

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

FIRE ABOARD GRANDE COSTA D'AVORIO *

AT BERTH 16 IN THE PORT OF NEWARK IN * Accident No.: DCA23FM039

NEWARK, NEW JERSEY ON JULY 5, 2023 *

* * * * *

Union Township City Council Chambers
1976 Morris Avenue
Union, New Jersey 07083

Thursday,
January 11, 2024

Hearing Day 2 of 6

APPEARANCES:

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Presiding Officer and Lead Investigating Officer
United States Coast Guard

LCDR STEPHANIE MOORE, Investigating Officer
United States Coast Guard

WILLY PITTMAN, Investigator
National Center of Expertise (NCOE)
United States Coast Guard

LT BRANDON REED, Investigating Officer
United States Coast Guard
(Recorder)

LCDR KATHERINE WARD, Attorney Advisor
United States Coast Guard

BART BARNUM, Investigator in Charge
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Parties in Interest:

JOHN KARPOUSIS, Attorney
(On behalf of American Maritime Services of New York)

GINO ZONGHETTI, Attorney
MATTHEW PALLAY, Attorney
(On behalf of Ports America)

JOHN LEVY, Attorney
(On behalf of Grimaldi Deep Sea)

JOHN REILLY, Attorney
(On behalf of Port Authority of New York and New Jersey)

GARY LIPSHUTZ, First Assistant Corporation Counsel
City of Newark Law Department
(On behalf of City of Newark and the Department of
Public Safety, Division of Fire)

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P R O C E E D I N G S

(8:30 a.m.)

CDR BARGER: Good morning, ladies and gentlemen. The time is now 8:30 a.m. local time here in Union, New Jersey. We are back on the record in the formal hearing into the fire and subsequent fatalities on the Grande Costa D'Avorio that occurred on July 5th, 2023, while conducting cargo operations in the port of Newark, New Jersey.

I ask those attending in person to silence all cell phones at this time, and please exit the hearing room to make or receive phone calls. Today is Wednesday, January 11th, 2023. It is the second day of the formal hearing into the previously mentioned matter. I am Commander Christian Barger, the Lead Investigating Officer for this First Coast Guard District formal investigation. And the presiding officer over these proceedings.

The Commander First Coast Guard District convened this investigation under the authority of Title 46, United States Code, Section 6301, and Title 46 Code of Federal Regulations, Part 4, to investigate the facts and circumstances surrounding the fire and subsequent fatalities on the Grande Costa D'Avorio.

The investigation team members present today, other than myself, are Lieutenant Commander Stephanie Moore, Mr. Willie Pittman, and Lieutenant Brandon Reed, who is also the recorder. The legal adviser to this investigation is Lieutenant Commander Katherine Ward. The National Transportation Safety Board is

1 participating in this hearing and represented by Mr. Bart Barnum
2 and Ms. Nancy McAtee.

3 The Coast Guard has designated five parties and interests
4 investigation. We will now take appearances for the parties from
5 my left to right. When I call the party, please state your name
6 for the record and spell your last name. Grimaldi Deep Sea?

7 MR. LEVY: I'm John Levy, L-e-v-y.

8 CDR BARGER: Ports America?

9 MR. SANGUETTI: A good morning, Gino Sanguinetti from firm of
10 Calfman Dalowich on behalf of Ports America.

11 CDR BARGER: And American Maritime Services of New York?

12 MR. PALLAY: Good morning, Matthew Pallay, of the law firm of
13 Freihl Hogan Mohair for American Maritime Services, P-a-l-l-a-y.

14 CDR BARGER: And Mr. Pallay will you be the primary counsel
15 for American Maritime Services today?

16 MR. PALLAY: Not today, no.

17 CDR BARGER: Can you give an appearance for your colleague
18 who will be representing today?

19 MR. PALLAY: Okay. We'll also be represented by John
20 Karposis, K-a-r-p-o-s-i-s. He's just on the way in now. Okay.

21 CDR BARGER: Okay, thank you. And Port Authority of New
22 York, New Jersey?

23 MR. REILEY: Good morning, John Reilley of the law firm
24 Squire Patton Boggs on behalf of the Port Authority, R-e-i-l-l-y.

25 CDR BARGER: Okay. And the City of Newark?

1 MR. LIPSCHUTZ: Good morning, Gary Lipschutz,
2 L-i-p-s-h-u-t-z. I am First Assistant Corporation Counsel for the
3 City of Newark and the Department of Public Safety, Division of
4 Fire. Thank you.

5 CDR BARGER: Thank you. Mr. Barnum, do you have any opening
6 remarks on behalf of the NTSB?

7 MR. BARNUM: Yes, thank you, Commander. Good morning. I'm
8 Bart Barnum. I'm the investigator in charge for this, for the
9 National Transportation Safety Board for this investigation. The
10 NTSB has joined this hearing to avoid duplicating the development
11 of facts.

12 Nevertheless, I do wish to point out that this does not
13 preclude the NTSB from developing additional information
14 separately from this proceeding if that becomes necessary. At the
15 conclusion of this hearing, the NTSB will analyze the facts of
16 this casualty and determine the probable cause independent of the
17 Coast Guard.

18 They'll also issue a report of our findings. And if
19 appropriate, the NTSB will issue recommendations to correct safety
20 problems discovered during this investigation. Thank you.

21 CDR BARGER: Thank you, Mr. Barnum. We will now take a
22 ten-minute recess to prepare the first witness, Mr. Jorge Tabadoa.
23 The time is now 8:34 a.m. We will reconvene at 8:45 a.m.

24 (Off the record at 8:34 a.m.)

25 (On the record at 8:54 a.m.)

1 (On the record at 8:54 a.m.)

2 CDR BARGER: The time is now 8:54 a.m. local time in Union,
3 New Jersey. And the hearing is now reconvened and back on the
4 record regarding the fire on board the Grande Costa D'Avorio. Our
5 next witness is Mr. Jorge Tabadoa. Lieutenant Reed, please swear
6 in the witness.

7 (Whereupon,

8 JORGE TABOADA

9 was called as a witness and, having been first duly sworn, was
10 examined and testified under oath, as follows:)

11 LT REED: You may be seated. All right, Mister, now I'll ask
12 you a few initial questions. Please state and spell your last
13 name for the record.

14 (No audible response.)

15 LT REED: Testing one, two.

16 MS. MOORE: You can hold it in your hand when you're standing
17 up and then just put it back in. Put in your left hand because
18 you're going to --

19 THE WITNESS: My name is Jorge Taboada, Jorge with a J,
20 J-o-r-g-e, last name, T-a-b-o-a-d-a.

21 LT REED: Thank you. On July 5th, 2023, what was your
22 profession?

23 THE WITNESS: General Manager, Ports America, Port Newark
24 Terminal.

25 LT REED: Okay. And what, if any, professional certificates

1 or certifications do you hold related to that position?

2 THE WITNESS: I don't understand that question.

3 LT REED: Are there any certificates or certifications
4 required for your position?

5 THE WITNESS: Not that I know of.

6 LT REED: Okay. And do you hope do you personally have any,
7 that are for your position, that you use for your position?

8 THE WITNESS: No.

9 LT REED: Okay. How long have you been employed in that
10 position at the time of the casualty on July 5th, 2023?

11 THE WITNESS: As a General Manager?

12 LT REED: About six years.

13 THE WITNESS: Six years, okay. Thank you very much, Taboada.
14 Commander, the witness is yours.

15 CDR BARGER: Thank you, Lieutenant Reed. Mr. Bart Barnum
16 will be conducting the direct examination of this witness.

17 Mr. Barnum, you may proceed.

18 DIRECT EXAMINATION

19 MR. BARNUM: Good morning, again, Mr. Taboada.

20 THE WITNESS: Good morning.

21 MR. BARNUM: NTSB. Thank you for being here today.

22 BY MR. BARNUM:

23 Q. I wanted to follow on Lieutenant Reed's question of, you said
24 you were with Ports of America for six years in your current
25 position? How about? Is that accurate?

1 A. In my current position, six years, with Ports America, 23.

2 Q. Okay. Is all that time at Port Newark or are have you ever
3 been in other Ports America terminals?

4 A. Port Newark and Bayonne are the terminals.

5 Q. Okay, thank you. Can you please describe your duties and
6 responsibilities as General Manager?

7 A. Sure. I oversee the day-to-day operations over, going,
8 looking over the hiring process, performance, grievances, budgets.

9 Q. Is that for only Ports America employees? Or are those
10 duties related to the term we heard yesterday, labor, AMS of New
11 York, and ILA unions?

12 A. The grievance part, the longshoremen.

13 Q. I'm sorry. Can you repeat that? I can't --

14 A. The grievance with the longshoreman.

15 Q. Grievances, is that what you're saying? Okay. So, part of
16 the purpose of the hearing is for the benefit of the public. So,
17 I think many of us kind of understand the hierarchy and what the
18 different entities that operate on the port.

19 But in your words, could you kind of explain the different
20 entities that work and how they interact with one another as far
21 as Ports America, AMS, ILA, and how they work together to load
22 used cars on a vessel?

23 A. Sure. So, the longshoremen, they're the individuals
24 responsible to drive and handle any cargo inside the ship.

25 Checkers, the clerk's responsible for reports, manifests, loading

1 plants. AMS mechanics are responsible for any maintenance,
2 securing of cargo, or any aid that requires some kind of
3 mechanical skill.

4 Q. Okay, you mentioned checkers is that? That's a relatively
5 new term. Is that different than a lashier?

6 A. Correct. That's a clerical position.

7 Q. Okay. And they're checking the vehicles? Receiving the
8 vehicles in, is that accurate?

9 A. They're there verifying paperwork that is, that pertains to
10 that specific piece of cargo, either a car or crate.

11 Q. Okay. Where do they work? Do they have an office at the
12 terminal?

13 A. They do.

14 Q. Is that -- well, how about yourself? Where? I guess that's
15 my next question. What is your daily job look like? What's your
16 daily routine look like as the General Manager at Ports America?

17 A. What, where -- our location is that a 325 Distribution
18 Street. That's where, you know, all the Ports America staff and
19 checkers are located to receive the cargo. On a day to day, we're
20 planning all the vessels that come into Port Newark. Coordinate
21 with the steamship lines, the requirements of that vessel, the
22 e.t.a. and what time did that vessel needs to departure and
23 coordinate any kind of cargo that needs to be discharged or loaded
24 into the to the vessel.

25 Q. Okay. Thank you. Just to backup to clarify a little bit.

1 In your years at Ports America. Were you also a Superintendent?

2 A. Yes.

3 Q. How long were you? My understanding from yesterday that is,
4 I guess, lowest position? There's a Superintendent, and there's
5 an Ops Manager, and then yourself at General Manager. Is that
6 accurate?

7 A. Yes. It goes from Superintendent all the way up to General
8 Manager.

9 Q. Okay, all right. I want to talk a little, I want to talk now
10 about the July 5th, 2023, the evening of the fire. I'd like to
11 hear from you. Where were you that day and then at the time, at 9
12 o'clock at night when the fire was first discovered?

13 A. So I was on vacation the week prior, up to that day. I was
14 down at the shore with my family. I received the call. I'm going
15 to say, somewhere around 9 o'clock or so, I'm not 100 percent
16 sure.

17 Indicating there was a situation on the ship, there was some
18 kind of fire inside the vessel. I did ask the Operations Manager
19 to go check and verify to see what the situation was. I
20 understand that he tried to get into the vessel. I asked him to
21 make sure that everybody was evacuated and accounted for. And
22 then, I proceeded to get in my car and drive down to work.

23 Q. Do you know how he verified that everybody was accounted for?

24 A. We rely on the foremen to check with everybody. And we also
25 follow up with a text messaging to every individual that was

1 working, expecting a reply back, just to make sure everybody was
2 safe.

3 Q. And those are AMS foremen that you're relying on for a
4 muster, accountability?

5 A. No, it's the longshoremen foreman, the AMS foreman, the
6 checkers foreman, just different divisions working on that ship.

7 Q. Okay, so there's a group? Is it a group text? You said you
8 rely on text messages to the employees?

9 A. Right. Our first attempt was to talk to the foremen, all
10 three entities that were working on that ship, just to confirm
11 that everybody was out. Everybody confirmed that everybody was
12 out of the vessel.

13 I did take it a step forward and directed that Superintendent
14 at time to send a massive text message to the group of individuals
15 working on their ship. We do have a system that allows us to
16 communicate in the event of an emergency.

17 Q. Okay. Is that just a practice that Ports America does to
18 notify employees in the state of emergency? Or is there, do you
19 have a procedure that you follow to ensure that all people are
20 accounted for in an emergency?

21 A. We use that system for other business purposes. You know
22 just to communicate any weather events, or traffic. I normally
23 use it for instance to take them out system, to put a request when
24 they don't want to work the next day. They use their platform to
25 put in their request. And we use that to verify and approve the

1 time of request.

2 Q. Okay, all right. So, I guess what I'm getting at, does Ports
3 America or AMS, that you are aware of -- well, I guess Ports
4 America, do you have a policy and procedure in place to inform
5 those working on the vessel what to do if there's an emergency on
6 that vessel? Where to go? How to be accounted for?

7 A. Not that I recall, no.

8 Q. Okay, thank you. All right, I want to talk a little about
9 your pusher vehicles. Obviously, that's a topic of interest. Can
10 you give us a background of your pusher fleet? How many are
11 there? When did you acquire them?

12 A. I believe we, there's either four or five. Not 100 percent
13 sure, but I think it's either four or five. Just I believe, two
14 Rangers or three Rangers, four-wheel drive, and two Chevy's, or
15 one Chevy and a Jeep.

16 Q. Is that something you look for in a pusher, a four-wheel
17 drive, versus a two-wheel drive? Or what makes a good pusher?

18 A. A four-wheel drive is preferable. They do have more
19 traction. They're better in the snow. So, it works better, four-
20 wheel drive than a two-wheel drive, yes.

21 Q. Okay. And when did Ports America obtain these vehicles? And
22 how?

23 A. I don't have the exact dates. I know the Jeep. It was
24 transferred over for our operations over the Bayonne terminal at
25 that time. I think the transfer was around 2018, and I'm guessing

1 right now. The Rangers probably were purchased around the same
2 time more or less.

3 Q. Did Ports American purchase these vehicles new, or are they
4 used vehicles? How? Where? Who did they buy them from?

5 A. They're used. I believe we bought him for Newark Equipment,
6 Newark Auto Body, I think.

7 Q. Okay. And you know, we learned yesterday these vehicles had,
8 you know, bumpers welded on the front, modified in some way.
9 They're not road legal vehicles. You wouldn't expect to see these
10 driven on the road. Is that correct?

11 A. Correct.

12 Q. So you stated earlier that you, all your time with Ports
13 America has been in Bayonne and Newark, correct?

14 A. Correct.

15 Q. Are you familiar with other Ports America operations around
16 the country? Baltimore, for instance?

17 A. Somehow, yes.

18 Q. Do you know what type of vehicles they use for pushers there?

19 A. Not 100 percent sure. But my understanding, everybody's
20 using different kinds of units to do the job.

21 Q. Okay. Can you explain unit? Are you talking to, you know,
22 similar vehicle? Are you talking --

23 A. Vehicles, yes.

24 Q. Okay, the yellow Jeep, let's talk about that. Obviously, we
25 learned it's been in your fleet for a while. You mentioned that

1 came over from Bayonne? Had you had any concerns with that
2 vehicle in the past about its operating condition?

3 A. No.

4 Q. Had you heard of any issues with the vehicle in the months
5 prior to July 5th?

6 A. No.

7 Q. And would you expect to? If there was an issue, in your
8 position as General Manager would you hear of an issue with a
9 pusher vehicle, mechanical or otherwise?

