UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	*	
LOSS OF THE SUBMARINE *TITAN* IN THE NORTH ATLANTIC OCEAN ON JUNE 18, 2023	*	Accident No.: DCA23FM036

Interview of: AMBER BAY, Director of Administration
OceanGate, Inc.

Everett, Washington

Tuesday,
July 25, 2023

APPEARANCES:

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Marine Board of Investigation
United States Coast Guard

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I N T E R V I E W

(3:41 p.m.)

LT. [redacted] Is that okay with you?

MS. BAY: Yes, that's okay with me.

LT. [redacted] So at this time I will begin recording, and we are starting the recording at 1541 here, Eastern Standard Time, at -- in Everett, Washington, on July 25th, 2023.

This is currently a Coast Guard-NTSB investigation related to the incident of the *Titan*. The Coast Guard is the lead agency, and we are conducting this interview under applicable Coast Guard regulations.

At this time, I will go around the room and ask if everyone could state their names and affiliation and spell your last name for me please. Ms. Amber, I'll start with you.

MS. BAY: Sure. Amber Bay, B-a-y. I am the director of administration at OceanGate.

MR. NEUBAUER: Good afternoon. My name is Jason Neubauer. I'm the chair of the Marine Board of Investigation for the Coast Guard. And my last name is spelled N-e-u-b-a-u-e-r.

LCDR [redacted] U.S. Coast Guard, legal advisor. It's [redacted]

LT. [redacted] Lieutenant [redacted] I'm the recorder for the Marine Board of Investigation. Last name is spelled S-t-e-e-l-e.

MS. SHVETS: Jane Shvets, S-h-v-e-t-s, with Debevoise and

Plimpton, counsel for OceanGate.

MR. [redacted] Steven [redacted]. I'm with the U.S. Coast Guard. I'm here for digital forensics and (indiscernible).

MR. MUISE: I'm Marcel Muise, with the NTSB, M-u-i-s-e.

MR. [redacted] last name spelled D-e-J-e-s-u-s. I'm with the Investigations NCOE. I'm also a technical advisor for the MBI.

LCDR [redacted] My name is Lieutenant Commander [redacted] I am an investigator with the Marine Board of Investigation, and the last name is spelled [redacted]

LT. [redacted] Ms. Bay, are you here represented by counsel today?

MS. BAY: Yes, I am.

LT. [redacted] And, counsel, would you like to introduce yourself?

MR. MALKIN: Sure. Harold Malkin, M-a-l-k-i-n, with the law firm of Morgan Lewis, here on behalf of Ms. Bay.

LT. [redacted] And Lieutenant Commander [redacted] is okay to have counsel introduce herself.

LCDR [redacted] Absolutely.

UNIDENTIFIED SPEAKER: (Indiscernible).

UNIDENTIFIED SPEAKER: She's not on.

LT. [redacted] At any juncture of this interview, or after, post-interview, you can change or modify any statements from your interview. If you have any questions or you can appeal the

results of our final transcripts, between you and your counsel, and we can modify those statements. Lieutenant Commander [redacted] I'd like to begin the interview.

LCDR [redacted] Thank you, ma'am.

INTERVIEW OF AMBER BAY

BY LCDR [redacted]

Q. Thank you again for joining us and from the MBI, and from Mr. Neubauer, apologies and sincerest condolences for your loss. Can you please tell us a little bit about your work history, education history, prior to OceanGate?

A. Prior to OceanGate, I worked in -- I started at OGI Eyewear in Minneapolis, Minnesota. It's was a luxury eyewear start up of a friend of mine. I worked there for 16 years and built that company up into a multimillion dollar company. Bought out. Things changed. Left, kind of got over it, but moved up to the Pacific Northwest because I was sales manager a year and was just exhausted by the industry as it is. And so decided to start looking a little bit locally to find something that fit my skill set and happened to find OceanGate, and thought, wow, that looks like a really interesting job. They need an Administrator. You know, I have the skill set. I'm going to go down and apply, and so I did in December 2018.

Q. And what was your, what was your job responsibilities or what was your basic responsibilities in the position?

A. Certainly. A small start up. It was, you know, at the top

of (indiscernible) which means making things move between different companies like the engineering, the operations, our marketing, making certain the communications, the purchasing, all those things were administratively in order. Making certain the POs were getting authorized, approving accounts payable, running payroll, eventually hiring an accountant, and then approving payroll and overseeing that as well as stepping up wherever needed throughout the company, stocking up (indiscernible) somebody talk to a mission specialist, operating in an executive assistant role a couple of different times for Stockton (ph.) maybe to send out an email. She would send it my way and I would need to do that.

Q. Okay. And how many times did you -- have you ever gone on an expedition with the *Titan*?

A. Yes.

Q. How many expeditions did you go on?

A. I went on the *Titanic* survey expedition 2021, *Titanic* survey expedition 2022 and *Titanic* survey expedition 2023. This is the only one where I was not there for the entirety of the trip, and that is because my daughter graduated. So I went home after mission 3.

Q. And what type of things would you do in your position for lead up to expeditions?

A. Absolutely. So, I would organize and prepare our personnel, our travel schedules, where we were staying when we arrived in St. John, any type of purchasing that had to do with personal

protective gear, making certain that we were all up to standards both on the *Horizon Artic* and the *Polar Prince*. Both ships had a little bit different requirements. Just about anything and everything that -- like they'd call me at work mom would do, making certain that everybody is taken care of, were going in the right direction, assisting in doing inventories, stuff that we're shipping out, stepping up and, you know, solidifying Customs documentation when necessary to get our stuff over the border into Canada eventually on the ship.

Q. Did you also do like social media?

A. No, I did assist. I take that back. I did do social media in 2021 because the person who was tasked left the company. So I did for that year, I jumped in and posted one or two things a week but other than that, that was my only responsibility.

Q. Did you go through the -- I guess I should say pre-expedition 2023 and what was like company construct starting from the bottom through like the board of directors, Mr. Rush? How did that -- what was the relationship there and how did everything mesh?

A. Interesting. Okay. Board of directors, I only prepared and oversee the PowerPoint and put it in Dr. Rush's hands. So I really didn't have a lot of interaction even though I knew the individuals who were on the board. And then there was Stockton Rush and Bob Shuman who operated as our COO. He had been put to contractor status just a few weeks before expedition, but still doing consulting work for us. Then, it is Mike Faust (ph.) and

Amber Bay and Chris Danford and we work in what we call general administrative and Stockton like to call us carpet people. So we worked in the front office making certain all the things ended up, all the bills got paid. I do HR for the company. I do hiring, firing, filling in with contractors and connected the call, and anything. Really anybody needed anything. Hey, Am, can you do this? Yeah, sure, I'll grab onto that. Event planning for the company overall, would head it up. And then we had two people in marketing and media and that's Emily Gilbert and Michael Viviaris (ph.). Emily, social media and Michael was a videographer. And so in the office today, when you visited, that's who sat up in that front area.

In the back, we had our engineering which was down to Jerome Santos was our full-time software engineer. His original report still goes to Lutz (ph.) Company earlier this year to go into different pastures, and then we have Ryan (ph.) in operations and we have Kyle in sales and most of the time Kyle worked at home, and his wife was kind of his personal assistant doing paperwork and organizing things. We had two consultants, gentlemen who have been retired and worked at will for us because they just were fascinated with what we did and both of them supports engineering. We have Mike Lewis, who is an electrical and software engineer, retired, worked on the expedition for I believe the first two. Had to come home to move, and then we had Gary Foss who is more of an electrical tech, and he was on missions 3 through 5 helping

troubleshoot and just being an extra pair of hands. Oh, I forgot Chris Howard who never goes on expeditions. He's purchasing manager, just general company support. That's all.

