can you look at Bates 6017 to 6108? It's a
12 manual.

13 MR. BUTTERWORTH: Must be here. Got 143. The
14 engine manual?

15 MR. DEPAULA: Yes.

16 A Okay. I got it.

17 BY MR. DEPAULA:

18 Q Tell me what that manual is.

19 A It is instructions for the engine room.

20 Q Is it from your employer?

21 A Yes.

22 Q What type of training did you receive on this
23 engine manual prior to contracts on the Nomadic Milde?

24 A There was not a specific training for that,
25 and I just had to read whatever I needed.



1 Q Does that manual lay out certain PMS schedules
2 for the engine room and engine equipment?

3 A I don't remember. I would have to check.

4 Q Go ahead. Go ahead.

5 A In general, the PMS schedule, that's, like, a
6 separate computer software. We have it on the computer.

7 Q Will you refer to Bates 4801?

8 A Okay. I got it.

9 Q Is that -- page 4801, is that showing a
10 screenshot of the vessel's electronic PMS system?

11 A Yes.

12 Q Pages that we've received, 4801 to 4807,
13 discuss various schedules that the engine room should do
14 at various time intervals.

15 A Yes.

16 Q Is this system also -- well -- let me ask you
17 a different way. Strike that. When the engine room --
18 when the engine crew performs the preventative
19 maintenance, do they record what they did in any
20 document?

21 A Can you ask this question in a more precise
22 way as to what you mean?

23 Q Sure. For example, if you look at Bates 4802,
24 that shows certain preventative maintenance the engine
25 crew is supposed to do every month, correct?



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1 A Yes. These are periodic schedules. Yes.

2 Q And does the engine crew perform the PMS on
3 all the engine's equipment according to the vessel's
4 PMS?

5 A Yes. Yes, they do. And if there is any
6 malfunction that is outside of those scheduled
7 maintenance checks, then it is recorded as an
8 unexpected.

9 Q Okay.

10 A It could be called an unexpected or an
11 unplanned.

12 Q When the engine crew performs the normal
13 maintenance, according to the PMS, once they've
14 completed a certain schedule, do they record that
15 anywhere, that it's been completed?

16 A It is recording -- recorded in the PMS.

17 Q So this computer system, that there are
18 different tabs in different sections of it, we could
19 actually go in and see the exact day and exactly what
20 the crew did according to the PMS schedule, correct?

21 A Yes. We can see what the crew did because --
22 and it is for a particular device. And that is because
23 there is a description of what was done and also the
24 time that was spent on this while performing the
25 maintenance.



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1 Q Okay. Is that contained in the monthly engine
2 room reports that you're required to send to your
3 company?

4 A Only the more important things are in the
5 reports.

6 Q And if you look at Bates 4251.

7 MR. BUTTERWORTH: It says, "training session
8 4251?"

9 MR. DEPAULA: Right.

10 MR. BUTTERWORTH: Okay.

11 A Okay. I see that.

12 BY MR. DEPAULA:

13 Q NM4251 to NM4304, we have been provided -- is
14 that -- tell me what that is.

15 A On 4251, it says, "training session." What it
16 means is that the second engineer received training from
17 the chief engineer, and this was with regards to the
18 operation of the oil and water separator. On page 4252,
19 it's a quarterly report after the batteries on the ship
20 were inspected. So here you have a list of reports that
21 -- that are -- that are performed, and those letters are
22 M for monthly, Q for quarterly, Y for annual, R is
23 required. I think the explanation is -- is provided
24 there. On the next one, we can see a report from
25 inspection of rotor caps on the main engine. On the



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1 next one -- the next one is a report from a -- a display
2 of a product protection of the ship.

3 Q Chief, I don't need you to go through every
4 page. What I really want to know is, 4251 to 4304, is
5 that something that you send to your company monthly?

6 A Yes. We do that monthly. That's right.

7 Q Is there any other report of any kind that the
8 engine department sends to the company on a regular
9 basis other than the documents contained in this report?

10 A In general -- in general, the -- the -- the
11 report actually consists of a number of different
12 reports. The only one that I'm not sure if the company
13 is getting or whether it goes to a water testing unit is
14 the testing done for the cooling water. I'm just not
15 sure whether the company also receives that or not.
16 Including with those reports that we sent to the company
17 monthly, there should be pictures of whatever was done
18 or repaired or whatever the maintenance was performed on
19 -- on the ship. So that's -- so in general, I would say
20 that whatever you see on those pages, that's what we're
21 getting to the company. There -- there isn't anything
22 else that we would send them, no.