10 A. Yes.

11 Q. Who? And how do you hear that? Or how does that information
12 get relayed to yourself?

13 A. Usually the mechanics, the AMS employees. And they, they're
14 the eyes on the ground, the individuals that provide that kind of
15 information to us. If anything is wrong, they'll let us know.

16 Q. Okay. So, you would actually hear from an AMS mechanic
17 themselves? Would they where they call you on your cell phone?
18 Or do you carry a radio? Or do they email it to you? How do
19 you --

20 A. Usually text, phone calls, email, word of mouth.

21 Q. We heard yesterday there's an AMS mechanic foreman name,
22 Chuck. Have you heard of that name?

23 A. Yes.

24 Q. What is his last name?

25 A. Kilbey (ph.)

1 Q. Could you repeat that please?

2 A. I believe it's Kilbey, Charles Kilbey. I believe.

3 Q. Thank you. Would that be someone, an individual, that you
4 would expect to hear from if there was an issue with the push
5 vehicle?

6 A. Correct?

7 Q. Okay. Have you -- okay, so a little bit about if a push
8 vehicle was to have an issue, you were notified, is there a
9 particular location that that push vehicle would be stored before
10 it was repaired?

11 A. Anything with that needs to be tagged out or locked out
12 because of repairs staged by the mechanic area.

13 Q. Okay. What about position on the dock? Like, if you were
14 coming into work one day and you drove by your fleet of pushers
15 and there was one set off to the side, is there a certain area
16 where you know a vehicle goes for quarantine if it's not
17 operational? Where you could identify it as not operational based
18 on where it's parked?

19 A. No.

20 Q. Okay. The yellow Jeep, were you aware of the Jeep having any
21 issues with transmission oil temperature prior to July 5?

22 A. No.

23 Q. Had anybody reported to you that they were receiving a
24 visible hot oil alarm in the vehicle?

25 A. No.

1 Q. Have you ever operated pusher vehicles?

2 A. No.

3 MR. BARNUM: Okay, thanks for that, Mr. Taboada. I want to
4 talk a little bit about the maintenance of the pushers and the
5 equipment, please. So, Lieutenant Reed, could you bring up our
6 Exhibit No. 4, and scroll down to page 9?

7 (Coast Guard Exhibit No. 4 marked
8 for identification.)

9 MR. BARNUM: So, Mr. Taboada you have a wireless mouse there,
10 so you should be able to scroll, to point to things if we need to.

11 THE WITNESS: Yes.

12 BY MR. BARNUM:

13 Q. So, page 9, could you explain what this exhibit's showing for
14 us?

15 A. It looks like an invoice from the shop that we send the units
16 to get repair.

17 Q. Okay. So, an invoice from Newark Auto Body and Service. And
18 what's the date of this service?

19 A. It looks like August 20, 2022.

20 Q. Okay. So, nine and a half, ten months before the casualty.
21 And can you identify what work was completed on the vehicle?

22 A. You want me to read the descriptions?

23 Q. Well, first what vehicle is related to? Can you identify
24 that?

25 A. Yes, 2008 Jeep Wrangler.

1 Q. Okay. So, the yellow Jeep?

2 A. Correct.

3 Q. And what type of service was done?

4 A. It looks like a motor oil, filter, topped the fluids, 18, 16
5 point safety inspection, spring gear, isolator, isolator, spring
6 upper.

7 Q. Okay.

8 A. And backup alarm, it looks like.

9 Q. All right, so an oil change, and general change, safety
10 inspection?

11 A. Correct.

12 Q. Do you know what prompted the vehicle to be brought to Newark
13 Auto Body on this day?

14 A. Not 100 percent sure.

15 Q. Okay. What would typically prompt one of your pusher
16 vehicles being brought to Newark Auto Body?

17 A. When the AMS mechanics are unable to fix the problem, then we
18 scale them to go off site.

19 Q. Okay. So, presumably, or this vehicle was brought to Newark
20 Auto Body for an issue other than an oil change?

21 A. Correct.

22 MR. BARNUM: Okay. Lieutenant Reed, could you go down to
23 page 10?

24 BY MR. BARNUM:

25 Q. All right, this is a similar invoice. Would you agree? Oh,

1 the same invoice. Sorry. Just different, a couple of different
2 line items here, Mr. Taboada. Could you continue on with your,
3 just your understanding of what other things were done to the Jeep
4 as seen here in the exhibit?

5 A. Sure. It looks like that transmission oil. Trance, I don't
6 know what that stands for, FLTR, air filter, tire disposal. And I
7 guess, they put a new tire, Yokohama Geo Lander, and then the tow
8 back to the site.

9 Q. Okay. And presumably the reason they tow it back to the
10 site, it's not because it wasn't operational because it's not road
11 legal?

12 A. Correct. They're not plated, erased their vehicles.

13 Q. Okay. So, again, this was 8-20-22, the vehicle had an oil
14 change, the transmission oil was changed. Would you say -- got
15 new tires and like some other things. Would you say this was the
16 most recent service of the vehicle prior to July 5th, 2023?

17 A. Not sure. I mean, based on what I see, yes.

18 MR. BARNUM: Okay. And okay, thank you. Lieutenant Reed,
19 you can take that one down. We're done with that. Okay, a couple
20 more questions on that same topic, Mr. Taboada.

21 BY MR. BARNUM:

22 Q. You said that the vehicle was brought to Newark Auto Body not
23 because it needed an oil change. But because of another issue.
24 Are you, is, I guess it would be AMS, are they tracking the
25 mileage of these vehicles? Or maybe the running hours of some of

1 these vehicles in order to trigger maintenance on them?

2 A. I'm not sure how they, how they, how they do it.

3 Q. Okay. So I think it'd be safe to say that Ports America
4 doesn't have a requirement or a policy procedure requiring Ports
5 America to do that?

6 A. We don't. We require, we rely on AMS to be the eyes on site,
7 to keep an eye on the equipment, and to let us know if there's any
8 issues.

9 Q. Okay. What about your other heavy equipment within the port?
10 I understand the Ports America owns other equipment that operates
11 within the terminal?

12 A. Correct. Same applies for that.

13 Q. Okay. How was the maintenance handled on that equipment?
14 Assuming it's not sent to Newark Auto Body, this is heavy
15 equipment.

16 A. Right. We have different companies that handle that. I
17 believe one of the companies is TES. They handled the hustlers,
18 stackers, all the heavy equipment.

19 Q. Okay. Does Ports America have a service agreement with them
20 to come in and service it?

21 A. I'm not sure if we have an agreement. That they're one of
22 the companies that we utilize. The communication between, I
23 believe there's a communication between the TES and AMS
24 continuously on maintenance and any p.m. requirements on the
25 units.

1 Q. A couple of questions on the training there are the Ports of
2 America and how it relates to some of the operation of your
3 equipment. Does Ports America require either AMS or the ILA to
4 possess any training qualifications or certificates to operate
5 your equipment, whether it be pushers or heavy equipment?

6 A. It's my understanding that they come train from the union.

7 Q. What type of training do you understand that they receive?

8 A. I'm not sure what kind of training they receive.

9 Q. So if you had an individual operating one of your hustlers or
10 your forklifts, would you expect them to be trained on how to use
11 that?

12 A. Correct. They're trained by the New York Shipping
13 Association, NYSA.

14 Q. Do you know if the pusher operators, the lashers, do they
15 have any training on how to operate the pushers?

16 A. Not aware.

17 Q. I'm sorry, could you repeat that?

18 A. I am not aware.

19 Q. You're not aware. Okay. So, Ports America doesn't require
20 any particular training?

21 A. No.

22 Q. And just one final question for you on that topic. So, I
23 know you just said that you don't require it. But do you have any
24 policies or procedures related to the operation of your equipment?

25 A. No.

1 MR. BARNUM: No, okay. So, that's all the pre-prepared
2 questions I have you sir. I'm going to pass it back to Commander
3 Barger. I might have a couple of follow-ups for you in a minute.
4 But thank you.

5 THE WITNESS: Thank you.

6 CDR BARGER: All right. Good afternoon, or good morning,
7 Mr. Taboada.

8 THE WITNESS: Good morning.

9 CDR BARGER: I have a couple of follow up questions for you.
10 And then, each of the members of the investigative team will have
11 the opportunity to ask follow-up questions as well.

12 THE WITNESS: Okay.

13 BY CDR BARGER:

14 Q. So, to verify for my understanding who at Port -- who was the
15 owner of the pusher vehicles?

16 A. Ports America.

17 Q. Okay. So, who at Ports America oversees the pusher vehicle
18 maintenance?

19 A. The mechanics, AMS.

20 Q. So, you rely 100 percent on AMS to provide all maintenance
21 oversight for the vehicles?

22 A. Yes, that's their, one of their functions.

23 Q. Okay. What about preventative maintenance?

24 A. Same.

25 Q. Okay. So, if a vehicle needs an oil change, who takes care

1 of that?

2 A. They do. They, if they think that an oil change is needed,
3 they will let us know. We don't really have any oil change
4 schedules. They just, my understanding that they top the fluids.
5 You know, those units don't move. They move a month at a time,
6 you know, once a month.

7 Q. Okay. So, from Ports America there is no scheduled period
8 for which a pusher vehicle would get sent out for an oil change?

9 A. No.

10 Q. Okay. How involved would you say you are with, or how aware
11 are you of maintenance issues related to pusher vehicles?

12 A. If they bring it to my attention that there, something is
13 wrong, then I'm involved.

14 Q. Okay. If a push vehicle had a flat tire, is that something
15 that would be brought to your attention?

16 A. No.

17 Q. If it was having a transmission issue, is that something that
18 you would expect to have brought to your attention?

19 A. Yes.

20 Q. Okay. It was having overheating issues, is that something
21 you would expect to be brought to your attention?

22 A. Yes.

23 Q. Okay. So how does how does AMS, their mechanics, know that
24 there's the expectation that issues like that are brought to your
25 attention?

1 A. It's custom practices, been like that forever, they're,
2 communicate that to us.

3 Q. Okay. So, common practice, no written guidance, policies,
4 procedures, or contracts that say that?

5 A. Correct.

6 LT REED: Commander, we appear to have technical
7 difficulties. We need to take a short recess.

8 CDR BARGER: Okay.

9 LT REED: Okay. In order to correct a technical issue, we'll
10 take a five-minute recess. We will -- the time is now 9:23.
11 We'll reconvene at 9:28.

12 (Off the record at 9:23 a.m.)

13 (On the record at 9:31 a.m.)

14 LT REED: The time is now 9:31 a.m. local time in Union, New
15 Jersey. We are back on the record.

16 CDR BARGER: Mr. Taboada, I apologize for that delay. No
17 problem. So before we recessed, we were talking about some
18 maintenance issues and your roles within maintenance for the
19 pusher vehicles. So I had asked you, but I'll just reconfirm.

20 BY CDR BARGER:

21 Q. If a vehicle if a push vehicle was overheating, is that
22 something that would be reported to you?

23 A. If a -- I would say yes if it was something that needs to be.
24 Yes, I would say yes.

25 Q. Okay. Have you previously received reports of overheating

1 issues with push vehicles?

2 A. No.

3 Q. Have you previously received reports about transmission
4 issues with push vehicles?

5 A. Not that I can recall, no.

6 Q. Have you received reports of radiator issues with push
7 vehicles?

8 A. I do remember something about a radiator that needed to be
9 fixed or changed, yes.

10 Q. Okay. Do you remember what vehicle that was on?

11 A. I believe it was the pusher.

12 Q. But which of your --

13 A. I'm sorry, the Jeep.

14 Q. On the jeep?

15 A. Correct.

16 Q. And what timeframe was that? Do you remember?

17 A. I don't remember that no.

18 Q. Okay. So is it, so if you haven't -- if you don't recall,
19 previously receiving reports or notification about a vehicle
20 overheating, is it possible that's something that AMS addressed,
21 would address directly without notifying you know?

22 A. I'm not sure.

23 Q. Okay. Do you receive any kind of -- at Ports America, do you
24 receive any kind of written reports or records about maintenance
25 that AMS does on your vehicles?

1 A. We received text notifications from the foreman every time
2 something needs to be BM or address. We have to issue a PO number
3 to approve the work. I believe they do keep some kind of records
4 on there at their office, but I'm not sure --

5 Q. Okay.

6 A. -- to what degree.

7 Q. But you don't receive like a monthly report of work that
8 they've done?

9 A. No.

10 Q. Mr. Taboada, if we could talk a little bit about cargo
11 operations. When a -- who? Who handles the intake of cargo
12 that's to be loaded onto a Grimaldi vessel?

13 A. Who does the paperwork?

14 Q. Who handles? When a vehicle shows up to be shipped on a
15 Grimaldi vessel, how does that process work?

16 A. That's where the clericals, the checkers, they're hired for,
17 by Ports America. They're the individuals doing that duty.

18 Q. Okay. And what do they check as part of that process?

19 A. Every side, every line is different, so mostly paperwork.

20 Q. Okay. Are they checking the condition of each vehicle as
21 they come in?

22 A. For Grimaldi, yes.

23 Q. Okay. And how do they know what to check?

24 A. There's guidelines. They are provided by Grimaldi.

25 Q. Okay. Are you aware of what some of those guidelines are

1 from Grimaldi?

2 A. Some of them, yes.

3 Q. Okay. To your understanding of those guidelines, could you
4 tell us what those include?

5 A. Sure. They're looking for to make sure the units are in
6 running condition, they don't have any punched in radiators,
7 there's no rubbed in parts on the tires. Make sure the batteries
8 are accessible.

9 Q. Okay. Are they checking fuel levels in the vehicles?

10 A. No.

11 Q. Okay. How do they determine what vehicles? We have heard
12 that there's several methods of loading vehicles onto, you know, a
13 Grimaldi ship. How do they determine how and who is going to load
14 any particular vehicle onto the ship?

15 A. Well, any unit that is received undrivable condition is the
16 longshoreman, anything that needs to be addressed in working order
17 that needs to be pushed or towed is AMS.

18 Q. Okay. Is there any kind of, or any condition of a vehicle
19 that might come to show up at your gate that you would say can't
20 be loaded onto a ship?

21 A. Yes. At least the guidelines refer to electric cars and
22 hybrids, they don't receive those units.

23 Q. Okay. Have you ever had a vehicle show up that can't be
24 pushed onto the ship?

25 A. Yes.

1 Q. Okay. What happens in that case?

2 A. We don't receive it.

3 Q. You don't receive it?

4 A. Correct.

5 Q. Okay. So if I'm understanding you correctly, the only types
6 of vehicles that will be loaded onto a Grimaldi ship are either
7 ones that can be driven on themselves, or ones that can be pushed?

8 A. Or ones they can be forkliftable, like some of the bookings
9 could be forkliftable, so they can be driven. That they're really
10 damaged, so that requires a forklift to be utilized to get them
11 loaded on the ship.

12 Q. Okay. So if they can't be pushed, they, they can go on the
13 ship. They're just done so by a forklift?

14 A. Yes, once the booking is changed and Grimaldi approves the
15 process, yes. Everything needs to be approved by the line before
16 we continue.

17 Q. Okay. And who makes the decision if something is pushable or
18 if something has to be forklifted?

19 A. We notify the line, in this case Grimaldi. Take some
20 pictures, let them know what's in front of us. And they'll make
21 that determination on what to do.

22 Q. Okay. And how in the terminal yard where these vehicles are
23 stored is it differentiated between vehicles that can be driven,
24 pushed, or have to be forklifted?