Q. Was there a chief financial officer or any of those types of -- you mentioned Bob Shuman was the COO. And then was there like a CFO?

A. There is not really in recent, this last year. We had a consultant, Doug Border (ph.) who sometimes would step up and fill those shoes, but was never on payroll, and if he did some hours, it was just payable as a contractor.

Q. And then what was the relationship that you were able to I guess witness between Mr. Rush and the board of directors? What was their influence on OceanGate?

A. I think it was very friendly, very amicable. They've all known each other for a long time. I didn't hear anything poor (ph.) at all from those relationships.

Q. And I appreciate that. I just -- what I mean is did they have influence on what Mr. Rush was doing with the company or did they -- did he have to report back to them monthly, weekly, of where they were on *Titan* or expeditions or whatnot?

A. I know the meetings were quarterly. It's standard businesses operate Q1, Q2, Q3, Q4 and that, you know, our different teams would scramble to get their slides together to present to the board. What happened in that room was outside of my viewpoint. So I wouldn't -- I couldn't speculate on what happened in there.

If they were discussing anything in particular, I never heard it, any part or anything really. I think everyone said it went and then they would go on their way and go get coffee. So.

Q. And then when you on board -- so, back to your roles pre-mission and then -- what was your role when you got onto mission and you were -- you were underway on expedition?

A. That developed over the last 3 years. So in 2021 is was personnel support, making certain all the gear is in place, making certain everybody's got their gear, making certain our mission specialists are happy on board ship, making certain waivers and liability agreements are signed and filed, just, you know, anything you think of administratively that needs to be done. I also worked in health and safety as far as being a first responder. So Kyle would be -- is an EMT, and then he'd be like, okay, you're my second, you know, this is where the stuff is. So we had no injuries but it was always known that was a place for me to sit in.

Operations, the Doctor was always very excited that everybody could get their hands on and learn and be excited and thrilled on the back deck of the *Horizon Artic*. So if you wanted to get out there and hold onto a wrench and ask for some direction, you were more than allowed to do so. So at that time, I would work on draft weights which were just, you know, draft weights that would be on the bottom of the ship but, you know, we needed to get these all stuck together and ground down. So I'm like give me a grinder

and I'll do that kind of thing. But that was pretty much the first mission or first expedition in 2021 when I started.

2022, after a successful 2021, it was never ever requested that I specifically do anything but being a standup girl as I am, I was always out on the back deck ready for my team wherever they needed me. And so I ended up on dome crew, which is closing the front dome, making certain everyone's in safe, taking their gear, saying, wow, have a great journey, blah, blah, blah, and closing that dome. And then I was lead dome crew at mission 5 of 2022, and then this year started out and continued during my journey there to be the dome crew lead for the first three missions, and I'm not sure who got it after me, but I did it for those trips.

Q. And then -- so just to speak to the dome crew, which was your previous, where did you learn? Who taught how to do it? How did you do it? Were there certain specs that you had to follow?

A. From the beginning, it was we've got to put bolts around here. We need people to -- once people are in the sub and getting that closed, people are anxious to get into the water to start their dive. And, so we would have four or five people just putting the bolts in the (indiscernible), mashing it shut, like one click down. And so I was oversaw by Ryan and Tym Catterson to do that and learning how which I knew but, you know, you see the crew lined up, and air tester, how that worked and went out to our air compressor and would help lift and carry that, weighted it down so it would close and the all thread. We would put drills on

or do by hand to bring that dome in and around. So for two or three of those missions, I would see that happening. I'd be helping, and they'd be like, aw, Amber, can you crank on the all thread and stuck your bolts in. I'm like sure, I'll come over here and do that part. So just learned by doing with someone being lead and then it was mission 4. It was always 30 to 35 minute process, and Stockton did not like that it was so long. And generally it's because there's a little hang up somewhere, and I started viewing, being my dad was a stockcar racer. I'm like this is a pit crew, and there's too many egos here and people need to be directed because everyone's like go on, go over there and do that and they're being distracted. So I proposed put me in coach as the lead. I can clean this up a little bit as far as speed. And he said, okay, have at it. So I did that in mission 5 with a little bit of argument and a little bit of ego, I vent a little bit on people and got it down to 11 minutes by making certain the tools were set up, that everybody knew they had a specific job and that was the only job that they were doing, and they were not allowed to switch and go over here and try to help somebody with something until their job was done. And so because of that success and he could see my pride, he kept me on there for the next expedition.

Q. And then you said personnel -- in your times on expeditions, did you ever have any personnel issues or any of those types of things, any complaints that you -- if a complaint was made, would

it go through you? How did that work?
A. It just depended who they were comfortable with. I think anytime out at sea for 6 weeks, if you talk to anybody in maritime, there's always going to be, you know, a little bruised knee. It's usually just personality screaming at each other or people who haven't been out to sea before getting very, very homesick and very, very seasick. And so those people generally are released after we try to do it. Yeah, you can just go home. That's fine. As far as anything defamatory besides this interpersonal thing, no, I didn't see anything.
Q. Okay.
A. Maybe one contractor who got lippy with Horizon, and he was sent home by our operations manager, Ryan, because Horizon said that, you know, it's just again another personality conflict. It was nothing operationally.
Q. And you didn't mention this, but who would deal with like the marketing? Not necessarily marketing to social media, but marketing to mission specialists, to clients and whoever?
A. That was a challenge for OceanGate always because the 1 percent of the 1 percent and the ultra high net worth adventure explorer. We obviously identified as a team that needs people who would travel to space, you know, who really want, went to Everest, anything like, and trying to kind of hone in on that became very, very difficult for us but we would always try. So Bob, our COO, (indiscernible) our social media pushed as well as a team with

Michael doing video resources and then an outside person, Lisa Drayer (ph.), who did PR trying to get our audience. But generally, it was word of mouth, through the Explorer's Club, I would do some outreach to some of the travel events or go to the Explorer's Club. He became a member of the Explorer's Club. These were people that would be interested in doing what we do. So.

Q. And then who -- so once the mission specialists had signed a contract or however -- are you familiar with that how that process worked?

A. Um-hum.

Q. Can you explain that to me? So if somebody said, if I, [redacted] wanted to and what would I have to do?

A. Certainly.

Q. And if it was different from year to year, maybe make that clear, too.

A. Absolutely. So the process, I'm going to give you as broadly as I can because obviously when you're in the sales process and you're doing things, sometimes this comes before that, but the agreed upon process is they contact us. We have to make certain that they would even be able to afford something like this through whatever. We research them online, figure it out, because we have many, many, many people want to go, but many, many people cannot afford to go. So, you're like, okay, let's see where their house is or, yeah, he's the CEO of Bank of America, whatever. Okay.

And we would start a conversation. And describe exactly what we did, what an expedition looks like that, you know, they could be involved or be involved with the possibility like the hands on mission specialist is real interested in that deep ocean of ours that's been so unexplored, and just talk them through it. And then we would payment terms agreement is all in one document, present that along with the liability waiver, and send it over and then answer any questions and kind of go back and forth because some people would be a year, 2 years, 3 years before they decided they wanted to commit to it. But that's only have been previous in my lifetime. We're not a pressure sale. Nobody gets pressured to spend $250,000. They ask the questions that have, and we've already been very forthright.

