

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CRESCENT TOWING & * CIVIL ACTION NO.
SALVAGE CO., INC. * 2:21-cv-01331
and COOPER/T.SMITH * SECTION "E": DIVISION 3
MOORING CO., INC. *
VERSUS * JUDGE MORGAN
M/V JALMA TOPIC, * MAGISTRATE CURRAULT
her engines, tackle *
equipment, furniture*
appurtenances, etc.,*
in rem.

DEPOSITION OF CAPTAIN IVAN DRUZIJANIC taken
aboard the JALMA TOPIC, at Buck Kreihs Marine
Repair Yard, 3101 Patterson Drive, New Orleans,
Louisiana 70114, on Tuesday, July 20, 2021,
commencing at 10:30 a.m.

REPORTED BY:

LOUIS JANKOWSKI CCR

MAGNA LEGAL SOLUTIONS

JOB NO. 735477

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1 EXHIBIT INDEX

2

3 EXHIBIT NO. DESCRIPTION PAGE LINE

4 16 U.S.C.G. WITNESS 49 7

5 STATEMENT FORM

6 17 REPORT OF MARINE 90 10

7 CASUALTY

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	EXAMINATION INDEX		
2	EXAMINATION BY:	PAGE	LINE
3	MR. FREY.....	6	12
4	MR. HAROWSKI.....	115	17
5	MR. FREY.....		

6

7

8

9

10

11

12

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1 S T I P U L A T I O N

2

3 IT IS STIPULATED AND AGREED by and between
4 counsel for the various parties hereto that the
5 deposition may be taken for all purposes, in
6 accordance with the provisions of the Federal
7 Rules of Civil Procedure, at the time and place
8 hereinabove recited;

9 That the formalities of reading and
10 signing are specifically not waived;

11 That the formalities of sealing,
12 certification and filing are hereby specifically
13 waived;

14 That all objections, save objections as to
15 the form of the questions and the responsiveness
16 of the answers are reserved until such time as
17 this deposition, or any part hereof, is used or
18 sought to be used in evidence at the time of the
19 trial of this matter.

20

21 ...o0o...

22

23 Louis Jankowski, Certified Shorthand Reporter,
24 officiated in administering the oath to the
25 witness.

1 IVAN DRUZIJANIC, after having been first duly
2 sworn by the above-mentioned court reporter, was
3 examined and testified as follows:

4 THE REPORTER:

5 Counsel, do you want the usual
6 stipulations?

7 MR. HAROWSKI:

8 Yeah. I think we want to read and
9 sign. I'll have Barbara try to contact you.
10 We'll just do the deposition in accordance with
11 the Federal Rules of Civil Procedure.

12 EXAMINATION BY MR. FRYE:

13 Q. Good morning, Captain. Thank you
14 again for your patience here. We met before we
15 started. My name is Kevin Frye and I'm an
16 attorney for Crescent Towing.

17 Just real quick go through some background,
18 just some ground rules. If you don't understand
19 my question, please let me know and I'll try to
20 repeat it. Sometimes I'll ask a confusing
21 question that you might not understand, so if
22 you don't understand it, just let me know.

23 Same thing, if you don't know the answer to
24 a question, "I don't know" is a perfectly fine
25 answer. We're just trying to figure out what

1 you know and gather some information here.

2 Does that sound good?

3 A. Okay.

4 Q. Also, just make sure to speak out
5 loud. A nod of the head or a shake of the head
6 indicate "yes" or "no," you have to say "yes" or
7 "no" just so the court reporter can take it
8 down.

9 A. Okay.

10 Q. Another thing, we'll start getting a
11 little conversational, and this, too, just
12 please let me finish my question before you
13 answer and I'll try to do the same for your
14 answer. If I step on your answer and we aren't
15 done yet, please let me know and I will try to
16 refrain from doing that, and if you can do the
17 same for me, I'd appreciate it, okay?

18 A. Okay. Understood.

19 Q. Captain, can you state your full name
20 for the record.

21 A. Ivan Druzijanic.

22 Q. For the court reporter, can you spell
23 your last name?

24 A. D-R-U-Z-I-J-A-N-I-C.

25 Q. I'm going to show you what was

1 labeled Exhibit 2 previously, and it looks like
2 the crew list. Do you see that, sir?

3 A. Yes. I'm number one.

4 Q. Perfect.

5 A. All data in this crew list is
6 correct, date and place of birth.

7 Q. Understood. I'm going to ask some
8 questions about your background: Do you hold a
9 Master's license?

10 A. Yes, I do.

11 Q. What type of Master's license is it?

12 A. I don't understand. I mean,
13 international maritime license that I received
14 from government from Republic of Croatia and
15 Liberia.

16 Q. How long have you held the Master's
17 license?

18 A. Master's license I held for six or
19 seven years. I cannot be sure, but I am the
20 captain for the last two contracts from this
21 company.

22 Q. So the last two contracts you had,
23 you have worked for Marfin Management?

24 A. That's correct.

25 Q. That's your management company?

1 A. Yes, correct.

2 Q. And that's who employs you?

3 A. Yes.

4 Q. Let's talk about this current
5 contract for Marfin Management. When did you
6 begin the current contract?

7 A. This day, I'm going to say I started
8 the 3rd of March this year, '21.

9 Q. How long is the contract supposed to
10 be?

11 A. We have option four or six months,
12 depending what we agree with the company. This
13 contract, I signed six months in order to have
14 enough time later to be for Christmas with my
15 family, so that's the plan.

16 Q. Understood. And then you said this
17 is your second contract with Marfin Management,
18 is that correct?

19 A. Negative. Second contract as a
20 captain. Totally six contracts, six contracts
21 on this company, but two as a captain, four was
22 as a chief officer.

23 Q. Your first contract as a captain with
24 Marfin Management, was that also on the JALMA
25 TOPIC?

1 A. No, negative. Vessel name was RASINA
2 TOPIC.

3 Q. RASINA TOPIC?

4 A. Yes.

5 Q. When were you on the RASINA TOPIC as
6 a Master?

7 A. I disembarked last year, September
8 25, if I remember correctly, because a few days
9 less than four months. It was not full contract
10 three months, twenty (20) days something, but I
11 can check in my seaman's book. I don't
12 remember.

13 Q. Those were the only two times you
14 worked for Marfin Management in your capacity as
15 a Master?

16 A. Yes, correct.

17 Q. Prior to that you had worked a few
18 contracts as a chief officer for Marfin
19 Management?

20 A. Correct.

21 Q. Have you previously ever worked on
22 the JALMA TOPIC as a chief officer?

23 A. No, negative.

24 Q. So this latest contract, this is the
25 first time that you were on the JALMA TOPIC?

1 A. Yes, correct.

2 Q. How many contracts did you have with
3 Marfin Management as chief officer?

4 A. Four contracts.

5 Q. And were they all for approximately
6 four to six months?

7 A. Four months.

8 Q. And do you remember the vessels that
9 you were on as chief officer that were managed
10 by Marfin Management?

11 A. Yes, I do.

12 Q. Can you just list them for me?

13 A. FIORA TOPIC, SAND TOPIC, then I had,
14 I believe, two contracts on FIORA TOPIC, then
15 SAND TOPIC, FIORA TOPIC again, and then RASINA
16 TOPIC and here, JALMA TOPIC.

17 Q. So you have previously worked as a
18 chief officer on the JALMA TOPIC?

19 A. Negative, never on JALMA TOPIC.
20 FIORA TOPIC, I had three contracts FIORA TOPIC.

21 Q. I understand. I just misunderstood.
22 FIORA TOPIC, how do you spell FIORA?

23 A. F-I-O-R A.

24 Q. And the other one, how do you spell
25 the RASINA, is it R-O-Z-I-N-A?

1 A. R-A-S-I-N-A.

2 Q. And the other, was it SAND TOPIC?

3 A. SAND TOPIC, S-A-N-D.

4 Q. Understood. Thank you very much.

5 And those vessels we just went through, those
6 are the only vessels you have worked on for
7 Marfin Management, correct?

8 A. Correct.

9 Q. Were all those contracts as chief
10 officer, were they relatively consecutive, did
11 you work for anybody else in between as a
12 Master?

13 A. No.

14 Q. Besides Marfin Management, have you
15 worked for any other company in the capacity as
16 Master?

17 A. No.

18 Q. So your contract last year on the
19 RASINA TOPIC was your first time working as a
20 Master on a ship; is that correct?

21 A. Yes, correct.

22 Q. And prior to working as a chief
23 officer for Marfin Management, did you work for
24 any other company in the capacity as chief
25 officer?

1 A. Yes, I did, two companies.

2 Q. What are those two companies?

3 A. Fairmont and Atlanska Plovidba, a
4 Croatian company. I started on this company,
5 Atlanska Plovidba, as apprentice until I become
6 chief officer. I was a long time chief officer.

7 Q. Fairmont?

8 A. Fairmont, yes.

9 Q. Can you spell that?

10 A. F-A-I-R-M-O-N-T.

11 Q. That's what I thought, just wanted to
12 make sure. Thank you. And how long did you
13 work for Fairmont?

14 A. Only one contract.

15 Q. One contract, and that was as chief
16 officer?

17 A. As chief officer, correct.

18 Q. And then before that you worked for
19 another Croatian company?

20 A. Correct.

21 Q. Can you spell that company name?

22 A. Yes, I can. A-T-L-A-N-S-K-A, is the
23 first word, and the second word is
24 P-L-O-V-I-D-B-A.

25 Q. Thank you, Captain. I'm just trying

1 to get all the names right. I appreciate it.

2 A. I need those to refresh.

3 Q. And you said that you worked for that
4 other Croatian company, you started out as a
5 trainee for that company?

6 A. Yes, correct.

7 Q. So you spent the majority of your
8 seafaring life with that company?

9 A. Yes, correct.

10 Q. You started out as a trainee for that
11 company?

12 A. Yes.

13 Q. What was the next step with that
14 company, were you an OS or an AB or were you an
15 officer?

16 A. Officer.

17 Q. After being a trainee, did you become
18 a third officer?

19 A. Yes, correct.

20 Q. And you just moved on from third
21 officer?

22 A. Second officer, chief officer.

23 Q. And you worked for the Croatian
24 company we're talking about now, you worked for
25 them as a chief officer?

1 A. Yes.

2 Q. Do you know how many contracts you
3 had as chief officer?

4 A. Seven or nine, something. I can
5 check in my -- but I don't have the old seaman's
6 book, seven or eight, maybe even nine contracts.

7 Q. I won't ask you about third or second
8 officer or anything like that. I think I
9 understand the idea, but when did you start
10 working for that company?

11 A. This Croatian company?

12 Q. Yes, the first company you worked as
13 a seafarer?

14 A. I think I started 2003 or 2004. I
15 need to check, but it's something like that.

16 Q. Like I said, if you don't know or you
17 just approximate --

18 A. I cannot say exactly, but 2003, 2004.
19 As soon as I finish my university, I started as
20 apprentice mate.

21 Q. When did you stop working for that
22 Croatian company?

23 A. I don't know exactly, but maybe five
24 years, six years ago. I need to check in my
25 seaman's book. I don't want to give wrong

1 information. Five to six years ago.

2 Q. Understandable. It's perfect. So
3 you started with this Croatian company and
4 worked your way up to chief officer, then you
5 went to Fairmont, and then for the current,
6 Marfin Management, correct?

7 A. Correct.

8 Q. I know as a seaman that you're at sea
9 for a couple of months, four to six months,
10 maybe longer, then you take a couple months
11 break and go back for another contract; is that
12 correct?

13 A. Correct.

14 Q. Did you take any extended time of
15 leave from 2003 through the present, or did you
16 work pretty steadily throughout that time?

17 A. Yes, I did. Last year I was at home
18 seven months and a few days due to COVID,
19 because I was planned to embark the vessel in
20 March.

21 The vessel was in Brazil. First they have
22 to wait on the anchorage for a period, and at
23 that time Corona stopped all crew change, and
24 that's the reason I did not embark until June.

25 Q. So besides this seven-month stint due

1 to COVID reasons, any other extended periods
2 where you weren't picking up contracts?

3 A. No. This is rare. Usually I take
4 four months off, four months on, but this last
5 contract, I wanted to have contract six months
6 because I plan some things at home, so I wanted
7 to have Christmas at home, so that's the reason.

8 Q. I understand. Then you mentioned you
9 went to a university. What university did you
10 go to?

11 A. In Dubrovnik. Maritime University in
12 Dubrovnik, Croatia.

13 Q. When did you graduate from the
14 Maritime University in Dubrovnik?

15 A. As I said, 2003, probably. I need to
16 check, 2002, 2003. Very short, maybe a few
17 months after that, after graduation four or five
18 months I started as an apprentice to prepare all
19 documents necessary for embarkation, and I
20 applied to this company, Atlanska Plovidba, and
21 started as apprentice mate.

22 Q. Understood. I appreciate it,
23 Captain. I got a good idea of the background.
24 I just wanted to get a surface level view of
25 that.

1 Now I want to do some background regarding
2 when you-all came into the Mississippi River the
3 evening of July 11th, the morning of July 12th,
4 okay?

5 A. Okay.

6 Q. Do you know on the morning of July
7 12th, what time did you come on watch?

8 A. I don't have watch. I'm on the
9 bridge almost all the time, so I don't have
10 official watch.

11 Q. You don't work an official watch?

12 A. I have official watch on the sea, but
13 when maneuver, I am all the time on the bridge,
14 mostly. If I need to take some short rest or
15 send some message or something like that, I
16 leave the bridge, but mostly I'm on the bridge
17 all the time.

18 Q. So if you're maneuvering in a port,
19 you are on duty; is that correct?

20 A. Yes.

21 Q. But when you're at sea, you have a
22 normal watch tower?

23 A. Yes.

24 Q. What time did you-all come into
25 Southwest Pass?

1 A. Pilot boarded 11 July, 1750.

2 Q. 1750?

3 A. We were on the pilot station. The
4 pilot was on board at that time.

5 Q. So 1750 on the evening of July 11th,
6 that's when you-all came through Southwest Pass?

7 A. Correct.

8 Q. That's when the first pilot got
9 onboard?

10 A. Correct, sea pilot.

11 Q. Do you remember the name of the pilot
12 that got onboard?

13 A. No.

14 Q. Did you have a Master-pilot exchange
15 with that pilot?

16 Yes. It's usual practice we prepare
17 document called pilot card. On that pilot card
18 all the relevant information regarding ship is
19 provided to pilot and we discuss all that
20 information.

21 If pilot asks if something is unclear he
22 put always, I put my signature and Master-pilot
23 also reading and confirming everything is okay,
24 he would signature.

25 Q. You gave the pilot a card when he

1 boarded when you-all passed Southwest Pass?

2 A. Yes.

3 Q. And he signed that card?

4 A. Yes.

5 Q. Do you still have that card?

6 A. Yes.

7 Q. It's on the boat right now?

8 A. Yes.

9 Q. We'll go through counsel, we'll ask
10 for it. I think we probably really have this, I
11 just wanted to make sure.

12 When you had the Master-pilot exchange with
13 that first pilot that got onboard, did you
14 discuss the steering system?

15 A. There is the usual communication.
16 So, each pilot will ask usual questions. Some
17 of these questions, first, of all vessels
18 dropped, air dropped, vessel speed, if all tests
19 have been carried out before entering the port,
20 or in this case entering the river, if all
21 equipment working properly, what type of engine
22 propulsion we have and what type of rudder, what
23 type of propeller we have.

24 As I said, all those information are
25 already provided in pilot card, but always we

1 discuss about that repeatedly. So, we exchange
2 those information, pilot always Mississippi
3 Transit asking if anchor ready and if we have
4 one man stand by, what time we need to reduce
5 between RPM from maneuvering speed to navigation
6 speed, if all other equipment if it's working
7 properly, the ship's whistle, the ship's horn,
8 rudder, et cetera.

9 Q. For this particular pilot, the first
10 one that got on, do you remember discussing your
11 steering system with him?

12 A. Yes.

13 Q. Do you remember, specifically, what
14 was discussed with him?

15 A. He was asking if steering is working
16 properly, which I confirmed. He also asked:
17 Did you conduct pre-arrival tests, which are
18 necessary when you are entering in the United
19 States territorial waters. We also confirmed
20 that, and, basically, that's it regarding
21 steering.

22 Q. Do you go over what type of steering
23 system you have or anything like that?

24 A. No.

25 Q. And you don't usually do that?

1 A. No.

2 Q. The pilot in this case --

3 A. Pilot just is asking, he wants to
4 know if steering system, whatever you have
5 onboard, is it working properly, that's it.

6 Q. If it's working properly and you told
7 him it was working properly?

8 A. Yes, correct.

9 Q. And, then, did he ask you if you
10 completed some tests prior to entering Southwest
11 Pass; is that correct?

12 A. No, he didn't, but I believe we
13 already are in the river, so it's not even
14 possible to do that. For example, if he's
15 asking port to starboard, we'll go.

16 Q. But did you complete all the steering
17 system tests before entering Southwest Pass that
18 you're required to perform?

19 A. Yes, we did.

20 Q. And everything was okay?

21 A. Everything was working perfectly.

22 Q. Let me ask you about some of the
23 other members of your crew, just about
24 positioning.

25 Who was on watch and where were they?

1 Let's start at midnight beginning of July 12th,
2 okay, so midnight on July 12, 2021, around that
3 time, were you on the bridge?

4 A. (The witness nods head
5 affirmatively.)

6 Q. Because you-all were actively
7 transiting the lower Mississippi River at that
8 time?

9 A. Yes.

10 Q. Who else was on duty?

11 A. From midnight, it was second mate and
12 from midnight to three o'clock, AB Palada, and
13 they change at three o'clock, then Mr. Milin
14 came onboard.

15 Q. So let me make sure I have that.
16 This is just the crew list previously marked as
17 Exhibit 2. You said from midnight the second
18 officer was on the bridge?

19 A. Yes, second officer on this crew list
20 Number 3.

21 Q. And then you said another AB was on
22 the bridge at midnight on July 12, 2021. Which
23 number is he?

24 A. Number 7, Palada, he was from
25 midnight till three o'clock, from three o'clock

1 till accident, Mr. Milin, Number 6 on this crew
2 list.

3 Q. Understood. Was anybody else
4 assigned to the bridge at midnight on July 12,
5 2021?

6 A. No.

7 Q. What about at the time of the
8 accident?

9 A. No. We keep only crew which are
10 designated to be because all other can disturb
11 communication and everything; so, you have me,
12 you have officer on the watch and you have
13 helmsman, that's it.

14 Q. So Milin and Palada would have been
15 working as watchmen on the bridge?

16 A. Yes, helmsmen, steering.

17 Q. And I think you said, I want to make
18 sure, Milin would have been the helmsman at the
19 time of the incident?

20 A. Yes, correct.

21 (BRIEF RECESS)

22 EXAMINATION BY MR. FRYE:

23 Q. Let's go back on the record. Other
24 than the crew members that were on the bridge at
25 the time of the allision, what other crew

1 members were on duty at the time of the
2 allision?

3 A. We have boatswain, Number 5 on the
4 crew list, Mr. Mohoric stand by all the time
5 during transit, chief engineer, Number 11 on
6 this crew list in the engine room together with
7 the third assistant, Number 13, and oiler,
8 Number 15, Mr. Kostelac, they were in the engine
9 room.

10 Q. So the chief officer, he would have
11 been off duty at the time?

12 A. Yes, correct.

13 Q. Third officer also would have been
14 off duty?

15 A. The third officer was on the bridge
16 until midnight. Midnight they change every four
17 hours.

18 Q. Okay. Understood. I just want to
19 make sure I got the watch correct. The officers
20 changed at midnight of July 12, 2021; is that
21 correct?

22 A. Yes, correct.

23 Q. And they change every four hours?

24 A. Correct.

25 Q. You told me earlier that the ABs, the

1 two helmsmen, Milin and Palada, they changed at
2 three hundred (300) hours --

3 A. That's correct.

4 Q. -- on July 12, 2021?

5 A. Correct.

6 Q. Did the rest of the non-officers,
7 they change at three hundred hours?

8 A. Can you repeat, please?

9 Q. That was confusing. We talked about
10 the officers. They changed at --

11 A. Every four hours. In this case,
12 since it's a long voyage, so we trying to give
13 helmsmen more time to rest and it's easier for
14 them to stay focused for three hours than for
15 four hours. That's why we do three hours.

16 Q. Everybody else in the crew would
17 have been on a four-hour shift?

18 A. Yes, correct.

19 Q. Starting at midnight?

20 A. Yes.

21 Q. Except for the helmsmen because the
22 Mississippi River has a lot of turns?

23 A. Yes, and sometimes that's why we make
24 all plans before, to see if you have -- for
25 example, if you are expecting total six hours of

1 navigation, you can do also two hours working.
2 It's easier for them to do steering two hours
3 they are concentrating than if they work four
4 hours.