25 A. Yes, all the forkliftable units go to a specific area. The

1 non-runners also go to a specific area.

2 Q. Okay. So, all three of those types of vehicles are
3 segregated within the terminal yard?

4 A. Correct?

5 Q. When a ship is at the berth, and cargo operations are
6 occurring, where are you normally?

7 A. My office. From time to time, I might show up on the ships.

8 Q. Okay. But in your position, you're not routinely present
9 when cargo operations are occurring?

10 A. Not all the time.

11 Q. Okay. Now, we've already talked about some of the training
12 that both Ports America and AMS employees may or may not have for
13 their jobs. As far as emergency preparedness, do Ports America
14 employees that are working at the terminal have any requirement
15 for emergency preparedness training?

16 A. I mean, we, nothing specific that comes to mind. We do
17 discuss in some meetings if an event of an emergency were to go.

18 Q. Okay.

19 A. We could do have scenarios on the berths allocated to that.

20 Q. Okay. So what would be your expectation of a Ports America
21 employee if a fire broke out?

22 A. On a vessel, on a ship?

23 Q. On a ship or shoreside? I just -- during cargo operations.

24 A. Well the first thing is to make sure that everybody's safe
25 and is out of the harm's way. And the scenario on the pier, where

1 we just try to get everybody together to make sure that
2 everybody's sound and safe.

3 Q. Okay. So, essentially muster? And then --

4 A. Correct.

5 Q. -- and then, what would be the expectation from there? Let's
6 say it was shoreside, at your terminal?

7 A. Verification to make sure that everybody's safe.

8 Q. Okay. Any notifications that would need to be made? Or who
9 are you? What? How are you going to extinguish the fire?

10 A. We don't. That's not in our jurisdiction. That's Port
11 Authority's property.

12 Q. Okay, all right. As far as shipboard awareness, do you have
13 any kind of training requirements for Ports America or expectation
14 for AMS employees that they would have any type of training on
15 shipboard awareness?

16 A. I'm not aware of any training, AMS, no.

17 Q. Okay. So I think my last question I have for you. I know
18 you mentioned you would periodically be down at the port while
19 cargo operations were occurring.

20 A. Correct.

21 Q. Have you, in those times that you've been down there, have
22 you ever observed push vehicles out of service?

23 A. Yes.

24 Q. Okay. How do you know that they were out of service?

25 A. Because we just did -- we're short. If we expect to have

1 four units working, we only see three or two. We're questioning
2 why are we short on the push units, and at the time we were not
3 notified if something is wrong with the unit.

4 Q. Okay. Is there -- if a unit is out of service, is there any
5 particular place that you would expect to see that unit sitting?

6 A. I believe I answered that before. It was by the mechanics
7 area.

8 Q. Okay. And have you ever heard the phrase put it on the side?
9 Or put on the side?

10 A. Yes.

11 Q. Or as it relates to pusher vehicles?

12 A. No.

13 Q. Okay. Okay, one last question for you. And then I'll hand
14 it over to my colleagues. You describe to us the purchase process
15 for push vehicles? Are the -- are you aware, do the vehicles have
16 owner's manuals that come with them?

17 A. Yes.

18 Q. Okay. Are they? Where are the owner's manuals kept for the
19 vehicles?

20 A. Not for this particular units, they didn't have any owner
21 manuals.

22 Q. Okay. So, the push vehicles in use at the berth 18 terminal,
23 they don't have owner's manuals with them?

24 A. Not to my knowledge, but I'm not 100 percent sure.

25 CDR BARGER: Okay. All right, thank you. That's all the

1 questions I have. Ms. Moore, any follow-up questions?

2 LCDR MOORE: Yes, Commander, thank you.

3 BY LCDR MOORE:

4 Q. Mr. Taboada who decides when the pushers are sent off for
5 maintenance or issues? Who makes that decision to send them off?

6 A. Who makes the call to send them off site?

7 Q. Correct?

8 A. I do.

9 Q. Does anyone else at Ports America have to sign off on or
10 approve that before it happens or just you?

11 A. No, it's not as specific to me. If a situation like that
12 comes to me, I can direct that to the superintendents to say, go
13 ahead and schedule for, to get picked up, and send out the
14 repairs.

15 Q. And earlier you said you'd expect to be notified if there
16 were mechanical issues with the pusher vehicle, is that correct?

17 A. Yes, either myself or one of the superintendents, so yes.

18 Q. Is there a threshold for that notification? Like if the
19 issue is very minor would you still expect to be notified, or is
20 it just major issues?

21 A. I would imagine it's something major that you cannot, the
22 unit is not safe to be utilized.

23 LCDR MOORE: I just want to confirm. You were speaking about
24 where you would expect to see a pusher vehicle if it was put out
25 of service. Lieutenant Reed, can you pull up Exhibit 1, the last

1 slide? It should appear on the screen in front of you.

2 BY LCDR MOORE:

3 Q. Mr. Taboada, is this area familiar to you?

4 A. Yes.

5 Q. When you were speaking about the area you would expect to
6 find a pusher vehicle or a unit that was out of service for
7 loading can you indicate on the exhibit where that location is?

8 A. I don't see that area on there. It's on the, by berth 20, on
9 the right corner towards the end. That's where the shack is. To
10 the right, to the right of that location, right here, 20. More to
11 the right.

12 LCDR MOORE: Let the record reflect, the witnesses pointing
13 to an area near berth 20.

14 THE WITNESS: Yes, the picture doesn't show the whole
15 facility. I believe, there, the maintenance area is more to the
16 right of that 20 location, right there. But without seeing the
17 picture a little larger, I can't tell for sure.

18 LCDR MOORE: We're going to zoom in just a little, see if it
19 helps you.

20 BY LCDR MOORE:

21 Q. Is it showing now or is it off to the right?

22 A. Yes. It's -- right there.

23 LCDR MOORE: Let the record reflect the witness is pointing
24 to an area near berth 20, between the vehicles stored on the dock
25 and the vessels tied to berth 20. Sorry, Mr. Taboada, we're going

1 to take a screenshot. Thank you, that's all I have for you at
2 this time.

3 THE WITNESS: Okay.

4 LCDR MOORE: Corey, you can take that down.

5 CDR BARGER: Thank you. Lieutenant Commander Ward, any
6 follow up questions?

7 LCDR WARD: Good morning.

8 THE WITNESS: Good morning.

9 BY LCDR WARD:

10 Q. I just want to clarify one thing. You said that you have
11 visited the site and have seen pusher vehicles not in use. Have
12 you ever seen a pusher vehicle separate, not in the mechanical
13 area, though? Maybe put to the side somewhere, that's not in use
14 with the other pusher vehicles?

15 A. Meaning something that is broken? Like, I don't understand
16 the question.

17 Q. Well, that's why I wanted to ask your interpretation of that.
18 Have you ever seen a pusher vehicle not in the mechanic area, but
19 not being in use?

20 A. Yes.

21 Q. But how would you interpret that?

22 A. I will question it.

23 Q. What would you question about it?

24 A. Is anything wrong with the unit?

25 Q. Okay. So, you would interpret a pusher vehicle to the side

1 not in use as having a potential issue?

2 A. Not an issue, but there's not -- why is it there?

3 Q. Exactly, okay. So, and you've seen that before, on occasion?

4 A. Sometimes the units never, you know, sometimes people are in
5 a hurry to go home, and just leave the unit, instead of taking it
6 to the back, yes.

7 Q. Okay. Have you ever seen the yellow Jeep in that condition?

8 A. No.

9 LCDR WARD: Okay. That's all the questions I have. Thank
10 you.

11 THE WITNESS: You're welcome.

12 CDR BARGER: Lieutenant Reed, any follow up questions.

13 LT REED: I have no questions, thank you.

14 CDR BARGER: Mr. Pittman, any follow up questions?

15 MR. PITTMAN: I have no questions for this witness?

16 CDR BARGER: NTSB, Ms. McAtee, any follow up questions?

17 MS. MCACTEE: I have no questions.

18 CDR BARGER: And Mr. Barnum, before we go to the PF, parties
19 in interest do you have any follow up questions?

20 MR. BARNUM: (No audible response.)

21 CDR BARGER: Okay, thank you. We have approximately 35
22 minutes remaining for this witness. In order to ensure equitable
23 time and opportunity for each party and interest to ask questions,
24 each party and interest will have approximately eight minutes to
25 cross-examine the witness within the scope of our direct

1 examination questions. And we'll, we will begin with Grimaldi
2 Deep Sea.

3 MR. LEVY: Good morning. My name is John Levy and represent
4 the ship owner, Grimaldi.

5 THE WITNESS: Good morning.

6 MR. LEVY: Good morning.

7 CROSS-EXAMINATION

8 BY MR. LEVY:

9 Q. You're the general manager for Ports America at this
10 location, is that correct?

11 A. Correct.

12 Q. Is there anybody above you at this location?

13 A. Yes.

14 Q. Who's above you?

15 A. My direct manager is Luke Terimas (ph.).

16 Q. And what's his title?

17 A. The leader, I think that he is either Director, GM Director.

18 Q. And is there anyone above him?

19 A. Yes.

20 Q. At the location of Ports America?

21 A. Well, he, no Luke is not at the location, he's just my direct
22 manager.

23 Q. Your direct manager, where is he located?

24 A. Savannah?

25 Q. Savannah, Georgia?

1 A. Correct.

2 Q. Okay. So you're top man at this location?

3 A. Yes.

4 Q. Okay. Let me just make sure I understand who does what. So,
5 Ports America owned the Jeep that was put on to the ship as a
6 pusher vehicle?

7 A. Correct.

8 Q. You say the maintenance and repair, the maintenance
9 responsibilities for the Jeep were delegated by Ports America to
10 AMS?

11 A. Correct.

12 Q. Is there a contract that sets out what the duties and
13 responsibilities are for AMS, what duties and responsibilities are
14 for Ports America with respect to the repair of pusher vehicles?

15 A. Not that I'm aware.

16 Q. Is there a safety policy in place at Ports America concerning
17 the pusher vehicles?

18 A. No.

19 Q. The pusher vehicle in this case was acquired by Ports America
20 from Newark Auto Body, is that correct?

21 A. The Jeep?

22 Q. The Jeep.

23 A. No.

24 Q. Where was the Jeep acquired from?

25 A. Not 100 percent sure, but it came over from the Bayonne

1 operation.

2 Q. Okay. So, you don't have any knowledge about how the Jeep
3 was acquired?

4 A. No.

5 Q. Okay. Do you acquire vehicles from Newark Auto Body?

6 A. Yes.

7 Q. And Newark Auto Body is a body shop and also a service center
8 for vehicles?

9 A. Correct.

10 Q. So, when you, I mean you, I mean Ports America, I don't mean
11 you personally. When Ports America acquires a vehicle from Newark
12 York Auto Body, are they requiring a vehicle that's been in a
13 wreck?

14 A. No.

15 Q. Sometimes?

16 A. No.

17 Q. Okay. They acquire used vehicles I assume, not new?

18 A. Correct.

19 Q. Right, and then they modify them so they can be used as
20 pusher vehicles, correct?

21 A. Correct.

22 Q. Are there any analysis done by Ports America on whether a
23 Jeep, this particular Jeep, or any Jeep, is there any analysis
24 done on whether it is an appropriate vehicle to be used to push
25 cars onto a ship?

1 A. We follow Grimaldi's guidelines. You know, we have plenty of
2 communications when we're looking at the business and what are
3 their units, or what other, what kind of units, other sites use.
4 So we're always hand in hand with Grimaldi on what kind of units
5 are best to use on the ships.

6 Q. Other Ports America locations, you're talking about? Where
7 Grimaldi's ships call at?

8 A. Newark and other locations, sure.

9 Q. Okay. But that wasn't my question. My question was, does
10 Ports America have any specifications or guidelines for what
11 vehicles it will use as pusher vehicles?

12 A. Nothing in writing if that's what you are asking.

13 Q. I am asking for written policies or procedures.

14 A. No.

15 Q. Okay. Does it have any written policies and procedures for
16 how long they expect the pusher vehicle to last? Its life
17 expectancy?

18 A. No.

19 Q. You don't keep track of the vehicles' mileage, is that
20 correct?

21 A. No, we don't.

22 Q. Okay. When you take it, or direct that it'd be sent to a
23 place for repair, you send it to Newark Auto Body, you don't send
24 it to a Jeep dealership for them to run an analysis on the
25 vehicle, is that correct?

1 A. Correct.

2 Q. Okay. And I assume, and correct me if I'm wrong, that you're
3 the one who makes the decision as to whether the vehicle needs to
4 be, whether its life is done because the repair costs are going to
5 exceed the value of the of the vehicle? I'm talking about the
6 pusher vehicle, or whether it should be repaired?

7 A. If the repair cost is more than the value of the unit, yes.

8 Q. Sure. So, you run the vehicle until something breaks on it
9 that causes a repair that would exceed the value of the vehicle?

10 A. No.

11 Q. Do you have any planned deadlines for vehicles to be taken
12 out of service?

13 A. Again, we rely on the eyes on site to let us know the
14 condition of the units. Some of them last longer than others.

15 Q. I understand. But at some point, they will have some kind of
16 repair that exceeds the value of the vehicle. And then, you'll
17 say, no, I'm not going to repair that one. I'm going to get a
18 used one, a new used one?

19 A. Correct.

20 Q. Okay. So you run them until they have a repair that exceeds
21 the value of the car?

22 A. Not necessarily.

23 Q. Under what circumstances would you take a pusher vehicle and
24 say, it still works, but we're not going to use it anymore?

25 A. It doesn't have enough power. You know? We, again, we rely

1 on the guidelines of the mechanics on site to let us know that,
2 you know, the unit is not working properly.

3 Q. But Ports America, the owner of the vehicle, and the one who
4 hires AMS doesn't have any written policies or procedures on when
5 it will take a used pusher vehicle out of service?

6 A. Correct.

7 Q. So you run the vehicles until they drop?

8 MR. ZONGHETTI: Objection.

9 THE WITNESS: I don't know how to answer that.

10 MR. LEVY: I'll withdraw my question.

11 CDR BARGER: On what grounds is the objection?

12 MR. LEVY: I'll rephrase the question.

13 MR. ZONGHETTI: It's not based upon any evidence that the
14 witness has testified to, and it's argumentative, and it's meant
15 to be prejudicial.

16 MR. LEVY: I'll withdraw the question.

17 CDR BARGER: Okay.

18 MR. LEVY: I'll rephrase.

19 BY MR. LEVY:

20 Q. Do you have any records showing that Ports America gave any
21 attention to this vehicle, more than just changing its oil, and
22 changing its transmission, such as any inspections of the Jeep?

23 A. I believe that record before it showed there was a 16
24 inspection point. There are some kinds of inspections, yes.

25 CDR BARGER: Mr. Levy, you have one more minute.

1 MR. LEVY: Thank you.

2 BY MR. LEVY:

3 Q. Is safety the top priority at Ports America?

4 A. Yes.

5 Q. What concern does Ports America have about the safety of
6 vehicles that it uses to push on to Grimaldi ships?

7 A. We do have concerns, which we have addressed to Grimaldi.

8 Q. But you don't keep any records of any maintenance or repairs
9 that are being done to the vehicle other than these ones where you
10 send it off, is that correct?

11 A. Correct.

12 MR. LEVY: Okay. I have no other questions.

13 CDR BARGER: Okay, thank you. Ports America?

14 BY MR. ZONGHETTI:

15 Q. Mr. Taboada, just a couple of follow ups to make clear the
16 relationships between the parties. You work for Ports America and
17 Ports America is a stevedore in Port Newark, is that correct?