Q. And then as they travel to St. John, would they travel to St. John -- do you -- would you set all of that up?

A. No, mission specialists, we are only responsible for them from the time they land on the dock to join the ship, to the time the ship comes in and they set all the rest of it up. So we really don't like to operate as a travel agent for these people. This is an expedition. You get yourself here on the day the ship takes off. If you're not here, we don't hold the ship, and that's we let you off the ship at the end.

Q. Okay. Have you ever --

A. If they're aboard the ship, yes, then I arrange all the -- make certain all allergies are taken care of and all the things

that would be part of my responsibility.
Q. Okay. Had you ever had or would you be the person to have heard complaints from potential clients, clients or past clients, ones who had went on mission, and it didn't go as well as they wanted it to or --
A. Certainly. Certainly. So if we're unable to execute in 2021, there were very few that we were able to execute in getting to the *Titanic.* They would, I'm like, oh, last year, you know, (indiscernible) we haven't made it yet, and that's the one thing I came to do, would be something, right. And we'll see you next year. And, so they would be given a credit to come the following year to see if they could definitely get on them on a dive because, you know, there's weather, there's mechanics, whatever, if something that needs to be updated, anything can happen that that dive may or may not happen. So.
Q. And, you had mentioned -- actually, I'm not putting words in your mouth, but -- so would -- so if I said I wanted to consider it, would there be a deposit that I would have to put down?
A. Sure, absolutely. So, yes, generally there was a deposit you had to put down unless you were absolutely no, and then there would be full payment, too. And that was really driven by our contract with Horizon or Horizon Wapekek (ph.). So we would need to put money down on the ship. So we would -- in January generally. So after January 1 of the year, anyone who came in after that for that year would need to pay in full.

Q. And it was 250,000?
A. Um-hum. $250,000.
Q. Was it all 3 years 250,000?
A. No, it has changed over the years. And I believe it started at 109,000 and that was in 2018. That calculation was made at 2.5 I think times what -- I'm not clear, what the original *Titanic* passengers paid to get on the *Titanic*. There was some formula there --
Q. I gotcha.
A. -- as part of the advertising. After that, it was, you know, we had some bobbles (ph.) there in 2018, 2019, did not go to the *Titanic*, and COVID happened. We came back, and it was 150,000. And then that first year, there was people that did make it headed by Stockton and it was a $250,000 trip and they would gladly pay $250,000 to do it again. And Stockton decided the value was $250,000. So the price was changed to 250,000.
Q. And that would be for one mission on an expedition?
A. That's one dive. One dive and one mission. So 8 days aboard the ship and one dive.
Q. And obviously there are no guarantees. So how would -- if you're on board for the 8 days, who would decide when that dive day was? Was it based upon weather, based upon timing or how did that --
A. So Stockton, Kyle, and Ryan generally, who would meet every night after dinner at some point and discuss the weather and the

challenges that were ahead of us and whether or not, you know, a dive could happen tomorrow, a day from then or 2 days from then. And a lot of times it would be -- in 2023, we were weathered out over and over and over again.

Q. That was this past May?

A. Yeah. It was extremely terrible weather.

Q. Was it?

A. In the North Atlantic, having been my third year, yeah. The seas were high, high, high, cold, rainy and usually it was very warm when we go.

Q. Over the three years of '21, '22 and '23, were there always mission specialists aboard for the missions?

A. I believe so. I'm trying to remember. Generally, yes, I believe we all got sick one week. So we went into port and stayed there, mission 2 of 2022 and could confirm.

Q. So in 2023, for the --

A. We moved our mission specialist out because we didn't wanted to bring them aboard.

Q. Yeah.

A. Actually there were a lot of sick people on there especially coming off of COVID and all of that stuff. Nobody wanted to do that.

Q. Yeah. So in 2023, were the five missions in 2023, did they all have mission specialists on them?

A. Mission 1 did not.

Q. Mission 1 did not.
A. Mission 1 did not.
Q. And then if it didn't have a mission specialist on it, would they still go out to the location?
A. It was dependent on Stockton's plan and what he devised with Ryan and Kyle. And so, oh, we did this software update or we did this, let's test it, let's get out there. Obviously fuel was always a concern because of the high cost to go all the way out there. But if there was some value as mentored (ph.) in Stockton, you know, that cost base compared to a day in dock, going here, going there, and they decided where they would go. We're all there to support that.
Q. Mission 1, so in this -- in mission 1 of expedition 3, did you guys go underway? Did you leave St. John's?
A. Yes.
Q. You did. And do you know, was there a mission or was there something to have been done while you were out there as you just kind of stated --
A. Well, it -- truly *Polar Prince* is a different ship than *Horizon Artic*. So mission one was really integrating and a lot of times that is with the captain. The captain is really important on the ship, integrating and looking at towing the sub, what that looks like, what the captain's concerns are, what our concerns are. Where are we putting everything ship or unpacking? How are we working aboard the ship? I'm working with the chef. I'm going

out and seeing, because I also do all of our gear. Our gear lockers are tied up. They're fully stocked. Oh, it's never dry out there. So now I've got order dryers, all that kind of basic stuff along with the real technical stuff, pulling a sub across the open ocean which it's designed to do, but it was still, never makes a captain. It's something so unusual for anybody. I mean it's the most unusual thing in the world almost. So, the captain's got to figure out what the drag is and what the expectations are. So they worked through that. And so they were happy to do that in mission 1.

Q. Was there -- so expedition 1 and 2 were a little bit later in the summer or not late in the summer, but June and July into August.

A. Yes.

Q. This one started in May.

A. Um-hum.

Q. May 8th. Is there a reason why he moved up a month?

A. The availability of this ship, the *Polar Prince*. Also, Stockton's daughter was getting married, I believe August or September. So I'm certain there was some pressure to get back and have a little time to plan that. So I know those two things. Because they went out -- when we came back, (indiscernible) with equipment. They were gearing up to equip that ship in a few days. And that's an annual event, that they can move around a little bit, but not a lot. So.

Q. Was there a reason that you're aware of that they went -- in expedition 1 and 2, they went from the *Horizon Artic* to now mission 3 or expedition 3 to the *Polar Prince*?

A. Absolutely. So the *Horizon Artic*, services a lot of oil and gas, you know, putting oil and gas, even though it does pull icebergs and other things. And the demand was really low. You know, that market kind of tanked during COVID, and the prices were real low. So we were excited and happy for ourselves that we could afford a ship which is the Rolls Royce of ocean liners, *Horizon Artic*, to go out on our first two expeditions that were very successful. And we had (indiscernible) specialty 22 who made it down quite a few times. Well, oil and gas prices went up and so did the cost of the *Horizon Artic* and the availability was close to none. So we had -- we just couldn't put our foot in that game. There was no -- the cost was way too high. But with the relation with Horizon and they have their division Horizon Miawpukek (ph.), they had the *Polar Prince* available, and Scott and Stockton a few times would go to the ship and see if it would be suitable for what we did, and they decided it was.