5 Q. Understood. You said the boatswain,
6 Mr. Mohoric, he was a standby on the bow?

7 A. Correct.

8 Q. And that was per the pilot's
9 instructions?

10 A. Yes. It's a regulation I believe,
11 also. The pilot always will ask you, and
12 they're asking confirmation that we have one
13 crew member for our standby.

14 Q. And he's standing by to drop the
15 anchors?

16 A. Yes, correct.

17 Q. That first pilot that got on at
18 seventeen fifty (1750) on July 11, 2021, was he
19 replaced by another pilot?

20 A. Yes, he was.

21 Q. Approximately, when was he replaced
22 by another pilot?

23 A. Twenty hundred (2000), something like
24 that.

25 Q. And that's, approximately, twenty

1 hundred hours on July 11, 2021?

2 A. Correct.

3 Q. Do you remember his name?

4 A. No, I don't remember his name. I
5 don't remember the names.

6 Q. That's fine, I'm just asking the
7 question.

8 A. No, I don't remember.

9 Q. You don't know. That's not a
10 problem.

11 A. I know that he was before and he
12 knows the vessel, he knows me, but I cannot
13 remember the name.

14 Q. But you gave him a pilot card,
15 correct?

16 A. Of course.

17 Q. And he signed the pilot card?

18 A. Yes.

19 Q. And you still have it, right?

20 A. Yes.

21 Q. You had a Master-pilot exchange with
22 him?

23 A. Yes.

24 Q. Was the Master-pilot exchange, did
25 you talk about pretty much the same thing you

1 talked about with the first pilot?

2 A. Yes, correct.

3 Q. Did you discuss the steering system
4 with him?

5 A. Yes, in the way I confirmed that
6 everything is working good, working perfectly.

7 Q. With the second pilot, did you
8 discuss anything else with the steering system
9 with him, other than everything was in working
10 order?

11 A. No. Only he was asking about other
12 items, if the engine is working, if steering is
13 working, if the ship's horn is working, regular
14 information that we exchange.

15 Q. Gotcha. So that pilot got on at
16 approximately twenty hundred hours on July 11,
17 2021. Did another pilot get on after him?

18 A. Yes, correct.

19 Q. Approximately, what time did he get
20 on?

21 A. I think three o'clock, three zero
22 five (305), I think that this pilot came
23 onboard, and I'm talking pilot which was onboard
24 during the accident.

25 Q. I think I understand. So at

1 approximately 0 three hundred (0300) hours on
2 the morning of July 12, 2021, another pilot got
3 on?

4 A. Correct.

5 Q. And he would have been the third
6 pilot?

7 A. Yes, correct.

8 Q. You don't know his name?

9 A. Unfortunately, due to -- I remember
10 Mr. Stan Rainer or something like that.

11 Q. You gave him a pilot card?

12 A. Yes, I did.

13 Q. And he signed the pilot card?

14 A. That's correct, and we have it
15 onboard.

16 Q. You had a Master-pilot exchange with
17 this third pilot?

18 A. Yes.

19 Q. Did you discuss the steering system
20 with this pilot?

21 A. Again, I discussed in the same way
22 with the other pilots. The question was: Is
23 steering equipment working properly, which I
24 confirmed. He also confirmed that all tests had
25 been done prior to entering -- twelve (12) hours

1 before coming on the pilot station.

2 Q. So besides telling him that steering
3 was working and that you-all did all the proper
4 tests involving the steering prior to Southwest
5 Pass, did you have any other conversations with
6 this third pilot regarding the steering gear
7 aboard the JALMA TOPIC?

8 A. No.

9 Q. I want to talk a little bit just
10 about the steering system, and I think I
11 understand it based on the chief engineer's
12 testimony yesterday, but I just want to make
13 sure I have it correct and when we're talking
14 about it, that we're on the same page.

15 Do you understand, Captain?

16 A. I understand, but also I am a seaman
17 Captain, I'm not engineer, so I also cannot
18 explain you in the same way as the chief
19 engineer explained.

20 Q. Understood, Captain. And I am not an
21 engineer, either, so I just want to take it on a
22 very simple level to ask you about not technical
23 questions, but just about what kind of system
24 you had.

25 A. Okay.

1 Q. From my understanding of the chief
2 engineer, there are two steering pumps aboard
3 the vessel; is that correct?

4 A. That's correct.

5 Q. And he referred to them as Pump
6 Number 1 and Pump Number 2?

7 A. Correct.

8 Q. That's your understanding?

9 A. Yes.

10 Q. And I believe this is what he said,
11 and if I'm stating it wrong, he said Pump Number
12 1 is the steering pump that was in use at the
13 time of the incident that we're here for; is
14 that correct?

15 A. Correct.

16 Q. And Pump Number 1 is connected to
17 regular power; is that correct?

18 A. Yes, but also emergency power.

19 Q. Correct. So, Pump Number 1 is
20 connected to regular power and emergency power,
21 correct?

22 A. Correct.

23 Q. Pump Number 2 is just connected to
24 regular power?

25 A. Correct.

1 Q. And then he talked about there is
2 emergency steering that can be done manually
3 from down in the steering room?

4 A. Steering gear room.

5 Q. In the steering gear room?

6 A. Yes, correct.

7 Q. If you don't know the answer to this
8 question, let me know. I don't think it's going
9 to be too technical, but I just want to ask
10 about the steering system.

11 So, is Pump Number 1, is that your usual
12 steering pump, like a default steering pump that
13 you-all use.

14 A. Yes, correct.

15 Q. So you're usually just using Pump
16 Number 1?

17 A. Correct.

18 Q. Is's not something where every week
19 you-all switch from Pump Number 1 to Pump Number
20 2?

21 A. You are talking during maneuvering or
22 sea navigation?

23 Q. Let's talk both. Let's take it one
24 at a time.

25 A. If you have a long voyage, sea

1 navigation, we change pumps. So sometimes,
2 depending on the Captain, I insist every seven
3 days, you change from Number 1 to Number 2, and
4 after seven days again.

5 But if we are talking about maneuvering
6 arrival to the port, river navigation, it's
7 always Number 1 pump.

8 Q. I think I understand. When you're at
9 sea you will change pumps from time to time?

10 A. Yes, correct.

11 Q. Is there any set schedule to that, or
12 is it based on your preference?

13 A. It's usual practice every seven days.

14 Q. Usual practice every seven days, but
15 it might vary, just depending on what's going
16 on?

17 A. Yes. You can change whenever you
18 like, every day, for example, in the noontime or
19 whatever.

20 Q. But there's no policy from Marfin
21 Management that says every seven days you have
22 to switch the steering pump?

23 A. No.

24 Q. But while you're maneuvering in port
25 or in the river, like the Mississippi River, you

1 always use Pump Number 1?

2 A. That's correct.

3 Q. Is that because Pump Number 1 is
4 hooked up to the emergency power?

5 A. That's correct.

6 Q. In changing from Pump Number 1 to
7 Pump Number 2, can you do that from the bridge?

8 A. Yes, I can.

9 Q. How do you do that on the bridge?

10 A. You need to switch off pump which is
11 running, for example, Pump Number 1 is running,
12 switch off, and after you switch on Pump Number
13 2.

14 Q. You're making some gestures there.
15 Is it just two buttons?

16 A. Yes, correct.

17 Q. So each pump has a button?

18 A. Correct.

19 Q. And you press the button to turn it
20 off/on; is that correct?

21 A. Correct.

22 Q. In switching from pump to pump,
23 turning one off and turning one on, doing that
24 from the bridge, approximately, how long does
25 that take?

1 A. A few seconds, switch off one pump,
2 switch on another pump.

3 Q. And that's it. Then you-all have
4 steering?

5 A. Yes, correct.

6 Q. Assuming everything is working
7 correctly?

8 A. Yes, correct.

9 Q. Besides switching from Steering Pump
10 1 to Steering Pump 2 from the bridge or
11 vice-versa, can you switch it from pump to pump
12 from the engine room, as well?

13 A. Yes.

14 Q. And it's the same thing, just press
15 the button to turn one pump off and press a
16 button to turn one pump on?

17 A. Yes, correct.

18 Q. And if you do that from the engine
19 room, does it take about the same time, a few
20 seconds?

21 A. Same time.

22 Q. The reason why I'm asking that, when
23 you switch, you don't have to wait for the pump
24 to fire up or warm up?

25 A. No.

1 Q. It's relatively immediate?

2 A. It's critical equipment, it must be
3 ready for use anytime.

4 Q. In your current contract for Marfin
5 Management, have you been visiting the
6 Mississippi River often?

7 A. Yes.

8 Q. Where did you board the vessel?

9 A. In Turkey.

10 Q. When did you board the vessel in
11 Turkey?

12 A. In the 3rd of March.

13 Q. And then from Turkey, where did you
14 go?

15 A. We loaded. First we were in the
16 drydock. After we completed the drydock
17 operation, we had Port of Hereke as loading port
18 in Turkey, loaded cargo and we have Cristobal
19 had for three days discharging ports.

20 Q. Where is Cristobal?

21 A. Cristobal is in Panama.

22 Q. And from there, after you dropped off
23 in Cristobal and these other two ports, did you
24 come back up to the Mississippi River?

25 A. Yes, correct.

1 Q. And then you picked up some cargo in
2 the Mississippi River?

3 A. Correct.

4 Q. Were you coming back down to South
5 America, Central America?

6 A. Altamira, Mexico.

7 Q. From there did you go back?

8 A. Again to Mississippi River.

9 Q. I don't want to go through everything
10 because we can find out this information from
11 your logbook, correct?

12 A. Yes, correct.

13 Q. But, generally, since you boarded in
14 Turkey back in March and then came to South
15 America and Central America, you had been taking
16 trips from the Mississippi River, loading and
17 then unloading down in Mexico or Central
18 America; is that correct?

19 A. Correct. This is my fourth coming to
20 Mississippi.

21 Q. Prior to your contract that began in
22 March of 2021, have you ever been to the port of
23 the Mississippi River?

24 A. Meaning my previous navigation?

25 Q. Yes, sir.

1 A. Yes, I did.

2 Q. How many times?

3 A. I cannot remember when, but I was a
4 few times, two, three times definitely.

5 Q. Ever as a Master?

6 A. Never.

7 Q. Do you know if it was as a chief
8 officer?

9 A. Yes, I did.

10 Q. But you can't remember, a couple of
11 times?

12 A. Yeah. I cannot remember exactly, but
13 I was also -- I remember one time definitely
14 loading grain as a chief officer, two times
15 loading grain products, and if I can remember, I
16 was as a third mate a long time ago also loading
17 grain. I cannot tell you the exact date, but I
18 was in the Mississippi River before.

19 Q. Understood. But the first time you
20 came to the Mississippi River as a Master was
21 during this current contract with Marfin
22 Management?

23 A. Yes, correct.

24 Q. Let me ask you about the drydock in
25 Turkey. Were you there for the full drydock?

1 A. No.

2 Q. Do you know what kind of work was
3 being performed at the drydock?

4 A. I know the jobs when I was on the
5 vessel and documents, I know what has been done
6 before my arrival.

7 Q. Do you know, during drydock, was
8 anything done with the steering system?

9 A. No, I don't know.

10 Q. You don't know?

11 A. No, I don't know.

12 Q. Let me just make sure. Are you
13 saying no work was done while in drydock in
14 Turkey to the steering system?

15 A. I don't know. I need to check with
16 the documents.

17 Q. I just want to make sure if you're
18 saying no or I don't know. That's fine.

19 A. I don't know.

20 Q. And you said every time you-all came
21 to enter the Mississippi River, you would check
22 the steering system; is that correct?

23 A. Yes, correct. We have tests, which
24 are on the obligation before entering the port,
25 U.S. ports, that I believe that yesterday Mr.

1 chief engineer gave you a copy of.

2 MR. FRYE:

3 This is previously marked as Exhibit
4 15.

5 MR. HAROWSKI

6 Yes.

7 EXAMINATION BY MR. FRYE:

8 Q. These are four different documents,
9 one dated July 11, 2021, another June 22, 2021,
10 and another of June 6, 2021, and then May 12,
11 2021.

12 And on that document there's a number of
13 tests on there. How many is it, five?

14 A. Five tests, yes.

15 Q. And is that your signature on the
16 bottom of each of those documents?

17 A. Yes, correct.

18 Q. And your signature and the stamp of
19 the vessel, that signified that those tests were
20 carried out on the vessel?

21 A. Yes, correct.

22 Q. On those dates?

23 A. Correct, the dates and the time, also
24 state the time.

25 Q. Understood. And Number 1, generally,

1 it says primary and secondary steering gear. Is
2 that talking about what we have been referring
3 to as Pump 1 and Pump 2?

4 A. Yes, correct.

5 Q. And when you test those, what do you
6 do to test those?

7 A. First we test alarms, low voltage on
8 them. That means when you switch off the pump,
9 alarms should appear on the bridge and you have
10 signal so you know that your pump is not
11 working, advising you that your pump is not
12 working. These tests should be -- how I say?

13 Q. On the logbook?

14 MR. HAROWSKI:

15 The alarm printout?

16 THE WITNESS:

17 Alarm printer, yeah, alarm printer.

18 EXAMINATION BY MR. FRYE:

19 Q. Alarm printer?

20 A. Yeah.

21 Q. Okay. Any other things you do to
22 test the secondary --

23 A. First we switch on the bridge, on the
24 helm steering to check if helm steering is
25 working, port twenty (20), starboard twenty

1 (20), we have to check.

2 After that you establish communication with
3 the engine crew and emergency steering room,
4 then you establish communication. You do the
5 same because you want to confirm that rudder
6 indicator on the bridge is showing the same
7 values as the other indication in the steering
8 room.

9 So, for example, I say, port twenty, rudder
10 on the bridge is showing the port twenty and
11 they need from down, to confirm, yes, we also
12 have port twenty.

13 Q. I think I understand. You're saying
14 from the helm, you would go port twenty, confirm
15 on the bridge the rudder indicator is at port
16 twenty, and also communicate down in the engine
17 room, is it also --

18 A. The engine room, but to be precise,
19 steering gear room.

20 Q. Steering gear room. Sorry, I need to
21 actually put steering gear room.

22 A. Engine room is next.

23 Q. And they confirm if it's the same
24 reading or not, is what you ordered from the
25 bridge?

1 A. Yes.

2 Q. During this testing of the primary
3 and secondary steering gear, as we talked about
4 Pump 1 and Pump Number 2, do you also test out
5 the emergency steering?

6 A. Yes, correct. After we finish with
7 this part of inspection, we do reverse; so, I
8 give order to the engine crew, port thirty (30).
9 They use the bars on the emergency steering, get
10 the rudder in position thirty (30) degrees port
11 side, and when they get to that, they confirm
12 to the bridge we have port thirty, and then I
13 check on the bridge if it's the same value, same
14 inclination of the rudder, then I give order to
15 midshipman, so...

16 Q. Understood. The chief engineer
17 talked about two on the bridge, there's two ways
18 to control the rudder. I think he referred to
19 the two as follow-up and nonfollow-up controls?

20 A. Yes, correct.

21 Q. Would the follow-up control be the
22 helm?

23 A. Would be the helm.

24 Q. And that just means --

25 A. You give order with the helm and

1 order signals are going in the engine room and
2 turning the rudder as per order you gave from
3 the captain.

4 Q. So, if you went starboard ten (10),
5 you would go starboard ten and it would hit
6 starboard ten?

7 A. Yes, correct.

8 Q. And then there's also a nonfollow-up?

9 A. Nonfollow-up.

10 Q. Is that a joystick or something?

11 A. Yes, joystick. We can call it
12 joystick.

13 Q. In doing that, you're just moving it.
14 If you move it starboard, the rudder will just
15 keep on moving starboard until you go back into
16 the neutral position; is that correct?

17 A. Yes.

18 Q. Same thing for the port side?

19 A. Yeah.

20 Q. When you're doing these tests for the
21 primary and secondary steering gears and the
22 steering gear in general before you enter the
23 Mississippi River, do you test both the
24 follow-up and nonfollow-up?

25 A. Yes.

1 Q. Prior to entering the Mississippi
2 River the evening of July 11, 2021, where was
3 the ship coming from?

4 A. The ship was coming from Vera Cruz,
5 Mexico.

6 Q. And it just dropped off cargo?

7 A. Yes, correct.

8 Q. And you're coming back here to load?

9 A. Correct.

10 Q. When did the ship leave Vera Cruz?

11 A. On the 9th of July -- I cannot
12 remember exact time.

13 Q. Where were you headed to when you
14 entered in the Southwest Pass?

15 A. What was the final destination?

16 Q. Yes.

17 A. Ama Terminal.

18 Q. And was that to load cargo?

19 A. To load cargo, yes.

20 Q. Do you know if you were going
21 straight to Ama?

22 A. Yes. We received information from
23 agent and the charter that we are going directly
24 to the belt terminal, that we should conduct
25 full inspection and immediately after that we

1 should start loading cargo.

2 Q. So you weren't going to an anchorage
3 before?

4 A. Negative. Three times before it was
5 usual practice first come to the anchorage,
6 perform all that, full inspection and custom
7 order and everything up to that procedure, but
8 this voyage we had instruction to proceed
9 directly to the terminal.

10 Q. In regards to what we just went over
11 as Exhibit 15, the list of steering and
12 propulsion gear checks, every time you conduct
13 an assessment, are those noted in your deck log?

14 A. Yes, correct.

15 Q. And then you also talked about when
16 you were doing the alarm tests, that would also
17 be noted in the alarm log?

18 A. Yes.

19 Q. At the time of the allision and
20 you're heading to Ama, was the vessel under
21 charter?

22 A. Yes.

23 Q. Do you know who the charterer was?

24 A. ADM.

25 Q. Do you know what type of charter it

1 was?

2 A. Time charter.

3 Q. Do you know how long that time
4 charter was for?

5 A. Four to six voyages from Mexico to
6 New Orleans.

7 Q. Do you know when it started?

8 A. This was the third, voyage number
9 three.

10 Q. From the time you got on the vessel
11 in Turkey back in March of 2021 until you
12 reached the Southwest Pass July 11, 2021, did
13 you have any issues with the steering gear on
14 the JALMA TOPIC?

15 A. No.

16 Q. Both Pump 1 and Pump 2 were
17 functioning normally?

18 A. Yes.

19 Q. No other issues with any of the
20 equipment on the steering gear?

21 A. On the steering gear, no.

22 Q. In the moments leading up to the
23 allision with the Crescent barge, was that the
24 first time you had an issue with the steering
25 gear on the JALMA TOPIC?

1 A. Yes, correct.

2 Q. All right, Captain, I'm going to show
3 you -- did you write out a statement to the
4 Coast Guard?

5 A. Yes, I did.

6 Q. I'm going to show you what I'm going
7 to mark as Exhibit 16. Is this the written
8 statement that you gave to the Coast Guard?

9 A. Yes, it is.

10 Q. I just kind of want to go over, and
11 you can keep that, I have it right there. I
12 just want to kind of go over line by line and
13 just ask some questions that come up, all right?

14 A. Okay.

15 Q. So the first sentence, and if I say
16 something incorrectly or misstate it, please let
17 me know.

18 A. Okay.

19 Q. So your name is up top, correct?

20 A. Yes.

21 Q. And your signature on the bottom?

22 A. Yes, it is.

23 Q. And the date is July 12, 2021?

24 A. Correct.

25 Q. The first sentence says: I was on

1 the bridge while transiting Miss River at zero
2 three O five (0305) hours, pilot changed with
3 new pilot.

4 A. If I can, I was on the bridge while
5 transiting Mississippi River.

6 Q. First sentence?

7 A. Yeah.

8 Q. And we just talked about that?

9 A. Yes.

10 Q. At zero three O five (0305) hours,
11 pilot changed with new pilot information
12 exchanged?

13 A. Correct.

14 Q. And we went through that already?

15 A. Yes.

16 Q. That was the third pilot that got
17 onboard, correct?

18 A. Correct.

19 Q. Confirm to pilot that all equipment
20 working properly. That's the next sentence and
21 we went through that already?

22 A. That is correct.

23 Q. We went specifically about the
24 steering gear, you told the pilot everything is
25 working correctly?

1 A. Yes, correct.

2 Q. Next we proceed to final destination,
3 and we already talked about that, you were going
4 straight to the ADM berth?

5 A. Yes.

6 Q. Ama berth. After I went for toilet
7 for a few minutes, and that's the next sentence?

8 A. How you call?

9 Q. Comma?

10 A. Comma, yeah.

11 Q. Let me start again: After I went for
12 toilet for a few minutes, when I came back on
13 the bridge I saw pilot and duty officer trying
14 to switch steering to --

15 A. NFU.

16 Q. -- NFU. That's nonfollow-up?

17 A. Yes.

18 Q. That's just what we discussed,
19 correct?

20 A. Yes.

21 Q. The joystick?

22 A. Yeah.

23 Q. I'm going to ask you some questions
24 to try to figure out the timeline here.

25 A. Okay.

1 Q. If you don't know, that's fine. I
2 just wanted to let you know. So you were on the
3 bridge and you went to the bathroom?