23 Q I noticed in the monthly reports that we have
24 received, that the engines lube oil was being tested
25 weekly.



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1 A So we sample -- we sample the lube oil for the
2 main engine, but also other oils, and all those samples
3 are sent to a testing lab on a mon -- monthly basis.
4 Some of the samples go every six months, some of them
5 every month. So it depends on the requirements. So the
6 way it works is that the lab sends the results back to
7 the company, and then the company gives us the results
8 back to the ship. We additionally test the oil for --
9 for how much water it contains. This is done on the
10 ship. And that's for the oil of the main engine. Three
11 -- three generators. So generator one, generator two,
12 and generator three. And we do those tests every week.
13 And also the oil content test for the stern tube is done
14 every other week, or every three weeks. So the stern
15 tube oil -- the content of water in that oil is tested
16 every -- every second week, or every two -- thr -- three
17 weeks.

18 Q In your experience as a chief engineer on
19 board various vessels, is it typical to send oil samples
20 to laboratories on a monthly basis?

21 A Every month we send the samples from the main
22 engine oil. And that's the requirement of the company.

23 Q That occurs on every vessel you've been on for
24 Intership?

25 A I don't know that, because that's the only the



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1 ship I've been on.

2 Q If I understand you correctly, your testimony
3 was that your four previous contracts with Intership had
4 been on the Nomadic Milde, correct?

5 A Yes.

6 Q And so it is your testimony that every single
7 time you've been on board Nomadic Milde, that has been
8 the schedule for the Nomadic Milde, that is a normal
9 occurrence?

10 A We've been trying to do that monthly, if we
11 had an opportunity to actually send those samples to the
12 lab, yes.

13 Q Bear with me for just one second, please. In
14 preparation of your deposition today, did you review a
15 VDR transcript?

16 A I have not seen it.

17 Q I understand that while the vessel was
18 anchored on May the 8th, there was a problem with the
19 ballast tank pump?

20 INTERPRETER: Counsel, what kind of pump?

21 MR. BERCAW: Ballast.

22 INTERPRETER: Ballast.

23 A The problem was -- the problem was that the
24 mechanical tightness of the pump, it -- it just wasn't
25 tight. So after we left the port, we notice that the



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1 pump is not tight, that it is leaking a little bit. So
2 as we left the port -- so during the time that we left
3 the port and before we got to the anchorage, we made
4 some preparations to exchange the seal of the pump.
5 Okay. So when we were at the anchorage, the pump was
6 actually lifted, the seal got replaced, and then the
7 pump was put back in its place. And I want to say it
8 was the most normal - well, how do I put it best -- the
9 most routine seal replacement you can get.

10 BY MR. DEPAULA:

11 Q Was there also an issue with the vessel's
12 rudders at the anchorage?

13 A What -- what kind of rudders?

14 Q I'm not sure, I saw a reference to potentially
15 an issue with the rudders, I just wanted to know if you
16 knew anything about that.

17 A I don't remember a problem with the rudders.
18 We -- we didn't have any problems with that.

19 Q Now, I want to take you to the questions that
20 you were asked about the engine overloading prior to the
21 vessel hitting the dock, okay?

22 A Okay. It didn't hit the dock, it hit the
23 other vessel, and then with the dock. Yes, it did hit
24 later on.

25 Q Okay. When did you -- or where were you at in



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1 the engine room when you were called to start the main
2 engines at the anchorage initially?

3 A All of us were in the engine room or the
4 control room.

5 Q Where were you?

6 A Are you asking me when I received a phone call
7 to start the engine, where I was?

8 Q Well, I really mean, after you got the phone
9 call and you began to start the engine, where were you
10 positioned the entire time from that moment until the
11 vessel hit the dock?

12 A As I mentioned before, the repairs for the
13 ballast pump were completed. The entire crew worked on
14 the pump. At the time that I received the phone call to
15 start the main engine, I was three meters away from the
16 entrance to the control room. The rest of the crew was
17 also nearby. After the phone call from the chief
18 officer, and the -- the phone call was actually picked
19 up by wiper because he was closest to the telephone at
20 that time, and was immediately informed by him that we
21 should start the main engine. The second -- the second
22 engineer and the oiler were at a little bridge close to
23 the main engine. So I informed -- I -- I informed the
24 second engineer to open the engine so that we could do
25 the blowing, and at that time, I was starting the oil