Q. And with -- when was that decision made within the year? Was it towards the end?

A. It was a continual conversation over the last year once we, you know, we're always looking towards the next year because it's our one big game but the decision was finalized I believe end of January the contract was finally signed. It might have been the

beginning of February, but right in that range then.
Q. Okay. I want to say here, this real quickly with *Polar Prince.*
A. Yeah.
Q. So the -- were any modifications need to be made to either the vessel or the platform to now conduct the operation with this new configuration? I know the configuration was the same, but now we're towing it by sailing out with it.
A. Sure.
Q. Did anything need to change? Was there any trepidation? Was there any, I don't know if we can do this? How do we figure this out?
A. Because the *Titan* is designed to be towed, we were pretty comfortable that it could be towed. Was there some design changes? I'm sure there were a few but that wouldn't be something that I would have a lot of information on. I mean I understand the platform and how it operates but whether or not they changed the angle by a quarter of an inch I wouldn't know.
Q. And I'm not sure I already know this answer, but I just want to -- so you would tow it all the way out and that would take roughly about 2 to 3 days?
A. Two and a half days.
Q. Two and a half days.
A. Yeah, it's the fuel burn that's the concern. Generally people think it's the speed of the ship, but it's more fuel burn.

Q. And then so that's day 1, 2 and into 3 of the mission. And then 4 -- what would happen on day 4?
A. Day 4, depending on the weather. So every day we're there getting educated, showing people this is your PPE, these are the dinghies. This is what you do. There's the (indiscernible). Here we go. It's exciting. On day 4. So when we're there, depending on if it's a dive day or not. If not a dive day, we would do sub maintenance, go out and check our things. I'd go through the tool maintenance as well on the dome kit tool and whatever other things are -- go out and, you know, assist our scuba diving captain on helping our crew. If it was a dive day, it was get up at 5 a.m. There's a work list and a checklist who's assigned to what and you would go to breakfast and report to duty and take your role as an employee.
Q. And then if it was a dive day, now on the back end is -- day 6, 7 and 8, are those demob and start to head back in?
A. Yes.
Q. So you really only have like 2 days on station?
A. It's variable. Usually it's 3 or 4.
Q. Okay.
A. If Stockton wants to kick up the -- if he thinks the weather window's good, we'll be there longer. So that why I stayed. So usually 2 days. We can do it in a day and a half but on the *Horizon Artic*, we can go a lot faster if you wanted to use the gas.

Q. And then just so obviously cost goes into a lot of things.
A. Sure.
Q. The -- so, too, you -- and I don't know the breakdown of the financials, but -- so what was used to pay the ship, to pay for like the vessel and the fuel roughly? So was the 250,000 or the 107,000 initially, was that cost for the vessel or is that looked at cost for maintenance of subs, hire, you know, hiring people and those types of things?
A. Well, I think that the price was derived from a multitude of factors. Basically there's an employment process, contractors' costs, there's cost to the vessel and cost of the maintenance of the sub. All those costs are kind of brought in, you understand, so that you can obviously kind of profit if you can in the revenue in the company. So all of that is part of it. It's part of the decision of making it work. So 109, we realized we weren't making revenue or making money. So Stockton revisited it and consulted with people on the ship, also high number business owners, if its worth 250,000.
Q. When you were there -- since you were there in 2018, were you aware of was OceanGate profitable?
A. No.
Q. And where did the --
MR. MALKIN: Can I just -- for clarification, are you asking specifically about 2018?
LCDR [redacted] What I'm saying is from -- well, because she's

been with the company 2000.

MR. MALKIN: Yeah.

BY LCDR [redacted]

Q. So 2018, up until -- like from -- since 2018 to 2023, was the company profitable in any of the years?

A. In any of the years? Arguably maybe one or two, generally funded by investments and looking to, you know, build that revenue stream and that was really what we were doing. So it's still functioning in my mind as a start up.

Q. And who would find those investors?

A. Stockton.

Q. And was that where the relationship with the board would come in?

A. I'm not certain. Yeah.

Q. I'm trying to understand.

A. No, I know. You know, Stockton is, you know, is all trying work connected with people and so I'm not certain where those relationships came and left and how.

Q. As the -- in your position, were you in Everett often?

A. Yes, every day.

Q. Every day. Was Mr. Rush at the office often?

A. Monday, Wednesday, Fridays over the last year. And then during COVID, he worked from home, but he was very hands on, excited, yeah.

Q. Now, did COVID -- how did COVID affect OceanGate?

A. We had -- initially had an investor right before COVID come in with 10 million. That offer hadn't been solidified, and the monies had not been transferred. COVID happened, and he pulled out. Stockton talked to him, and he said, okay, how's 6 million. That resulted, of course, in us revisiting all of our budgets for the next year or 2, hoping that we could keep our doors open, hoping that we could keep some staff knowing that we had to downsize in staff as many, many companies did. And, so we did downsize. Staff sent everybody home. We kept really core essential people worked from home, understanding that we wouldn't be diving for probably a year, if not 2 years depending on how the state of the union here turned out. So we did that, and we used $6 million to develop *Titan*. A lot of engineers were working from home, doing that kind of stuff, and I went into the office every day because I live just right up here. I can see it out my back door. So.

Q. And that was at the height. So was it 2020? That would have been like is it March 2020 or March 2021.

A. March 2020.

Q. Okay. And do you know who that investor was?

A. Yes.

Q. And what's his name or her name?

A. Should I -- Furman Moseley.

UNIDENTIFIED SPEAKER: Would you say that again?

MS. BAY: Oh, Furman is his first name, F-u-r-m-a-n, Moseley,

M-o-s-e-l-e-y.

BY LCDR [redacted]

Q. So when that happened, how many -- what was -- you had mentioned downsizing and do you roughly how many people were let go or what types of -- I mean as you had downsize, you kind of bring everything in tight, you know. What --

A. Oh, absolutely.

Q. Was there operations that were planned? Was there things that you were looking at doing that you didn't do or was there any type of, you know, we got rid of our media group or whatnot?

A. Absolutely. We had operations, I'm not certain how many people were in it but we had a lot of operations techs that would just like clean our dinghies and do that kind of stuff, and we understood we're not getting in the water. We're not getting in any of the boats. They were part time, hourly employees. So we kept our core operations staff at the time was Kenny and Ryan, maybe a third person for a little while. We pretty much let operations go. We'll call you if we need you again, but we don't have a job. There's nothing for you to do if you can't come here and drive a boat and be in the water. At that time most of our engineering staff went home, were able to work from home. They had already been narrowed down. There was some general administrative staff like a file clerk and those types of people that were working when necessary, as well as like an inventory specialist in the back that we decided we didn't need any more,

and we just kept our core team.
Q. You had mention --
A. I think there was 12 to 13 let go at that time.
Q. Oh, okay. And, May 1st of 2023, how many employees were there for OceanGate?
A. May 1st, 2023, 14, 15.
Q. Not to include like contractors and --
A. Correct.
Q. Okay. And you've mentioned contractors quite often. What type -- are they used for mission, for expeditions or so what would you use them for as an expedition, as a mission specialist and they're just like they enjoy it but they're part of the crew but they're not actually going to dive?
A. Certainly. We contactors especially with the team. We had to fill a lot of different roles. So this, in 2023, we had a contractor who was a photographer. We realized we used still photography. This girl was more than excited to come, and we're like, sure, why don't you come with us. We have operations contractors that come that are possibly scuba divers who can go under that platform and do some things that we need to do or get photos, as well as experienced dinghy drivers, people who worked for expedition companies who understand the ocean, understand how to transfer, mission specialists from a boat to a dinghy, from a dinghy to a platform and can do all of that safely. So that would be contractors. And then finally would be kind of operations or

mechanical techs, and so the submersible industry itself is very, very small. Everybody knows everybody. So we had techs that we worked with ongoing for the last 8 to 10 years, if we wanted to troubleshoot something, if we wanted to find something. In this expedition, Tym Catterson was that guy, you know, a genius when it comes to subsea technology. Don't ask about anything else in the world, but he was a genius there. And we have another individual that would come out with us often, Chris Imes (ph.) who today in the sub that you saw, *Antipodes*. He's the one who took it apart and is starting to sand and out of 20 years in submersibles with his family. Yeah, and Tym Catterson is -- and James Cameron gone on expeditions with Jeff Bezos and designed some of the most insane associated equipment. So we would have these experts join us to round out our crew and to help troubleshoot on some of the design elements if we need to.

