



**FACTUAL REPORT OF INVESTIGATION ATTACHMENT**

**Witness Statement**

**Culver City, CA**

**HWY18FH004**

(2 pages)

I, [REDACTED], declare the following:

1. I have personal knowledge of the facts set forth below, and if called upon to testify about these facts, I could competently and truthfully do so.
2. I was riding as a front seat passenger in my fiancé Mary Naylor's Toyota Prius on January 22, 2018 at about 8:30 a.m. We were traveling on southbound Interstate 405 in the HOV lane.
3. We saw a fire engine stopped ahead of us in the HOV lane, so we slowed to about 15-20 mph and then changed lanes to the fast lane to our right when traffic permitted. Our vehicle was fairly close (maybe 25 yards) to the fire engine as we started this lane change.
4. I then noticed a dark-colored vehicle pass by us in the HOV lane at a greater speed than we were traveling. I later found out it was a Tesla. I could see the driver and I saw his head leaned far forward as he appeared to be looking down at a cell phone or other device he was holding in his left hand. From what I could see, it appeared his right hand may have been touching the steering wheel.
5. The driver's positioning struck me as odd and concerning because it was clear to me he was very focused on his phone and wasn't watching the road ahead at all, even though he was quickly approaching the stopped fire engine. I was on a call at the time and said to my fiancé and into my cell phone that the other driver was on his phone and there was going to be a crash. We were scared he might try to swerve right into our lane at the last second and possibly crash into our vehicle.
6. Our vehicle was only a few feet from the Tesla when the Tesla vehicle reached the fire engine. I saw no reaction from the driver—no movements, no bracing for impact, no steering, etc. It appeared to me he was not aware he was about to crash. Then the crash happened as we passed by the fire engine.
7. Since there were emergency responders already there helping other people, I did not call 9-1-1 or stop to render assistance. I have since contacted the CHP to provide the above information to them to assist their investigation. I have also learned from news coverage that the driver may be saying the Tesla vehicle was at fault for the crash, and that the fire department believed the Tesla was traveling at 65 mph. From our speed and what I saw, the vehicle was traveling closer to 30-40 mph and the accident happened because the driver was not paying attention to the road. In fact, I used this experience as a teaching moment for the high school athletes I coach to advise them of the risks of texting and driving.
8. I have spoken with a Tesla employee about what I witnessed, and I told that employee the same information described above. No one at Tesla gave me any information about the accident or told me anything I did not already know, nor did I feel that anyone at Tesla sought or tried to influence the content of my statement in any way.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct to the best of my recollection, and that this statement was executed on January 29, 2018 at Newport Beach, California.

[REDACTED]  
[REDACTED]