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1 pumps. At -- after the blowing was completed, I noticed
2 that the oiler was closing the indicator -- the
3 indicator cocks were being closed by the oiler. At that
4 time the -- the second engineer was switching the -- the
5 pumps from the hot water pump to the main cooling pump.
6 And at that time, everything was completed to start the
7 main engine, and we started the engine. Then we upped
8 the RPMs to the maximum RPMs, and it happened very
9 quickly. We turned on the constant RPMs, the shaft
10 generator, and the bow thruster. All of them were
11 turned on. When this was completed, I called on the
12 bridge, and then the control was transferred to the
13 bridge. After we started -- after we started the
14 engine, the second engineer -- the second engineer, me,
15 and the oiler, all three of us remained in the control
16 room.

17 Q Who -- were you in front of the Scana panel
18 for the CPP control, or was another engine crew member
19 in front of that panel?

20 A In general, I was the one next to the panel.

21 Q After control was passed to the bridge, what
22 was your role in the engine room?

23 A We knew -- we knew that the way we started the
24 engine at that time was an emergency start of the
25 engine. That's why me and the second engineer, we



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1 stayed in the control room and we were watching the
2 parameters. I don't remember where the oiler and wiper
3 were located.

4 Q After the Nomadic Milde hit the Atlantic Venus
5 but before the Nomadic Milde hit the Cornerstone dock,
6 do you recall having any conversation with the captain
7 about filling out records?

8 A After we came into contact with Atlantic
9 Venus, I remember communication from the captain, he
10 called me and he let me know that we -- that there was a
11 collision with Atlantic Venus, but I do not remember the
12 time of this conversation. The next conversation I had
13 with the captain was about the fact that we had two tug
14 boats and we were waiting on two more. And then once
15 the two additional tug boats would -- would come to us
16 and -- and assist us, the maneuvering of the ship will
17 be very hard, but he would let me know when the two
18 additional tug boats come. There was no addition
19 contact or communication with the captain, the next one
20 was after we -- we hit the -- the dock.

21 Q Were you filling out any records or writing
22 down any information on any piece of paper at any point
23 in time prior to the Nomadic Milde hitting the
24 Cornerstone dock?

25 A I do not know what I was supposed to write



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1 down. I just do not know what that would be. So -- no.

2 Q Were you watching the pitch indicator of the
3 vessel's CPP system while the Nomadic Milde was
4 essentially in a -- entangled in a T with the Atlantic
5 Venus?

6 A I did look at it, and it was showing Astern,
7 but I cannot say that I was watching it the entire time.
8 I wouldn't say that. I just looked at it, I glanced at
9 it, and it was astern and that's what I remember seeing.

10 Q Do you recall ever seeing it in the forward
11 position?

12 A I looked -- I looked at the indicate --
13 indicator once, and it was showing astern. But what
14 kind of maneuvers the captain was doing, well, this was
15 up to the captain, I wouldn't know that.

16 Q But did you ever see the pitch indicator in
17 the engine room showing ast -- showing forward?

18 A I didn't pay attention. I -- I didn't see it.
19 No, I don't recall.

20 Q Do you recall having a conversation with the
21 captain while the pilot was on board that the vessel
22 will need aggressive maneuvers?

23 A I remember the captain mentioning to me, yes.

24 Q And what is your understanding of what you
25 were supposed to be doing or what you were getting



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1 prepared for when he told you that?

2 A What I was expecting is to -- for the engine
3 to work at its maximum capacity with the highest RPMs
4 and maximum load.

5 Q Okay. Do you know -- how soon after that
6 conversation did you actually see an alarm that the
7 engine was overloading?

8 A No. I don't. I don't remember.

9 Q The main engine fuel index alarm that was
10 discussed at length earlier by Mr. Bercaw and that you
11 indicated and showed the engine overloading. You can
12 translate that. You had seen that alarm go off prior as
13 well, correct?

14 A What do you mean by earlier? Or before? What
15 -- what do you mean by before?

16 Q Well, you had testified that the alarm showing
17 at -- and I'm on NM5217. I'll let you go there.

18 A Okay.

19 Q You had testified that the alarm showing at
20 23:51:44, the main engine fuel index was an indication
21 that the engine was overloading, correct?

22 A Yes. From the alarm -- from the alarm list --
23 list it looks like there was an engine overload, yes.

24 Q Okay. And if you look before that in the
25 hours of showing the alarms before that, that alarm



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1 shows up previously, correct?