Q. And were any of them sub pilots for the *Titan*?

A. No.

Q. How many sub pilots were there for the *Titan*?

A. Two currently, Scott Griffith and Stockton Rush.

Q. And are you familiar with like the qualification process and how they -- is it -- obviously Mr. Rush was the, you know, was the initial pilot, but did he then certify the other gentleman to be --

A. Yeah, they followed -- so I'll kind of be broad on this again, to make sure everyone's understanding. They followed kind

of the qualifications that you would do to be your pilot's license -- I'm sorry, or for an aircraft carrier being qualified as a jet pilot. So they had set up like training I, training II, training III, how many, you know, plus the hours do you have, and they would have cards that Stockton would sign off on once they had so many hours. Stockton or Scott grew up under Stockton in the building with these subs and was trained early on in the beginning of his career on the sub stuff. So those two led the way in training other pilots. Kenny Haag (ph.), which was a former pilot, out of Florida, he actually worked for a submersible company down there and saw us and jumped ship and came over. So he already had some experience but also was trained on our subs under Scott Griffith. Those are the three pilots since my career at OceanGate that I've worked with. There's some pilots in training, but were never allowed to pilot anything on their own.

Q. And is that like a -- is that an OceanGate standard? Like you said we call them like a PQS or performance qualification standard. Is that -- if I were to say I want to become a pilot, you would hand me a binder and say, here you go.

A. Yes.

Q. This is what you have to do to --

A. Yeah, you have to read -- first of all, you have to read like 300 page book. Trust me. It's a submersible book that just talks about the clients behind submersibles.

Q. Okay.

A. Yeah, and so once you finish that, then you move into pilot training school, level 1A. And then after that, it just goes through, you know, piece by piece, the basics of submersibles, not our submersibles, just submersible piloting.

Q. And this is my last question before I send you off to everybody else. So you had mentioned if a mission was on -- not on -- was unsuccessful in diving, you would provide them a credit.

A. Um-hum.

Q. What was that credit, and how did that --

A. It could have merged in divers (ph.) throughout the years but generally it was -- they would get half or so of the 250,000 in a credit to use towards next year. So 125,000. They would need to remit another 125,000 if they wanted to join our dive, but it was never any money to be returned to the mission specialists, and they were very aware of that.

Q. Now, what if they was a mechanical failure that they weren't able to dive?

A. That has kind of clunkily (ph.) changed throughout the last two years. So what's agreed upon this year, I'm uncertain.

Q. Okay. So there was a difference between like weather --

A. Yeah, so level of credit that they would get. So they may have gotten $175,000 or 150 towards the following year to try again.

Q. Do you know -- last question, I promise. Do you know how many dives were successful in going down to the *Titanic* for *Titan*?

A. For *Titan*? I'd have to look back. I could tell you but I don't have it specifically. But my estimate guesstimate would be 10 to 12. It could be more.
Q. Was there ever -- sorry. Was there ever a multiple dive days on a mission?
A. Like multiple dives on one day or --
Q. No, no, no. So mission -- say expedition 3, mission 2.
A. Uh-huh.
Q. Would you ever dive on say a Tuesday and a Thursday?
A. Yes.
Q. Okay.
A. Yes, if we could get them in, you know, we always hoped for three full dive days.
Q. Okay. That's fine. Thank you.
A. Yeah.
LCDR [redacted] Mr. Neubauer?
MR. NEUBAUER: Thanks.
BY MR. NEUBAUER:
Q. I want to go back to you mentioned you were hiring and firing for OceanGate?
A. Um-hum.
Q. Was there ever a time since you were there in 2018 where you had to fire someone for performance reasons?
A. Yes.
Q. Do you remember who that was or --

A. The first person I fired was our bookkeeper because she wouldn't do it. I looked at the numbers, and went, okay. That's -- she was a sweet girl, but definitely was not functional.
Q. Sure. Anybody else?
A. Yes. When we did the big layoff during COVID, I would say although it was executed by COO, I was there to answer any questions for our staff.
Q. Sure.
A. On mission, I had -- we had an assistant to our media manager at the time the first year. He was unable to function and was not performing on ship. So I told him he needed to go home and not come back. So multiple people I feel I fired.
Q. Okay. You said -- what was his role underway on the mission?
A. No, he was assistant to our media manager, and he was supposed to be carrying cameras around and getting shots but he never came out of his room.
Q. Okay. I understand. But anybody -- was there in like safety or engineer type duties that you had let go?
A. When our new director of engineering, Dan Scovill (ph.), when he came into place whenever that was in 2019, he did a clean up of house for -- because he wanted people to be on his team. He had a clear direction, was a go getter, and so I did sit with him while he let go about 40 percent of that team and then fired people.
Q. Okay. So it was more of reset in staff, not performance based.

A. Exactly, exactly. He did a month (ph.) assessment as companies do or new directors do and decided who he wanted on his team and who he could do without.

Q. Okay. And going back to the actual missions that were being done onsite, would the, would the -- for the *Polar Prince* for each mission, would it have to go -- would it have to tow the *Titan* back into port --

A. Yep.

Q. -- between missions?

A. Yep.

Q. And back out again?

A. Yep.

Q. Do you remember hearing about any issues with those tows, like any incident damage or problems that they're having during those long tows?

A. Absolutely. The platform itself had quite a few issues on those tows causing it to list (ph.). I think mission 2 was a big one where it was, you know, on its side a little bit, and you'd come out at night, and the fog would lift, and we would have to -- the platform is filled with water. So when you're towing (indiscernible), there are four plates on the bottom that are someone airtight unless they've been jostled after hours and hours of towing. And so water would leak into the platform and cause to gain weight and make it list.

The *Titan* itself, sits on top of there on its legs. So the

Titan really wasn't a worry, but the platform was listing and we would have to correct it. I guess in layman's terms, there's a flat tire on the cart, and we've just got to go pump it up. It's getting low.

Q. Okay.

A. But I mean obviously it takes hours and there's scuba divers in the water and valves being pulled to put that air back in there. It's a very -- it's a process but it wasn't worrisome.

Q. And can you remember what kind of sea states they were towing in? Was it -- you said it was somewhat rough that period or during the entire time?

A. It was really rough. I mean I think if we go back and look at the weather and, of course, on the *Polar Prince*, it handles the oceans way differently than the *Horizon Artic*. The *Horizon Artic* is a much bigger ship, a much heavier ship. It has deep water anchors. It has positioning that keeps you solid so you're feeling like this. The *Polar Prince* is a very old ship and an ice breaker. So it's built to wobble. So I would say 10 to 20 foot seas a lot of the time. We watched a video from (indiscernible) where she's in the dinghy and I have been in the dinghy almost every day, and you can see -- you can feel the sea and you can see the ship, too, always, on the side where you could pretty much walk off the dinghy onto the ship. So that ship is very deep, all the way down to the side. So we were definitely out there in the roller coast of the seas.