4 A. Correct.

5 Q. Do you know what time you left the
6 bridge to go to the bathroom?

7 A. I don't know. I stay on the bridge.
8 The pilot came and I stay on the bridge for some
9 time, and after that I had to go for toilet, so
10 I can guess, but I cannot give exact times.

11 Q. So, you were on the bridge when the
12 pilot came onboard?

13 A. Yes.

14 Q. All you-all had the Master-pilot
15 exchange on the bridge?

16 A. Yes.

17 Q. When you were transiting the
18 Mississippi River before you went to the
19 bathroom, is there a usual place you stand on
20 the bridge?

21 A. Not usual. I'm walking around.
22 Sometime I take a seat on the chair in the radio
23 room on the starboard side, but I don't have a
24 usual place.

25 I'm trying to see as much as I can see and

1 to hear as much as I can hear, but not to
2 disturb communication between pilot and the
3 helmsman pilot and duty officer and
4 communication, visual or verbal. So, I always
5 keep nearby but do not disturb.

6 Q. Do you go out into the wings at all,
7 the bridge wings?

8 A. Yes, sometimes I go.

9 Q. Do you know if from the time the
10 pilot got onboard to the time you got back from
11 the bathroom, did you ever go onto the bridge
12 wings?

13 A. No, not on the bridge wing.

14 Q. Besides the time you were in the
15 bathroom, you were actually on the bridge,
16 correct?

17 A. Yes.

18 Q. I think you answered this, but when a
19 pilot comes onboard, the first time you talk to
20 him is when you're on the bridge; is that
21 correct?

22 A. Yes.

23 Q. And that's how it was when this third
24 pilot got onboard, correct?

25 A. Yes.

1 Q. You don't meet them down on the deck?

2 A. No. I stay on the bridge. The duty
3 officer will go to pick up new pilot, new pilot
4 come on bridge, the old pilot will also exchange
5 information, and then duty officer will escort
6 old pilot to the gangway combination for
7 disembarkation. I stay on the bridge all the
8 time.

9 Q. At the time this third pilot got
10 onboard, the duty officer was the second
11 officer?

12 A. Yes, correct.

13 Q. Does the pilot that's already
14 onboard, this would have been the second pilot,
15 when the third pilot gets onboard, does he wait
16 until the third pilot gets up to the bridge?

17 A. Yes, correct, he waits, and they
18 exchange information on the bridge, and the old
19 pilot usually -- new pilot would receive all
20 information from old pilot, all that we
21 mentioned in this pilot card and pilot-Master
22 exchange, so he will advise old pilot with
23 advice, you need the time for reducing,
24 increasing, rudder responding properly or if in
25 some other occasion she's lazy or some basic

1 information which they think is important for
2 next pilot.

3 Q. And I just want to confirm. At the
4 time the third pilot got on at approximately
5 zero three O five (0305) hours, both those
6 pilots, they met on the bridge?

7 A. Correct.

8 Q. It says: When you went to the
9 bathroom it was for a few minutes. Do you know
10 how long a few minutes are?

11 A. What time did I need to go down, use
12 the bathroom, five minutes.

13 Q. Maybe five minutes?

14 A. Maybe three or four, I cannot say
15 exact.

16 Q. Understood. Where is the bathroom in
17 reference to the bridge?

18 A. You have near the bridge, immediate
19 door to door. When you're climbing up, you have
20 bathroom, but I don't like to use that.

21 Q. So what bathroom did you use?

22 A. My bathroom.

23 Q. So what deck are we on right now?

24 A. We call it captain's decks.

25 Q. From the main deck is it --

1 A. Number 4, I believe.

2 Q. That's what I thought, I just want to
3 make sure, and then the bridge would be 4 or 5
4 deck. So you went down from the bridge to the
5 bathroom on the fourth deck?

6 A. Yes.

7 Q. And you say a couple of minutes,
8 you're not sure if --

9 A. Couple minutes.

10 Q. -- three, four, five minutes?

11 A. Yes.

12 Q. And then you said when you got back
13 to the bridge, you saw the pilot and the duty
14 officer trying to switch steering to NFU,
15 nonfollow-up use?

16 A. Yes, correct.

17 Q. Before you got back up to the bridge,
18 did you hear a commotion or anything like that?

19 A. No. First when I heard when entering
20 on the bridge is the ship's whistle.

21 Q. When you got back to the bridge, the
22 first thing you heard was the ship's whistle?

23 A. Yeah.

24 Q. How many times did the ship's whistle
25 blow?

1 A. I cannot say, because at that time I
2 saw that something is happening. I jump forward
3 to see what's happening.

4 Q. Is that the first time you knew that
5 something was maybe going wrong?

6 A. Yes.

7 Q. So right when you got back on the
8 bridge and you heard the whistle?

9 A. When I came on the bridge, but I know
10 that I heard whistle and I saw the pilot was
11 communicating with someone, pilot was
12 communicating on VHF. I don't know if it was
13 his VHF or ship's VHF, I don't know, because
14 when I come on the bridge, there are curtains,
15 and I go from light in the area, I go in the
16 dark, so I cannot say which VHF he was speaking
17 with someone.

18 You have other VHF also working, so I
19 cannot say with who he was talking with, I
20 cannot say. I saw second mate was on the
21 nonfollow-up adjusting. I said, what's
22 happening, he told me rudder is not responding.

23 Q. So you came onto the bridge and you
24 heard the whistle. That was the first
25 indication that maybe something was not going

1 right?

2 A. Yes, but at that time I heard some
3 whistle or something similar. I could not tell
4 if it's from our vessel or some other vessel. I
5 cannot objectively say which one is it.

6 Q. Did anything else indicate to you
7 that there was an issue with something with the
8 ship?

9 A. No.

10 Q. When did you first figure out, or
11 when did you first learn there was an issue with
12 the steering, when you talked to the second
13 officer?

14 A. When the second mate advised me that
15 it's not responding. Actually, not to me, he
16 was saying to the pilot, not responding, it's
17 not responding, something like that.

18 Q. When you came back onto the bridge,
19 when you go through the curtain, you saw the
20 pilot was on a VHF talking to somebody, but you
21 don't know who, right?

22 A. Yes, correct.

23 Q. Did you talk to the pilot at all?

24 A. No, because pilot was giving orders
25 to the helmsman and the duty officer and also

1 communicating with VHF.

2 Q. What was the first order? When you
3 got back on the bridge, what was the first order
4 you heard the pilot give?

5 A. The first order, the pilot, I believe
6 when I came on, was drop the anchor, drop the
7 anchor.

8 Q. Did he say what anchor?

9 A. I think first it was port anchor and
10 then later he said also both anchors.

11 Q. And then at some point the ship
12 allided with the Crescent barge; is that
13 correct?

14 A. Yes, it's correct now, but at that
15 moment I only saw some lights, and now I know it
16 is barge lights.

17 Q. Do you know, approximately, the time
18 from when you got onto the bridge until the
19 allision occurred?

20 A. A minute or even less.

21 Q. A minute or less?

22 A. Yeah. When I came on the bridge,
23 when I was -- how to say -- aware that something
24 is happening --

25 Q. Understood. Did you hear any

1 alarms --

2 A. No.

3 Q. -- when you got back on the bridge?

4 A. No.

5 Q. Like we talked about before, when you
6 test the steering, sometimes the alarms can go
7 off and you don't know, but that's what you do
8 to test the steering gear, correct?

9 A. Yes.

10 Q. But there wasn't anything, any
11 alarms?

12 A. No. These alarms have enough power
13 that I could hear them if they were sounding, so
14 it's not something small frequency or something.
15 It's very easy to hear that, if it was sounding.

16 Q. Did you hear any alarms from the time
17 you got on the bridge until the time you-all
18 made contact with the barge?

19 A. No.

20 Q. I know in prior experience sometimes
21 if you're close to something else, there might
22 be an alarm. There wasn't anything like that?

23 A. No. Maybe it was, but I was not
24 aware, because when I have four people on the
25 bridge, pilot, duty officer, helmsman, if

1 something is happening, everyone is talking a
2 little bit louder.

3 Q. Do you know how long, from the time
4 you got onto the bridge until the time the pilot
5 ordered to drop the anchor?

6 A. I cannot say. No, I cannot say what
7 time. I heard the order first port anchor and
8 later it was both anchors, but I cannot say how
9 much time passed until order and then the anchor
10 is dropped, I cannot say.

11 Q. So you wouldn't know the time between
12 the order given and the anchor drops, do you
13 know that?

14 A. No.

15 Q. And would the order be given to the
16 boatswain on the bow of the boat -- bow of the
17 ship? Excuse me.

18 A. Yes, to the boatswain, second mate
19 give order immediately to the boatswain.

20 Q. So when they got the order to drop
21 the anchor, the pilot gives it and the second
22 mate reports to the boatswain to drop the
23 anchor?

24 A. Correct.

25 Q. Was there anybody else on the bow of

1 the ship?

2 A. No.

3 Q. Just the boatswain?

4 A. Boatswain. As I am aware, only
5 boatswain.

6 Q. Do you know if the first anchor that
7 dropped, I believe you said you think it was the
8 port anchor?

9 A. Yes, he confirmed, because when the
10 second mate dropped the anchor, you don't drop
11 port anchor. He was confirmed, drop the port
12 anchor.

13 Q. Did the port anchor drop before the
14 ship allided with the Crescent barge?

15 A. I think it was.

16 Q. You think the port one --

17 A. Because -- I think it was.

18 Q. Were both anchors dropped before the
19 ship allided with the Crescent barge?

20 A. No, no, no. Starboard anchor did not
21 drop at all.

22 Q. The starboard anchor never dropped?

23 A. Never dropped, because when you drop
24 anchor, you know, all that steel coming out
25 producing big noise, so probably boatswain did

1 not hear order for another, to drop also
2 starboard anchor. By that time he already
3 allided with the barge.

4 Q. I understand. So before the
5 allision, an order was given by the pilot to
6 drop the starboard anchor?

7 A. Negative. First order for anchor,
8 port anchor, and then later both anchors. That
9 means after port, you drop starboard anchor.

10 Q. I'm just trying to get the timeline
11 right. The order was given to drop the port
12 anchor, correct?

13 A. Correct.

14 Q. And the port anchor dropped before
15 the allision, correct?

16 A. Yes.

17 Q. Was the order given to drop the
18 starboard anchor before the allision?

19 A. I cannot say. I think it was, but I
20 cannot say a hundred percent. It all happened
21 in short period. Even now, maybe I confuse it
22 chronological, you know, what happened three
23 seconds before or later. It's quite a shock
24 when you come on the bridge.

25 Q. I understand, Captain. I'm just

1 trying to figure it out with you, and like you
2 said, if you don't know, I appreciate you
3 letting me know that.

4 A. I cannot say now.

5 Q. Going back to your statement, the
6 next sentence was: When it was clear that
7 rudder is not responding, pilot requests engine
8 full astern and try to make VHF contact with
9 someone also using ship's horn.

10 When you say it was clear the rudder was
11 not responding, how was that clear?

12 A. Well, as I told you, when I come on
13 the bridge, second officer advised me rudder is
14 not responding. Between second and the helmsman
15 and pilot, they tried to give it to helm first,
16 and starboard side not responding, second start
17 nonfollow-up, again not responding, so, you
18 know, the rudder is not responding.

19 Q. Did you see the rudder indicator on
20 the bridge when you came back from the bathroom?

21 A. Yes. It was ten (10) degrees port,
22 and the second mate also pointed to me, it's
23 stuck on ten port.

24 Q. And you saw the indicator doing that?

25 A. Yes.

1 Q. And then after you saw it stuck at
2 ten-degree port, did you see the helmsman or the
3 second officer trying to steer the vessel
4 starboard?

5 A. Yes. When I came on the bridge, the
6 second mate was on this nonfollow-up joystick,
7 and the same time he advised me not responding,
8 something is stuck, port ten.

9 Q. At any time, from the time you came
10 onto the bridge until the time of the allision,
11 did you try to switch from steering Pump 1 to
12 steering Pump 2?

13 A. No, I did not. It was not enough
14 time for that.

15 Q. In that last sentence we just went
16 over, it said the pilot requests engine full
17 astern. Do you see that?

18 A. Yes.

19 Q. Do you know the pilot's request to go
20 full astern, was that before or after the
21 allision?

22 A. Before allision.

23 MR. HAROWSKI:

24 Can we take a two-second break?

25 MR. FRYE:

1 Yes. No problem.

2 (BRIEF RECESS)

3 EXAMINATION BY MR. FRYE:

4 Q. Captain, are you ready?

5 A. Yes.

6 Q. We were talking about your statement
7 where you said the pilot requests engine full
8 astern. I believe you just testified, or I
9 didn't just ask, did that order from the pilot
10 to go full astern, was that before the allision?

11 A. Yes, I think before the allision.

12 Q. And, obviously, before the allision
13 the ship was not going full astern, correct?

14 A. Correct.

15 Q. But was the order to go full astern,
16 was that able to be initiated prior to the
17 allision?

18 A. Can you repeat, please?

19 Q. My understanding, and if this is
20 confusing, is that you-all -- let me ask you
21 this: Before you left the bridge to go to the
22 bathroom, what speed was the vessel going?

23 A. I cannot say. I did not check.

24 Q. Do you know what the engine order was
25 currently?

1 A. It was full ahead.

2 Q. And do you know when you got back up
3 to the bridge after using the bathroom, what was
4 the engine order at that time?

5 A. Which engine order was that?

6 Q. Yes.

7 A. The same time when I came on the
8 bridge, I think that second mate push the button
9 for it was maybe same time.

10 Q. What do you mean, push the button?

11 A. Push the button to give order to the
12 full astern.

13 Q. When was that?

14 A. Everything happened in a few seconds,
15 you know, but as I said, chronologically I
16 cannot say now which was the first, but I think
17 that when I came on the bridge, second mate was
18 giving order to go full astern.

19 Q. And was that before or after the
20 pilot gave the order full astern?

21 A. No, no, after the pilot gave the
22 order.

23 Q. After the pilot gave it?

24 A. Yes. The pilot gave the order full
25 astern. Definitely, that, I heard.

1 Q. Prior to the second officer hitting
2 the full astern button, do you know what the
3 engine order was on the telephone?

4 A. I don't know. I remember before I
5 left the bridge it was full ahead, but when I
6 came on the bridge, I don't know. I'm not
7 aware. I cannot remember. I am not sure even
8 if I looked.

9 Q. And I know when I asked you about
10 when you were on the bridge if there were any
11 other orders, but you won't know?

12 A. Yeah.

13 Q. I was just seeing if you could
14 remember. You-all had a bell logger tape, is
15 that correct? Here, I'll show you a document.

16 A. Bell book.

17 Q. Bell book. I thought I had a
18 printout of it, but I don't think I do.

19 A. Bell book, you mean by hand, we call
20 bell book.

21 MR. FRYE:

22 Mike, do you mind if I borrow that
23 just to show him.

24 MR. HAROWSKI:

25 I believe this is Exhibit 5.

1 EXAMINATION BY MR. FRYE:

2 Q. This was previously marked as Exhibit
3 5. Have you seen that document before?

4 A. Yes.

5 Q. What do you call that document?

6 A. We call that -- this is where it's
7 written, all orders given from the bridge.
8 You can see here, B, that means this order is
9 given from the bridge.

10 Q. But does that have a particular name?
11 I mean, some people call it bell logger tape or
12 a bell tape.

13 A. Tape or something like that.

14 Q. And those orders, those are
15 automatically recorded by a computer, right?

16 A. Yes, correct.

17 Q. But you-all also have a separate bell
18 book where the duty officer will write down what
19 orders were given?

20 A. No, we don't do like that in that
21 bell book. For example, what time pilot on
22 board, position, what time pilot exchange and
23 some basic information, first line ashore when
24 docks alongside.

25 Q. Going back to when you said the

1 second mate hit the button to go full astern,
2 does the ship have an emergency engine stop?

3 A. Yes.

4 Q. Can you do that emergency engine stop
5 from the bridge?

6 A. Yes, I can.

7 Q. Prior to the allision, was that
8 emergency engine stop, was that ever hit?

9 A. Yes.

10 Q. Who hit it?

11 A. I ordered to the chief engineer. It
12 was pressed from the engine room.

13 Q. Pressed from the engine room?

14 A. Yes, because I said, I established
15 communication with the engine room. Chief
16 engineer replied. I said I'm not sure,
17 something like that, because maybe I need to
18 explain how this works, this full astern, how it
19 works.

20 So when you have shaft and propeller
21 spinning full ahead, when you press full astern,
22 it takes time. First, shaft needs to stop and
23 then start spinning the opposite side. So when
24 I saw that we are going to hit whatever we hit,
25 I order emergency stop.

1 For what reason I do that, because when you
2 press emergency stop, shaft stop to rotate
3 immediately, and as per my knowledge and
4 experience, I knew that it was better idea with
5 that order, I will reduce impact, because
6 anytime we order from the bridge, call full
7 astern, it needs time. So shaft is still
8 spinning, you know, pushing vessel forward
9 ahead.

10 Q. Because it needs to cycle down?

11 A. And here is also very good example.
12 When we do the tests, you see here, we have full
13 ahead, half ahead, slow ahead, dead slow ahead,
14 stop. Then that slow astern, slow astern, half
15 astern, full astern, okay.

16 We are doing this slowly to protect engine,
17 but it takes ten twenty-seven (1027) to eleven
18 zero six (1106), so I know it will take more
19 time to start shaft RPM and reverse astern, it
20 will take more time than if I press emergency
21 stop, and then emergency stop, stop immediately,
22 that's why it's emergency stop.

23 Q. Understood.

24 A. That was my decision. I thought with
25 that action I will reduce speed quicker than

1 with this option.

2 Q. So you said that was your decision to
3 stop?

4 A. My decision. I said to chief
5 engineer, press the button, press the button,
6 and that's it.

7 Q. Do you know, approximately, how long
8 when you gave that order until the allision
9 occurred?

10 A. Immediate.

11 Q. And the pilot didn't order you to hit
12 emergency stop?

13 A. No. His last order regarding engine
14 was full astern.

15 Q. For Exhibit 5, that we just went
16 over, that you just explained to me, that shows
17 the engine orders?

18 A. Yes.

19 Q. It's usually two letters to the left
20 and a hyphen and then another letter, two
21 letters to the left with a hyphen, or the
22 letters to the left of the hyphen indicates the
23 speed, right, full ahead, half ahead?

24 A. Speed, engine order.

25 Q. And then the letter to the right of

1 the hyphen, that's H is for ahead, S is for
2 stern?

3 A. Correct.

4 Q. And then there's one that says S/B.
5 That's standby?

6 A. Yes, correct.

7 Q. What's RPY?

8 A. I don't know what that means.

9 Q. Okay.

10 A. Sorry. It's run up. This is
11 officially during voyage, you have some like
12 parts of the voyage. For example, let's start
13 from the port. When you are going from the port
14 you release all lines, you go from the port, you
15 take off the pilot, and after that, you start
16 commence or sea passage, and at that time you
17 press run up. This is only for later
18 calculation, average speed and average
19 consumption.

20 For all our documents we need to send only
21 to the company, to the charterer. So this was
22 the time of end of sea passage. That means we
23 ended sea passage and we start maneuvering, so
24 seventeen thirteen (1713) it was sea passage,
25 and then there are navigational miles and

1 maneuvering miles. I'm not sure if --

2 Q. I think I understand.

3 A. When we have navigational miles, we
4 must calculate because it's for charter party,
5 we have declared the speed that we need to get
6 in order to satisfy contract.

7 Q. I understand. So that makes sense.

8 A. So that means, for example, here we
9 can check, but probably sixteen forty-five
10 (1645), commence of sea passage, and here,
11 seventeen thirty (1730) on the 11 July, end of
12 sea passage.

13 Q. Understood. For our purposes it
14 probably doesn't matter too much. Do you have a
15 tape or a record that has -- this is for engine
16 records, correct, and it shows the time the
17 engine order was initiated or when it was
18 achieved. This time over here on Exhibit 5,
19 does that show the time the engine order was
20 initiated?

21 A. Yes, correct.

22 Q. It's not when it's actually achieved.
23 Do you understand?

24 A. When it's ordered, yeah.

25 Q. When it's ordered.

1 A. You can always some delays, but not
2 too much, a few seconds when you start give the
3 order until the engine, it's fighting, let's say
4 like that, to additional RPM, but this is the
5 order.

6 Q. Do you have a similar document that's
7 recorded by a computer that shows when a helm
8 order is given and what time?