18 A. Correct.

19 Q. And, as a stevedore, it hires ILA labor to work on ships when
20 they are in port, correct?

21 A. Correct.

22 Q. It also hires ILA checkers, correct?

23 A. Correct.

24 Q. In addition to that, it has a relationship with an entirely
25 separate company, which is AMS, correct?

1 A. Correct.

2 Q. And AMS hires its own employees?

3 A. Correct.

4 Q. And those are the lashers, who are also longshoreman, and
5 also union members, is that correct?

6 A. No, AMS is lashers and mechanics.

7 Q. And Grimaldi is the customer of Ports America, correct?

8 A. Correct.

9 Q. When you use the term line, you meant shipping line, and
10 Grimaldi is one of them, right?

11 A. Correct.

12 Q. In terms of cargo that can be loaded on a Grimaldi ship,
13 Grimaldi gives you guidelines that you, meaning Ports America, has
14 to follow, right?

15 A. Correct.

16 Q. And when there's a question about whether a vehicle can be
17 loaded or not loaded, you go to your customer and get their
18 permission or get their viewpoint on that, right?

19 A. Correct.

20 Q. Because the safety of the vessel, whatever is loaded on the
21 vessel is the responsibility of Grimaldi, correct?

22 A. Now, in terms of selecting vehicles that can be used to push
23 onto a Grimaldi vessel, I believe you testified that you had you
24 have communications with Grimaldi as to the types of vehicles that
25 are being used to push onto their vessels, did I hear that

1 correctly?

2 A. That is correct.

3 Q. And they weigh in on what types of vehicles can be used?

4 A. That is correct.

5 Q. Now, in addition to that, I believe one of the last questions
6 counsel was asking you led you to say something like, to the
7 effect of you've recommended things to Grimaldi about how, what
8 vehicle should be used, and they've rejected that?

9 A. That is correct.

10 Q. Can you explain that?

11 A. Well, we you know, at some point, we were having a concern on
12 putting drivers on units that are not in running condition. We
13 don't know what kind of condition those units are in. So, we were
14 trying to switch from pushing to towing, and using tow trucks
15 instead of using vehicles to push other vehicles.

16 Q. Okay. Go ahead.

17 A. Which they didn't like very much because the production
18 drops. Tow trucks are not accessible to go into every deck. And
19 when you push you can go into lower decks.

20 Q. So, if I understand what you're saying, the vehicle being
21 pushed has a lasher employed by AMS in that vehicle because it has
22 to be steered, right?

23 A. There's two AMS into that function, one in the unit that is
24 been pushed, and the other one on the unit that is pushing that,
25 the unit.

1 Q. But the vehicle being pushed as a disabled vehicle?

2 A. Correct.

3 Q. And Ports America had a concern about the safety of the
4 lasher driving or sitting in that disabled vehicle?

5 A. That is correct.

6 Q. So you suggested or recommended to Grimaldi that tow trucks
7 should be used, and they rejected that?

8 A. That is correct.

9 Q. And required you to use pusher vehicles?

10 A. That is correct.

11 Q. It's ultimately up to you to authorize a vehicle to be sent
12 off to Newark Auto for repair, correct?

13 A. Yes.

14 Q. But if I understand the words, you were using, AMS these are
15 the folks that have the expertise that you hired to do preventive
16 maintenance and ongoing maintenance to the vehicles? They're the
17 eyes on the ground and they tell you when work is needed?

18 A. That is correct.

19 Q. And in the case of this pusher vehicle, the Jeep we've been
20 talking about, you were showing the exhibit, August 2022, several
21 months before this incident, and it was sent to Newark Auto Body,
22 and it had a "16-point safety inspection" done?

23 A. Correct.

24 Q. And that included a complete servicing of the transmission?

25 The transmission oil was changed, and the trans -- and you didn't

1 understand this abbreviation FLTR, trans filter, does that make
2 sense to you?

3 A. Yes.

4 Q. Was changed, correct?

5 A. Correct.

6 Q. And Ports America after that occurred, heard nothing about
7 any issues with this pusher vehicle, this yellow Jeep, except for
8 a radiator change that may have had to been done?

9 A. That's correct.

10 Q. Now, you were asked questions about a car, a pusher vehicle
11 being put to the side? Do you remember being asked about that?

12 A. Yes.

13 Q. Okay. Are there times when you go down to a ship, where you
14 see a pusher vehicle not being used?

15 A. Yes.

16 Q. Are there simply times when not all the pusher vehicles are
17 being used?

18 A. Yes.

19 Q. That's up to the loading process, right?

20 A. Correct.

21 Q. How many pusher units and crews are being used?

22 A. Correct.

23 Q. And is there any special area where pusher vehicles are put
24 when they're simply not being used?

25 A. No, no, they're all over the place.

1 Q. Now, when a vehicle is broken down, and AMS determines it's
2 out of service, that vehicle I believe you use the phrase is
3 locked out, tagged out, and put by AMS' onsite maintenance shed,
4 correct?

5 A. Correct.

6 Q. Not to be used by anyone?

7 A. Correct.

8 Q. And that's AMS' responsibility when a vehicle can't be used?
9 They step in, lock, tag it out, locked down, tag it out, put it
10 out, right?

11 A. Correct.

12 MR. ZONGHETTI: That's all I have. Thank you.

13 CDR BARGER: Okay, thank you. American Maritime Services of
14 New York.

15 MR. PALLAY: Good morning, Mr. Taboada. My name is Matthew
16 Pally. I represent AMS. Thank you for providing your testimony
17 today.

18 THE WITNESS: Good morning.

19 MR. PALLAY: I apologize. We're going to jump around a bit
20 given, going on here.

21 BY MR. PALLAY:

22 Q. First thing, on your background, were you also a
23 longshoreman?

24 A. No.

25 Q. You were never part of the ILA at any point in time?

- 1 A. I was part of the ILA, yes.
- 2 Q. Okay. And when were you part of the ILA, and how long?
- 3 A. Ten years, starting in '89, '90.
- 4 Q. Okay. And what? What were you doing at that time?
- 5 A. I worked for the 1804.
- 6 Q. Okay. And that's the maintenance local?
- 7 A. Correct.
- 8 Q. Okay. That's the same local that all the AMS employees
- 9 belong to?
- 10 A. Correct.
- 11 Q. And so, were your job duties -- are you aware of their job
- 12 duties being the same as what they were when you were with the
- 13 local?
- 14 A. I was a lasher.
- 15 Q. As lasher, operating a push vehicle in berth 18, these push
- 16 vehicles are passenger vehicles, correct?
- 17 A. Yes.
- 18 Q. So, a Jeep Wrangler, a Ford Ranger, Chevy Colorado?
- 19 A. Yes.
- 20 Q. Are you aware of any specialized training to drive a
- 21 passenger vehicle?
- 22 A. Can you repeat that question?
- 23 Q. Any specialized training to drive a passenger vehicle?
- 24 A. Not aware.
- 25 Q. Just maybe a driver's license?

1 A. Wouldn't even check for that.

2 Q. But compared to say a hustler, there will be specialized
3 training, right?

4 A. Skills, yes.

5 Q. Same thing with a forklift?

6 A. Correct?

7 Q. Ports America didn't require any further training other than
8 saying having a driver driver's license or being able to drive a
9 passenger vehicle to operator a pusher, did they?

10 A. That's not on -- they don't work for us. They work for AMS.

11 Q. But as hiring AMS, did you require AMS' employees to have any
12 further training on operating pusher vehicles?

13 A. We're not the hiring agents for AMS.

14 Q. When you hire longshoreman to operate hustlers are those
15 longshoremen required to have specialized training in operating
16 those hustlers?

17 A. Yes.

18 Q. And who requires that?

19 A. It's the industry policy, I think all the sites.

20 Q. And as for Ports America, would you accept labor that didn't
21 have training to operate a hustler, to work on hustlers?

22 A. No.

23 Q. Okay. So when it comes to pusher vehicles, if there were, if
24 there was training, specialized training required, would you still
25 require that training then?

1 A. I'm not aware of what kind of training program 1804, or AMS
2 has for that.

3 Q. Okay. But you'd agree with me though, that there is no
4 specialized training and therefore you didn't require it for
5 operating pusher vehicles?

6 A. Nothing that I'm aware of.

7 Q. At berth 18, there's essentially two types of operations,
8 correct?

9 A. (No audible response.)

10 Q. Well, let me explain. You have a ship, when there's a
11 shipping in, when there's not a shipping, right?

12 A. Correct.

13 Q. It's almost, it becomes almost two different places when a
14 vessel is in and when of vessel's not?

15 A. Correct.

16 Q. So, a vessel comes to berth 18 how often? Once a month?
17 Every couple of weeks?

18 A. Yes, once a month.

19 Q. And you, and loading a vessel and discharging takes a day
20 maybe two?

21 A. Loading a vessel, depending on the volume, yes.

22 Q. So, is it fair to say that, you know, you work a vessel a
23 day, or a day or two, or whatever it is, and then you spend the
24 next few weeks until the next vessel in, preparing for the next
25 vessel?

1 A. Yes.

2 Q. And that includes vehicles coming in, through the checkers?

3 A. This, receiving process.

4 Q. Receiving process. And then, you know, when a vessel is
5 about to come in, you know, you're going to stage the cargo to be
6 loaded?

7 A. Review the --

8 Q. Stage, you're going to stage the cargo to be loaded on the
9 berth?

10 A. We don't stage accordingly to the vessel. We just got to
11 wait for the Grimaldi's release guidelines on what to load.

12 Q. Well, you stage according to what kinds of cargo is going to
13 go on the vessel?

14 A. We stage height restrictions, low and highs.

15 Q. But you would have say non-runners, in one area pusher,
16 runners, in another area, heavy equipment in another area?

17 A. Right. We're -- separate runners for non-runners in
18 different ports, in different heights, yes.

19 Q. And the process of that is to make it easy when you come to
20 load the vessel, correct?

21 A. Correct.

22 Q. And how long have Grimaldi vessels been loaded at berth 18,
23 to your knowledge?

24 A. I think it was 2018 when they shifted over from Bayonne.

25 Q. And how often proximately do they come in on average?

1 A. How often?

2 Q. Yes.

3 A. Once a month, sometimes two times a month.

4 Q. When the Grimaldi vessels dock, how do they dock? In
5 starboard 2, portside 2?

6 A. I believe portside.

7 Q. Portside, okay. So the vessel's on the port -- well, which
8 way is the, is the bough facing towards Newark airport or towards
9 Bayonne?

10 A. Bayonne.

11 Q. Bayonne, okay. And these vessels are loaded via ramp from
12 the stern?

13 A. Stern, sometimes side ramp, as well. But most of the time
14 stern.

15 Q. Most of the time stern. So, when a vessel's -- so in this
16 case with the Costa D'Avorio, that was a stern loading?

17 A. Again, I wasn't there. But I believe so, yes.

18 Q. And so, that stern would have been closer to berth 16?

19 A. Yes.

20 Q. And so, all the loading would have been between berth 16 and
21 berth 18, in that direction? And the mechanic's shop is down
22 towards berth 20 and 22?

23 A. Correct.

24 Q. Som there's, that's a significant distance between where the
25 loading operations are going on the vessel and where the mechanic

1 shops are?

2 A. About 800 feet.

3 Q. So, if a vessel is, a pusher is tagged out, and put in a
4 mechanic shop that's away from the cargo operations, right?

5 A. Correct.

6 Q. When AMS notifies you of an issue with pusher, is it just
7 you? Or could it be also your Superintendents?

8 A. Superintendents, as well.

9 Q On the day of the fire, July 5th, who were the
10 Superintendents that were working on the pier?

11 A. I don't have the name -- I think is Rick Ramos, Michael
12 Ayres, again, I don't have all the names. I wasn't there, so.

13 Q. All right. How many total Superintendents do you have
14 working at berth 18?

15 A. I believe was four.

16 Q. Okay. And what are all four of those individual's names?
17 You have Rick Ramos, Michael Ayres, who else?

18 A. I don't recall who the other individual -- believe it was
19 Ignacio. There's got to be a record somewhere. But I don't
20 recall the names.

21 Q. And obviously, you weren't there that day. But it would have
22 been some of those four, if not all those four working that day?

23 A. No, all of them.

24 Q. Okay. So, all four of those would have been working that
25 day?

1 CDR BARGER: Mr. Pallay -- one, one minute warning.

2 BY MR. PALAY:

3 Q. Of those superintendents, where would they be located during
4 cargo operations?

5 A. Can you repeat the question?

6 Q. Where would the Superintendents be located during cargo
7 operations?

8 A. Field and different decks on the ship.

9 Q. So, you'll have a Super on the vessel, you'll have a Super in
10 the field. And then, possibly somebody in the office?

11 A. Depends, if it needed to be somebody in the office, yes.

12 Q. And there's constant communication between AMS, the
13 longshoremen, the checkers, everybody working with the
14 Superintendents?

15 A. Yes, yes.

16 Q. When AMS identifies an issue for repair on a pusher, do you
17 approve that? Approve every request that AMS gives?

18 A. Yes.

19 Q. Do you independently verify the repairs that they request?

20 A. No. Well, I follow up with a call to the foreman. And say,
21 like, I just got a request for a P.O. for a specific repair. Is
22 that a legit request? They say yes. The unit needs A, B, and C.
23 I say, all right.

24 Q. And a P.O., you mean part order?

25 A. A purchase order, yes.

1 Q. Purchase order, okay. And then, when you get it sent to
2 Newark Auto for those repairs, does Newark Auto also do its own
3 inspection?

4 A. If they do what?

5 Q. Do their own inspection in addition to what you tell them to
6 do?

7 Q. So they --

8 CDR BARGER: Mr. Pallay, one more question.

9 BY MR. PALLAY:

10 Q. And so, when Newark Auto, fair to say, they verify what if
11 anything is wrong and possibly identify anything else that could
12 be wrong?

13 A. Yes.

14 MR. PALLAY: Nothing further.

15 CDR BARGER: Okay, thank you. Port Authority of New York New
16 Jersey.

17 MR. REILLY: Port Authority doesn't have any question of this
18 witness.

19 CDR BARGER: Okay, thank you. City of Newark?

20 MR. LIPSCHUTZ: Good morning.

21 THE WITNESS: Good morning.

22 MR. LIPSCHUTZ: My name is Gary Lipschutz, L-i-p-s-c-h-u-t-z.
23 I'm here on behalf of the City of Newark. I only have a few
24 questions.

25 BY MR. LIPSCHUTZ:

1 Q. I think you've indicated that Ports of America relies upon
2 AMS as the eyes and ears with regard to the pusher vehicles?

3 A. Correct.

4 Q. And those are vehicles that are owned by Ports of America,
5 right?

6 A. Correct.

7 Q. And so, you rely upon the lashers who are driving to point
8 out problems, and the mechanic that AMS, or mechanics that AMS has
9 to address problems?

10 A. Correct.

11 Q. Do you know what the mechanics at AMS -- do you know their
12 qualifications?

13 A. No, I don't.

14 Q. Do you know if they are auto mechanics?

15 A. I don't.

16 Q. You have no idea?

17 A. No idea.

18 Q. Okay. This Jeep Wrangler, do you know what year it was?

19 A. I don't recall, no.

20 Q. If I represent to you 2008, does that sound right to you?

21 A. Yes, sounds about right.

22 Q. So, approximately 15 years old on the day of the fire?

23 A. Yes.

24 Q. In July of 2023?

25 A. Okay.

1 Q. Okay. Do you know how many miles that vehicle had on it?

2 A. I think I've seen in the evidence 74,000. They don't really
3 move a lot.

4 Q. And I know you said you didn't know how it was obtained or
5 who obtained it, do you know how many miles on it when it was
6 obtained?