Q. Do you -- are you aware of any safety parameters for launching --

A. Sure.

Q. -- like overall?

A. Yep.

Q. What are some of the risk presented by high seas for the launching of the *Titan* or the *Titan*'s operations? Is trying to get the dry dock or --

A. No. So the biggest problem with high seas in launching because once *Titan* is sunk on that platform, the seas don't matter and that's kind of the genius of the platform, but it's transferring crew from the *Polar Prince*, you know, down the ladder onto a dinghy and, you know, you can have 20 foot drops, and so training people that you wait for it to come up, you take your turn. If it goes away, you stay. You don't jump. You just stay again and wait for it again. It will come again. So the biggest risk always -- when the sub's in the water, the sub is safe.

Q. Okay.

A. The sub is designed to be underwater.

Q. Okay.

A. But up above, it's people transferring, the in between that make it risky.

Q. I see. The one question I was thinking about, would it be harder to seal the *Titan* if there was a sea state, with the, you know, the final minutes? Was that hard?

A. I think it's more challenging. Like this year, it's running about 23 to 25 minutes with the crew because the space is limited out there, and if you don't bring a tool, you have to send somebody back to the ship or if something falls into the ocean, you know, that's just going to put another 10, 15 minutes on the time. And then we had spoke because the platform, instead of being completely parallel with us a little bit like this which is no concern, except for when I'm trying to open the dome and the air caster, you can imagine the pressure and the wave on that. I was burning up drill trying to back up the all threads and wind it up. So the drills were like, whoa, this is a really heavy load.

Q. I see.

A. And I said why do we have this Ryobi shit around the boat.

Q. Right.

A. It's smoking in my hand.

Q. That's interesting. Do you know why it was tilted?

A. It was something that the air bubble had moved a little bit. It wasn't of concern to me. It just made the job harder. So we -- I just did it manually.

Q. Okay. Thank you.

A. Um-hum.

Q. Those are the only questions I have. If you don't mind, we'll just go around.

A. Don't buy a Ryobi. Sorry.

MR. NEUBAUER: [redacted] do you have any follow ups?

LT. [redacted] No, I don't have any questions.

LCDR [redacted] [redacted]

BY MR. [redacted]

Q. Once the dive is done, were there any problems with opening up the dome?

A. No.

Q. Was there any suction or anything that you had to use a pry bar or anything to open it?

A. No. There is a vacuum that we use once the dome is sealed, that the pilot, when it's at the right pressure, we turn it off and discontinue it. And when it comes up, we ask them to release the vacuum because if you were to open the dome with the vacuum still in place, it would just pop everybody's ears and be uncomfortable for them. But there is a vacuum that seals those two ends together inside the dome and so if that's released, there's no problem. I've never had to use a crowbar or anything else. A better drill would have been nice, but other than that.

Q. Who would inspect the inside of the dome once she opened up, particular the gasket in the center of it when it's sealed and it's opened back up?

A. Absolutely. I would. That was my job for mission 1, 2 and 3, whoever the dome crew lead was previous to that, it would be them. So it was important, the little black gasket that runs there. The O-ring is what we call it, and it was always a microfiber flat dry one, and I would look at it before I put it in

every time and talk to the mission specialist while I was making certain that that seal was good.

Q. And was the O-ring dry or did you have to put anything on there?

A. It was dry. I mean not crunchy dry. I would make certain it wasn't. There were no nicks, not even a piece of tear. Stockton was very thorough about saying, you know, no dust, no rust, no nothing on there. We had protection plates. So when people were to get out of the dome or into the dome, the titanium, as well as that seal, was covered by a plate there, too, so that wouldn't be disturbed.

Q. Do you remember any editing time replacing that seal or ordering a seal for it?

A. Like we had back orders, and I remember Stockton checking it a couple times in between when we would have days, and it would be open and he would take a look at it. So I would be up there. I (indiscernible) do some stuff here, and I'd be cleaning the ring and he'd come over and look at it really closely and he would say he was very impressed with how long that O-ring had lasted because it was just in perfect condition and he was so impressed that it had lasted that long because we had had spares, multiple spares to replace it but didn't need to.

Q. So the only time it was replaced or it would get replaced just if you would find something wrong, but the nature of just in between dives, you just wouldn't put a brand new O-ring?

A. No, it wasn't -- it was not necessary to put a brand new O-ring in, if it functioned. It was visually inspected by Stockton and I made certain it was clean. So there was no reason to inspect it.

MR. NEUBAUER: That's it.

MR. MUISE: This is Marcel.

BY MR. MUISE:

Q. What's holding the weight of the dome as you bolt it on or unbolt it?

A. It's what we call the dome dolly. And so that fits in underneath the dome. It has a pin that goes through, that the dome manufacturer has a pin that goes through under the V (ph.) port, and then it sit there, and there's an air caster underneath, and that air caster gets hooked up to one of our air tanks that are -- on board the ship, it gets hooked to an air compressor, but we use the air tanks go give us air to fill that air caster which helps lift it up, and there is a gauge. So we usually do 28 psi to 32. That gauge always breaks. So I can do it by ear because they just don't make a gauge for that, but we lift that up just a little bit, and then after the vacuum has been discharged, I would confirm. Then I'd say start taking out bolts guys and we'd start moving around taking the bolts out.

Q. Is there a certain order you have to take the bolts out or how you put them in or --

A. There's -- so there's four key bolts that I always call them,

the ones with the red canker backing, they don't need a nut. So the backings are already on, and those four I have left until the end and they're the first ones I put in. And that was just to me and to everybody in their place, in strategic places obviously, that can hold the lead. So those four go in first and those four come out last.

Q. Do the bolts ever get like nicked or have to replaced with threads on them or -- does that happen?

A. Yeah.

Q. Do you have spare ones?

A. I have so many spares, yeah, so everybody has a fanny pack. There's carriage. If it's going in hard, if it's going in difficult, if the nut isn't spinning on easily, don't force it. Also, you have to be concerned with the alignment of the dome. So the back and forth. Those holes have to line up perfectly. So you'll know when you come in, and that's generally what I'm doing as a leader is looking at it, making sure it's coming in parallel, not like, not like this, coming in parallel and matching as best they can by controlling that air caster and moving it, you know, millimeters here, up and down just to make certain that's line up so it makes the bolts go in easy. If somebody's going in hard, I'll take a look and see if they need to adjust the air.