2 A It's the same type of alarm that you see on
3 the list, but it doesn't mean engine overload.

4 Q How can you differentiate from the two just by
5 looking at the alarm list?

6 A You can tell for example, when you look at
7 21:44:24 and it has the fuel index mentioned there, this
8 is clear that it was when the engine was starting. When
9 the engine is starting, the fuel pumps are at a maximum
10 supply of the fuel. But the alarms that you see on the
11 alarm list, and that's at the time of 23:51:44, come on
12 or are triggered when you already have the engine
13 running.

14 Q I have it written down somewhere, but please
15 tell me what IFH means?

16 A High fuel index. It stands for high fuel
17 index.

18 MR. DEPAULA: One second.

19 MR. BUTTERWORTH: Hey Tim, do you want to take
20 a five-minute break while you look at your notes?

21 MR. DEPAULA: Yeah. Just let me ask one
22 question real quick.

23 MR. BUTTERWORTH: Oh, sure. That's fine.

24 BY MR. DEPAULA:

25 Q All right, Chief, I'm sorry. Have you ever



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1 heard of IFH referring to instrument failure high?

2 A No. I've never heard anything like that.

3 Q The condition on the alarm printout where it
4 shows IFH on 5217, and it also shows alarm in high and
5 low. You can translate that. Do those indicate whether
6 one alarm or another is more important or more critical
7 than others?

8 A We have -- we also have a column there that
9 says XA and XI. The I stands for an indicator and the A
10 sta -- stands for an alarm. But there are also some
11 other letters there. For example, when you look at the
12 first line on that page, you have the letters P-A-L-L
13 which means it is ala -- ala -- an alarm for low --
14 alarm low low pressure. Okay. So it stands for alarm
15 low low pressure. And then later on we -- when you look
16 at the same line, it -- it says that it is for the oil
17 on the bearings of the main engine. So when you want to
18 -- when you want to kind of look at which one is more
19 important than any other one, I think those letters P-A-
20 L-L, P-E-L-L, P-A-L, kind of gives you an -- an idea of
21 those being more important. The ones with XA XI would
22 not be considered important. That's how I look at it.

23 Mr. DEPAULA: Okay. Yeah. We can take a
24 break now, Mike.

25 MR. BUTTERWORTH: All right.



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1 COURT REPORTER: Okay. We're going off the
2 video record. The time is now 4:15 p.m.

3 (OFF THE RECORD)

4 COURT REPORTER: Okay. We're back on the video
5 record. The time is now 4:22 p.m.

6 BY MR. DEPAULA:

7 Q All right, Chief, you testified that -- did
8 you actually see an indicator light or some sort of an
9 alarm light showing that the main engine was overloading
10 on May 8th?

11 A It was an indicator lamp saying engine
12 overload. Yes.

13 Q Was it the same red light that was on the CPP
14 control panel in the engine room that we looked at
15 earlier, or was it something different?

16 A It was the same lamp. And -- and it is in the
17 row of three different indicators and it's the one on
18 the left.

19 Q Do you recall what the pitch indicator was at
20 when you saw the alarm?

21 A At the time that the engine overload indicator
22 came on, and we saw this that in the control room there
23 were a number of other indicators that were set off, and
24 we were hearing buzzing, we were hearing different
25 sounds and also sounds sounding like explosions. So we



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1 didn't know what was going on. So there was a number of
2 alarms.

3 Q Are all the alarms that you heard going off
4 that time listed on the alarm printout on NM5217?

5 A The alarm -- the alarm that would be missing
6 on the list would be from pumping the -- the turbine. So
7 the turbocharger pumping alarm would be missing from the
8 list. And it sounded like explosions.

9 Q Did you receive or do you recall seeing an
10 alarm of loss of oil from the stern tube head tank?

11 A Yes. I remember an alarm like that.

12 Q Can you show me on 5217 what that alarm is?

13 A There -- there would be alarm at the time
14 23:54:31 and then the number is 0222.

15 Q And what does that mean to you?

16 A For me, that means that there is no oil in the
17 head tank.

18 Q Do you know why the head tank was losing oil
19 at that time?

20 A Counsel, could I have that question again?

21 Q Yeah. Do you know why the head tank was
22 losing oil at that time?

23 A At that time, I didn't know, but I know it
24 now.

25 Q And what is your understanding now?



1 A Because the outside seal, the stern tube seal
2 was no longer tight.

3 Q Did you ever notice, after the incident, if
4 there was water coming in from the vessel's tail shaft?

5 A No. Because after the incident we measured
6 the oil level in the -- in the gear, and the pump for
7 the gear was started. And we actually turned the blades
8 several times to see whether there was any oil coming
9 through those blades. And it wasn't. So we -- we
10 checked that oil seeping through those blades. We did
11 that several times, and it was okay. And then we also
12 checked the pump itself whether -- and then we also
13 checked the pan where there was any seepage of the water
14 into the -- the pump. Whether the water was coming into
15 the oil, that's what we were checking for, and it
16 wasn't.