7 A. I don't remember, no.

8 Q. Okay. You have testified here you were not aware of any
9 problems with this Jeep with respect to overheating or
10 transmission?

11 A. That is correct.

12 Q. We've heard testimony from the Superintendent, Mr. Ramos. He
13 was not aware of any problems with overheating. Have you ever
14 discussed that with him?

15 A. No.

16 Q. We have also heard testimony from the lashers that,
17 particularly one lasher, that the vehicle had multiple times
18 problems with overheating. Were you aware of any of that?

19 A. No.

20 Q. That was never brought to your attention?

21 A. No, sir.

22 MR. LIPSCHUTZ: Thank you. I don't have anything further.

23 REDIRECT EXAMINATION

24 CDR BARGER: Okay, thank you. I do have a couple of follow
25 up questions.

1 BY CDR BARGER:

2 Q. So, you previously mentioned that there had been a
3 recommendation made to switch from pushing vehicles to towing
4 vehicles. When was that recommendation made?

5 A. I, recently, I think it was last year. I'm not 100 percent
6 sure. I will have to check.

7 Q. Okay, in relation to the incident that occurred on July 5th,
8 was it before?

9 A. No, no, way before.

10 Q. Way before?

11 A. Yes.

12 Q. Okay. If you had to estimate the amount of time before?

13 A. Six, seven months --

14 Q. Okay.

15 A. -- before that.

16 Q. And why was that recommendation made?

17 A. Because I do have a concern on putting an individual on the
18 unit that I don't know the condition of it.

19 Q. Okay, so employee safety is what --

20 A. Correct.

21 Q. -- that evolves around?

22 A. Correct.

23 Q. Okay. And then you've mentioned a lock out, tag out process
24 for a push vehicle that's out of commission. Can you describe
25 that, what that process is?

1 A. Well, it's any unit that is in a working condition and the
2 mechanics have locks and tags that they put on the equipment when
3 it's not a safe condition to be in use.

4 Q. Okay. And you're speaking to Ports America equipment?

5 A. Correct.

6 Q. Okay. So you're push vehicles or your heavy equipment?

7 A. Yes.

8 Q. Okay. Is there? So, if a push vehicle was out of commission
9 or experiencing mechanical issues, what visible means would you
10 expect be on that to indicate a lock out, tag out?

11 A. There's a tag and lock. There's a tag that goes on the
12 steering wheel, and there's a lock that goes on the steering
13 wheels, indicates tagged out, locked out.

14 Q. Okay. And what kind of mechanical issues would you expect
15 that for?

16 A. Anything like steering, engine, anything that doesn't allow
17 the unit to be utilized safely.

18 Q. Okay. If it had a flat tire, would you expect that to be in
19 place?

20 A. No, usually they fix those right away.

21 Q. Okay. If a vehicle was having an overheating issue, would
22 you expect that to be in place?

23 A. I would imagine so, yes.

24 Q. Okay.

25 LCDR MOORE: Could you repeat?

1 CDR BARGER: Can you repeat your --

2 THE WITNESS: Yes, if it's out of commission, if it's not
3 safe to be released, that is the processed, yes.

4 BY CDR BARGER:

5 Q. Okay. Do you know if that is the process that's used?

6 A. I don't know what they -- I mean, that is what the protocol
7 is. I don't know if, I don't supervise them every day to see if
8 they do, and if that's, if they do that.

9 Q. Okay. And how was that protocol established?

10 A. I don't understand that. What do you mean?

11 Q. You said it was protocol for them to lock out, tag out --

12 A. Right. They have a --

13 Q. -- for an issue. How? How do they know what issues they're
14 supposed to do that for?

15 A. When they have a unit that is not safe to be utilized, and
16 they don't want anybody else to use it, they tagged it.

17 Q. Okay. Have you ever seen a unit that was not being used for
18 mechanical issues that didn't have that in place?

19 A. I don't recall.

20 CDR BARGER: Okay. I have no additional follow up questions.
21 Mr. Barnum?

22 BY MR. BARNUM:

23 Q. Yes, Mr. Taboada, right on the same line of questioning. Do
24 you know if, when, when there was lock out, tag out made of a non-
25 functional runner was that information logged anywhere?

1 A. I don't think so, but not sure. Not with us. If AMS had had
2 it, then I'm not sure.

3 Q. Okay. And with those locks and tags, so those were
4 controlled by AMS? They were installed by AMS?

5 A. Yes.

6 Q. Would Ports America also utilize that lock out and tag out
7 method?

8 A. I don't think so, no. I don't recall any of that.

9 MR. LIPSCHUTZ: Okay, thank you.

10 BY CDR BARGER:

11 Q. Mr. Taboada, to your understanding, is that lock out, tag out
12 process been in place prior to the incident?

13 A. Yes.

14 CDR BARGER: Any other follow up questions from the
15 investigation team?

16 LCDR MOORE: Yes, Commander, I just have a few.

17 Q. You were asked about the business model for Newark Auto Body.
18 Do you know how they acquire the vehicles they sell or the
19 condition that they're in before they sell them?

20 A. I believe they go to dealers.

21 Q. Do you believe or do you know what their --

22 A. I don't know.

23 Q. -- business model is?

24 A. I don't know.

25 Q. You stated you were not aware of a recall with the Jeep

1 earlier. Would you expect to be notified about recalls in general
2 with any pusher vehicle?

3 Q. I don't think I talked anything about, spoke anything about
4 recalls.

5 A. You were asked about --

6 MR. LEVY: Objection.

7 CDR BARGER: On what grounds?

8 MR. LEVY: (Inaudible).

9 LCDR MOORE: In general, with recalls, not with any specific
10 vehicle.

11 THE WITNESS: Okay, can you repeat the questions again?

12 LCDR MOORE: If there are recalls with any pusher vehicle, in
13 general, would you expect to be notified?

14 THE WITNESS: Yes.

15 LCDR MOORE: By whom?

16 THE WITNESS: Ports America equipment.

17 BY LCDR MOORE:

18 Q. And if you were notified, what would you do with that
19 information?

20 A. Schedule it for the repairs.

21 Q. And on the topic of the locked out, tagged out pushers, are
22 you aware if lashers are trained or told not to use the vehicles
23 that are locked and tagged out?

24 A. I'm not aware of their training.

25 Q. You also mentioned a protocol to decide if a vehicle gets

1 tagged out or locked out. Do you know if that protocol is
2 documented in any way?

3 A. It's not documented. It's, it's, again, when we get a
4 notification from the mechanic, the AMS mechanic on something that
5 is in a working order, we direct them to follow the process and
6 tag the unit out.

7 Q. And then, last question, the recommendation you've been
8 speaking about for towing versus pushing was that verbal? That,
9 that conversation, was that a conversation, or was that documented
10 in some way like an email?

11 A. Verbal, I don't know if it is email. I will have to search
12 to see if we had any kind of email correspondence on that.

13 LCDR MOORE: Thank you. That's all the questions I have.

14 CDR BARGER: Okay. Lieutenant Commander Ward?

15 LCDR WARD: I just had one more question.

16 BY LCDR WARD:

17 Q. We received prior testimony as far as vehicles, pusher
18 vehicles that are not in use, but are still in working order would
19 be with the other pusher vehicles in the same spot during break,
20 at the beginning of the work day, at the end of the work day. Is
21 that familiar to you?

22 A. Can you repeat that question again?

23 Q. So essentially, it was prior testimony that said how the
24 vehicles would be stored if not in use, but they're still in
25 working order. So they wouldn't be potentially tagged out. They

1 would still be in use. But while not in use on a break, at the
2 beginning of the day, at the end of the day there would be put
3 together in the same spot? Is that your understanding?

4 A. I still don't understand that question. I don't understand
5 that.

6 Q. I'll reword it. How are vehicles that are not in use, but in
7 working order, stored during breaks?

8 A. It depends where that brake truck is. It depends where that
9 driver decided to take his break. That they stay with the units.

10 Q. With the pusher vehicle?

11 A. With the push -- yes.

12 Q. Okay. So, just to clarify, there is a scenario where someone
13 is done with the work that day with that pusher vehicle that is
14 still in working order, and they would leave it in that spot?

15 A. No. They're usually with the vehicle all day long, you know.
16 And they drive around as we need them. They come in to push that
17 unit. If it's a break, at that time, they will drive the pusher
18 to the break truck. They'll take their break. They stay with the
19 unit at all times. Yes, they're attached to that unit for the
20 duration of the operation.

21 Q. So, if you were to see a pusher vehicle that does not have
22 the driver with it, either on break, or at the beginning of the
23 day, or the end of the day, how would you interpret that vehicle
24 without a driver accompanying it on the side?

25 A. Well, if it's during the day during operations --

1 Q. Yes.

2 A. -- and I needed the Jeep, or the pusher, or that particular
3 unit, I'd question where's the drivers for that unit?

4 Q. Where are the drivers?

5 A. Right.

6 Q. If the driver wasn't there, would you go ask what's the
7 condition of that vehicle?

8 A. No. I mean, I'd just ask for the operator for the unit. I
9 just need the unit end operator to work. So, I'd direct that to
10 the foreman.

11 Q. Has there been a scenario where you saw a pusher vehicle that
12 didn't have an accompanying driver with it? And there was an
13 issue with it, and that's why it was put to the side?

14 A. Now that I recall, no.

15 LCDR WARD: Okay. That's all, thank you.

16 CDR BARGER: Mr. Taboada, thank you for your time and
17 testimony today. You're subject to recall and my sequestration
18 order remains in place until released by me. You will be notified
19 of that order by Lieutenant Reed, our recorder. The hearing is
20 now in recess for 10 minutes. The time is now 10:27 a.m. We will
21 reconvene at 10:40 a.m.

22 (Off the record at 10:27 a.m.)

23 (On the record at 10:45 a.m.)

24 CDR BARGER: The time is now 10:45 a.m., local time in Union,
25 New Jersey. And the hearing is now reconvened and back on the

1 record regarding the fire on board, the Grande Costa D'Avorio.
2 Our next witness is Mr. Benito LaFauci. Lieutenant Reed, please
3 swear the witness in.

4 LT REED: This witness may require the use of a translator.
5 Mr. Ambrosi was previously sworn. Mr. Ambrosi, will you please
6 state and spell your name for the record?

7 INTERPRETER: Alessandro Ambrosi. I'm the official
8 interpreter for the hearing. Alessandro Ambrosi, I am the
9 official interpreter for the hearing and helping Mr. LaFauci for
10 this.

11 LT REED: And will you please spell your last name?

12 INTERPRETER: A-M-B-R-O-S-I, Ambrosi.

13 LT REED: All right, thank you very much. You may have a
14 seat. Mr. LaFauci, please raise your right hand.

15 (Whereupon,

16 BENITO LAFAUCI

17 was called as a witness and, having been first duly sworn, was
18 examined and testified under oath, as follows:)

19 LT REED: Thank you very much. You may be seated. All
20 right, Mr. LaFauci. I'll now ask you a few initial questions.
21 Will you please state and spell your last name for the record?

22 THE WITNESS: My last name is L-a-f-a-u-c-i, LaFauci.

23 LT REED: All right. Thank you very much. Counsel, will you
24 please state your name and spell your last name for the record?

25 MR. TISDALE: My name is Thomas Tisdale. That's

1 T-i-s-d-a-l-e of the firm of Tisdale and Nast, LLC.

2 LT REED: Thank you very much. Mr. LaFauci, on July 5th,
3 2023, what was your profession?

4 THE WITNESS: My profession is a Chief Officer.

5 LT REED: Okay. And who were you employed by at that time?

6 THE WITNESS: You can repeat, please?

7 LT REED: Who were you employed by at that time?

8 THE WITNESS: From Grimaldi.

9 LT REED: And what vessel were you Chief Officer of?

10 THE WITNESS: Grande Costa D'Avorio.

11 LT REED: What if any professional certificate certificates
12 or certifications do you hold related to that position?

13 THE WITNESS: I have this certificate, as my regulation, I
14 have a Chief Officer license and all the training that we need.

15 LT REED: Okay. And how long have you been employed in that
16 position on July 5th, 2023?

17 THE WITNESS: From Grimaldi 2017.

18 LT REED: Okay. And how long were you on the Grande Costa
19 D'Avorio as of July 5th, 2023?

20 THE WITNESS: I joined on board Grande Casta D'Avorio, 18
21 April 2023.

22 LT REED: Thank you very much. Commander, the witness is
23 ready to proceed.

24 CDR BARGER: Okay, thank you. Mr. Barnum will be conducting
25 the direct examination of this witness. Mr. Barnum, you may

1 proceed.

2 MR. BARNUM: Thank you, Commander.

3 DIRECT EXAMINATION

4 Q. And good morning, Mr. LaFauci.

5 A. Good morning to you.

6 Q. Good to see you again. Could you please give me the Chief
7 Officer job description in your words?

8 A. Yes. My job is, I'm responsible to follow the cargo
9 operation during the port stay of the vessel. And I responsible
10 about safety and security activity on board.

11 Q. And who do you report to on board?

12 A. My supervisor on board is Captain.

13 Q. Okay, and I think this is a good opportunity. Could you
14 discuss the hierarchy of personnel onboard the vessel? Start with
15 the --

16 A. First is the Captain. After the, is my, and the Chief
17 Engineer and there is a Second Engineer.

18 Q. Okay, I'll clarify the question a little bit. So, onboard
19 the vessel, there is a deck department --

20 A. Yes.

21 Q. -- which you're a part of, and then there's an engine
22 department?

23 A. Yes, correct.

24 Q. So could you break down both departments for me? The Captain
25 being the overarching --

1 A. Yes, Captain, Chief Mate, Second Mate, Third Mate, Bosun, AB,
2 OS, and Cadet, the Cadet.

3 Q. Okay. That is the Deck Department?

4 A. Yes. And Bosun, AB, OS, Deck Cadet, those are unlicensed
5 positions, correct?

6 A. Yes.

7 Q. And then Third Mate, Second Mate, Chief Officer, and the
8 Captain are licensed positions?

9 A. Yes. And they are licensed.

10 Q. And what, and what, what delineates, what's the difference
11 between an unlicensed and a licensed person?

12 A. First of all, there is the AB and the Bosun have a license to
13 make this job, to do this job. And OS and the Cadet don't have a
14 license.

15 Q. The Bosun and AB have a credential? Or is it an actual
16 license? Are they required to have the license?

17 A. Yes, international license is a different with mine and
18 Captain's license.

19 Q. Okay. And then how about the Engine Department?

20 A. Engine Department that is Chief Engineer, Second Engineer,
21 Third Engineer, Fourth Engineer, Electrician officer, the Wiper,
22 the Fitter, and also Engine Cadet.

23 Q. Okay. And all the positions you just named were positions
24 that were onboard the Grande Costa D'Avario on July 5th, 2023?

25 A. There is another position. Cook, the cook, mess man, and

1 driver.

2 Q. Thank you. And who do they report to?

3 A. To me.

4 Q. So, is it safe to say that everyone on board reports to you
5 with the exception of the Engine Department and the Captain?

6 A. Yes.

7 Q. Okay, thank you. Throughout your sailing experience, have
8 you ever experienced a fire on board a vessel before?

9 A. Yes.

10 Q. Please elaborate, when was that?

11 A. This was when I was a Second Mate. Also we have a fire on
12 board during the port stay in Santos, Brazilian port.

13 Q. How many years ago was that?

14 A. I don't remember exact.

15 Q. And what type of vessel?

16 A. Ro-ro, General cargo vessel.

17 Q. Can you describe the circumstances surrounding that fire?

18 A. Yes, there was one truck from the Stevedore that is able to
19 loading a container in the lower deck, in deck 1 and deck 2, for
20 example. And this truck have explosion due to the this truck
21 backed the bulkhead.