Q. Okay. The other expeditions like to Far Banks or Far Gardens and Hudson Canyon with the *Cyclops,* are they organized the same with pilots and mission specialists and mission directors and --

A. Yeah, I mean obviously a much smaller crew because that's all that's needed. So I wouldn't attend those. It would be Ryan, Scott, Stockton and maybe one or two other people would go down.
Q. Were any of those expeditions for like a specific client that wanted to see something or was it set up the same way where you bring in several different mission specialists?
A. It -- they kind of all were very different and some Hudson Canyon was we're going to go here. We have people who are interested in joining us in an expedition. Maybe would like to do *Titanic* but not certain how they would feel in a submersible, if they would be claustrophobic. Can we do a shallower dive and, oh, yeah, we're headed out to the East Coast or wherever else to, you know, see what we can find in Hudson Canyons in U-boats or whatever, and they go, okay, that sounds great for us. So people would join us.
Q. My last question was did -- as director, did you work for the COO or CEO?
A. COO actually. I didn't -- I think Bob kind of, as the COO, was the one who would say and who I answered to.
Q. And the same with the Emily in marketing?
A. COO, yeah.
Q. COO, okay. All right. Well, thank you.
A. Yeah.
UNIDENTIFIED SPEAKER: Can I ask one question?
BY UNIDENTIFIED SPEAKER:

Q. I think you mentioned you were starting to use GoDaddy.com. Is that --
A. Yeah, we have -- yeah.
Q. Do you pay that bill for both GoDaddy but they manage the -- your --
A. Domains.
Q. -- Microsoft 365 and all your email accounts and everything like that?
A. Yep.
Q. So when you get a new employee, did they get a new email account?
A. Absolutely.
Q. And you set that up?
A. Yes, I do.
Q. Okay. You used the world filed. Are these electronically filed in particular like waivers or anything like that is all electronically filed or do you have a file cabinet?
A. Both. We operate both. So with the shrinking of the company over the last few years, employee files are in file cabinets. I must part with it. My attempt to start going digital, but it hasn't quite happened all the way yet. Like small companies are, multitask, but as far as everything else, in regards to our mission specialists and their agreements and waivers, they're kept on 365.
Q. Okay.

A. We use Docusign a lot of the times for those because our clients are international.
Q. So those are all up in the cloud with --
A. They are.
Q. -- Microsoft 365.
A. For 2023, I did my production, all the signed waivers from this expedition, and I'm currently -- they're on my desk right now, but I was working on it this morning. It's digitally getting filed into their specific like (indiscernible).
Q. Okay.
A. And they're not on board signed documents. At lot of people, a lot of times they will sign waivers again, once they're on the ship after a presentation, but Stockton has given to the group about challenges, about risks, about experimental submersibles. So.
Q. And all those -- I already asked that question, but finances, is that managed electronically as well?
A. Yes.
Q. And you keep a payroll paid through software?
A. It's online, yeah.
Q. All QuickBooks, all your finances are managed electronically?
A. QuickBooks online, yeah.
Q. Okay. Thank you.
A. Um-hum.
UNIDENTIFIED SPEAKER: So other than the Hudson --

BY UNIDENTIFIED SPEAKER:

Q. I'm sorry. You said QuickBooks online. Do they store the date or is it stored locally?

A. They store it.

Q. Okay. Thank you.

A. Yep.

LCDR [redacted] Go ahead, [redacted]

BY LCDR [redacted]

Q. Other than the Hudson drive, were there any other mission specialist anywhere else?

A. Were there other? Yeah, absolutely there are mission specialist that joined us in the Bahamas.

Q. Okay.

A. And a lot of times they were, you know, on this expedition. I'll give an example. Renata Rojas (ph.), she was very public, forever about getting to the *Titanic*, all of her life wondering as a little girl. So she would pay to come down because she was just excited about the development process, and just to be part of the team. So she would be considered as a specialist, but also a friend of OceanGate.

Q. Where also in the Bahamas where mission specialists are brought on?

A. Sure. Let me think here. I mean I came on when it was were *Titanic* era mostly. Before it was -- the Bahamas was a big place where we would go. Hudson Canyon was something that was dreamed

up. We were planning on going to the Azor's. I know they've been to Monterey Bay. I know they've been to the Flower Gardens. I know they did a dive with Mackelmore (ph.) in search of thick scaled sharks right here in the Pacific Northwest. So I don't know if you consider that a mutual beneficial relationship or -- he was a mission specialist but, you know, yes, he did (indiscernible) and not in *Titan*.

Q. And you mentioned a waiver. Do you know who drafted that waiver that you guys had?

A. I believe it was oversaw by one of our attorney groups that Stockton had ascertained and probably (indiscernible) knows of some other attorney as well.

Q. Did that waiver change through the years?

A. Very likely.

Q. Do you know why they started issuing that waiver?

MR. MALKIN: If that's something you can answer without having had a conversation with a company lawyer, but if it's something that you learned from the company lawyer or somebody explained to you what company lawyers had said, you shouldn't answer the question.

MS. BAY: Okay. I won't answer the question at this time because a company lawyer has not explained it to me.

BY LCDR [redacted]

Q. Okay. Did any of the mission specialists have questions about a waiver or signing it?

A. Not in front of me and I was there for most of the signings.
Q. And, we talked about the board of directors. What role did the board of directors play on a day-to-day basis for OceanGate?
A. Again, I wasn't really involved with the board of directors, probably consultants with Stockton. I always made certain there was coffee and made sure the PowerPoint was fine and threw in, you know, colorful pictures and did things like that.
Q. I think that's all I have.
A. Okay.
LCDR [redacted] If you could identify yourselves before speaking for the transcriptionist.
LCDR [redacted] Sure.
LCDR [redacted] That was [redacted] by the way. [redacted]
LT. [redacted] Lieutenant [redacted]
BY LT. [redacted]
Q. Just a quick question. For the presentation that you stated that Mr. Rush would provide to the board, did you kind -- is there footage of that or can you go into detail what that presentation because you had mentioned experimental and risks, what that would kind of entail or --
A. Absolutely. So I know every time that I was on an expedition, it was videotaped because again he was very clear with everybody, this is an experimental sub. Went over, last mission we had to cancel 2 for weather. We were fixing, updating this software, blah, blah, blah, and was very, very clear and

forthright again it's experimental. We've seen -- Stockton talked it all over, and he would see if anybody, you know, it mentioned that. This was, you know, could result in death a few different times, and the funny thing, I mean he'd go, this (indiscernible) or whatever else, and this is 100 times more, you know, pressure and 100 times less tested I guess, from that, for deep diving, again from my understanding only five submersibles that go that deep in the world.

Q. Thank you.

A. Um-hum.

LCDR [redacted] I just have a few follow-up questions. This is Lieutenant Commander [redacted]

BY LCDR [redacted]

Q. Do you remember the size of the bolts that you used or what size the wrench was?

A. No. 9/16 and then went to a 1/2 inch wrench over the period of time.

Q. And, at any point -- actually, do you know just -- this is my last question. Do you know why they went with the name *Titan*?

A. We had *Cyclops*. Stockton like Greek gods and, yeah, it seemed like it fit.

LCDR [redacted] That's all I have.

MR. NEUBAUER: I have a follow up. This is Jason Neubauer.

BY MR. NEUBAUER:

Q. Did you ever have any communications or coordination with the

Coast Guard local unit here?

A. The local unit here? No.

Q. How about the Coast Guard in general?

A. No. The only time I had any experience with the Coast Guard was when the ship was coming back in and I was with the Canadian Coast Guard. In fact, they called me early on, and I located the ship which was going into the Horizon pier. I had requested that they bring it in for privacy, in fact, to their facility and they said anything you need, they extend it out with my crew. So that was the only time I've ever had experience with the Coast Guard and with these fine gentlemen.

MR. MALKIN: And this is Harold Malkin. Just to be clear, I don't think you ever said, you may have, she went home for her daughter's scheduled graduation, and then returned. I just wanted to make sure that was clear.

MR. NEUBAUER: For the 2023 expedition.

MS. BAY: Yes.

MR. MALKIN: She returned to assist with --

MS. BAY: With the --

MR. MALKIN: -- the mission that had gone awry.

BY MR. NEUBAUER:

Q. I want to get clarification then. Were you aware that the Coast Guard issued oceanographic research vessel letters to the *Antipodes* and the *Cyclops*?