17 Q Okay. So you never found any water in the
18 stern tube at all after the incident?

19 A I think we are talking about two different
20 things. Are we talking about --

21 INTERPRETER: Excuse me. This is Marek,
22 translation problem. (Speaks Polish) is tail shaft.
23 (Speaks Polish) is stern tube. So the question was
24 regarding seal on the stern tube. Correct me if I'm
25 wrong.



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1 BY MR. DEPAULA:

2 Q So let me just get it straight. The seal on
3 the tail shaft was loose or not working correctly after
4 the incident, correct?

5 A No. What we were talking about is the seal
6 for the stern tube.

7 Q Okay. The seal on the ter -- on the stern
8 tube was loose, or broken, or not working correctly
9 after the incident?

10 A On the dock, we were able to see that even the
11 ring that goes on top of the seal was deformed.

12 Q And is that what you checked -- is that what
13 the engine crew checked to see if there was water coming
14 in from?

15 A What I was talking about before was about the
16 CPP and whether there was a possibility of the water
17 coming in through the blades to the gear.

18 Q And that's what you were saying, that there
19 was no water, correct?

20 A We didn't find any water. That's right. We
21 also -- we also didn't see any oil coming out or leaking
22 from the gear, but when you talk about the stern tube,
23 that's where the oil was leaking from.

24 Q After the main engine was shut off at around
25 23:58:04, or thereabouts, has the main engine been



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1 turned on again?

2 A From that time, the engine remained shut off
3 until today.

4 Q Okay. What happened today?

5 INTERPRETER: No. That's the interpreter.

6 Q Oh, yeah.

7 INTERPRETER: What he's saying is that it was
8 not turned on ever again.

9 Q Okay. All right. After the incident, the
10 engine crew tested the CPP system, correct?

11 A That's what I was saying before, that we
12 turned on the pump, and we were trying to see whether
13 there -- there is any oil leakage through the blades.

14 Q Okay. Where was that done at?

15 A It was right after the accident.

16 Q Okay. Was the CPP tested additionally while
17 the Nomadic Milde was at a dock after the incident, but
18 before she went to Tampa?

19 A Can you give me some kind of specific time
20 frame for anything?

21 Q Sure. Well, the vessel -- after the vessel
22 was refloated off of the Cornerstone dock, it went to
23 another berth in the river, correct?

24 A Yes. She was moved to port to unload.

25 Q Okay. While she was at that berth, did the



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1 engine crew test any part of the CPP system?

2 A After unloading, the ship was tipped so the
3 the propeller was exposed and was visible over the
4 water, and it was turned -- the shaft was turned, but
5 also the blades were turned and moved to see whether
6 they were working properly.

7 Q And were they working properly at that time?

8 A The blades were also checked by the Coast
9 Guard, and each -- and each time the blades were
10 inspected or tested, each time they passed the
11 inspection. Everything was okay. So the -- the way the
12 blades worked was correct -- was -- was correct, but the
13 shape of the blade was damaged, so the damage was
14 visible.

15 Q After the vessel left that berth, it was towed
16 to Tampa, correct?

17 A No. There was a stop at another berth on the
18 way.

19 Q Okay. While the vessel was being towed to
20 Tampa, it was at -- it was in the Gulf, did the engine
21 crew test any part of the CPP system?

22 A I don't recall.

23 Q Do you have any recollection of telling the
24 OEM technician in Tampa that it was tested at sea?

25 A I don't remember a conversation like that. I



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1 didn't say anything to anyone. The CPP was checked
2 after the incident then by -- by GL and also at the time
3 that it was tipped -- by the Coast Guard, not -- not GL
4 but -- but Coast Guard. All the testing did was to
5 actually move the blades.

6 Q You testified earlier that you believe that
7 the anchor chain of the Atlantic Venus broke the CPP of
8 the Nomadic Milde?

9 A That's what it looks like, yes.

10 Q When did you come to that conclusion?

11 A When the boat got tipped, and I could see how
12 the blades looked, that's when I thought that that's
13 what had happened.