22 Q. Was this truck part of the load or was it a vehicle that was
23 going to be transported on the vessel?

24 A. Was, was a vehicle from, to loading the containers. Is not,
25 was cargo part.

1 Q. Okay. What, what type of schooling were you required to
2 participate in, in order to obtain your current position as Chief
3 Officer?

4 A. I did nautical school in Messina.

5 Q. Okay. And how many years do you have to go to nautical
6 school?

7 A. I did five years in nautical school. I spent the five years
8 in nautical school.

9 Q. Okay. And just briefly explain some of the training you
10 received there.

11 A. Yes, yes. I received the training in, as regulation in the
12 center in Italy, yes, navigation center. This center are comply
13 to regulation to release a certificate for seamen's life.

14 Q. Okay. Does any of that training include firefighter,
15 firefighting training?

16 A. Yes, I have this training.

17 Q. All right. Can you explain that training during your time at
18 the Nautical Academy? Was it classroom? Hands on? Explain the
19 training to me please.

20 A. Yes, we, I did this training in the center, Nautical Center.
21 Is a firefighter, firefighting training base, and had in, and had
22 advanced firefighter training. We, this training, we spent some
23 hours for oral examination and some hours for practical
24 examination.

25 Q. Is that training, that firefighter training is that shore

1 based firefighter training or marine firefighter training?

2 A. Marine firefighter training.

3 Q. Okay, so to be clear, are you trained in shoreside
4 firefighter training? Are you trained -- I'm sorry. Are you
5 trained in shoreside firefighting, residential?

6 A. Yes.

7 Q. You are? Where did you receive that training?

8 A. Yes, is including in the firefighting training in the same
9 center.

10 Q. Okay. I just want to get this clear. I've taken some marine
11 firefighter training and it's significantly different than
12 shoreside. Have you -- the training, the firefighter training
13 that you received at your school, was it specific to fires on
14 vessels? Or was it specific to fires on shores, or both?

15 A. Both.

16 Q. Okay, thank you. Since the firefighter training you received
17 at school, nautical school, have you taken refresher training
18 since then?

19 A. Yes, I did refresh.

20 Q. How often do you refresh?

21 A. Every five years.

22 Q. So how many times have you taken refresher firefighter
23 training?

24 A. Two times.

25 Q. I just want to talk one specific about the marine aspect of

1 that firefighter training that you recall. Do you recall any part
2 of that training that teaches you specifically how to interact
3 with shoreside fire departments?

4 A. For the, yes, for shoreside, yes.

5 Q. Okay. I guess it's a good opportunity to ask you to explain
6 that. How? How did your training train you to interact with
7 shoreside fire departments?

8 A. Yes, in case of a fire during, during a port stay, of course,
9 we must give support to the Port Authority. To organize their,
10 the operation for help the vessel. When firefighters come on
11 board, we must give the firefighter plan.

12 Q. Please, I heard you but some of us could not hear you. So
13 please repeat that last part. Of your, you said how you interact
14 with shoreside fire department?

15 A. Yes, as we must give the firefighting plan. And if they ask
16 any question, we must give any support. We must collaborate
17 together.

18 Q. Okay. All right, one last question on this line with respect
19 to your firefighter training. All that training, was that
20 training required? Did Grimaldi give you any of that training?
21 Or did you receive this training outside of Grimaldi?

22 A. I received this training outside of Grimaldi.

23 Q. Okay. Does Grimaldi have any specific firefighter training
24 that they require you to take in order to be employed on one of
25 their vessels?

1 A. No, it's not compulsory.

2 Q. Have you taken any firefighting training specific to car
3 carrier vessels?

4 A. No.

5 Q. Have you taken any firefighting training specific to electric
6 vehicles?

7 A. No.

8 Q. Okay, thank you for those.

9 A. You're welcome.

10 Q. So next I'd like you to, in your words, take us kind of
11 through the typical loading operation of a Grimaldi vessel. Let's
12 say the Grande Costa D'Avorio, in this instance. Kind of take me
13 through when the vessel arrives at the dock, what are you doing to
14 get the load started? Who are you communicating with? And how
15 that happens.

16 A. Okay. Okay, before the start the cargo operation, we have a
17 one meeting with the ship side and the shore side. If he's
18 present, Port Captain in the port. We have also meeting with the
19 Port Captain. And during this meeting, we discuss about the
20 sequence of a cargo operation and the whole process to follow.

21 Q. Okay. You said the meeting you have is with a Port Captain?

22 A. Yes.

23 Q. Is that an employee of Grimaldi?

24 A. From Grimaldi.

25 Q. From Grimaldi?

1 A. In this case, yes.

2 Q. Okay. So that, as soon as the vessel comes along, alongside
3 the pier, you're physically meeting with a Grimaldi Port Captain.
4 Is there anyone else that you meet with any other entities?

5 A. Depends, depends. Sometimes only with the Port Captain and
6 the Port Captain speaks with the leader of the stevedore. This is
7 the --

8 Q. Okay. We've heard we've heard the term load plan. Are you
9 familiar with what a load plan is for one of these vessels?

10 A. Yes.

11 Q. Can you please explain what a load plan is?

12 A. Yes, about the loading plan I receive from, from London, the
13 loading plan that I check. I will follow, if it is for me is okay.
14 If I needed to change your some, something I will change. And
15 this is --

16 Q. So, does -- I'm sorry, where do you get the load plan from?
17 I couldn't hear you.

18 A. From their Planner.

19 Q. From the Planner?

20 A. Yes.

21 Q. And who is the Planner?

22 A. The Planner is a different person, it can be, depends.

23 Q. So this is emailed to you. The load plan is essentially
24 where the Planner would like the vehicles onboard your vessel?

25 A. Yes.

1 Q. Are you allowed to change that load plan?

2 A. Yes.

3 Q. How often do you have to change the load plan?

4 A. Depends, it depends over the situation. If, about the
5 stability, if you like a more trim positive, or less negative, it
6 depends.

7 Q. On July 5th, 2023, the load plan that you had, did you have
8 to change that one?

9 A. No.

10 Q. How many vehicles did you have on board the morning of July
11 5th before the load? And do you remember how many vehicles you
12 were supposed to receive in Port Newark?

13 A. Exactly, I no remember how many I have on board. I remember
14 that there was the containers on board.

15 Q. Okay. About how -- what percentage full did you expect the
16 vessel to be following load? Was it going to be half full or was
17 it going to be?

18 A. Almost half, almost half.

19 Q. So once the load, if the load had been completed, the vessel
20 would have been half full of cars?

21 A. Yes. But these, these questions I cannot answer "sure"
22 because I don't know for the next port, what will, will loading.
23 The program of loading, I don't know.

24 Q. Okay. So which decks of the vessel were you planning to load
25 vessels, load vehicles on July 5th? Or did you load vehicles on

1 July 5th?

2 A. Yes, deck 12, deck 11, deck 10, deck 3, deck 4, some in deck
3 4, some in deck 5, deck 1, also.

4 Q. Okay. At 2100, the time of the fire, I understand that the
5 load was, was nearing completion, is that correct?

6 A. Yes, the loading, yes, almost.

7 Q. So, what percentage full were decks, let's say 12, 11, and
8 10?

9 A. Twelve was the full. Eleven, also, if I remember well, full.
10 And on deck 10 that is almost 70 percent of the cargo.

11 Q. Seventy?

12 A. Seventy, 70.

13 Q. Seventy percent, thank you. All right, and, and to give
14 those that may not have been on one of these vessels or worked on
15 one of those, can -- when a deck is completely full of vehicles,
16 can you describe it a little? Are the vehicles, how close are the
17 vehicles together? Is there space to move around?

18 A. Yes, they're, they are near, close. I think 10 centimeters
19 between the cars.

20 Q. Ten centimeters between the cars on all sides?

21 A. Yes. But we leave around the deck always the way, yellow
22 way. That is safety to enter garage.

23 Q. Okay, explain this yellow line please.

24 A. Yes, each deck there is the yellow line that is safety line.
25 That we must keep clear, clear from the cargo and anything.

1 Because in case of some emergency, if we must reach some location,
2 we must be able to reach without a problem.

3 Q. Okay.

4 A. I was clear?

5 Q. Yes, thank you. So even though cars are packed in extremely
6 tight on these vehicles, there is a way that you can walk around
7 them?

8 A. Yes.

9 Q. Okay. Had you personally prior to July 5th, 2023, have you
10 previously been to Port Newark in the capacity of Chief Officer on
11 board a vessel?

12 A. Yes.

13 Q. On July 5th, was there anything different that you noticed in
14 operations as opposed to previous times that you had been to that
15 facility?

16 A. No.

17 Q. Did you recognize any of the pusher vehicles being used from
18 the last time that you were there?

19 A. Almost they are always the same.

20 Q. So, you did, you could identify, you knew that they were the
21 same ones that had been used before?

22 A. Yes.

23 Q. Had you seen --

24 A. Used before exactly, no. But the type, yes. The type, yes.
25 But their unit? I am not too sure. But the type, yes.

1 Q. Have you been to, have you loaded vehicles at other ports
2 around the world, not just Newark?

3 A. Yes.

4 Q. What do those ports use to push vehicles onto the vessel?

5 A. Use pusher car, some like this, or to some, a Bobcat.

6 Q. So they use similar vehicles to this, and they also use a
7 Bobcat?

8 A. Yes.

9 Q. Had you ever seen a Bobcat used at Port Newark?

10 A. We, we have on the ship our Bobcat. If they need some help
11 to stop they -- but in this call port, I think they still don't
12 use our Bobcat?

13 Q. Okay, so it's not the shore's Bobcat. It's your Bobcat
14 that's utilized?

15 A. What I have on board, about Bobcat, yes.

16 Q. Okay and curious who operates your machinery on board? Is it
17 the shore side? Or is it you?

18 A. If the stevedore like to use our ship's equipment, they can
19 use. They have rental form that the head of the cargo operation,
20 me and stevedore, the Port Captain we sign if they use our ship's
21 equipment.

22 Q. Okay. And to be clear that, that never took place at Port
23 Newark?

24 A. No, no.

25 Q. And does Grimaldi, do you know of Grimaldi, or the ship, do

1 you require a stevedore to be trained on how to operate a Bobcat?

2 Your Bobcat?

3 A. Yes. About our side, the ship side, yes.

4 Q. But the ship sides does, but you'll just let the short side
5 stevedore operate it, and there's no requirement?

6 A. No, if, if the stevedore to drive our ship's equipment, sure
7 that they must have their license to drive.

8 Q. Okay. And your previous loads at Newark, had you, had you
9 ever observed an issue with any of the pusher vehicles?

10 A. No.

11 Q. No? How about any other ports that you were in, have you
12 ever experienced issues with pusher vehicles?

13 A. No.

14 Q. So to be safe to --

15 A. Sorry.

16 Q. Take a drink, please. So, it'd be safe to say on July 5th,
17 2023, you didn't observe the yellow Jeep having issues prior to
18 the fire?

19 A. No, no.

20 Q. So prior, prior to the fire on July 5th, did you have any
21 concerns with respect to the load, the way the load was going?

22 A. Not too much, but sometimes we have some discussion. Because
23 often, the stevedore have, not follow always our instruction. And
24 we have to sometimes do, have some of this discussion with
25 stevedore.

1 Q. Okay. When, when did you plan on finishing the load on July
2 5th? When did you predict finalizing?

3 A. I don't know exactly. I think that the remaining only fuel
4 loading than ending. I don't know exact.

5 Q. Okay. All right, thank you.

6 A. Thank you.

7 Q. Well, next, I'd like to say I understand you've prepared some
8 notes previously, which you will be referencing us today?

9 MR. TISDALE: Yes.

10 THE WITNESS: Yes.

11 BY MR. BARNUM:

12 Q. And that you're using those in order to help you recall or
13 remember some of the events that happened on July 5th, 2023?

14 A. Yes.

15 Q. And I also understand that many of the events and times
16 contained in your notes were transcribed by yourself. Is that
17 correct?

18 A. Yes.

19 Q. Okay. And you got those times from your recollection and
20 your assessment of the vessel's voyage data recorder, is that
21 accurate?

22 A. Yes.

23 Q. Okay. So, those are your's? That's your assessment, that's
24 no one else's? You haven't deliberated on any of that?

25 A. Yes.

1 Q. Okay, thank you. All right, so because you have first-hand
2 knowledge of the fire, we're extremely interested, obviously, in
3 hearing from you. So I would, I do have some prepared questions,
4 but I would, I think it's valuable to hear from you the events
5 that took place on July 5th, leading up to the fire and then also
6 following the fire.

7 So I'm going to ask you in a minute to go through that. And
8 I may stop you, and I will stop you, periodically throughout, just
9 to ask some follow-up questions that I have prepared and that I
10 envision that I'll have after hearing from you. Okay?

11 A. Okay.

12 Q. Right. And to clarify, we don't want you reading a script or
13 reading your notes.

14 A. No.

15 Q. But please if you need to recall something you can reference
16 it.

17 A. I can --

18 Q. You can remember, I'm sure.

19 A. -- I can, okay. During this during around 2100, I was on
20 deck 10. And I saw that pusher caught on fire. That started to
21 come from fire from the engine.

22 Q. This is the yellow Jeep?

23 A. I no remember the color.

24 Q. Okay. Is there any other way that you could identify the
25 vehicle?

1 A. Yes, it was one Jeep, but I don't remember, yes.

2 Q. Sorry, please continue.

3 A. And when I saw these fire, this flame come from engine, I
4 immediately shout to the stevedore driver that there was fire,
5 fire. And him immediately jump out of this car. Sorry.

6 Q. Please take your time.

7 A. I immediately proceed to take the first fire extinguisher on
8 deck and in the same time, I call Duty Officer, that was the Deck
9 Officer Ciumala Marion (ph.) to shut down the exhaust system and
10 to call the Captain and notice the fire.

11 And also, but I, I advise my crew that there, was a present
12 during cargo operation, that there was fire on deck 10. When I
13 immediately take the fire extinguisher, I was also with one man
14 Buckley Ray (ph.) that we start to discharge the fire, the first
15 fire extinguisher.

16 When I discharged it, in the time the flame was going down.
17 But when I retreat to take another fire extinguisher, on waiting
18 another fire extinguisher, the flame grown up again. And we used,
19 I no remember exactly, four or five fire extinguishers to try to,
20 to extinguish the fire.

21 And also, we connect the fire hose on deck 10 and also on
22 deck 9 because also they fire dropping down on deck 9. And, and
23 me was with my crew. With my crew we fight the fire these, with
24 these two fires hoses from one in deck 10, and one in deck 9.

25 Also I call the Bosun that is, that is the operator of

1 firefight team no. 1 to come down to help me. To prepare himself
2 with the fire suit, with the breathing apparatus, and to come on
3 deck 10 to fight the fire. When, when there was very heavy black
4 smoke, also we have problem to breath because also me I was
5 without fire protection, to try my best. However, there was this
6 accident.

7 Q. Please, please.

8 A. Sorry, matter for me is very hard to --

9 Q. No, understood, please take your time.

10 A. And the situation after was very bad. Arrive also the Bosun
11 with the breathing apparatus and the firefighting suit. And I
12 sent him to try to extinguish the fire also. But it was not
13 helpful to distinguish the fight because the fight was very
14 strong. And when I heard explosion, a lot of explosion, I
15 informed my Master that, that is very heavy smoke. And I heard a
16 lot of explosion. And he told me to prepare the crew to close the
17 watertight door.