9 A. No.

10 Q. What about, do you have a video?

11 A. Yes, it should be, but I cannot take
12 those information from the video.

13 Q. Have you reviewed the video of the
14 incident?

15 A. No.

16 Q. Do you know if the VDR has a rudder
17 indicator?

18 A. I'm not an electrician, but it should
19 have it, but I'm not sure. I don't know because
20 I don't check which components are connected to
21 video.

22 Q. Understood.

23 A. I don't know.

24 Q. Do you have an electronic chart
25 display?

1 A. Yes.

2 Q. An ECDIS?

3 A. Yes, correct.

4 Q. Do you know if the ECDIS has a --
5 when you see the ECDIS on your bridge, does it
6 have a rudder indicator?

7 A. No.

8 Q. How do you confirm what position the
9 rudder is in when you're on the bridge?

10 A. By helm indicator, rudder indicator.

11 Q. And it's just an instrument on a
12 panel?

13 A. Yeah, correct.

14 Q. It's electronic?

15 A. It's not electronic. This is old
16 vessel. I don't know what kind of transmission
17 those information to be honest, but I only see
18 if it's moving port or starboard.

19 Q. Going back, let me ask you about this
20 before I forget: The second officer, he was the
21 duty officer at the time of the allision?

22 A. Yes, correct.

23 Q. And he came on at midnight?

24 A. Yes, correct.

25 Q. How long had the second officer been

1 on the JALMA TOPIC?

2 A. He came together with me. I have big
3 crew change in Turkey. Since the end of March.

4 Q. Since the end of March?

5 A. Yeah.

6 Q. Okay. Do you know if he had been on
7 the JALMA TOPIC before?

8 A. I'm not sure. I don't know.

9 Q. Better question for him, right?

10 A. Yes. We didn't talk about that, so I
11 don't know.

12 Q. Had you ever worked with him before?

13 A. Yes, I did.

14 Q. Where did you work with him?

15 A. It was on this vessel that we had
16 problems with spelling, FIORA TOPIC.

17 Q. FIORA TOPIC, I remember.

18 A. I was a chief. To be honest, I
19 believe he was second mate.

20 Q. Looking at this Exhibit 5, can you
21 tell when your order for the emergency stop was
22 given looking at that document? Can you tell
23 that, and if you can't, let me know.

24 A. According to this, I can make some
25 prediction. If it's recorded here zero two

1 twenty-two (0222), then five, that means I gave
2 order a few seconds before. These are all
3 orders given from the bridge after that.

4 Q. So starting at three fourteen (3:14),
5 zero three fourteen (0314) on five B (5B), is
6 that what it says?

7 A. Yes.

8 Q. The 12th of July it says full ahead;
9 is that correct?

10 A. Yes.

11 Q. And the next engine order that was
12 given was at zero three twenty-two (0322), zero
13 B (0B)?

14 A. Yeah.

15 Q. And that was stop?

16 A. Yes.

17 Q. Was that stop right there, was that
18 your emergency stop?

19 A. Negative, it's not. Maybe that
20 was -- I'm not sure, but maybe second officer
21 first push stop and then full astern, but I
22 don't know that.

23 I did not push the button. The button
24 pushed by my side from the bridge because at
25 that time I was speaking to chief engineer, and

1 I advised him to push the emergency stop,
2 emergency stop.

3 Q. Is there an emergency stop button
4 on the bridge?

5 A. Yes, there is.

6 Q. Why didn't you use the bridge
7 emergency stop?

8 A. Because I came to the dark. All
9 buttons are red, so it confused me. I was not
10 sure which one is -- I could not see at that
11 second. I had to wait my eyes to help.

12 Q. To adjust?

13 A. Adjust, yes, I didn't want to lose
14 time.

15 Q. All the buttons on whatever console
16 the emergency stop is on are all red?

17 A. Yeah.

18 Q. And I think you explained why,
19 because your eyes hadn't adjusted, that's why
20 you called the engine room, correct?

21 A. Yes.

22 Q. There's no difference in time between
23 hitting the emergency stop in the engine room
24 versus the bridge?

25 A. No. It's the same. That's why the

1 rest of it is designed like that, special for
2 this emergency situation, push the button.

3 Q. We just went over at three fourteen
4 point five B (314.5B)?

5 MR. HAROWSKI:

6 The B means that it was from the
7 bridge.

8 MR. FRYE:

9 Thank you.

10 EXAMINATION BY MR. FRYE:

11 Q. So from full ahead to three
12 twenty-two point zero (322.0) to stop, to three
13 twenty-two point five (322.5); is that dead slow
14 astern?

15 A. Dead slow astern, slow astern.

16 Q. Dead slow astern, and the second stop
17 on Exhibit 5, JALMA TOPIC thirteen (13) at July
18 12, three twenty-two point five (322.5). The
19 second set, that's what you think your emergency
20 stop was?

21 A. Yes, I think. I cannot say that.
22 As second mate, maybe he wanted to try to speed
23 up progress, maybe stop slow, slow, slow down,
24 full astern, I don't know.

25 Q. So you're not sure which stop order

1 was given, which one was your emergency stop in
2 that timeframe?

3 A. According to this, this was mine,
4 because, definitely, I did not push the
5 emergency stop from the bridge.

6 Q. Understood. And everything else
7 prior to that was from orders given from the
8 bridge?

9 A. Yes.

10 Q. Understood. I got it, Captain.
11 Thank you. That was very helpful. Now going
12 back to your statement -- sorry about that. The
13 next sentence is: In very short time we give
14 order to boatswain on forward to let go anchors.
15 We went over that. Pilot said let go port
16 anchor, second officer gave the order to the
17 boatswain. At some point later the boatswain
18 let go of the port anchor, correct?

19 A. Yes.

20 Q. And then port anchor released. We
21 just talked about that?

22 A. Yes.

23 Q. At that time emergency stop button
24 pushed in order to reduce impact?

25 A. Yes.

1 Q. We just talked about that. You
2 radioed the chief engineer and said hit the
3 emergency stop?

4 A. Correct.

5 Q. Then it says: Vessel made contact
6 with shore installation and barge?

7 A. Yes.

8 Q. We know what that is, and you said
9 earlier that your order to the engine room for
10 emergency stop and the allision was about the
11 same time? You ordered emergency stop and then
12 you-all hit?

13 A. And after that we hit. Yeah, we had
14 contact. What the time was, one or five or ten
15 seconds, I don't know.

16 Q. Short proximity to one another?

17 A. Very short time.

18 Q. And the next thing is: Crew advised
19 to make all checks, sounding and ballast and
20 fuel tanks.

21 A. That's usual procedure.
22 Unfortunately, we need to check if your vessel
23 and your people, they are okay, it's most
24 important.

25 Q. And that's what you were doing after

1 the allision, correct?

2 A. Yes. I advised to switch on all the
3 lights to advise all crew to check, to give me
4 all the information if someone has to check
5 sounding ballast tanks, fuel tanks and so on.

6 Q. Eventually, it was the starboard
7 anchor dropped after the incident?

8 A. No.

9 Q. What was the pilot doing in the
10 minutes after the allision?

11 A. He was speaking with someone. I'm
12 not sure it was by mobile phone or VHF, I'm not
13 sure.

14 Q. Talking to somebody, you don't know
15 by phone or radio?

16 A. Yeah, because I was quite stressed.
17 So, I did not pay attention what he's doing or
18 saying. I just wanted to see that all my crew
19 is good, and that was my priority.

20 Q. How much longer after the allision
21 was the pilot onboard the vessel?

22 A. How much?

23 Q. How much longer?

24 A. I need to check. I think he was
25 maybe one hour or more, because after that, we

1 have Harbor Police or something like that. Two
2 person came onboard. They took a statement from
3 me, from pilot, so he stayed one hour, maybe
4 more. I need to check.

5 Q. We went over your statement earlier
6 as Exhibit 16. Did you give another statement
7 to somebody else?

8 A. Yes, to this Harbor, just what
9 happened, and I don't remember what I said, to
10 be honest, to the Harbor Police.

11 Q. They said you gave a statement to
12 them. Did you write anything down?

13 A. No.

14 Q. You just talked to them?

15 A. Just talked, and they took only for
16 less than a minute, they were not onboard.

17 Q. Do you know if the Harbor, whoever
18 took that statement, the Harbor Police?

19 A. They introduced me as Harbor Police.

20 Q. Do you know if they recorded your
21 statement or anything like that?

22 A. I'm not sure, but I don't think so.
23 I'm not sure.

24 Q. Other than Exhibit 16, which is the
25 written statement you gave to the Coast Guard,

1 have you provided any other written statement to
2 anyone else?

3 A. No.

4 Q. After the allision, was the ship
5 assisted by a tugboat?

6 A. Yes. I believe that pilot made
7 contact with a boat because I did not make
8 contact, but very soon after that, I don't know
9 what time, but very soon there was a tugboat,
10 MARDI GRAS, I'm not sure.

11 Q. That was the name of the boat, MARDI
12 GRAS?

13 A. I think. It was alongside starboard
14 side.

15 Q. Did you talk to the tugboat at all?

16 A. No.

17 Q. The pilot talked to the tugboat?

18 A. The pilot. I did not talk to anyone,
19 tugboat or the barge.

20 Q. And just a few more things. I have
21 to make sure I got exactly what you were saying
22 at the time. When you first came back to the
23 bridge from the bathroom around the time of the
24 incident, what was the first thing you did when
25 you got back up there?

1 A. First thing was asking what's
2 happening, because I see the second mate and
3 pilot are communicating, and the second mate is
4 running, pushing the buttons; so, I asked him
5 what's happening, he's pushing, engine orders
6 advised me that rudder stuck to port ten, not
7 responding even for a nonfollow-up.

8 Q. So the first thing was having a
9 conversation with the second officer?

10 A. Yes.

11 Q. To figure out what's going on?

12 A. I see that something was happening.

13 Q. The pilot is on the radio talking?

14 A. Yes.

15 Q. And also giving orders?

16 A. Yes.

17 Q. Did you talk to the pilot?

18 A. No. We did not have time.

19 Unfortunately, we did not have time to discuss
20 plan what to do. Everything is happening, full
21 astern, drop the anchor. I don't know.
22 Everything happened, even chronologically, I
23 cannot a hundred percent say which was the way.
24 I have in my head that all the orders, but this
25 one before or after, I cannot say.

1 Q. After you talked to the second
2 officer and learned that there was something
3 wrong with the steering, what was the next thing
4 you did?

5 A. I tried to contact, because my order
6 was this engine. Very quickly I realized that I
7 will not have time to go all these steps to the
8 full astern. So, I established contact with
9 engine room saying we have problems and give me
10 emergency stop.

11 Q. That's the next thing you did, and
12 you said, you testified earlier after you gave
13 the order for emergency stop, seconds later, a
14 few moments later, that's when the allision
15 occurred, correct?

16 A. Yeah. I cannot say how much time
17 from my order to allision, I cannot say, but I
18 saw that the vessel is coming not changing
19 direction. We cannot change direction of the
20 vessel and we will hit something. I cannot say
21 it takes five seconds, fifteen, twenty seconds,
22 I cannot say that.

23 Q. And I think I understand, I just want
24 to make sure I got it all correct. We talked
25 about you got back to the bridge, you talked to

1 the second officer, then he called down to the
2 engine room and ordered emergency stop?

3 A. Yes.

4 Q. Are there any other affirmative steps
5 you took after you came onto the bridge
6 regarding trying to avoid the allision, did you
7 give any other orders?

8 A. No, because I checked with the second
9 mate, advised me that he tried nonfollow-up.
10 That's usual procedure. Rudder is not
11 responding, you use nonfollow-up. I can skip
12 that step.

13 Q. Did you hit any other buttons while
14 you were at the bridge, prior to the allision,
15 after you talked to the second officer and gave
16 the engine room a call for emergency stop?

17 A. I don't remember. I'm not sure. I
18 think not, but I'm not sure.

19 Q. You have a phone on the bridge to the
20 engine room for your communications, right?

21 A. Yeah.

22 Q. It's an actual like hand-held phone?

23 A. Yeah.

24 Q. You're not talking radio?

25 A. No.

1 Q. When you called the engine room from
2 the phone, besides ordering them to use the
3 emergency stop, did you have any other
4 conversation with them?

5 A. I think I said to the chief engineer
6 that we are having problems with the rudder,
7 that rudder is stuck.

8 Q. Anything else besides that, telling
9 him to use emergency stop?

10 A. No. No. I don't think so, not too
11 much conversation, because I was asking him if
12 engine will accept order to full astern,
13 something like that.

14 Then I said we cannot wait, push the
15 emergency stop, we cannot wait, something like
16 that.

17 Q. Understood. When you're talking to
18 the second officer on the bridge when you come
19 back from the bathroom, are you speaking in
20 Croatian?

21 A. In Croatian, yeah.

22 Q. When you're talking to the engine
23 room, you're speaking in Croatian?

24 A. Yes, correct.

25 Q. Because you're all Croatian?

1 A. Yeah.

2 Q. It's the easiest way to communicate?

3 A. Yes, correct.

4 Q. Did you ever give the engine room an
5 order to try to use the emergency steering?

6 A. No, it was not time for that action.

7 Q. Let me just show you this. I'm not
8 going to spend a lot of time on this, Captain, I
9 just want to make sure.

10 I'll label this as Exhibit 17, and it's
11 Bates-labeled JALMA TOPIC 3 to 5. Captain, have
12 you seen that document before.

13 A. Yes, I did.

14 Q. And it is a Report of Marine
15 Casualty, Commercial Diving Casualty or
16 OCS-Related Casualty. That's what it says on
17 top?

18 A. Yes, correct.

19 Q. And on the bottom left corner it says
20 CG-2692?

21 A. Yes, correct.

22 Q. Did you fill out this information,
23 Captain?

24 A. Yes, I did.

25 Q. On this it indicates that the name of

1 the owner of the vessel is Lotina Navigation
2 Company?

3 A. Correct.

4 Q. And their address is in Liberia?

5 A. Yes.

6 Q. To your knowledge, is that the head
7 owner of the ship?

8 A. Yes.

9 Q. And then on 14 the name of the
10 operator or manager, that's Marfin Management?

11 A. Correct.

12 Q. They're based out of Monaco?

13 A. Yes.

14 Q. And then Marfin Management, that's
15 your employer, correct?

16 A. Correct.

17 Q. If you look on JALMA TOPIC 04, the
18 second page of this Exhibit 17, it says: Vessel
19 lost steering about zero three-twenty (0320) LT.
20 Does that mean local time?

21 A. Local time, yeah.

22 Q. And made contact with shore structure
23 and barge. The time, 0320 was the time, is that
24 an estimate?

25 A. Estimate, that's what I wrote, about.

1 Q. Is there any documentation or any
2 recording that you know of that would indicate
3 when the steering gear began to not operate
4 properly?

5 A. I don't have any document stating
6 that. I did not write and I did not see any
7 document writing what time exactly, no.

8 Q. And then the second sentence on this,
9 it says under Section 25D says: The cause of
10 the steering failure is under investigation.
11 The vessel sustained a puncture to the boat, as
12 well; is that correct?

13 A. Correct.

14 Q. And your signature is on the bottom
15 of this?

16 A. Yes, correct.

17 Q. And all the information on here, you
18 filled it out?

19 A. Yes, I did.

20 Q. Does the ship or Marfin Management
21 have an SMS manual?

22 A. Yes.

23 Q. Is it Marfin Management SMS manual or
24 is it JALMA TOPIC?

25 A. It's Marfin.

1 Q. Are you familiar with the Marfin
2 Management SMS manual?

3 A. Yes.

4 Q. Is there anything in the SMS manual
5 concerning procedures on what to do in case
6 there's a steering issue while maneuvering?

7 A. Yes. We have emergency steering on
8 instruction what to do in case of emergency
9 steering, but I review all this. For that, you
10 need to have some arm to advise or announce you
11 that you have problems with emergency steering.
12 In this case we did not have arm that can
13 appoint us to follow regular procedure.

14 Q. But there is some sort of procedure
15 in the SMS manual about what to do in case of
16 loss of steering while maneuvering?

17 A. Yes.

18 Q. Is it like a checklist or procedure
19 to follow through?

20 A. Like a checklist.

21 Q. Like troubleshooting?

22 A. Yes.

23 Q. Do you know exactly what that manual
24 says?

25 A. Not exactly, but I need to remind me

1 or concentrate to know all that. But basically
2 you need to switch another pump to change
3 everything.

4 Q. And that's what the SMS manual says,
5 but the first thing you should do in case of
6 loss of steering is switch the pump?

7 A. First you need to check nonfollow-up
8 to establish maneuverability of the vessel and
9 then to check, pump is not working, you start
10 another pump.

11 Q. So the SMS manual, when you lose
12 steering, it says first thing, check the
13 nonfollow-up?

14 A. Yeah, something like that.

15 Q. Something to that?

16 A. Yeah, in that direction.

17 Q. And then the second thing is --

18 A. You need to do whatever to avoid --
19 first of all, you need to do whatever you can to
20 avoid dangerous situations.

21 Q. First thing, check the nonfollow-up
22 controls. If you still have an issue, second
23 thing, switch the pump system?

24 A. I'm not sure now exactly how is it
25 declared.

1 Q. Along those lines?

2 A. Yeah.

3 Q. While working for Marfin Management,
4 have you received any training in what to do in
5 case of loss of steering while maneuvering?

6 A. Yes, we have trainings for that.

7 Q. What types of trainings?

8 A. You want me to --

9 Q. When I say what type of training, I
10 mean, is it just reading the SMS manual and then
11 making you aware, are you doing drills?

12 A. We are doing drills.

13 Q. And how often do you do those drills?

14 A. We have some drills are doing every
15 three months, basically, and also when the big
16 crew change is conducted to familiarization to
17 the new crew. When come onboard, they need to
18 know basics.

19 Q. So the drills you perform regarding
20 loss of steering while maneuvering, you perform
21 it generally every three months; is that
22 correct?

23 A. Yes.

24 Q. And then you also perform it when new
25 crew members come aboard?

1 A. Yes. It's like familiarization.

2 Q. When you perform these drills, is the
3 drill documented?

4 A. Yes.

5 Q. What do you call that document?

6 A. The drill document. I don't know
7 what is it, some official name, but drill
8 record.

9 Q. Do you keep it in the logbook?

10 A. Yes.

11 Q. Do you also keep a separate document
12 saying we did this on this day, or is it all
13 just in the logbook?

14 A. We write basic information in the
15 logbook, the date in which drills were
16 conducted, for example, fire in the locker, and
17 I imagine some emergency steering, but also we
18 have file with description of the drill and who
19 attended the drill and so on.

20 Q. The document will have the scenario
21 you-all are drilling on, correct?

22 A. Yes.

23 Q. I think you just said fire in the
24 engine room?

25 A. Yes.

1 Q. Something like that?

2 A. Yes.

3 Q. And then you'll say who attended
4 those meetings?

5 A. Yes.

6 Q. Or who attended those drills, I'm
7 sorry; is that correct?

8 A. Correct.

9 Q. Does it evaluate how people performed
10 on that?

11 A. Yes. Basically, if you are not happy
12 with the results, you will do that drill again
13 in order to get crew into shape, to know how to
14 react in this situation.

15 Q. If I ask your attorney, Mr. Harowski
16 to ask the company, I need the drill, the loss
17 of steering drill paperwork, by that
18 description, they would know what I'm talking
19 about?

20 A. Yes.

21 Q. They would be able to find that?

22 A. Yes.

23 Q. You would be able to find that?

24 A. I would be -- I don't know what we
25 put, but the drill records, it should be very

1 easy.

2 Q. There's going to be some point where
3 I'm going to ask for that. I want to make sure
4 I'm calling it by the right thing.

5 A. Yeah. The records, if I do the scan,
6 probably I could do the records.

7 Q. We talked about the document, the SMS
8 manual about procedures, what to do when there's
9 a loss of steering while maneuvering, we talked
10 about drills and I think we covered that.

11 Is there any other training provided by
12 Marfin Management to you regarding what to do in
13 case of loss of steering while maneuvering.

14 A. No. No. This is something that each
15 seaman should know, it's so basic. You need to
16 know that.

17 Q. And like you said, the first thing
18 you try to do when there is a loss of steering
19 while maneuvering is check the nonfollow-up
20 command?

21 A. Yes, but before, you need to have
22 some arm that is showing you, is telling you
23 that your steering or your pump is not working
24 or steering is not working.

25 Q. You need something to indicate to you

1 there's an issue with the steering?

2 A. Yes.

3 Q. Then you follow the procedure?

4 A. Yeah.

5 Q. Do you know, prior to this incident,
6 when was the last loss of steering while
7 maneuvering drill that the JALMA TOPIC
8 performed?

9 A. I cannot remember exactly, but I need
10 to check.

11 Q. Since you've been on the JALMA TOPIC
12 and since March 20, 2021, have you performed
13 such a drill?

14 A. Yes, we did. Maybe even two times.
15 I'm not sure about that. I cannot give you
16 exact dates, but I know we did.