14 Q Aside from the actual propeller blades being
15 damaged, was there any other part of the CPP system,
16 including the hub or anything else, that has been
17 damaged because of the incident or before the incident?

18 A Except -- except for the blades, there was
19 also damage to the stern tube.

20 INTERPRETER: The interpreter is getting a
21 translation of the part that was damaged.

22 INTERPRETER: That would be bilge keel.

23 BY MR. DEPAULA:

24 Q Yeah.

25 A As the starboard bilge keel. That was the



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1 part that it -- that was damaged as well.

2 Q Anything else that you know of sitting here
3 today?

4 A Okay. It wasn't the starboard. It was the
5 port side. So the one on the left. As far as any other
6 thing damaged, I -- no. I'm not aware of.

7 Q After the incident, do you recall having a
8 conversation with the captain, who was confirming with
9 you that you have a printout of all of the engine
10 maneuvers?

11 A The captain -- the captain asked me over the
12 phone whether I have -- whether I have a printout of
13 maneuvers, and I told him that I don't have the printer
14 to -- to -- to print that.

15 MR. DEPAULA: All right, Chief. I'm going to
16 go through some notes, but I'll tender the witness
17 with the right to reserve some questions afterwards,
18 if necessary.

19 MR. FREY: No questions on behalf of Crescent.

20 MR. BERCAW: I may have some after you, Mike,
21 but not at this time.

22 MR. BUTTERWORTH: Well, then you're going to
23 have to decide pretty fast because I don't know any
24 questions.

25 MR. BERCAW: Then I have -- I'm finished.



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1 MR. BUTTERWORTH: Then we're finished.

2 MR. BERCAW: Tim, do you want -- Tim, do you
3 want to wait a couple -- want to take five minutes
4 to look through your notes to be sure?

5 MR. DEPAULA: I don't need five minutes, but
6 I'll take a minute or so.

7 MR. BERCAW: Yeah.

8 MR. DEPAULA: I'm pretty sure.

9 MR. BERCAW: Yeah. Why don't we take a five-
10 minute break and if you find anything else or anyone
11 finds anything else, let us know.

12 COURT REPORTER: Okay, so we can go ahead and
13 conclude the video deposition at 4:55 p.m. I do
14 have to get some orders. Tim, would you like to
15 order this transcript?

16 MR. DEPAULA: Yeah. Actually, I mean, I'd just
17 as soon we --

18 COURT REPORTER: Okay. Is it just the same as
19 you have it from the last one as well?

20 MR. DEPAULA: I'm with --

21 COURT REPORTER: Okay. And is that for - go
22 ahead.

23 MR. BUTTERWORTH: Nomadic Milde Interests would
24 like a copy, yes.

25 MR. BERCAW: Same with Cornerstone, but I think



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1 I told you that earlier.

2 COURT REPORTER: You did, yes. I have yours.

3 Is an E-tran okay for you as well, sir?

4 MR. BUTTERWORTH: Yes, it is.

5 COURT REPORTER: Okay, perfect. And everyone's
6 okay with regular delivery on all of this?

7 MR. BUTTERWORTH: Yes.

8 MR. BERCAW: Yeah.

9 MR. DEPAULA: Yeah.

10 (DEPOSITION CONCLUDED AT 4:53 P.M.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF ORANGE

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

Identification: Produced Identification

[Redacted Signature]

KRISTEN LIVESEY

Court Reporter, Notary Public

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF ORANGE)

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

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

Submitted on: July 08, 2020.

[Redacted Signature]

KRISTEN LIVESEY

Court Reporter, Notary Public



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July 8, 2020

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

RE: Deposition of **Bogumil Stanislaw Kwiatkowski (RC+)** taken on **06/24/2020**
Cornerstone Chemical Company v M/V Nomadic Milde, IMO No. 9463554

Dear Mr. Butterworth,

IMPORTANT NOTICE FOR DEPOSITION TRANSCRIPT READ AND SIGN

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

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

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

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

 Deponent: At the time of your deposition, you did not waive your right to read and sign the transcript of your testimony, therefore, it is necessary for you to come to our offices to read and sign same. Please call Milestone Reporting Company to arrange for an appointment at your earliest convenience.

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

Thank you for your attention to this matter.
No. 154703
cc: James Bercaw, Esquire
Timothy DePaula, Esquire
Kevin Frey, ESQ

Waiver:

I, **Bogumil Stanislaw Kwiatkowski (RC+)**, hereby waive the reading and signing of my deposition transcript.

Deponent Signature

Date

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

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