A. No.

Q. Have you ever seen those?
A. No.
Q. Did you ever have any communications with the Classification Society, maybe ADS or DMP?
A. There was (indiscernible). All I did do registration and rating law for our vehicles and all of those things. That wasn't my specialty although I pay it and stick it in front of the nose of somebody and say, hey, are we renewing this this year, and they'd say yes, no, whatever.
Q. Okay. For which vehicles?
A. For all of them. Every single one. I mean for all of our vessels, the 150 foot ABS but we really hadn't gone underway with it for a long time. So it was always a question to renew it or not, but again for -- we have a retired U.S. Coast Guard safe boat that's right now at Noah's facility in (indiscernible). Any of our things, overall the registrations. Anything that comes in the mail or email that come here, then I would ask around to staff who I knew would be a point person or something.
Q. Okay.
A. Yeah.
Q. But not for *Cyclops* or *Titan.* Is that correct?
A. Correct. It was my understanding *Titan* was experimental and unable to be at all registered --
Q. Okay.
A. -- (indiscernible).

Q. Okay. And then one last question. You mentioned the Bahamas (indiscernible). That was the first *Titan* --

A. Yes.

Q. -- submersible, not the *Titan* that was on the expeditions. Is that correct?

A. Correct.

Q. But that was carrying clients with mission specialists?

A. Yeah, but generally it was -- they wanted to come down before, sometimes before they would say I want to make a *Titanic* expedition, I want to see how you guys operate. Can we come down to the Bahamas and see? So they wouldn't formally pay for a dive, but it was like let me see blah, blah, blah, on Tuesday. I'm a potential mission specialist. I'd love to see what you guys are up to.

Q. Okay. So just to clarify, it was almost like a free sample?

A. Yeah. Sure.

Q. Thank you.

A. Yeah.

LCDR [redacted] I think we're all set. That -- if nobody has any further questions, that concludes the interview for today, and the time is 1654, and we'll stop the record.

(Whereupon, at 4:54 p.m., the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	LOSS OF THE SUBMARINE *TITAN* IN THE NORTH ATLANTIC OCEAN ON JUNE 18, 2023 Interview of Amber Bay
ACCIDENT NO.:	DCA23FM036
PLACE:	Everett, Washington
DATE:	July 25, 2023

was held according to the record, and that this is the original, complete, true and accurate transcript which has been transcribed to the best of my skill and ability.

[redacted]

Kathryn A. Mirfin
Transcriber

NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF MARINE SAFETY
WASHINGTON, D.C. 20594

Errata

Interview with Ms. Amber Bay

Loss of the submersible *Titan*
DCA23FM036

Page/ Line	Original	Correction	NTSB Disposition of Party Comment
Page 8, line 20	". . . oversee the PowerPoint . . ."	". . . oversaw the PowerPoint . . ."	"...oversee the PowerPoint and put it in Stockton Rush's hands..."
Page 8, line 25 – page 9, line 2	"Then, it is Mike Faust . . . Stockton like to call us carpet people."	"Then, in General and Administration, it was Mike Faust and Amber Bay and Chris Danford. Stanford liked to call us carpet people."	"The, it is myself, Amber Bay and Chris Danford. Stockton like to call us carbet people."
Page 9, line 3	". . . making certain all the things ended up . . ."	"making certain all the administrative things ended up . . ."	Correction noted
Page 9, line 6	"Really anybody needed anything."	"Really if anybody needed anything."	Concur
Page 9, line 14	". . . Jerome Santos was our full-time software engineer."	". . . Jerome Santos as our full-time software engineer."	Concur
Page 9, line 14	"His original report still goes to Lutz Company earlier this year . . ."	"His original report was to Phil Brooks, who left the company earlier this year . . ."	Concur
Page 10, line 8	"Doug Border"	"Doug Gorder"	Concur

Page/ Line	Original	Correction	NTSB Disposition of Party Comment
Page 11, line 22-23	"So at the time, I would work on draft weights which were just, you know, draft weights that would . . ."	"So at the time, I would work on drop weights which were just, you know, drop weights that would . . ."	"So at the time, I would work on drop weights which were just, you know, dea weights that would..."
Page 11, line 24	" . . . bottom of the ship but, . . ."	". . . bottom of Titan but, . . ."	Concur
Page 12, line 20-21	". . . putting the bolts in the (indiscernible), mashing it shut, like one click down."	". . . putting the bolts in the dome, closing it, like one click down."	"...putting the bolts in the dome, ratcheting it shut, like one click down..."
Page 12, line 25	". . . so it would close and the all thread."	". . . so it would close with the Allthread."	Concur
Page 22, line 11-12	"And we had (indiscernible) specialty 22 who made it down quite a few times."	"We had Mission Specialists, and we did make it down to Titanic quite a few times."	And we had great time, especially '22 we made it down quite a few times.
Page 29, line 14	"We contractors especially with the team."	"We utilized contractors, especially with the Operations team."	"We use contractors escpecially with as small as our team..."
Page 31, line 9	Kenny Haag	Kenny Hauge	Concur
Page 35, line 21-22	". . . bottom that are someone airtight . . ."	". . . bottom that are airtight . . ."	"...bottom that are somewhat airtight..."
Page 41, line 12	". . . that goes through under the V (ph) port . . ."	". . . that goes through under the viewport . . ."	Concur
Page 42, line 23	". . . to Far Banks or Far Gardens . . ."	". . . to the Bahama Banks or Flower Gardens . . ."	"... to the Flower Banks or Flower Gardens"
Page 42, line 24	". . . with the Cyclops . . ."	". . . with Cyclops . . ."	Concur

Page/ Line	Original	Correction	NTSB Disposition of Party Comment
Page 45, line 9	". . . filed into their specific like (indiscernible) . . ."	". . . filed into their specific folders."	Concor
Page 51, line 15	". . . Noah's facility in . . ."	". . . NOAA's facility in . . ."	Concur

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Errata

Interview with Mr. Ryan Stalkfleet

Loss of the submersible *Titan*
DCA23FM036

Page/ Line	Original	Correction
5/3	indiscernible	evidence collection
5/22	UNIDENTFIFIED SPEAKER	LCDR [redacted]
7/1	indiscernible	it said act like the glue
8/20	Dr. Rush	Stockton Rush
11/18	the Doctor	Stockton
14/13	said	insisted
20/7	let's test it	we want to go test it
20/9	value as mentored (ph.) in Stockton	value added, Stockton
24/5	indiscernible	sub
25/10	factors.	factors, as it is with any business.
31/24	clients	science
32/10	merged in divers	diverged
34/23	fired	hired his
35/1	month (ph.) assessment	month long assessment
25/36	roller coast	roller coaster
40/6	tear	hair
42/1	red canker	rectangular
43/24	UNIDENTIFIED SPEAKER	Mr. [redacted]
45/6	production	Possession
46/1	UNIDENTIFIED SPEAKER	Mr. [redacted]
47/17	indiscernible	he did get in the sub early on
47/14	Very likely	Very slightly
49/4	I mean he'd go	I mean you'd go zip lining
50/6	Located	Facilitated
50/7	Horizon pier	Horizon pier acrossed
50/9	anything you need, they extend it out with my crew	anything you need,because I knew they were out with the crew
51/4	ADS or DMP	ABS or DNV
51/5	indiscernible	They would send in the renewal like they do for registrationrenewal for our vehicles and all of those things

Page/ Line	Original	Correction
51/12	the 150 foot ABS	The *Antipodes,* ABS
51/17	that come here	that kind of stuff comes here
51/25	indiscernible	due to its materials
52/2	indiscernible	dives