17 Q. But at least one was performed?

18 A. Yes, definitely, as I said maybe --

19 Q. Maybe two. One, maybe two, you're
20 not sure?

21 A. One definitely, maybe two. We need
22 to check that.

23 Q. I think I know the answer to this,
24 but before you come into the Mississippi River,
25 we talked about a number of steering or gear

1 checks and tests performed. Do you do a loss of
2 steering drill before you come to the
3 Mississippi River?

4 A. Yes.

5 Q. You do a drill on the water?

6 A. No drill. No drill. We do tests.

7 Q. Just tests?

8 A. Tests. It's not the same, because
9 it's tests.

10 Q. All right. Per the 2692, it said,
11 cause of the steering failure is under
12 investigation. The vessel sustained a puncture
13 to the bulbous bow.

14 After the allision and everything settled
15 down a little bit, you and the crew started
16 performing an investigation to determine the
17 issue with the steering; is that correct?

18 A. Yes.

19 Q. What did you do to assist in that?

20 A. Just try to test, to perform the
21 usual tests like this. What we do prior to
22 entering the U.S. waters, and we have the
23 same -- when we test, when we switched to the --
24 how to explain. One moment.

25 When we started to put all equipment in the

1 same condition before allision, we found out
2 that the same thing is happening. Again, the
3 rudder is going port side, not coming back on
4 the starboard side.

5 Q. And I think from the documents your
6 counsel has produced and that talking with the
7 chief engineer and his testimony, what you-all
8 discovered to be the issue was an issue with the
9 relay on Pump Number 1?

10 A. That's what I heard, but I'm no
11 electrician, so my knowledge is --

12 Q. That's your understanding?

13 A. Yes. I mean, I understand chief
14 engineer and electric service engineer said
15 it is, but --

16 Q. Is it your understanding that after
17 the allision, when the chief engineer and others
18 tested Pump Number 2, that everything appeared
19 to be in working order?

20 A. Yes, correct. I was on the bridge at
21 that time and to confirm it.

22 Q. So after the allision, when you
23 assisted in testing Pump Number 2, everything
24 worked?

25 A. Everything worked perfectly.

1 Q. The follow-up controls worked?

2 A. Yes.

3 Q. And the nonfollow-up, of course?

4 A. Yes.

5 Q. But when you tested --

6 A. Again, Number 1, it happened again,
7 the same situation.

8 Q. All right. I have some questions
9 about the relay, Captain, and I understood that
10 you told me that you don't have a lot of
11 technical knowledge. If you don't know about
12 it, I don't know is fine. Do you know where the
13 relay that failed, where it was located?

14 A. No.

15 Q. Do you know if it's located on a
16 circuit board?

17 A. I heard about that, but --

18 Q. As far as how the relay works and
19 what it does, do you have any knowledge about
20 that?

21 A. No, I don't have.

22 Q. So your understanding that one of the
23 relays, that Pump Number 1 failed; is that
24 correct?

25 A. Yes, I understand that.

1 Q. Do you know when that relay was
2 installed on the JALMA TOPIC?

3 A. Sorry, can you repeat?

4 Q. That relay that failed, do you know
5 when it was originally --

6 A. When?

7 Q. Yes.

8 A. I don't know.

9 Q. Do you know of any documentation that
10 would tell you when it was installed?

11 A. No, I don't know.

12 Q. Do you know if that relay was ever
13 directly tested by you or any of your crew
14 members?

15 A. No, I don't know.

16 Q. Do you know, for the JALMA TOPIC for
17 equipment onboard the vessel, do you-all have a
18 maintenance schedule?

19 A. Yes, we have.

20 Q. What do you call the maintenance
21 schedule?

22 A. A maintenance schedule.

23 Q. What I mean -- I apologize. I'm
24 getting tired over here, I'm asking bad
25 questions. But is that located in your SMS or

1 is it part of another operations manual?

2 A. Part of SMS, but some things are
3 divided, like technical stuff.

4 Q. What about if I wanted -- is there
5 like an operations manual?

6 A. We have planned maintenance system.

7 Q. So if I wanted to know what the
8 planned maintenance system for different
9 components of the vessel is, I would ask for the
10 PMS?

11 A. Yes.

12 Q. Do you know if the PMS, the SMS or
13 any other documents concerning this vessel has a
14 replacement schedule for the relays for the
15 steering?

16 A. I think not.

17 Q. You think not?

18 A. I think not, because as I understand
19 the relays, something is working or it's not
20 working.

21 Q. Are you aware or do you have any
22 knowledge of the conditions or the class of the
23 JALMA TOPIC?

24 A. No.

25 Q. You don't do anything with that?

1 A. No.

2 Q. So you don't have any knowledge if
3 there's any condition or class that requires the
4 relays on steering pumps to be replaced
5 periodically?

6 A. No.

7 MR. FRYE:

8 Captain, I think I'm getting pretty
9 close here. Can you just give me a minute to
10 look through everything for all of my notes. I
11 think I may be done.

12 Where is that, it's like the
13 regulations, it's like a report.

14 MR. HAROWSKI:

15 Number Bates 16. Yes, that's it.

16 EXAMINATION BY MR. FRYE:

17 Q. This was previously marked Exhibit 6,
18 Captain, JALMA TOPIC 16. I got two copies, so
19 I'll give you a copy; 16 and 17, have you seen
20 that document before?

21 A. Yes, I see it.

22 Q. What's your understanding of what
23 that document is?

24 A. This is what we received from class
25 where after --

1 Q. This is a survey report from the --

2 A. Survey report from register based on
3 the report of the -- based on the checking after
4 repairs are done.

5 Q. Did you talk with the surveyor who I
6 believe his name Ellisandra Aquila (sic)?

7 A. Yes, I did.

8 Q. Did you discuss this report with him?

9 A. Yes, I did, and we conduct together
10 the whole tests before issuing of this because
11 he would not issue document like this before
12 performing tests and that he is assured that
13 equipment is working.

14 Q. So, have you reviewed this document
15 before?

16 A. To be honest, I don't know.

17 Q. So you don't --

18 A. I just read it very quickly and not
19 thoroughly.

20 Q. From what you've seen, do you
21 disagree with anything in this document?

22 A. No, I wouldn't disagree. I think
23 it's okay written.

24 Q. Look at that second to last paragraph
25 where it has some bullet points. Do you see

1 that?

2 A. Yes.

3 Q. The fourth bullet point down, it
4 says: A risk assessment was provided by the
5 Master. What was the risk assessment provided
6 by you, what was that referring to?

7 A. I need to check. I know I did it,
8 but at this moment I cannot remember what I
9 write.

10 Q. So you filled out a document called a
11 Risk Assessment?

12 A. Yes.

13 Q. Was that something --

14 A. Regarding steering.

15 Q. Was it something regarding the
16 incident or the steering in general?

17 A. I think steering in general. I need
18 to check. I cannot remember.

19 Q. When was that risk assessment done by
20 you?

21 A. After repairing the job.

22 Q. I'm going to show you what is
23 labeled, I think, Exhibit 7. Have you seen this
24 document before?

25 A. Yes, I did.

1 Q. Is that the work order from Maggin
2 (sic) showing the work that they did?

3 A. Yes, correct.

4 Q. And it shows the work was done on
5 July 15, 2021?

6 A. Yes.

7 Q. So the risk assessment you did, was
8 it --

9 A. 15th or 16th, I'm not sure.

10 Q. It was on the 15th or 16th?

11 A. I need to check.

12 Q. If I wanted to ask for that document,
13 I would just call it Captain's Risk Assessment?

14 A. Just Risk Assessment.

15 Q. Is that something that was required
16 by Marfin to perform?

17 A. We have a risk assessment for almost
18 each situation which appears in maritime; for
19 example, for belting, for bunkering, for
20 operating cranes. So, it's a risk assessment,
21 something like showing that you are aware of
22 some risks and that you will have some actions
23 ready that you will perform before some trouble
24 happens, some damage or trouble or injury.

25 MR. HAROWSKI:

1 Off the record.

2 (DISCUSSION OFF THE RECORD)

3 EXAMINATION BY MR. FRYE:

4 Q. Captain, I think I have a better
5 understanding of the risk assessment. I don't
6 think I'll have to ask you any more questions
7 about that.

8 In regards to this incident, have you
9 filled out, besides the report to the Coast
10 Guard and your statement to the Coast Guard,
11 have you filled out any other forms regarding
12 the incident?

13 A. Yes. I filled out to the Flag, also.

14 Q. You filled out what? I'm sorry, I
15 didn't catch that.

16 A. To the Flag, some like incident
17 report.

18 Q. You did a Flag incident report?

19 A. Yes.

20 Q. What about, did you do a company
21 incident report?

22 A. It's the same thing, company and
23 Flag, it's similar.

24 Q. And I don't want to know anything you
25 talked about or wrote an e-mail to your attorney

1 or anything like that, but did you write any
2 e-mails to the company regarding the incident?

3 A. Regarding the incident?

4 Q. Yes.

5 A. Yes, I did. Of course, I need to
6 advise my company.

7 Q. So there should be e-mails from you.
8 When you want to contact the company shoreside,
9 who do you e-mail?

10 A. The office, everyone there reading.

11 Q. Is there an e-mail address?

12 A. Yes.

13 Q. A general e-mail address?

14 A. General e-mail address, when you
15 mentioned here it's --

16 Q. Tech@Marfin.mc?

17 A. Yes.

18 Q. That's who you would e-mail if you
19 want to get in contact with someone?

20 A. All communications is going on that
21 address.

22 Q. So you're not e-mailing somebody
23 directly at Marfin?

24 A. No.

25 Q. That's just general?

1 A. Because you have a superintendent for
2 spare parts, a technical superintendent, they
3 all read, so it's usual practice to send
4 messages in the same address so they are all
5 reading and each one is dealing with the topics
6 that is his job.

7 Q. I think I understand.

8 A. This navigational will not be the
9 technical part, you know. He doesn't care what
10 technical part did you order or did you not
11 order spare parts.

12 Q. Do you have an e-mail address on the
13 ship, a ship specific e-mail address?

14 A. Yes.

15 Q. What is that?

16 A. JAMAL TOPIC -- I need to check.

17 MR. HAROWSKI:

18 It's on the particulars.

19 MR. FRYE:

20 Okay, it's on Particulars.

21 THE WITNESS:

22 All correspondence coming on that
23 address and only that.

24 EXAMINATION BY MR. FRYE:

25 Q. Everything to deal with the ship

1 then. Do you have a personal e-mail account?

2 A. Yes, I do.

3 Q. Do you use that to communicate with
4 the company?

5 A. No. I only receive on that some --
6 how to say -- when company is sending some
7 important message, like some information, so
8 they want to keep you, when you are at home, we
9 call it Marfin call.

10 For example, if something is happening in
11 Nigeria, they found it's important to advise the
12 whole crew, they will send to the vessel and
13 also the captain and chief engineers and chief
14 officer at home, but I do not communicate.

15 And, of course, if I need to send when I'm
16 going onboard, I need to send visa or medical
17 exam, something like that.

18 Q. But generally you use the JALMA TOPIC
19 e-mail for work?

20 A. Yes, officially, I use that.

21 Q. After the incident, did you or any
22 crew members take any photographs of the
23 incident?

24 A. Of the incident?

25 Q. Of anything, the ship?

1 A. Yes, we did. We took pictures from
2 the boat.

3 Q. Did you take a picture of the
4 Crescent barge office?

5 A. The photograph, they took.

6 Q. You or anyone on the crew, did you
7 take any photographs of the Crescent barge
8 office after the incident?

9 A. I think that there is a few
10 photographs showing what happened after, yes.

11 Q. Are those taken by the crew members
12 on their cell phones, are they taken by -- does
13 the ship have its own photos?

14 A. I don't talk for the crew. I don't
15 know, but the pictures I have taken from ship's
16 camera.

17 Q. The ship has its own camera?

18 A. Yes.

19 Q. And you have all those photographs?

20 A. Yeah.

21 Q. And those would be safe. Do you keep
22 them on the camera or did you send them
23 somewhere?

24 A. I have them on my computer.

25 Q. Your computer or the ship's computer?

1 A. Ship's computer.

2 Q. JALMA TOPIC, do you have any video
3 cameras onboard the vessel?

4 A. No.

5 Q. We talked about Harbor Police before.
6 Do you know the names of anybody you talked to?

7 A. No, I don't know the names.

8 Q. Would they have signed the visitor's
9 log?

10 A. We need to check. It was immediately
11 after the accident, maybe everyone was shocked,
12 including me. Maybe they even attended without.

13 Q. I understand. You had other business
14 to attend to at the time?

15 A. Yes.

16 Q. Did you talk to the pilot after the
17 allision?

18 A. Yes, I did, but very small. He was
19 asking me probably what happened, do I know
20 something about it.

21 Q. He asked you what happened?

22 A. He was quite nervous because of all
23 this happened. Of course, he would be. I was
24 also nervous.

25 Q. Other than him asking you what

1 happened, did you-all talk about anything else?

2 A. No, I don't remember.

3 Q. When he asked you what happened, what
4 did you tell him?

5 A. I don't know, because at that moment
6 I didn't know.

7 Q. I understand.

8 MR. FREY:

9 Captain, I think that's all I have.
10 Thank you very much for your time.

11 THE WITNESS:

12 Finished?

13 MR. FREY:

14 I'm finished, unless Mike has any.

15 MR. HAROWSKI:

16 I have just one question.

17 EXAMINATION BY MR. HAROWSKI:

18 Q. We talked a lot about time during
19 this deposition, and I know it's hard to do
20 anything with any precision, but do you have an
21 idea of the total amount of time from the time
22 it was learned that the steering was not
23 responding until the time of the allision?

24 A. Minutes.

25 MR. HAROWSKI:

1 I don't have any more questions.

2 MR. FRYE:

3 I don't have any more, Captain,
4 you're done. Thank you very much for your time
5 and your patience.

6 (Whereupon, the taking of the
7 testimony of the witness was concluded at 2:13
8 p.m.)

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1 REPORTER'S PAGE

2 I, LOUIS JANKOWSKI, Certified Court
3 Reporter in and for the State of Louisiana, the
4 officer, as defined in Rule 28 of the Federal
5 Rules of Civil Procedure and/or Article 1434(B)
6 of the Louisiana Code of Civil Procedure, before
7 whom this proceeding was taken, do hereby state
8 on the Record:

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talkovers; that same is the
13 proper method for a Court Reporter's
14 transcription of proceeding, and that the dashes
15 (--) do not indicate that words or phrases have
16 been left out of this transcript;

17 That any words and/or names which
18 could not be verified through reference material
19 have been denoted with the phrase "(spelled
20 phonetically)."

21

22

23

24

LOUIS JANKOWSKI

25

Certified Court Reporter

State of Louisiana

C E R T I F I C A T E

This certification is valid only for a transcript accompanied by my original signature and original required seal on this page, which I attest said seal number is in good standing with the State of Louisiana.

I, Louis Jankowski, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that IVAN DRUZIJANIC, to whom the oath was administered, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing 118 pages; that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

Louis Jankowski, CCR

Certified Court Reporter 78010

A				
AB 14:14 23:12,21 ability 118:13 able 66:16 97:21,23 aboard 1:16 31:7 32:2 95:25 above-mentioned 6:2 ABs 25:25 accept 89:12 accident 24:1,8 29:24 114:11 accompanied 118:3 account 112:1 achieved 74:18,22 acted 118:14 action 1:4 71:25 90:6 actions 108:22 actively 23:6 actual 88:22 additional 75:4 address 91:4 110:11,13,14,21 111:4,12,13,23 adjust 79:12,13 adjusted 79:19 adjusting 57:21 ADM 47:24 51:4 administered 118:9 administering 5:24 advice 54:23 advise 54:22 83:3 93:10 110:6 112:11 advised 58:14 64:13 65:7 79:1 82:18 83:2 86:6 88:9 advising 42:11 advisory 118:16 affirmative 88:4 affirmatively 23:5 agent 46:23 ago 15:24 16:1	39:16 agree 9:12 AGREED 5:3 ahead 67:1 68:5 70:21 71:9,13,13 71:13,13 72:23,23 73:1 78:8 80:11 air 20:18 alarm 42:15,17,17 42:19 47:16,17 60:22 alarms 42:7,9 60:1 60:6,11,12,16 allided 59:12 62:14 62:19 63:3 allision 24:25 25:2 47:19 48:23 59:19 63:5,15,18 65:10 65:21,22 66:10,11 66:12,17 70:7 72:8 76:21 82:10 83:1,10,20 85:4 87:14,17 88:6,14 100:14 101:1,17 101:22 114:17 115:23 alongside 69:24 85:13 Altamira 38:6 Ama 46:17,21 47:20 51:6 America 38:5,5,15 38:15,18 amount 115:21 anchor 21:3 59:6,7 59:8,9 61:5,7,9,12 61:21,23 62:6,8 62:10,11,12,13,20 62:22,24 63:2,6,7 63:8,9,12,14,18 81:16,18,20 83:7 86:21 anchorage 16:22 47:2,5 anchors 27:15 59:10 61:8 62:18	63:8 81:14 and/or 117:5,12,17 announce 93:10 answer 6:23,25 7:13,14,14 33:7 99:23 answered 53:18 answers 5:16 anybody 12:11 24:3 61:25 114:6 anytime 37:3 71:6 apologize 103:23 appear 42:9 APPEARANCES 2:1 appeared 101:18 appears 108:18 applied 17:20 appoint 93:13 appreciate 7:17 14:1 17:22 64:2 apprentice 13:5 15:20 17:18,21 approximate 15:17 approximately 11:5 27:21,25 29:16,19 30:1 35:24 55:4 59:17 72:7 appurtenances 1:12 Aquila 106:6 area 57:15 arm 93:10,12 98:22 arrival 34:6 40:6 Article 117:5 118:16 ashore 69:23 asked 21:16 68:9 86:4 114:21 115:3 asking 21:3,15 22:3 22:15 27:12 28:6 29:11 36:22 86:1 89:11 103:24 114:19,25 asks 19:21	assessment 47:13 107:4,5,11,19 108:7,13,14,17,20 109:5 assigned 24:4 assist 100:19 assistant 25:7 assisted 85:5 101:23 Assuming 36:6 assured 106:12 astern 64:8 65:17 65:20 66:8,10,13 66:15 67:12,18,20 67:25 68:2 70:1 70:18,21 71:7,14 71:14,15,15,19 72:14 78:21 80:14 80:15,15,16,24 86:21 87:8 89:12 Atlaska 13:3,5 17:20 attend 114:14 attended 96:19 97:3,6 114:12 attention 83:17 attest 118:4 attorney 6:16 97:15 109:25 authority 118:9 automatically 69:15 average 73:18,18 avoid 88:6 94:18,20 aware 59:23 60:24 62:4 68:7 95:11 104:21 108:21 A-T-L-A-N-S-K-A 13:22 a.m 1:19	45:15 46:8 48:11 51:12 53:10 56:12 56:17,21 57:7 58:18 59:3 60:3 64:5,20 67:2 69:25 76:19 81:12 85:22,25 87:25 89:19 101:3 background 6:17 8:8 17:23 18:1 bad 103:24 ballast 82:19 83:5 Barbara 6:9 barge 48:23 59:12 59:16 60:18 62:14 62:19 63:3 82:6 85:19 91:23 113:4 113:7 bars 44:9 based 31:11 34:12 91:12 106:2,3 basic 54:25 69:23 96:14 98:15 basically 21:20 94:1 95:15 97:11 basics 95:18 Bates 105:15 Bates-labeled 90:11 bathroom 52:3,6 52:19 53:11,15 55:9,12,16,20,21 55:22 56:5 64:20 66:22 67:3 85:23 89:19 began 38:21 92:3 beginning 23:1 believe 11:14 22:12 27:10 32:10 40:25 56:1 59:5 62:7 66:8 68:25 77:19 85:6 106:6 bell 68:14,16,17,19 68:20 69:11,12,17 69:21 belt 46:24
B				
			B 69:8 78:5,13 80:4 80:6 back 16:11 24:23 37:24 38:4,7,14	

