

STATEMENT OF MICHAEL J. CAIN

On the morning of April 28, 2020, CJ Sibert and I departed Midland Airpark via private plane to look at a boat. Upon our arrival at the airport, we moved the plane from the hanger. CJ was the pilot and I was the passenger.

While CJ was beginning his pre-flight checks, I pulled the truck into the hanger and made sure we had everything we needed for the trip. I then proceeded to get into the plane while CJ was still doing his walk around and checking the wings, the flaps, the fuel tanks, etc. I was plugging up the headsets when CJ opened his door and grabbed a pre-printed checklist and continued checks on the outside of the plane. I was checking emails on my phone when he climbed in, did more checks, and started the plane. We sat there for some time with the plane running while he continued his checks on the inside of the aircraft with the checklist. I do not really know what he was doing because I am not a pilot. It seemed to take longer this time to do the checks prior take-off than other times I've flown with CJ, but CJ said the plane wasn't his and hadn't been flown since the COVID-19 started. We eventually took off and departed Midland sometime around 8:30.

During the flight there were no issues and everything seemed normal. CJ called on the headset and they advised him to file a new flight plan. I remember CJ having to change frequency a few times and finally contacted them to do so.

It was shortly after that I realized that something was wrong. CJ never mentioned out loud that something was wrong, but he began to run checks, tweak and turn knobs, etc. The engine was still running and the prop was turning like nothing was wrong, but it seemed like it the engine did not have the power to keep us in the air. I remember that the engine even sounded like nothing was wrong (no sputtering, banging, or anything like that), but still seemed to not have the power to keep us on the air. CJ then stated to me, "Mike, this is not good."

I replied with, "I know, it's okay". CJ began looking for somewhere to land and decided that he would try land in a field. As we were descending, CJ realized that we might not make the field and said we were going to the lake. Internally, I began to go through what I would do after we hit – seatbelt off, try door, if door doesn't open, crawl out the window. We banked around and leveled out. I remember the engine not running anymore and then we hit the water. During the landing, I hit my head on the yoke, fell back into my chair, and then tried make my way out of the plane. I ended up crawling out of the window and swam around to the back of the plane to find CJ. We found each other, asked if we were okay, and then began swimming to the shore.

Details after this point are a bit fuzzy. Once we got to the shore, paramedics were checking me out and advising that I let the ambulance take me to the hospital because I was bleeding from my head and my nose. Eventually they put me on a tailgate of a truck, put me in the ambulance, and we made our way to the hospital. When we arrived at the hospital, CJ told me that he had been instructed that he could not enter the hospital due to COVID-19 concerns. They took me inside. They took CAT scans of me and then approximately an hour later, I was discharged. No

detectable internal injuries, nothing wrong, other than a concussion, bruising, and small cuts on my forehead. I have healed up well and have not had lasting effects.

After I was discharged I called CJ and was picked up, taken to meet my wife, and then she drove me back home.



Michael J. Cain

Date Signed: 05/13/2020