18 Q. Okay, can I, can I stop right there? I just want to, that'll
19 be our next kind of evolution. Can you explain, explain those
20 explosions you heard? Do you know, could you identify where
21 they're coming from?

22 A. The explosion, I think maybe was the tires of the cars. The
23 glass? The glass.

24 Q. Okay.

25 A. Which --

1 Q. All right, thank you. So backing up, where were you when you
2 first saw the fire?

3 A. I was on the, on what's on the front of the cargo and the
4 pusher carts.

5 MR. BARNUM: Okay. I'd like to bring up an exhibit, maybe it
6 will help, help you accurately for us identify where you were
7 standing. Lieutenant, can you please, please bring up Exhibit 7?

8 (Coast Guard Exhibit No. 7 marked
9 for identification.)

10 THE WITNESS: Okay, I understand.

11 BY MR. BARNUM:

12 Q. Okay, Mr. LaFauci I know this is very small, but I wanted to
13 bring up the whole document and ask you to identify, if you can,
14 what this document is?

15 A. Yes, this is deck 10.

16 Q. No, Mr. LaFauci, what is this, this exhibit? What is it,
17 this document? What is this?

18 A. This is a the Fire Control and Safety Plan.

19 Q. Okay. Have you seen this document? Had you, had you seen
20 this document? Do you reference this document prior to the fire?

21 A. Yes.

22 Q. How do you use it? How was it used?

23 A. We use this plan when we carried out fire drill to organize
24 the fire operation and to give the good instruction to the crew to
25 avoid some injury passing through the fire or near the fire.

1 Q. Okay. And I'm going to ask you some specific questions in a
2 second. But generally, what is this, the Fire Control and Safety
3 Plan, what does it show on here?

4 A. Yes, these Fire Control and Safety Plan showed the
5 firefighting -- but I can zoom? Okay, okay. But I cannot zoom,
6 no?

7 Q. No, I'm going to switch to another exhibit that --

8 A. Then I'll do my best. I'll try my best.

9 Q. Yes, that's okay.

10 A. Okay. In this fire plan, there is located all firefighting
11 equipment.

12 Q. Okay.

13 A. The fire station.

14 Q. Okay.

15 A. If you have something to know, or you don't know something
16 there is index, where that is all items symbolled that you can
17 read what is this symbol. And how many, how much, quantity is
18 located on board of the vessel.

19 Q. Okay, understood. Thank you.

20 A. You're welcome.

21 Q. And one second, please. Okay, while you were discussing with
22 me, what was contained on here, where were you pointing with the
23 mouse? Can you move it again, so I can see? I didn't see it.
24 I'm sorry.

25 MR. BARNUM: All right, he's, the witness is identifying the

1 legend on the right side of the Fire Control and Safety Plan.

2 A. Yes. That is the index.

3 Q. The index.

4 A. Where there is all items symbolled and the quantity. I'm
5 sorry, I'm not --

6 Q. Yes. And we've got a blown-up view and I'm going to show you
7 that in a minute, so you can identify more. But where is this
8 where's this document located on board?

9 A. These are, these are Fire Control and Safety Plan is located
10 on the bridge, and also in accommodation, and also in hall,
11 entrance part of the vessel.

12 Q. Sorry, could you repeat that last one?

13 A. Entrance part of the vessel.

14 Q. Okay. Would one be located near or around the stern ramp?

15 A. Yes, one is located near the stern ramp, another in the
16 weather deck. Some is in port, starboard pilot ladder.

17 Q. Okay. In your words and your understanding, what is the
18 purpose of having this document stored at different locations
19 around the vessel?

20 A. Because in case of there is one emergency, you know, and we
21 need to, to read on, to give to another guy, so another authority,
22 this plan gives, there is the information where is located all the
23 firefighting equipment.

24 MR. BARNUM: Okay. All right, Lieutenant Reed, could you
25 take this one down and bring up 7-B, please?

1 BY MR. BARNUM:

2 Q. All right, this exhibit here Mr. LaFauci is a is taken from
3 that fire control plan. And just zoomed in on this on deck 10.
4 Is that your understanding as well by looking at this?

5 A. Yes.

6 Q. Okay. So, going back to when we were talking about when you
7 first discovered the fire, using the mouse in front of you, could
8 you please identify where on deck 10 you were?

9 A. Yes, I was approximately in this area.

10 MR. BARNUM: Okay. So, witness is pointing roughly midship's
11 aft in the proximity of frame 12.

12 THE WITNESS: Yes, 10 to 12.

13 MR. BARNUM: Frame 9, okay.

14 BY MR. BARNUM:

15 Q. And where was the pusher vehicle?

16 A. Is exactly, I no remember the location. I no like to give
17 wrong information, but this was the area.

18 Q. Okay, was --

19 A. No, no this was the area of the fire.

20 Q. Okay, that's the area of fire. So, the area of the fire
21 you're identifying, the witness is identifying as mid ships in the
22 proximity of frame 10. Where were you standing when you first
23 identified the fire?

24 A. Yes, I was here in front of the, I was here on front of the
25 cargo and the pusher car.

1 MR. BARNUM: Okay, understood. So, the witness is
2 identifying a position slightly to starboard of where he
3 previously identified the pusher vehicle.

4 BY MR. BARNUM:

5 Q. So you were, you were in front of the pusher vehicle and the
6 non-runner?

7 A. Yes.

8 Q. When you discovered the fire, you're telling us what you did
9 afterwards. Which on this document, there are fire extinguishers
10 listed, is that correct?

11 A. Yes.

12 Q. Which fire extinguishers do you remember did you utilize to
13 fight the fire?

14 A. Yes, if I remember well, I used this fire extinguisher.

15 MR. BARNUM: Okay witness is indicating a fire extinguisher
16 frame 20 over on the port side, frame 30 port side.

17 BY MR. BARNUM:

18 Q. Any other ones, I think you said you used four?

19 A. Another fire extinguisher was taken by the OS. He give it to
20 me -- I am not sure where he take this.

21 Q. Okay. And then the operator of the pusher vehicle and the
22 operator of the non-runner, what did they do after the fire was
23 discovered?

24 A. What I saw, the driver jumping out there, their cars, and go
25 away from the fire. Go through the ramp, I don't know exactly.

1 But I'm sure that that they go away from their car.

2 Q. Okay. You don't know if they exited down the ramp or another
3 way?

4 A. I'm not sure.

5 Q. Did you see either of them fight the fire with a fire
6 extinguisher?

7 A. No.

8 Q. Okay. And just for clarification benefit of the public here,
9 the, could you please identify the ramp you're referring to on
10 deck 10?

11 A. The ramp is here.

12 Q. Okay. So, the witness is pointing to an area on the port
13 side of the vessel, port side of this diagram with the, indicated
14 by arrows. Okay, another question I had on this exhibit,
15 Mr. LaFauci was you indicated that you utilize the vessel's fire
16 hoses, fire hoses, you had two?

17 A. Yes.

18 Q. Could you identify on this which fire station you took the
19 hose from?

20 A. One for was this.

21 MR. BARNUM: Witness is indicating the fire station, it's
22 unlabeled, unnumbered, but portside, frame 20.

23 THE WITNESS: And another was in deck 9. I cannot say in
24 this.

25 BY MR. BARNUM:

1 Q. Okay, so deck 9 is directly below this deck, obviously?

2 A. Yes, it is below.

3 Q. And the fire station was located at the bottom of the ramp?
4 Is that -- or where was it located?

5 A. No, on the side. More starboard of deck 9.

6 MR. BARNUM: Lieutenant Reed, I can't remember if you scroll
7 down, is it deck 9 or deck 11? Okay, sorry. All right, that's
8 fine.

9 BY MR. BARNUM:

10 Q. Mr. LaFauci, do you remember what diameter hose, fire hose is
11 used on board this vessel, the Grande Costa D'Avorio?

12 A. I think, I no remember. Diameter, no, I no remember.

13 Q. Do you know what? Do you understand the question? How big
14 was the fire hose that you were using onboard the vessel?

15 A. I don't know exactly. But it is the standard the fire hose
16 that we have in all of the type of the vessel.

17 Q. Okay, so is a standard hose seen all around on every fire
18 station on the vessel?

19 A. For the deck yes, it's a 25, about to the length, I can't
20 tell you. About the diameter I no remember.

21 Q. Okay. So, to be clear, do you know if there is a standard
22 diameter hose size onboard the vessel?

23 A. The diameter is standard, yes.

24 Q. Okay, throughout. How about other vessels you worked with?
25 Was that a typical size?

1 A. No, standard. On the vessel, is standard. These are the
2 same of another vessel.

3 Q. On all vessels, so let's they say on all vessels you've
4 worked on it, it's even though you don't know the size, it's still
5 the same size?

6 A. Yes, that's all vessels that I've been.

7 Q. Okay. We talked about your initial response to the fire once
8 you discovered it at your location. You showed us what fire
9 extinguishers and fire stations you used. Is there other, any
10 other equipment that you used initially to fight the fire?

11 A. But in this case, I used the fire extinguisher and the
12 firehose.

13 Q. Okay. Mr. LaFauci, I want to take a second here and could,
14 could you explain to me what the, over on the right side of this
15 exhibit, what the -- I guess if you can, frame 40, on the
16 starboard side, there's a black, it says Chems Automatic.

17 A. Yes.

18 Q. What is that, in within that?

19 A. This is the scrubber room.

20 Q. Okay, scrubber room. And, and it contains a scrubber? What
21 does a scrubber do?

22 A. Yes, the scrubber, yes.

23 Q. What is a scrubber? What is the purpose of the scrubber?

24 A. The scrubber, yes, the scrubber was adopted by the ship due
25 to the high motion regulation to avoid the pollution of Le Hague.

1 Q. Okay. So, it takes the engine exhaust and reduces its
2 emissions?

3 A. Yes.

4 Q. What is the, what's depicted by the red lines around the
5 scrubber room? And we can scroll down to, there's the legend or
6 the index if you, if that would help you.

7 A. Can you repeat the question?

8 Q. So, the scrubber room is surrounded on this drawing by a red,
9 red line?

10 A. Yes.

11 Q. Do you know what the, those red lines signify?

12 A. Exactly I no remember this.

13 Q. You don't know that? Okay. Would looking at the key help
14 you, the legend?

15 A. Yes.

16 MR. BARNUM: Okay. Can you scroll down to the -- okay, the
17 witness is pointing to, it says eight.

18 BY MR. BARNUM:

19 Q. What's that label there?

20 A. Class division.

21 Q. The 8-class division?

22 A. Yes.

23 Q. Do you know what that means?

24 A. Yes, that is a different class over division about the
25 structure of the ship.

1 Q. Okay. So a different class for the --

2 A. Yes.

3 Q. -- structure of the vessel?

4 A. Yes.

5 MR. BARNUM: Could you go back to deck 10, please?

6 MR. BARNUM:

7 Q. And how about the green arrows? What does that signify on
8 here?

9 A. Okay. This is the direction when you come inside the
10 scrubber area, the way.

11 Q. Okay. I see, I see a door into this space. Where does this
12 space lead? I mean, can you go between decks here? How do you
13 get out of this space?

14 A. Yes, so you can go between the, some of the decks.

15 Q. Which ones?

16 A. Deck 10, deck 9, and deck 8.

17 Q. Can you go up?

18 A. More, no.

19 Q. You can't go higher than deck 10 within that scrubber space?

20 A. No.

21 MR. BARNUM: Okay. Could you zoom out a little, Lieutenant
22 Reed?

23 BY MR. BARNUM:

24 Q. All right. This is Deck 10. Was there an emergency escape
25 route on this deck?

1 A. Yes, that is this.

2 Q. Where is that located? Could you please point to that?

3 A. Yes, I point.

4 Q. I'm sorry. Okay, so you're pointing starboard, port aft,
5 back to the drawing. Okay, that appears to be, is that a door
6 that you're referencing?

7 A. Yes, the door.

8 Q. Okay, where does that, is it is a door in the deck? Or, how?
9 Where is that positioned?

10 A. Is the door on bulkhead over there.

11 Q. Okay. And where does that lead?

12 A. These door in, aft port staircase.

13 Q. Okay. All right, how about the green arrow in the, all the
14 way to the right-hand side, lower of the diagram, right there.
15 What is that referring to?

16 A. Yes, here there is another emergency escape.

17 Q. Okay. Another emergency escape?

18 A. Yes.

19 Q. But the mark that you were pointing to before appears to be
20 an arrow pointing towards the port staircase. Is that accurate?

21 A. Before? Yes, port to staircase.

22 Q. So if you needed to get off this deck, you could take the
23 ramp, the port staircase, the scrubber room, or that forward
24 starboard emergency escape hatch?

25 A. Yes.

1 Q. Are there any other egress on this deck?

2 A. The safety is this as the plan.

3 Q. Are you aware of any other ways in and off, on and off this
4 deck?

5 A. No.

6 MR. BARNUM: Okay. Thank you, Lieutenant Reed, you can take
7 that exhibit down.

8 BY MR. BARNUM:

9 Q. All right, so you before we brought that up, you talked about
10 your initial actions on fighting the fire. I had a question on
11 how did -- did the crew conduct a full muster prior to the
12 firefighting efforts?

13 A. Can you repeat the question?

14 Q. Sure. Did you hear any alarms that went off after you
15 discovered the fire?

16 A. Yes.

17 Q. Can you please explain? Please describe what alarm you
18 heard?

19 A. Yes, the fire alarm.

20 Q. Okay. And you obviously were fighting the fire, but are you
21 aware of what your, the other crew members did? Did they, were
22 they accounted for in some way or another?

23 A. The crew that was on deck, yes. Because I advise by radio.
24 The crew that was in cabin, this I not spoke, I no speak with the
25 crew about this.

1 Q. Okay. Does the crew of a specific location they are trained
2 to go, if they hear a fire alarm?

3 A. Yes.

4 Q. And are they required to notify someone that they have
5 mustered?

6 A. Yes, yes.

7 Q. Okay. How about non-crew members? Does Grimaldi have a
8 means of accounting for non-crew members in an event of emergency?

9 A. We give the advice to bring out of dangerous, danger area.
10 We bring out of danger area.

11 Q. But are you as Chief Officer, are you accounting for lashers
12 or shoreside personnel on your vessel?

13 A. When they are, come on board, yes.

14 Q. How do you do that?

15 A. In case there is some accident if, if I saw some stevedore or
16 lasher man, we bring out of the danger. Because we don't know if
17 these people have training to fight the fight.

18 Q. Well, July 5th, what did you do? You said they, the pushers,
19 the operators of vehicles, they, they ran away. You didn't know
20 where they went. How did you know that they were safe? That they
21 were off your vessel?

22 A. Because around the me, I saw only my crew. I no saw the
23 people in deck 10. I saw the lashing man, I don't what was there,
24 some five or six stevedore, I think. But they go away from the
25 ramp.

1 Q. So, is it safe to say that, that as a crew member, you don't
2 know how many people are on your vessel from shore?

3 A. No, I know. I know.

4 Q. How do you know?

5 A. Because the company provide me the stevedore list.

6 Q. So there might be 50 stevedores. But doesn't mean there's 50
7 stevedores onboard the vessel. How do you know how many are on
8 your vessel at any given time?

9 A. Because I have this list. After, yes, I'm not too sure that
10 for example, if one is not on board. I'm not too sure.

11 Q. Okay, thank you. You doing, okay?

12 A. Yes.

13 Q. Ready to continue?

14 A. Yes.

15 MR. BARNUM: Okay. I'd like to discuss the CO2 system
16 onboard the vessel. Lieutenant Reed, please bring up Exhibit 9
17 (Coast Guard Exhibit No. 9 marked
18 for identification.)