belting 108:19	57:8,9,14,23	9:23 13:25 17:23	chart 75:24	close 60:21 105:9
berth 51:4,6	58:18 59:3,18,22	31:15,17,20 34:2	charter 46:23	Coast 49:4,8 84:25
best 118:12	60:3,17,25 61:4	45:3 49:2 63:25	47:21,25 48:2,4	109:9,10
better 71:4 77:9	63:24 64:13,20	66:4 81:10 90:8	74:4	Code 117:6 118:15
109:4	65:5,10 66:21	90:11,23 102:9	charterer 47:23	combination 54:6
big 62:25 77:2	67:3,8,17 68:5,6	105:8,18 109:4	73:21	come 18:7,24 37:24
95:15	68:10 69:7,9 70:5	112:13 115:9	check 10:11 15:5	47:5 49:13 54:4
birth 8:6	71:6 76:5,9 78:3	116:3	15:15,24 17:16	57:14 63:24 64:12
bit 31:9 61:2	78:24 79:4,6,24	captain's 55:24	40:15,21 42:24	89:18 95:17,25
100:15	80:7 81:5,8 85:23	108:13	43:1 44:13 66:23	99:24 100:2
blow 56:25	87:25 88:5,14,19	card 19:17,17,25	74:9 75:20 82:22	comes 53:19
board 19:4 37:8,10	89:18 101:20	20:3,5,25 28:14	83:3,4,24 84:4	coming 31:1 38:4
69:22 102:16	BRIEF 24:21 66:2	28:17 30:11,13	94:7,9,12,21	38:19 46:3,4,8
118:14,16	Buck 1:16	54:21	98:19 99:10,22	62:24 87:18 101:3
boarded 19:1 20:1	bulbous 100:13	care 111:9	107:7,18 108:11	111:22
38:13	bullet 106:25 107:3	cargo 37:18 38:1	111:16 114:10	Comma 51:9,10
boat 20:7 61:16	bunkering 108:19	46:6,18,19 47:1	checked 88:8	command 98:20
85:7,11 92:11	business 114:13	carried 20:19 41:20	checking 106:3	commence 73:16
113:2	button 35:17,19	case 20:20 22:2	checklist 93:18,20	74:10
boatswain 25:3	36:15,16 67:8,10	26:11 93:5,8,12	checks 47:12 82:19	commencing 1:19
27:5 61:16,18,19	67:11 68:2 70:1	93:15 94:5 95:5	100:1	Commercial 90:15
61:22 62:3,4,5,25	72:5,5 78:23,23	98:13	chief 9:22 10:18,22	commotion 56:18
81:14,17,17	79:3 80:2 81:23	Casualty 3:7 90:15	11:3,9,18 12:9,22	communicate
book 10:11 15:6,25	buttons 35:15 79:9	90:15,16	12:24 13:6,6,15	43:16 90:2 112:3
68:16,17,19,20	79:15 86:4 88:13	catch 109:15	13:17 14:22,25	112:14
69:18,21		cause 92:9 100:11	15:3 16:4 25:5,10	communicating
borrow 68:22		CCR 1:23 118:24	31:11,18 32:1	57:11,12 59:1
bottom 41:16 49:21		cell 113:12	39:7,14 41:1	86:3
90:19 92:14		Central 38:5,15,17	44:16 70:11,15	communication
bow 27:6 61:16,16		certification 5:12	72:4 77:18 78:25	20:15 24:11 43:2
61:25 100:13		118:3	82:2 89:5 101:7	43:4 53:2,4 70:15
Brazil 16:21		Certified 5:23	101:13,17 112:13	communications
break 16:11 65:24		117:2,24 118:7,25	112:13	88:20 110:20
bridge 18:9,13,16		certify 118:8	Christmas 9:14	companies 13:1,2
18:16 23:3,18,22		cetera 21:8	17:7	company 8:21,25
24:4,15,24 25:15		CG-2692 90:20	chronological	9:12,21 12:15,24
35:7,9,24 36:10		chair 52:22	63:22	13:4,4,19,21 14:4
42:9,23 43:6,10		change 16:23 23:13	chronologically	14:5,8,11,14,24
43:15,25 44:12,13		25:16,23 26:7	67:15 86:22	15:10,11,12,22
44:17 50:1,4		34:1,3,9,17 77:3	circuit 102:16	16:3 17:20 73:21
51:13 52:3,6,7,8		87:19 94:2 95:16	Civil 1:4 5:7 6:11	91:2 97:16 109:20
52:11,15,20 53:7		changed 25:20 26:1	117:5,6 118:16	109:22 110:2,6,8
53:11,13,15,20		26:10 50:2,11	class 104:22 105:3	112:4,6
54:2,4,7,16,18		changes 117:11	105:24	complete 22:16
55:6,17,18 56:3,4		changing 35:6	clear 64:6,10,11	completed 22:10
56:13,17,20,21		87:18	climbing 55:19	37:16

compliance 118:13 118:15 components 75:20 104:9 computer 69:15 75:7 113:24,25,25 114:1 concentrate 94:1 concentrating 27:3 concerning 93:5 104:13 concluded 116:7 condition 101:1 105:3 conditions 104:22 conduct 21:17 46:24 47:12 106:9 conducted 95:16 96:16 confirm 43:5,11,14 43:23 44:11 50:19 55:3 76:8 101:21 confirmation 27:12 confirmed 21:16,19 29:5 30:24,24 62:9,11 confirming 19:23 confuse 63:21 confused 79:9 confusing 6:20 26:9 66:20 connected 32:16,20 32:23 75:20 consecutive 12:10 console 79:15 consumption 73:19 contact 6:9 60:18 64:8 82:5,14 85:7 85:8 87:5,8 91:22 110:8,19 contract 9:5,6,9,13 9:17,19,23 10:9 10:24 12:18 13:14 13:15 16:11 17:5 17:5 37:4 38:21 39:21 74:6	contracts 8:20,22 9:20,20 10:18 11:2,4,14,20 12:9 15:2,6 17:2 contractual 118:15 control 44:18,21 controls 44:19 94:22 102:1 conversation 86:9 89:4,11 conversational 7:11 conversations 31:5 COOPER/T.SML... 1:6 copies 105:18 copy 41:1 105:19 corner 90:19 Corona 16:23 correct 8:6,24 9:1 9:18 10:16,20 11:1 12:7,8,20,21 13:17,20 14:6,9 14:19 16:6,7,12 16:13 18:19 19:7 19:10 22:8,11 24:20 25:12,19,21 25:22,24 26:3,5 26:18 27:7,16 28:2,15 29:2,18 30:4,7,14 31:13 32:3,4,7,14,15,17 32:19,21,22,25 33:6,14,17 34:10 35:2,5,16,18,20 35:21 36:5,8,17 37:25 38:3,11,12 38:18,19 39:23 40:22,23 41:17,21 41:23 42:4 44:6 44:20 45:7,16 46:7,9 47:14 49:1 49:19,24 50:13,17 50:18,22 51:1,19 52:4 53:16,21,24 54:12,17 55:7	56:16 58:22 59:13 59:14 60:8 61:24 63:12,13,15 66:13 66:14 68:15 69:16 73:3,6 74:16,21 76:3,13,22,24 78:9 79:20 81:18 82:4 83:1 87:15 87:24 89:24 90:3 90:18,21 91:3,11 91:15,16 92:12,13 92:16 95:22 96:21 97:7,8 100:17 101:20 102:24 108:3 118:12 correctly 10:8 36:7 50:25 correspondence 111:22 counsel 5:4 6:5 20:9 101:6 118:17 couple 16:9,10 39:10 56:7,9 course 28:16 102:3 110:5 112:15 114:23 court 1:1 6:2 7:7,22 117:2,13,24 118:7 118:25 covered 98:10 COVID 16:18 17:1 cranes 108:20 Crescent 1:4 6:16 48:23 59:12 62:14 62:19 113:4,7 crew 8:2,5 16:23 22:23 23:16,19 24:1,9,24,25 25:4 25:6 26:16 27:13 43:3 44:8 77:3 82:18 83:3,18 95:16,17,25 97:13 100:15 103:13 112:12,22 113:6 113:11,14 Cristobal 37:18,20	37:21,23 critical 37:2 Croatia 8:14 17:12 Croatian 13:4,19 14:4,23 15:11,22 16:3 89:20,21,23 89:25 Cruz 46:4,10 CURRAULT 1:9 current 9:4,6 16:5 37:4 39:21 currently 66:25 curtain 58:19 curtains 57:14 custom 47:6 cycle 71:10	defined 117:4 118:15 definitely 39:4,13 67:25 81:4 99:18 99:21 degrees 44:10 64:21 delays 75:1 denoted 117:19 depending 9:12 34:2,15 deposition 1:15 5:5 5:17 6:10 115:19 description 3:3 96:18 97:18 designated 24:10 designed 80:1 destination 46:15 51:2 determine 100:16 difference 79:22 different 41:8 104:8 direction 87:19,19 94:16 118:12 directly 46:23 47:9 103:13 110:23 disagree 106:21,22 discharging 37:19 discourse 117:10 discovered 101:8 discuss 19:19 20:14 21:1 29:3,8 30:19 86:19 106:8 discussed 21:14 30:21 51:18 discussing 21:10 DISCUSSION 109:2 disembarkation 54:7 disembarked 10:7 display 75:25 DISTRICT 1:1,2 disturb 24:10 53:2 53:5
---	--	--	---	---

divided 104:3 Diving 90:15 DIVISION 1:6 docks 69:24 document 19:17 41:12 68:15 69:3 69:5 75:6 77:22 90:12 92:5,7 96:5 96:6,11,20 98:7 105:20,23 106:11 106:14,21 107:10 107:24 108:12 documentation 92:1 103:9 documented 96:3 documents 17:19 40:5,16 41:8,16 73:20 101:5 104:13 doing 7:16 35:23 45:13,20 47:16 64:24 71:16 82:25 83:9,17 95:11,12 95:14 door 55:19,19 drill 96:3,6,7,18,19 97:12,16,17,25 99:7,13 100:2,5,6 100:6 drilling 96:21 drills 95:11,12,13 95:14,19 96:2,15 97:6 98:10 Drive 1:17 drop 27:14 59:6,6 61:5,20,22 62:10 62:11,13,21,23 63:1,6,9,11,17 86:21 dropped 20:18,18 37:22 46:6 61:10 62:7,10,18,22,23 63:14 83:7 drops 61:12 Druzijanic 1:15 6:1 7:21 118:8	drydock 37:16,16 39:24,25 40:3,7 40:13 Dubrovnik 17:11 17:12,14 due 16:18,25 30:9 117:9 duly 6:1 118:9 duty 18:19 23:10 25:1,11,14 51:13 53:3 54:2,5,10 56:13 58:25 60:25 69:18 76:21 D-R-U-Z-I-J-A-... 7:24	87:13 88:2,16 89:3,9,15 90:5 93:7,8,11 96:17 employer 91:15 employs 9:2 ended 73:23 engine 20:21 25:6,8 29:12 36:12,18 43:3,16,18,22 44:8 45:1 64:7 65:16 66:7,24 67:4,5 68:3 70:2,4 70:8,12,13,15 71:16 72:13,17,24 74:15,17,19 75:3 78:11 79:20,23 82:9 86:5 87:6,9 88:2,16,20 89:1 89:12,22 90:4 96:24 engineer 25:5 31:17,19,21 32:2 41:1 44:16 70:11 70:16 72:5 78:25 82:2 89:5 101:7 101:14,14,17 engineers 112:13 engineer's 31:11 engines 1:10 enter 40:21 45:22 entered 46:14 entering 20:19,20 21:18 22:10,17 30:25 40:24 46:1 56:19 100:22 equipment 1:11 20:21 21:6 30:23 37:2 48:20 50:19 100:25 103:17 106:13 escort 54:5 ESQ 2:8,15 establish 43:2,4 94:8 established 70:14 87:8	estimate 91:24,25 et 21:8 evaluate 97:9 evening 18:3 19:5 46:2 Eventually 83:6 Everybody 26:16 evidence 5:18 exact 39:17 46:12 52:10 55:15 99:16 exactly 15:18,23 39:12 85:21 92:7 93:23,25 94:24 99:9 exam 112:17 EXAMINATION 4:1,2 6:12 24:22 41:7 42:18 66:3 69:1 80:10 105:16 109:3 111:24 115:17 examined 6:3 example 22:14 26:25 34:18 35:11 43:9 69:21 71:11 73:12 74:8 96:16 108:19 112:10 exchange 19:14 20:12 21:1 28:21 28:24 29:14 30:16 52:15 54:4,18,22 69:22 exchanged 50:12 Excuse 61:17 Exhibit 3:1,3 8:1 23:17 41:3 47:11 49:7 68:25 69:2 72:15 74:18 77:20 80:17 84:6,24 90:10 91:18 105:17 107:23 expecting 26:25 experience 60:20 71:4 explain 31:18 70:18 100:24	explained 31:19 72:16 79:18 extended 16:14 17:1 eyes 79:11,19 e-mail 109:25 110:9,11,13,14,18 111:12,13 112:1 112:19 e-mailing 110:22 e-mails 110:2,7
F				
F 118:1 failed 102:13,23 103:4 failure 92:10 100:11 Fairmont 13:3,7,8 13:13 16:5 familiar 93:1 familiarization 95:16 96:1 family 9:15 far 102:18 Federal 5:6 6:11 117:4 fifteen 87:21 fifty 27:18 fighting 75:3 figure 6:25 51:24 58:10 64:1 86:11 file 96:18 filing 5:12 fill 90:22 filled 92:18 107:10 109:9,11,13,14 final 46:15 51:2 find 38:10 97:21,23 fine 6:24 28:6 40:18 52:1 102:12 finish 7:12 15:19 44:6 finished 115:12,14 FIORA 11:13,14 11:15,20,20,22,22				

77:16,17
fire 36:24 96:16,23
first 6:1 9:23 10:25
 12:19 13:23 15:12
 16:21 19:8 20:13
 20:17 21:9 27:17
 29:1 37:15 39:19
 42:7,23 47:5
 48:24 49:15,25
 50:6 53:19 56:19
 56:22 57:4,24
 58:10,11 59:2,3,5
 59:9 61:7 62:6
 63:7 64:15 67:16
 69:23 70:22 78:21
 85:22,24 86:1,8
 94:5,7,12,19,21
 98:17
five 15:23 16:1
 17:17 29:22 41:13
 41:14 50:2,10
 55:5,12,13 56:10
 78:1,5 80:4,13,18
 82:14 87:21
Flag 109:13,16,18
 109:23
focused 26:14
follow 93:13,19
 99:3
follows 6:3
follow-up 44:19,21
 45:24 102:1
foregoing 118:10
forget 76:20
form 3:5 5:15
formalities 5:9,11
format 118:14
forms 109:11
forth 118:10
forty-five 74:9
forward 57:2 71:8
 81:14
found 101:1 112:11
four 9:11,21 10:9
 11:4,6,7 16:9 17:4
 17:4,17 25:16,23

26:11,15 27:3
 41:8 48:5 55:14
 56:10 60:24
fourteen 78:4,5
 80:3
fourth 38:19 56:5
 107:3
four-hour 26:17
frequency 60:14
FREY 2:8 4:3,5
 115:8,13
Frye 6:12,15 24:22
 41:2,7 42:18
 65:25 66:3 68:21
 69:1 80:8,10
 105:7,16 109:3
 111:19,24 116:2
fuel 82:20 83:5
full 7:19 10:9 39:25
 46:25 47:6 64:8
 65:16,20 66:7,10
 66:13,15 67:1,12
 67:18,20,24 68:2
 68:5 70:1,18,21
 70:21 71:6,12,15
 72:14,23 78:8,21
 80:11,24 86:20
 87:8 89:12
functioning 48:17
furniture 1:11
F-A-I-R-M-O-N-T
 13:10
F-I-O-R 11:23

G

gangway 54:6
gather 7:1
gear 31:6 33:4,5
 42:1 43:19,20,21
 44:3 45:22 47:12
 48:13,20,21,25
 50:24 60:8 92:3
 99:25
gears 45:21
general 45:22
 107:16,17 110:13

110:14,25
generally 38:13
 41:25 95:21
 112:18
gestures 35:14
getting 7:10 103:24
 105:8
give 15:25 26:12
 44:8,14,25 52:10
 59:4 61:19 64:15
 67:11 75:2 81:13
 83:3 84:6 87:9
 88:7 90:4 99:15
 105:9,19
given 61:12,15 63:5
 63:11,17 69:7,9
 69:19 75:8 77:22
 78:3,12 81:1,7
gives 61:21
giving 58:24 67:18
 86:15
go 6:17 16:11 17:10
 20:9 21:22 22:15
 24:23 37:14 38:7
 38:9 43:14 45:5
 45:15 49:10,12
 52:6,9 53:6,8,11
 54:3 55:11 57:15
 57:15 58:19 60:6
 65:19 66:10,15,21
 67:18 70:1 73:14
 81:14,15,18 87:7
going 7:25 8:7 9:7
 33:8 34:15 45:1
 46:20,23 47:2
 49:2,6,6 51:3,23
 57:5,25 64:5
 66:13,22 69:25
 70:24 73:13 76:19
 81:11 86:11 90:8
 98:2,3 101:3
 107:22 110:20
 112:16
good 6:13 7:2 17:23
 29:6 71:11 83:19
 118:4

Gotcha 29:15
government 8:14
graduate 17:13
graduation 17:17
grain 39:14,15,17
GRAS 85:10,12
ground 6:18
Guard 49:4,8 84:25
 109:10,10
guess 52:10
guidelines 118:14

H

H 73:1
half 71:13,14 72:23
hand 68:19
hand-held 88:22
happened 63:20,22
 67:14 84:9 86:22
 102:6 113:10
 114:19,21,23
 115:1,3
happening 57:2,3
 57:22 59:24 61:1
 86:2,5,12,20
 101:2 112:10
happens 108:24
happy 97:11
Harbor 84:1,8,10
 84:17,18,19 114:5
hard 115:19
Harowski 2:15 4:4
 6:7 41:5 42:14
 65:23 68:24 80:5
 97:15 105:14
 108:25 111:17
 115:15,17,25
head 7:5,5 23:4
 86:24 91:6
headed 46:13
heading 47:20
hear 53:1,1 56:18
 59:25 60:13,15,16
 63:1
heard 56:19,22
 57:8,10,24 58:2

59:4 61:7 67:25
 101:10 102:17
held 8:16,18
helm 42:24,24
 43:14 44:22,23,25
 64:15 75:7 76:10
helmsman 24:13,18
 53:3 58:25 60:25
 64:14 65:2
helmsmen 24:16
 26:1,13,21
help 79:11
helpful 81:11
hereinabove 5:8
hereinbefore
 118:10
Hereke 37:17
hereof 5:17
hereto 5:4
hit 45:5 70:1,8,10
 70:24,24 72:11
 82:2,12,13 87:20
 88:13
HITE 2:4
hitting 68:1 79:23
hold 8:8
home 16:17 17:6,7
 112:8,14
honest 76:17 77:18
 84:10 106:16
hooked 35:4
horn 21:7 29:13
 64:9
hour 83:25 84:3
hours 25:17,23
 26:2,7,11,14,15
 26:15,25 27:1,2,4
 28:1 29:16 30:1
 30:25 50:2,10
 55:5
hundred 26:2,7
 27:23 28:1 29:16
 30:1 63:20 86:23
hyphen 72:20,21,22
 73:1

<p>I</p> <p>idea 15:9 17:23 71:4 115:21</p> <p>imagine 96:17</p> <p>immediate 37:1 55:18 72:10</p> <p>immediately 46:25 61:19 71:3,21 114:10</p> <p>impact 71:5 81:24</p> <p>important 55:1 82:24 112:7,11</p> <p>incident 24:19 32:13 75:14 83:7 85:24 99:5 107:16 109:8,12,16,18,21 110:2,3 112:21,23 112:24 113:8</p> <p>inclination 44:14</p> <p>including 114:12</p> <p>incorrectly 49:16</p> <p>increasing 54:24</p> <p>INDEX 3:1 4:1</p> <p>indicate 7:6 58:6 92:2 98:25 117:11 117:15</p> <p>indicates 72:22 90:25</p> <p>indication 43:7 57:25</p> <p>indicator 43:6,15 64:19,24 75:17 76:6,10,10</p> <p>information 7:1 16:1 19:18,20 20:24 21:2 29:14 38:10 46:22 50:11 54:5,18,20 55:1 69:23 75:12 76:17 83:4 90:22 92:17 96:14 112:7</p> <p>initiated 66:16 74:17,20</p> <p>injury 108:24</p> <p>insist 34:2</p>	<p>inspection 44:7 46:25 47:6</p> <p>installation 82:6</p> <p>installed 103:2,10</p> <p>instruction 47:8 93:8</p> <p>instructions 27:9</p> <p>instrument 76:11</p> <p>interaction 117:9</p> <p>interested 118:17</p> <p>international 8:13</p> <p>introduced 84:19</p> <p>investigation 92:10 100:12,16</p> <p>involving 31:4</p> <p>issue 48:24 58:7,11 93:6 94:22 99:1 100:17 101:8,8 106:11</p> <p>issues 48:13,19</p> <p>issuing 106:10</p> <p>Is's 33:18</p> <p>items 29:12</p> <p>Ivan 1:15 6:1 7:21 118:8</p> <p>J</p> <p>JALMA 1:9,16 9:24 10:22,25 11:16,18,19 31:7 48:14,25 77:1,7 80:17 90:11 91:17 92:24 99:7,11 103:2,16 104:23 105:18 112:18 114:2</p> <p>JAMAL 111:16</p> <p>Jankowski 1:23 5:23 117:2,24 118:7,24</p> <p>job 1:25 107:21 111:6</p> <p>jobs 40:4</p> <p>joystick 45:10,11 45:12 51:21 65:6</p> <p>JUDGE 1:8</p>	<p>July 1:18 18:3,3,6 19:1,5 23:1,2,22 24:4 25:20 26:4 27:18 28:1 29:16 30:2 41:9 46:2,11 48:12 49:23 74:11 78:8 80:17 108:5</p> <p>jump 57:2</p> <p>June 16:24 41:9,10</p> <p>K</p> <p>keep 24:9 45:15 49:11 53:5 96:9 96:11 112:8 113:21</p> <p>Kevin 2:8 6:15</p> <p>kfrey@shmrlaw.... 2:9</p> <p>kind 31:23 40:2 49:10,12 76:16</p> <p>knew 57:4 71:4</p> <p>know 6:19,22,23,24 7:1,15 15:2,16,23 16:8 18:6 22:4 28:9,11 30:8 33:7 33:8 39:7 40:2,4,5 40:7,9,10,11,15 40:18,19 42:10 46:20 47:23,25 48:3,7 49:17 52:1 52:2,5,7 53:9 55:9 57:9,12,13 58:21 59:15,17 60:7,20 61:3,11,13 62:6 62:24 63:22 64:2 64:3,18 65:19 66:24 67:2,15 68:2,4,6,9,11 71:8 71:18 72:7 73:8 75:16,19,23 76:4 76:16 77:6,8,11 77:23 78:22 80:24 82:8,15 83:14 84:17,20 85:8 86:21 92:2 93:23 94:1 95:18 96:6</p>	<p>97:13,18,24 98:15 98:16 99:5,16,23 102:11,12,12,15 103:1,4,8,9,11,12 103:15,16 104:7 104:12 106:16 107:7 109:24 111:9 113:15 114:6,7,19 115:5 115:6,19</p> <p>knowledge 71:3 91:6 101:11 102:11,19 104:22 105:2</p> <p>knows 28:12,12</p> <p>Kostelac 25:8</p> <p>Kreihls 1:16</p> <p>L</p> <p>L 5:1</p> <p>label 90:10</p> <p>labeled 8:1 107:23</p> <p>latest 10:24</p> <p>lazy 54:25</p> <p>leading 48:22</p> <p>learn 58:11</p> <p>learned 87:2 115:22</p> <p>leave 16:15 18:16 46:10</p> <p>left 52:5 66:21 68:5 72:19,21,22 90:19 117:16</p> <p>LEGAL 1:24</p> <p>letter 72:20,25</p> <p>letters 72:19,21,22</p> <p>letting 64:3</p> <p>let's 9:4 23:1 24:23 33:23,23 73:12 75:3</p> <p>level 17:24 31:22</p> <p>Liberia 8:15 91:4</p> <p>license 8:9,11,13,17 8:18</p> <p>life 14:8</p> <p>light 57:15</p>	<p>lights 59:15,16 83:3</p> <p>line 3:3 4:2 49:12 49:12 69:23</p> <p>lines 73:14 95:1</p> <p>list 8:2,5 11:12 23:16,19 24:2 25:4,6 47:11</p> <p>little 7:11 31:9 61:2 100:15</p> <p>load 46:8,18,19</p> <p>loaded 37:15,18</p> <p>loading 37:17 38:16 39:14,15,16 47:1</p> <p>local 91:20,21</p> <p>located 102:13,15 103:25</p> <p>locker 96:16</p> <p>log 47:13,17 114:9</p> <p>logbook 38:11 42:13 96:9,13,15</p> <p>logger 68:14 69:11</p> <p>long 8:16 9:9 13:6 13:12 26:12 33:25 35:24 39:16 48:3 55:10 61:3 72:7 76:25</p> <p>longer 16:10 83:20 83:23</p> <p>look 91:17 105:10 106:24</p> <p>looked 68:8</p> <p>looking 77:20,22</p> <p>looks 8:1</p> <p>lose 79:13 94:11</p> <p>loss 93:16 94:6 95:5 95:20 97:16 98:9 98:13,18 99:6 100:1</p> <p>lost 91:19</p> <p>lot 26:22 90:8 102:10 115:18</p> <p>Lotina 91:1</p> <p>loud 7:5</p> <p>louder 61:2</p> <p>Louis 1:23 5:23</p>
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117:2,24 118:7,24 Louisiana 1:2,18 2:7,14 117:3,6,25 118:5,7,15 low 42:7 lower 23:7 LT 91:19	48:11 77:3,4 99:12 MARDI 85:10,11 Marfin 8:23 9:5,17 9:24 10:14,18 11:3,10 12:7,14 12:23 16:6 34:20 37:4 39:21 91:10 91:14 92:20,23,25 93:1 95:3 98:12 108:16 110:23 112:9 Marine 1:16 3:6 90:14 maritime 8:13 17:11,14 108:18 mark 49:7 marked 23:16 41:3 69:2 105:17 Master 10:6,15 12:12,16,20 39:5 39:20 107:5 Master's 8:9,11,16 8:18 Master-pilot 19:14 19:22 20:12 28:21 28:24 30:16 52:14 mate 15:20 17:21 23:11 39:16 57:20 58:14 61:18,22 62:10 64:22 65:6 67:8,17 70:1 77:19 80:22 86:2 86:3 88:9 material 117:18 matter 5:19 74:14 118:18 mean 8:12 67:10 68:19 69:11 91:20 95:10 101:13 103:23 Meaning 38:24 means 42:8 44:24 63:9 69:8 73:8,22 74:8 78:1 80:6 medical 112:16	meet 54:1 meetings 97:4 member 27:13 members 22:23 24:24 25:1 95:25 103:14 112:22 113:11 mentioned 17:8 54:21 110:15 MERCER 2:4 message 18:15 112:7 messages 111:4 met 6:14 55:6 method 117:13 118:11 Mexico 38:6,17 46:5 48:5 MICHAEL 2:15 michael.harowsk... 2:16 midnight 23:1,2,11 23:12,17,22,25 24:4 25:16,16,20 26:19 76:23 midshipman 44:15 Mike 68:22 115:14 miles 73:25 74:1,3 Milin 23:13 24:1,14 24:18 26:1 mind 68:22 mine 81:3 minute 59:20,21 84:16 105:9 minutes 51:7,12 55:9,10,12,13 56:7,9,10 83:10 115:24 Mississippi 18:2 21:2 23:7 26:22 34:25 37:6,24 38:2,8,16,20,23 39:18,20 40:21 45:23 46:1 50:5 52:18 99:24 100:3 misstate 49:16	misunderstood 11:21 mobile 83:12 Mohoric 25:4 27:6 moment 59:15 100:24 107:8 115:5 moments 48:22 87:14 Monaco 91:12 months 9:11,13 10:9,10 11:6,7 16:9,9,10,18 17:4 17:4,5,17,18 95:15,21 MOORING 1:7 MORGAN 1:8 morning 6:13 18:3 18:6 30:2 move 45:14 moved 14:20 moving 45:13,15 76:18 M/V 1:9	35:10 40:15 43:11 43:20 54:23 55:11 70:17 73:20 74:5 82:22 83:24 84:4 93:10,25 94:2,7 94:18,19 95:17 97:16 98:15,21,25 99:9,21 107:7,17 108:11 110:5 111:16 112:15,16 114:10 needs 70:22 71:7,10 negative 9:19 10:1 10:23 11:19 47:4 63:7 78:19 nervous 114:22,24 neutral 45:16 never 11:19 39:6 62:22,23 new 1:17 2:7,14 48:6 50:3,11 54:3 54:3,19 95:17,24 NFU 51:15,16 56:14 Nigeria 112:11 nine 15:4,6 nod 7:5 nods 23:4 noise 62:25 nonfollow-up 44:19 45:8,9,24 51:16 56:15 57:21 64:17 65:6 86:7 88:9,11 94:7,13,21 98:19 102:3 non-officers 26:6 noontime 34:18 normal 18:22 normally 48:17 noted 47:13,17 notes 105:10 number 8:3 23:20 23:23,24 24:1 25:3,5,7,8 32:6,6 32:11,16,19,23 33:11,16,19,19
<hr/>				
M				
<hr/>				
M 2:8 Maggin 108:1 MAGISTRATE 1:9 MAGNA 1:24 main 55:25 maintenance 103:18,20,22 104:6,8 majority 14:7 making 35:14 95:11 man 21:4 managed 11:9 management 8:23 8:25 9:5,17,24 10:14,19 11:3,10 12:7,14,23 16:6 34:21 37:5 39:22 91:10,14 92:20,23 93:2 95:3 98:12 manager 91:10 maneuver 18:13 maneuverability 94:8 maneuvering 18:18 21:5 33:21 34:5 34:24 73:23 74:1 93:6,16 95:5,20 98:9,13,19 99:7 manual 92:21,23 93:2,4,15,23 94:4 94:11 95:10 98:8 104:1,5 manually 33:2 March 9:8 16:20 37:12 38:14,22				
<hr/>				
N				
<hr/>				
N 5:1 name 6:15 7:19,23 10:1 13:21 19:11 28:3,4,13 30:8 49:19 69:10 85:11 90:25 91:9 96:7 106:6 names 14:1 28:5 114:6,7 117:17 navigation 21:5 27:1 33:22 34:1,6 38:24 91:1 navigational 73:25 74:3 111:8 near 55:18 nearby 53:5 necessary 17:19 21:18 need 14:2 15:15,24 17:15 18:14 21:4				

34:3,3,7 35:1,3,6 35:7,11,12 41:12 41:25 44:4 48:8 56:1 99:25 101:9 101:18,23 102:6 102:23 105:15 118:4	officiated 5:24 off/on 35:20 oiler 25:7 okay 7:3,9,17,18 18:4,5 19:23 22:20 23:2 25:18 31:25 42:21 49:14 49:18 51:25 71:15 73:9 77:6 82:23 106:23 111:20 old 15:5 54:4,6,18 54:20,22 76:15 onboard 19:9,12 20:13 22:5 23:14 29:23,23 30:15 50:17 52:12 53:10 53:19,24 54:10,14 54:15 83:21 84:2 84:16 95:17 103:17 112:16 114:3 operate 92:3 operating 108:20 operation 37:17 operations 104:1,5 operator 91:10 opinions 118:16 opposite 70:23 option 9:11 72:1 order 9:13 29:10 44:8,14,25 45:1,2 47:7 59:2,3,5 61:7 61:9,12,15,19,20 63:1,5,7,11,17 66:9,15,24 67:4,5 67:11,18,20,22,24 68:3 69:8 70:25 71:5,6 72:8,11,13 72:24 74:6,17,19 75:3,5,8 77:21 78:2,11 80:25 81:14,16,24 82:9 87:5,13,17 89:12 90:5 97:13 101:19 108:1 111:10,11 ordered 43:24 61:5	70:11 74:24,25 82:11 88:2 ordering 89:2 orders 58:24 68:11 69:7,14,19 72:17 78:3 81:7 86:5,15 86:24 88:7 original 118:3,4 originally 103:5 Orleans 1:17 2:7,14 48:6 OS 14:14 outcome 118:17 owner 91:1,7 o'clock 23:12,13,25 23:25 29:21 oOo 5:21	Patterson 1:17 pauses 117:11 pay 83:17 people 60:24 69:11 82:23 97:9 percent 63:20 86:23 perfect 8:4 16:2 perfectly 6:24 22:21 29:6 101:25 perform 22:18 47:6 95:19,20,24 96:2 100:20 108:16,23 performed 40:3 97:9 99:8,12,17 100:1 performing 100:16 106:12 period 16:22 63:21 periodically 105:5 periods 17:1 person 84:2 personal 112:1 118:12 phone 83:12,15 88:19,22 89:2 phones 113:12 phonetically 117:20 photograph 113:5 photographs 112:22 113:7,10 113:19 photos 113:13 phrase 117:19 phrases 117:15 pick 54:3 picked 38:1 picking 17:2 picture 113:3 pictures 113:1,15 pilot 19:1,3,4,8,10 19:11,15,17,17,19 19:21,25 20:13,16 20:25 21:2,9 22:2 22:3 27:11,17,19	27:22 28:14,17 29:1,7,15,17,22 29:23 30:2,6,11 30:13,17,20 31:1 31:6 50:2,3,11,11 50:16,19,24 51:13 52:8,12 53:2,3,10 53:19,24 54:3,3,4 54:6,9,13,14,15 54:16,19,19,20,21 54:22 55:2,4 56:13 57:10,11 58:16,20,23,24 59:4,5 60:25 61:4 61:21 63:5 64:7 64:15 65:16 66:7 66:9 67:20,21,23 67:24 69:21,22 72:11 73:15 81:15 83:9,21 84:3 85:6 85:17,18 86:3,13 86:17 114:16 pilots 30:22 55:6 pilot's 27:8 65:19 pilot-Master 54:21 place 2:6 5:7 8:6 52:19,24 PLAINTIFFS 2:3 plan 9:15 17:6 86:20 planned 16:19 104:6,8 plans 26:24 please 6:19 7:12,15 26:8 49:16 66:18 Plovidba 13:3,5 17:20 PMS 104:10,12 point 59:11 80:4,12 80:13,18 81:17 98:2 107:3 pointed 64:22 points 106:25 Police 84:1,10,18 84:19 114:5 policy 34:20
---	---	---	--	---

port 18:18 20:19 22:15 34:6,24 37:17,17 38:22 40:24 42:25 43:9 43:10,12,14,15 44:8,10,12 45:18 59:9 61:7 62:8,11 62:11,13,16 63:8 63:9,11,14 64:21 64:23 65:2,8 73:13,13,14 76:18 81:15,18,20 86:6 101:3 ports 37:19,23 40:25 position 44:10 45:16 69:22 76:8 positioning 22:24 possible 22:14 power 32:17,18,20 32:20,24 35:4 60:12 Poydras 2:13 practice 19:16 34:13,14 47:5 111:3 precise 43:18 precision 115:20 prediction 77:25 preference 34:12 prepare 17:18 19:16 prepared 118:11 118:13 present 16:15 press 35:19 36:14 36:15 70:21 71:2 71:20 72:5,5 73:17 pressed 70:12,13 pretty 16:16 28:25 105:8 previous 38:24 previously 8:1 10:21 11:17 23:16 41:3 69:2 105:17	pre-arrival 21:17 primary 42:1 44:2 45:21 printer 42:17,17,19 printout 42:15 68:18 prior 10:17 12:22 22:10 30:25 31:4 38:21 46:1 60:20 66:16 68:1 70:7 81:7 88:14 99:5 100:21 priority 83:19 probably 17:15 20:10 62:25 74:9 74:14 98:6 114:19 problem 28:10 66:1 problems 77:16 87:9 89:6 93:11 procedure 5:7 6:11 47:7 82:21 88:10 93:13,14,18 99:3 117:5,6 118:16 procedures 93:5 98:8 proceed 47:8 51:2 proceeding 117:7 117:10,14 produced 101:6 producing 62:25 products 39:15 progress 80:23 prohibition 118:15 propeller 20:23 70:20 proper 31:3 117:13 properly 20:21 21:7,16 22:5,6,7 30:23 50:20 54:24 92:4 propulsion 20:22 47:12 protect 71:16 provided 19:19 20:25 85:1 98:11 107:4,5	provisions 5:6 proximity 82:16 pump 32:5,6,11,12 32:16,19,23 33:11 33:12,12,15,19,19 34:7,22 35:1,3,6,7 35:10,11,12,17,22 35:22 36:1,2,9,10 36:11,11,15,16,23 42:3,3,8,10,11 44:4,4 48:16,16 65:11,12 94:2,6,9 94:10,23 98:23 101:9,18,23 102:23 pumps 32:2 34:1,9 105:4 puncture 92:11 100:12 purposes 5:5 74:13 push 67:8,10,11 78:21,23 79:1 80:2 81:4 89:14 pushed 78:24 81:24 pushing 71:8 86:4,5 put 19:22,22 43:21 97:25 100:25 P-L-O-V-I-D-B-A 13:24 p.m 116:8	<hr/> R <hr/> R 118:1 radio 52:22 83:15 86:13 88:24 radioed 82:2 Rainer 30:10 rare 17:3 RASINA 10:1,3,5 11:15,25 12:19 reached 48:12 react 97:14 read 6:8 106:18 111:3 reading 5:9 19:23 43:24 95:10 110:10 111:5 ready 21:3 37:3 66:4 108:23 real 6:17 realized 87:6 really 20:10 reason 16:24 17:7 36:22 71:1 reasons 17:1 receive 54:19 112:5 received 8:13 46:22 95:4 105:24 RECESS 24:21 66:2 recited 5:8 record 7:20 24:23 74:15 96:8 109:1 109:2 117:8 recorded 69:15 75:7 77:25 84:20 recording 92:2 records 74:16 97:25 98:5,6 red 79:9,16 reduce 21:4 71:5,25 81:24 reducing 54:23 reference 55:17 117:18 referred 32:5 44:18	referring 42:2 107:6 refrain 7:16 refresh 14:2 regarding 18:1 19:18 21:20 31:6 72:13 88:6 95:19 98:12 107:14,15 109:11 110:2,3 regards 47:10 109:8 register 106:2 regular 29:13 32:17,20,24 93:13 regulation 27:10 regulations 105:13 related 118:17 relationships 118:15 relatively 12:10 37:1 relay 101:9 102:9 102:13,18 103:1,4 103:12 relays 102:23 104:14,19 105:4 release 73:14 released 81:20 relevant 19:18 rem 1:13 remember 10:8,12 11:8 19:11 21:10 21:13 28:3,4,5,8 28:13 30:9 39:3 39:10,12,13,15 46:12 68:4,7,14 77:17 84:9 88:17 99:9 107:8,18 115:2 remind 93:25 Repair 1:17 repairing 107:21 repairs 106:4 repeat 6:20 26:8 66:18 103:3 repeatedly 21:1
--	--	---	---	---

replaced 27:19,21 105:4 replacement 104:14 replied 70:16 report 3:6 90:14 105:13 106:1,2,3 106:8 109:9,17,18 109:21 reported 1:22 118:11 reporter 5:23 6:2,4 7:7,22 117:3,24 118:7,25 Reporter's 117:1 117:13 reporting 118:11 reports 61:22 Republic 8:14 request 65:19 requests 64:7 65:16 66:7 required 22:18 108:15 118:4,14 requires 105:3 reserved 5:16 RESOR 2:4 responding 54:24 57:22 58:15,16,17 64:7,11,14,16,17 64:18 65:7 86:7 88:11 115:23 responsiveness 5:15 rest 18:14 26:6,13 80:1 results 97:12 reverse 44:7 71:19 review 93:9 reviewed 75:13 106:14 right 14:1 20:7 28:19 49:2,11,13 55:23 57:7 58:1 58:21 63:11 69:15 72:23,25 77:9	78:17 88:20 98:4 100:10 102:8 risk 107:4,5,11,19 108:7,13,14,17,20 109:5 risks 108:22 river 18:2 20:20 22:13 23:7 26:22 34:6,25,25 37:6 37:24 38:2,8,16 38:23 39:18,20 40:21 45:23 46:2 50:1,5 52:18 99:24 100:3 room 25:6,9 33:3,4 33:5 36:12,19 43:3,8,17,18,19 43:20,21,22 45:1 52:23 70:12,13,15 79:20,23 82:9 87:9 88:2,16,20 89:1,23 90:4 96:24 rotate 71:2 RPM 21:5 71:19 75:4 RPY 73:7 rudder 20:22 21:8 43:5,9,15 44:10 44:14,18 45:2,14 54:24 57:22 64:7 64:10,13,18,19 75:16 76:6,9,10 86:6 88:10 89:6,7 101:3 Rule 117:4 rules 5:7 6:11,18 117:5 118:14,16 run 73:10,17 running 35:11,11 86:4 R-A-S-I-N-A 12:1 R-O-Z-I-N-A 11:25 R.S 118:9 <hr/> <div style="text-align: center;">S</div> <hr/>	S 5:1 73:1 safe 113:21 SALLEY 2:4 SALVAGE 1:5 SAND 11:13,15 12:2,3 satisfy 74:6 save 5:14 saw 51:13 56:13 57:2,10,20 58:19 59:15 64:24 65:1 70:24 87:18 saying 40:13,18 43:13 58:16 83:18 85:21 87:9 96:12 says 34:21 42:1 49:25 55:8 73:4 78:6,8 82:5 90:16 90:19 91:18 92:9 92:9 93:24 94:4 94:12 107:4 scan 98:5 scenario 96:20 schedule 34:11 103:18,21,22 104:14 sea 16:8 18:12,21 19:10 33:22,25 34:9 73:16,22,23 73:24 74:10,12 seafarer 15:13 seafaring 14:8 seal 118:4,4 sealing 5:11 seaman 16:8 31:16 98:15 seaman's 10:11 15:5,25 seat 52:22 second 9:17,19 13:23 14:22 15:7 23:11,17,19 29:7 54:10,14 57:20 58:12,14 61:18,21 62:10 64:13,14,16 64:22 65:3,6 67:8	67:17 68:1 70:1 76:20,25 77:19 78:20 79:11 80:16 80:19,22 81:16 86:2,3,9 87:1 88:1 88:8,15 89:18 91:18 92:8 94:17 94:22 106:24 secondary 42:1,22 44:3 45:21 seconds 36:1,20 63:23 67:14 75:2 78:2 82:15 87:13 87:21,21 Section 1:6 92:9 see 8:2 26:24 52:25 52:25 57:3 64:19 65:2,17 69:8 71:12 76:5,17 79:10 83:18 86:2 86:12 92:6 105:21 106:25 seeing 68:13 seen 69:3 90:12 105:19 106:20 107:23 send 18:15 73:20 111:3 112:12,15 112:16 113:22 sending 112:6 sense 74:7 sentence 49:15,25 50:6,20 51:7 64:6 65:15 81:13 92:8 separate 69:17 96:11 September 10:7 service 101:14 set 34:11 80:19 118:10 settled 100:14 seven 8:19 15:4,6 16:18 34:2,4,13 34:14,21 seventeen 27:18 73:24 74:11	seven-month 16:25 shaft 70:20,22 71:2 71:7,19 shake 7:5 shape 97:13 shift 26:17 ship 12:20 19:18 46:3,4,10 58:8 59:11 61:17 62:1 62:14,19 66:13 70:2 85:4 91:7 92:20 111:13,13 111:25 112:25 113:13,17 ship's 21:7,7 29:13 56:20,22,24 57:13 64:9 113:15,25 114:1 shock 63:23 shocked 114:11 shore 82:6 91:22 shoreside 110:8 short 17:16 18:14 63:21 81:13 82:16 82:17 Shorthand 5:23 show 7:25 49:2,6 68:15,23 74:19 90:7 107:22 showing 43:6,10 98:22 108:2,21 113:10 shows 72:16 74:16 75:7 108:4 sic 106:6 108:2 side 44:11 45:18 52:23 64:16 70:23 78:24 85:14 101:3 101:4 sign 6:9 signal 42:10 signals 45:1 signature 19:22,24 41:15,18 49:21 92:14 118:3 signed 9:13 20:3
---	---	---	--	--

28:17 30:13 114:8 signified 41:19 signing 5:10 similar 58:3 75:6 109:23 simple 31:22 sir 8:2 38:25 situation 80:2 97:14 102:7 108:18 situations 94:20 six 8:18 9:11,13,20 9:20 11:6 15:24 16:1,9 17:5 26:25 48:5 71:18 sixteen 74:9 skip 88:11 slow 71:13,13,14,14 80:13,15,15,16,23 80:23,23 slowly 71:16 small 60:14 114:18 SMS 92:21,23 93:2 93:4,15 94:4,11 95:10 98:7 103:25 104:2,12 SOLUTIONS 1:24 somebody 58:20 83:14 84:7 110:22 soon 15:19 85:8,9 sorry 43:20 73:10 81:12 97:7 103:3 109:14 sort 93:14 sought 5:18 sound 7:2 sounding 60:13,15 82:19 83:5 South 38:4,14 Southwest 18:25 19:6 20:1 22:10 22:17 31:4 46:14 48:12 spare 111:2,11 speak 7:4 speaking 57:16	78:25 83:11 89:19 89:23 special 80:1 specific 111:13 specifically 5:10,12 21:13 50:23 speed 20:18 21:5,6 66:22 71:25 72:23 72:24 73:18 74:5 80:22 spell 7:22 11:22,24 13:9,21 spelled 117:19 spelling 77:16 spend 90:8 spent 14:7 spinning 70:21,23 71:8 spontaneous 117:10 stamp 41:18 Stan 30:10 stand 21:4 25:4 52:19 standby 27:6,13 73:5 standing 27:14 118:4 starboard 22:15 42:25 45:4,5,6,14 45:15 52:23 62:20 62:22 63:2,6,9,18 64:16 65:4 76:18 83:6 85:13 101:4 start 7:10 15:9 23:1 47:1 51:11 64:16 70:23 71:19 73:12 73:15,23 75:2 94:9 started 6:15 9:7 13:4 14:4,10 15:14,19 16:3 17:18,21 48:7 100:15,25 starting 26:19 78:4 state 7:19 41:24	117:3,7,25 118:5 118:7 statement 3:5 49:3 49:8 64:5 66:6 81:12 84:2,5,6,11 84:18,21,25 85:1 109:10 States 1:1 21:19 stating 32:11 92:5 station 19:3 31:1 statute 118:14 stay 26:14 52:7,8 54:2,7 stayed 84:3 steadily 16:16 steel 62:24 steer 65:3 steering 20:14 21:11,15,21,22 22:4,16 24:16 27:2 29:3,8,12 30:19,23 31:2,4,6 31:10 32:2,12 33:2,3,4,5,10,12 33:12 34:22 36:4 36:9,10 40:8,14 40:22 42:1,24,24 43:3,7,19,20,21 44:3,5,9 45:21,22 47:11 48:13,20,21 48:24 50:24 51:14 56:14 58:12 60:6 60:8 65:11,12 87:3 90:5 91:19 92:3,10 93:6,7,9 93:11,16 94:6,12 95:5,20 96:17 97:17 98:9,13,18 98:23,24 99:1,6 99:25 100:2,11,17 104:15 105:4 107:14,16,17 115:22 stenotype 118:11 step 7:14 14:13 88:12	steps 87:7 88:4 stern 73:2 stint 16:25 STIPULATED 5:3 stipulations 6:6 stop 15:21 70:2,4,8 70:22,25 71:2,2 71:14,21,21,21,22 72:3,12 77:21 78:15,17,18,21 79:1,2,3,7,16,23 80:12,16,20,23,25 81:1,5,23 82:3,10 82:11 87:10,13 88:2,16 89:3,9,15 stopped 16:23 straight 46:21 51:4 Street 2:5,13 stressed 83:16 structure 91:22 stuck 64:23 65:1,8 86:6 89:7 stuff 104:3 Suite 2:6,13 superintendent 111:1,2 supervision 118:12 supposed 9:9 sure 7:4 8:19 13:12 20:11 23:15 24:18 25:19 31:13 40:12 40:17 56:3,8 68:7 70:16 74:1 75:19 77:8 78:20 79:10 80:25 83:12,13 84:22,23 85:10,21 87:24 88:17,18 90:9 94:24 98:3 99:15,20 108:9 surface 17:24 survey 106:1,2 surveyor 106:5 sustained 92:11 100:12 switch 33:19 34:22 35:10,12,12 36:1	36:2,11,23 42:8 42:23 51:14 56:14 65:11 83:2 94:2,6 94:23 switched 100:23 switching 35:22 36:9 sworn 6:2 118:9 system 20:14 21:11 21:23 22:4,17 29:3,8 30:19 31:10,23 33:10 40:8,14,22 94:23 104:6,8 S-A-N-D 12:3 S/B 73:4
T				
T 5:1,1 118:1,1 tackle 1:10 take 7:7 16:10,14 17:3 18:14 31:21 33:23 35:25 36:19 52:22 65:24 71:18 71:20 73:15 75:11 112:22 113:3,7 taken 1:15 5:5 113:11,12,15 117:7 118:8 takes 70:22 71:17 87:21 talk 9:4 28:25 31:9 33:23 53:19 58:23 77:10 85:15,18 86:17 106:5 113:14 114:16 115:1 talked 26:9 29:1 33:1 44:3,17 47:15 50:8 51:3 58:12 60:5 81:21 82:1 84:14,15 85:17 87:1,24,25 88:15 98:7,9 99:25 109:25 114:5,6 115:18				

talking 14:24 29:23 31:13 33:21 34:5 42:2 57:19 58:20 61:1 66:6 83:14 86:13 88:24 89:17 89:22 97:18 101:6 talkovers 117:12 tanks 82:20 83:5,5 tape 68:14 69:11,12 69:13 74:15 technical 31:22 33:9 102:11 104:3 111:2,9,10 Tech@Marfin.mc 110:16 telephone 68:3 tell 39:17 58:3 77:21,22 103:10 115:4 telling 31:2 89:8 98:22 ten 45:4,5,6 64:21 64:23 65:8 71:17 82:14 86:6 ten-degree 65:2 terminal 46:17,24 47:9 territorial 21:19 test 42:5,6,7,22 44:4 45:23 60:6,8 100:20,23 tested 101:18 102:5 103:13 testified 6:3 66:8 87:12 testify 118:10 testimony 31:12 101:7 116:7 118:8 118:10 testing 44:2 101:23 tests 20:18 21:17 22:10,17 30:24 31:4 40:23 41:13 41:14,19 42:12 45:20 47:16 71:12 100:1,6,7,8,9,21	106:10,12 Thank 6:13 12:4 13:12,25 80:9 81:11 115:10 116:4 thing 6:23 7:10 28:25 36:14 45:18 56:22 82:18 85:24 86:1,8 87:3,11 94:5,12,17,21,23 98:4,17 101:2 109:22 things 17:6 42:21 85:20 104:2 think 6:8 15:8,14 20:10 24:17 29:21 29:22,25 31:10 33:8 34:8 43:13 44:18 53:18 55:1 59:9 62:7,15,16 62:17 63:19 66:11 67:8,16 68:18 74:2 79:18 80:19 80:21 83:24 84:22 85:13 87:23 88:18 89:5,10 96:23 98:10 99:23 101:5 104:16,17,18 105:8,11 106:22 107:17,23 109:4,6 111:7 113:9 115:9 third 14:18,20 15:7 25:7,13,15 30:5 30:17 31:6 39:16 48:8 50:16 53:23 54:9,15,16 55:4 thirteen 73:24 80:17 thirty 44:8,10,12 74:11 thoroughly 106:19 thought 13:11 56:2 68:17 71:24 117:12 three 10:10 11:20 23:12,13,25,25	26:2,7,14,15 29:21,21 30:1 37:19 39:4 47:4 48:9 50:2,10 55:5 55:14 56:10 63:22 78:4,5,12 80:3,11 80:12,18 95:15,21 three-twenty 91:19 till 23:25 24:1 time 5:7,16,18 9:14 10:25 12:19 13:6 16:14,16,23 18:7 18:9,13,17,24 19:4 21:4 23:3,8 24:7,19,25 25:1,4 25:11 26:13 29:19 32:13 33:24 34:9 34:9 36:19,21 39:13,16,19 40:20 41:23,24 46:12 47:12,19 48:2,3 48:10,24 52:5,9 53:9,10,14,19 54:8,9,23 55:4,11 57:1,4 58:2 59:17 60:16,17 61:3,4,7 61:9,11 63:2 65:7 65:9,9,10,14 67:4 67:7,9 69:21,22 70:22 71:7,19,20 73:16,22 74:16,18 74:19 75:8 76:21 78:25 79:14,22 81:13,23 82:11,14 82:17 85:9,22,23 86:18,19 87:7,16 90:6,8 91:20,21 91:23,23 92:7 101:21 114:14 115:10,18,21,21 115:23 116:4 timeframe 81:2 timeline 51:24 63:10 times 10:13 39:2,4 39:4,11,14 47:4	52:10 56:24 99:14 tired 103:24 toilet 51:6,12 52:9 told 22:6 25:25 50:24 57:22 64:12 102:10 top 49:19 90:17 TOPIC 1:9,16 9:25 10:2,3,5,22,25 11:13,13,14,15,15 11:16,16,18,19,20 11:20,22 12:2,3 12:19 31:7 48:14 48:25 77:1,7,16 77:17 80:17 90:11 91:17 92:24 99:7 99:11 103:2,16 104:23 105:18 111:16 112:18 114:2 topics 111:5 total 26:25 115:21 Totally 9:20 tower 18:22 Towing 1:4 6:16 trainee 14:5,10,17 training 95:4,9 98:11 trainings 95:6,7 transcribed 118:11 transcript 117:16 118:3,12,13,14 transcription 117:14 transit 21:3 25:5 transiting 23:7 50:1,5 52:17 transmission 76:16 trial 5:19 tried 64:15 87:5 88:9 trips 38:16 trouble 108:23,24 troubleshooting 93:21 true 118:12	try 6:9,19 7:13,15 51:24 64:8 65:11 80:22 90:5 98:18 100:20 trying 6:25 13:25 26:12 51:13 52:25 56:14 63:10 64:1 65:3 88:6 Tuesday 1:18 tugboat 85:5,9,15 85:17,19 Turkey 37:9,11,13 37:18 38:14 39:25 40:14 48:11 77:3 turn 35:19 36:15,16 turning 35:23,23 45:2 turns 26:22 twelve 30:25 twenty 10:10 27:23 27:25 29:16 42:25 42:25 43:9,10,12 43:14,16 87:21 twenty-seven 71:17 twenty-two 78:1,12 80:12,13,18 two 8:20,22 9:21 10:13 11:14 13:1 13:2 26:1 27:1,2 32:2 35:15 37:23 39:4,14 44:17,17 44:19 72:19,20 77:25 84:1 99:14 99:19,19,21 105:18 two-second 65:24 type 8:11 20:21,22 20:23 21:22 47:25 95:9 types 95:7
<hr/> <div style="text-align: center;">U</div> <hr/> U 5:1 unclear 19:21 understand 6:18,21 6:22 8:12 11:21				

15:9 17:8 29:25 31:11,15,16 34:8 43:13 63:4,25 74:2,7,23 87:23 101:13 102:25 104:18 111:7 114:13 115:7 Understandable 16:2 understanding 32:1,8 66:19 101:12,16 102:22 105:22 109:5 118:13 understood 7:18 8:7 9:16 12:4 17:22 24:3 25:18 27:5 31:20 39:19 41:25 44:16 55:16 59:25 71:23 74:13 75:22 81:6,10 89:17 102:9 Unfortunately 30:9 82:22 86:19 United 1:1 21:18 university 15:19 17:9,9,11,14 unloading 38:17 use 32:12 33:13 35:1 37:3 44:9 55:11,20,21 56:15 79:6 88:11 89:2,9 90:5 112:3,18,20 usual 6:5 19:16 20:15,16 33:11 34:13,14 47:5 52:19,21,24 82:21 88:10 100:21 111:3 usually 17:3 21:25 33:15 54:19 72:19 U.S 40:25 100:22 U.S.C.G 3:4	value 44:13 values 43:7 various 5:4 vary 34:15 VDR 75:16 Vera 46:4,10 verbal 53:4 verified 117:18 VERSUS 1:8 verus 79:24 vessel 10:1 16:19 16:21 20:18 28:12 32:3 37:8,10 40:5 41:19,20 47:20 48:10 58:4,4 65:3 66:22 71:8 76:16 77:15 82:5,22 83:21 87:18,20 91:1,18 92:11 94:8 100:12 103:17 104:9,13 112:12 114:3 vessels 11:8 12:5,6 20:17 VHF 57:12,13,13 57:16,18 58:20 59:1 64:8 83:12 vice-versa 36:11 video 75:10,12,13 75:21 114:2 view 17:24 visa 112:16 visiting 37:5 visitor's 114:8 visual 53:4 voltage 42:7 voyage 26:12 33:25 47:8 48:8 73:11 73:12 voyages 48:5	waived 5:10,13 walking 52:21 want 6:5,8 15:25 18:1 24:17 25:18 31:9,12,21 33:9 38:9 40:17 43:5 49:10,12 55:3 56:2 79:13 87:23 90:9 95:8 98:3 109:24 110:8,19 112:8 wanted 13:11 17:5 17:6,24 20:11 52:2 80:22 83:18 104:4,7 108:12 wants 22:3 warm 36:24 wasn't 60:10,22 watch 18:7,8,10,11 18:12,22 22:25 24:12 25:19 watchmen 24:15 water 100:5 waters 21:19 100:22 way 16:4 29:5 30:21 31:18 86:23 90:2 ways 44:17 week 33:18 went 12:5 16:5 17:9 45:4 47:10 50:14 50:21,23 51:6,11 52:3,18 55:8 56:4 65:15 72:15 80:3 81:15 84:5 weren't 17:2 47:2 we'll 6:10 7:10 20:9 20:9 22:15 we're 6:25 14:24 31:13,14 32:13 whistle 21:7 56:20 56:22,24 57:8,10 57:24 58:3 WILSON 2:12 wing 53:13	wings 53:6,7,12 witness 3:4 5:25 23:4 42:16 111:21 115:11 116:7 word 13:23,23 words 117:15,17 work 12:11,23 13:13 16:16 18:11 27:3 40:2,13 77:14 108:1,2,4 112:19 worked 8:23 10:14 10:17,21 11:17 12:6,15 13:18 14:3,23,24 15:12 16:4 77:12 101:24 101:25 102:1 working 12:19,22 15:10,21 20:21 21:6,15 22:5,6,7 22:21 24:15 27:1 29:6,6,9,12,13,13 30:23 31:3 36:6 42:11,12,25 50:20 50:25 57:18 94:9 95:3 98:23,24 101:19 104:19,20 106:13 works 70:18,19 102:18 wouldn't 61:11 106:22 write 49:3 69:18 84:12 92:6 96:14 107:9 110:1 writing 92:7 written 49:7 69:7 84:25 85:1 106:23 wrong 15:25 32:11 57:5 87:3 wrote 91:25 109:25	50:7 51:10,22 56:23 59:22 68:12 74:24 76:13 77:5 78:14 79:17 82:13 83:16 87:16 88:21 88:23 89:21 90:1 91:21 94:14,16 95:2 98:5 99:4 113:20 year 9:8 10:7 12:18 16:17 years 8:19 15:24,24 16:1 yesterday 31:12 40:25 you-all 18:2,24 19:6 20:1 23:6 31:3 33:13,19 36:3 40:20 52:14 60:17 66:20 68:14 69:17 82:12 96:21 101:7 103:17 115:1
Z				
zero 29:21 50:1,10 55:5 71:18 77:25 78:5,12,12 80:12 91:19				
0				
0B 78:13 0222 78:1 0300 30:1 0305 50:2,10 55:5 0314 78:5 0320 91:19,23 0322 78:12 04 91:17				
1				
1 32:6,12,16,19 33:11,16,19 34:3 34:7 35:1,3,6,11 36:10 41:25 42:3 44:4 48:16 65:11				
Y				
Yard 1:17 yeah 6:8 39:12 42:17,20 45:19				
V				
valid 118:3				
W				
wait 16:22 36:23 54:15 79:11 89:14 89:15 waits 54:17				

101:9 102:6,23 10 3:6 45:4 64:21 10:30 1:19 1027 71:17 11 19:1 25:5 27:18 28:1 29:16 41:9 46:2 48:12 74:11 11th 18:3 19:5 1106 71:18 115 4:4 118 118:10 12 4:3 23:2,22 24:4 25:20 26:4 30:2 30:25 41:10 49:23 80:18 12th 18:3,7 23:1 78:8 13 25:7 80:17 14 91:9 1434 118:16 1434(B) 117:5 15 25:8 41:4 47:11 108:5 15th 108:9,10 16 3:4 49:7 84:6,24 105:15,18,19 16th 108:9,10 1645 74:10 17 3:6 4:4 90:10 91:18 105:19 1710 2:6 1713 73:24 1730 74:11 1750 19:1,2,5 27:18 <hr/> 2 <hr/> 2 8:1 23:17 32:6,23 33:20 34:3 35:7 35:13 36:10 42:3 44:4 48:16 65:12 101:18,23 2:13 116:7 2:21-cv-01331 1:5 20 1:18 10:10 42:25 43:1 99:12 2000 27:23	2002 17:16 2003 15:14,18 16:15 17:15,16 2004 15:14,18 2021 1:18 23:2,22 24:5 25:20 26:4 27:18 28:1 29:17 30:2 38:22 41:9,9 41:10,11 46:2 48:11,12 49:23 99:12 108:5 21 9:8 22 41:9 2200 2:13 25 10:8 25D 92:9 2692 100:10 28 117:4 <hr/> 3 <hr/> 3 1:6 23:20 90:11 3rd 9:8 37:12 3:14 78:4 30 44:8,10 300 26:2 305 29:22 3101 1:17 314.5B 80:4 322.0 80:12 322.5 80:13,18 365 2:5 37:2554 118:10 <hr/> 4 <hr/> 4 56:1,3 49 3:4 <hr/> 5 <hr/> 5 25:3 56:3 68:25 69:3 72:15 74:18 77:20 80:17 90:11 5B 78:5 <hr/> 6 <hr/> 6 4:3 24:1 41:10 105:17	650 2:13 <hr/> 7 <hr/> 7 3:4 23:24 107:23 70114 1:18 70130 2:7,14 735477 1:25 78010 118:25 <hr/> 9 <hr/> 9th 46:11 90 3:6		
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