19 THE WITNESS: Okay.

20 BY MR. BARNUM:

21 Q. So before I ask you this, please continue from your initial
22 response to the fire, to the point where the decision was made to
23 release CO2 into the space. Please continue.

24 A. Okay. After that I thought to myself that there was a lot of
25 smoke, and I heard a lot of explosion. Master told me to leave

1 the area, to leave deck 10 and proceeded to close the weather-
2 tight door.

3 And I was in deck 10 with my crew. We go to fix the water,
4 water-tight door that we closed. It was the water-tight door in
5 deck 6, on front, deck 6. After we closed the water-tight door
6 between deck 3 and deck 5. And after we close the weather-tight
7 door on deck 2.

8 Q. Okay. So, at some point you realize that your firefighting
9 efforts weren't effective? And there was a -- did you notify the
10 Captain that you should release CO2? Or was that his decision?

11 A. Master told me to close the weather-tight door because we
12 will release the CO2.

13 Q. Okay. So, can you see the exhibit in front of you,
14 Mr. LaFauci?

15 A. Yes.

16 Q. Okay. And what is, what is this exhibit showing in your
17 words?

18 A. This is the, as you can read, the indication of a fire
19 protection zone.

20 Q. Okay.

21 A. That is.

22 Q. Okay. And could you, could you show on this picture with
23 your mouse pointer where the fire was discovered? Where your
24 initial firefighting efforts were?

25 MR. BARNUM: So, the witness is indicating the spot, deck 10

1 aft.

2 BY MR. BARNUM:

3 Q. Which is within zone C, is that correct?

4 A. Yes, correct.

5 Q. How many zones on the vessel?

6 A. Three.

7 Q. How about the engine room and separator rooms?

8 A. Yes, is also. There is an engine room, polyfiber room.

9 Q. Okay, so Zone A, B, and C, engine purifier.

10 A. Separator room.

11 Q. So, is there five zones or six? Do you know?

12 A. If I remember well, six. There is another index if you
13 can --

14 Q. Okay. With respect to zone C --

15 A. Yes.

16 Q. Which was the zone that the fire occurred, you were talking
17 about, you went to close some water, weather-tight doors? Which?
18 Could you again tell which doors you went to secure?

19 A. Yes, okay. In this -- now you cannot see very well there.

20 Q. So, what this is indicating?

21 A. Yes.

22 Q. Deck 6?

23 A. I close, yes, this is on deck 6.

24 Q. Yes.

25 A. After this -- yes, you cannot recognize it. But be close and

1 also the water-tight door that go in zone A.

2 Q. So, why did you close the weather-tight door? The last one
3 you indicated, pointed to?

4 A. Because it is located in deck 2 and it's better to close.

5 Q. So, did you stick, did you secure all weather-tight doors
6 that led into or out of zone C?

7 A. No. Only one not was able -- only one.

8 Q. Okay. So, which one? Is there a door that you did not shut?
9 That was left open?

10 A. Yes.

11 Q. Which door was that?

12 A. Deck 11, 12.

13 Q. Okay. So, the ramp door from 11 and 12.

14 A. Right.

15 Q. Okay. So, why didn't you shut that one? Why didn't you
16 close that one?

17 A. About this, I cannot close this because I cannot passing
18 through the fire. Because Deck 10 is only two-meters high. The
19 fire was big. There is also hole for lashing in deck 11. I
20 suppose there is also fire in deck 11.

21 Q. All right, I'm going to back you up a little bit because I
22 think it's relevant here. Could you explain to me how a CO2
23 system suppresses a fire?

24 A. The CO2 system is one, is a system that working for low
25 pressure system. And when we release the --

1 Q. And this, I'm sorry, this is the CO2 system, you had a board
2 that Grande Costa D'Avorio?

3 A. Yes.

4 Q. Okay.

5 A. And when we released the CO2, the main purpose of CO2 is to
6 suffocate the oxygen and to extinguish the fire.

7 Q. Okay. And what do you? What needs to occur before a CO2
8 release occurs for it to be effective to extinguish a fire?

9 A. It must be that all dampers closed, ventilation stopped,
10 extractor stopped.

11 Q. Okay. Was that done?

12 A. Dampers and ventilation, yes.

13 Q. That was done. What else needs to be done?

14 A. What?

15 Q. What else needs to happen for a CO2 system to be effective?

16 A. Yes, we must, before evacuate all the area. To avoid if some
17 people still inside the garage. In fact, we, before I talked to
18 Master, that the garage was free, nobody inside. I before check.
19 I count my crew. And we did this action.

20 Q. So everyone needs to be out of the space?

21 A. Yes.

22 Q. Dampers and fans need to be off? And the space needs to be
23 secured?

24 A. Yes.

25 Q. One door, but in this instance, you're told me that the ramp

1 door from deck 10 to 12 was open?

2 A. The water-tight door, yes.

3 Q. Right. Was there any other, to your knowledge, any other
4 doors into zone C, or dampers, that were open at the time of CO2
5 release?

6 A. No.

7 Q. How do you know all that needs to be done? Is it a Grimaldi
8 policy? Or is it on your job description that --

9 A. I don't understand this question.

10 Q. Who's responsible to secure the dampers, shut off the fans,
11 make sure everyone is out, and shut the water-tight doors prior to
12 CO2 release?

13 A. Captain.

14 Q. Captain. And he delegated, in this instance, he delegated
15 those duties to you?

16 A. Yes, of course, he delegate me to close.

17 Q. So it's not written on any job description or station bill
18 that, that is your job prior to the CO2 release?

19 A. Yes, is not my job. We, I can do, Bosun he can do.

20 Q. Okay.

21 A. Depends.

22 Q. Okay. So once the decision to release the CO2, once the CO2
23 is initiated, how long does it take for the CO2 to reach the
24 space?

25 A. To release the CO2 in zone C they need about 10 minutes.

1 Q. Okay. It takes 10 minutes for it to fully saturate the
2 space?

3 A. Yes.

4 Q. So, we just discussed the space needed to be sealed up. In
5 your opinion, would, once the CO2 is released after 10 minutes, if
6 the space was opened up would that affect the effectiveness of the
7 CO2?

8 A. Depends, of the zone of the fire, where is the fire.

9 Q. Okay. What I'm saying is, if -- how about turning on
10 ventilation, would that affect the effectiveness of CO2?

11 A. Yes, of course.

12 Q. So, on July 5th, how did you? Was there any audible or
13 visual signs that you observed that let you know that CO2 was
14 being released into the space?

15 A. Yes, yes, I heard the alarm of the CO2 release.

16 Q. And how, how long does that alarm sound?

17 A. This I no remember in these.

18 Q. Did it go all night? Or is it just go for a short period of
19 time?

20 A. No, all night no, for a short period.

21 Q. Okay. So, say if someone showed up an hour after the CO2 had
22 been released, that alarm would have been off?

23 A. Yes, in garage, yes.

24 Q. And you might not know this, but do you know if your CO2
25 system onboard the vessel, can that be crossed over to the sea

1 water system in an event that the pump, if need be, to pump
2 seawater through the CO2 lines to pump into the garage?

3 A. Yes.

4 Q. It can?

5 A. Yes. But I never saw this. I know that we can.

6 Q. At any point in July 5th was that discussed as an option to
7 help extinguish the fire?

8 A. No, it was not.

9 Q. Who was responsible for conducting maintenance on the CO2
10 system?

11 A. Chief Engineer.

12 Q. You as the Chief Officer on board, do you work with him at
13 all to help them with that? Are you responsible for any aspect of
14 the CO2 system?

15 A. For the CO2, no, I'm not responsible.

16 Q. Just a quick question regarding the deck lashing holes. Can
17 you explain those to us? How big are they?

18 A. So, each deck there are these lashing points that is -- the
19 function of this lashing point is to fix the lashing belt to stop
20 when the cargo is stored, to avoid the moving of cargo during,
21 during the navigation.

22 Q. It's essentially a hole in the deck?

23 A. That needs --

24 Q. That connects it? You can, if I were to drop something
25 through that hole it would go the deck below?

1 A. Yes.

2 Q. Okay. And there's hundreds of these holes on each deck?

3 A. Yes, yes.

4 Q. On the exhibit, here, you previously identified zone C. So,
5 the bottom of zone C on the ship here is deck 6, correct?

6 A. Yes, correct.

7 Q. Okay. Between deck 6 and deck 5 were these lashing points,
8 holes in the deck?

9 A. Between deck 6 and deck 5, yes there is a lashing. We have
10 port, the panel, no? Movable deck.

11 Q. So deck 5 is a removable --

12 A. Yes.

13 Q. -- adjustable deck?

14 A. Yes.

15 Q. But the ceiling of deck 5 there are holes that you can see
16 into deck 6?

17 A. From --

18 Q. From the lashing point? So, if I'm standing on deck 6 --

19 A. Yes?

20 Q. -- are there lashing points on deck 6?

21 A. Deck 6, yes. But is different deck 6 because there is a
22 lashing point for the Ro-Ro that is a different. Because in deck
23 6 so you can load the Ro-Ro.

24 Q. So, is that a shackle point on, like a swivel on deck?

25 A. I can explain. This is close to lashing point.

1 Q. Okay. I guess what I'm trying to understand is, is there an
2 interconnection, is there a hole in the deck that cannot be sealed
3 off between deck 6 and 5?

4 A. Yes, there is not all on deck.

5 Q. There is a hole on --

6 A. No, no. From deck 6 and 5.

7 Q. So if deck 6 were to flood, no water would go down to deck 5?

8 A. No, no.

9 Q. Okay, thank you. All right, and then my last question on
10 this line is, the other vessels that you've been on, have you been
11 on other Ro-Ro vessels other than the Grande Costa D'Avorio?

12 A. Yes.

13 Q. Okay. And have you been on any other vessels other than Ro
14 Ros?

15 A. Yes.

16 Q. Okay. So, and in, with respect to the Ro-Ros, in particular,
17 are you aware of any other fire suppression systems that are used
18 in the garage?

19 A. In Grimaldi is all CO2. Now, I work in another company,
20 there was a drencher system. I don't know.

21 Q. Okay. Explain the drencher system to me, please.

22 A. The drencher system is one system that work with water, yes,
23 there is water. And that is one -- who you say? There is one
24 dedicated box, big, for the water, for the system of the drencher.
25 When finished this water, you can leave the system running with

1 saltwater.

2 Q. So instead of the, the space being protected by CO2 gas, it's
3 protected by water, essentially? A drencher, drenching water in
4 the space? Yes, so you were describing a drencher system in a
5 garage?

6 A. Yes.

7 Q. That's using seawater to suppress any fire in that space?

8 A. Yes.

9 Q. Okay. Did that space on the other vessel that you were on,
10 that had the drencher, did it also have a CO2 system?

11 A. No.

12 Q. Just the drencher.

13 MR. BARNUM: Thank you, Lieutenant Reed. You can take down
14 that exhibit. Can you please put up Exhibit 8, page four?

15 (Coast Guard Exhibit No. 8 marked
16 for identification.)

17 MR. BARNUM: You still good Mr. LaFauci?

18 THE WITNESS: Yes.

19 MR. BARNUM: Page 4, please.

20 BY MR. BARNUM:

21 Q. All right. So, could you please describe the exhibit in
22 front of you?

23 MR. BARNUM: The upper photo please.

24 THE WITNESS: Yes, yes. This is the control panel to open
25 and close the, this water-tight door.

1 MR. BARNUM: Okay, the witness is indicating control panel
2 and also the water-tight door.

3 BY MR. BARNUM:

4 Q. So, to clarify, this picture, and you, you've seen these
5 before, you were presented with these. These are from a near
6 sister vessel to the Grande Costa D'Avorio. And, and this is the
7 deck 12, the ramp door between decks 11 and 12.

8 A. Yes, correct.

9 Q. Okay. And this is the one that you said that you did not
10 close?

11 A. Yes.

12 Q. At any point did yourself or, or your, or the crew try to
13 close this door?

14 A. Yes, we try.

15 Q. Did you try?

16 A. Yes, also me.

17 Q. Okay. So, explain to me how you would close? In this, in
18 this picture the door is closed.

19 A. Yes.

20 Q. But July 5th it was open. So, how? If you approached this
21 panel, how would you close it?

22 A. Okay. Before, you must open.

23 Q. So you said, first, you must open.

24 A. This panel --

25 Q. Okay. And most likely, so there's some sort of triangle key

1 that looks like needs to get into there?

2 A. Yes, triangle key.

3 Q. Is that something you carry on you? Or is there one locally
4 here?

5 A. No, is locally here. Now in this picture, this is a Grande
6 Costa D'Avorio.

7 MR. BARNUM: Witness is indicating the triangle key was kept
8 on top of the control box.

9 THE WITNESS: Okay, after that you open this box, you need to
10 insert the key in this. After you must switch on the system.

11 BY MR. BARNUM:

12 Q. Okay. So, there's another key, not just a triangle key that
13 you need?

14 A. Yes.

15 Q. In order to operate this?

16 A. Yes.

17 Q. Who has that key?

18 A. I have, me, Bosun, some officer, some my Engine Department,
19 the Chief Engineer.

20 Q. Okay, so you carry this key on you?

21 A. Yes, we carry it always during cargo operation.

22 Q. All right. So, you try, you inserted the key. You tried to
23 operate this door. What happened?

24 A. When I try to operate this door, when I started the pump
25 running. And when I push to the bottom to close the door, appear

1 one red light in the fourth.

2 Q. Okay.

3 MR. Karpousis: Mr. Barnum, I'm sorry. I don't have so much as an
4 objection as a request for clarification. I'm not sure whether
5 the witness is now temporarily speaking about general attempts to
6 open the store, attempts that evening, and if that evening --

7 MR. BARNUM: Right.

8 MR. Karpousis: -- prior to the CO2 discharge, or after the CO2
9 discharge.

10 MR. BARNUM: I'll clarify, yes, good point.

11 MR. Karpousis: I'm not trying to disrupt your questioning
12 at all, sir. I just want to, I just want a clarification.

13 MR. BARNUM: Thank

14 you. MR. Karpousis:

15 Thank you. BY MR.

16 BARNUM:

17 Q. So thank you, on the evening of the July 5th, at what point,
18 you said you'd secured some other doors?

19 A. Yes.

20 Q. Now, we're talking about the door that you couldn't get
21 closed.

22 A. Yes.

23 Q. Where you trying, did you try to shut this door before the
24 CO2 was released?

25 A. I no but some crew try.

Q. Okay. So, some, some crew tried before you. Who?

1 A. I heard by radio that the Master give the order to the team
2 no. 2 firefighter to try to close this water-tight door.

3 Q. Okay. So, a member of the firefighting team 2 was given the
4 order, prior to CO2 release?

5 A. Yes.

6 Q. The door was not closed because you tried to close it at some
7 point?

8 A. Yes. After we released the CO2, I tried to close this door.

9 Q. After the CO2 was released, you tried to close this door.

10 Did you come in from deck 12? Or did you come up from deck 11?

11 A. No, from deck 12, I was out.

12 Q. Did you have an SCBA breathing device on?

13 A. Me, no.

14 Q. Okay.

15 MR. Karpousis: Obviously, I'm going to have some follow up
16 on this, but, yes, thank you very much.

17 MR. BARNUM: Okay, so thank you. All right, Lieutenant,
18 could you take down that exhibit and bring up Exhibit 10, page 17.

19 (Coast Guard Exhibit No. 10 marked
20 for identification.)

21 BY MR. BARNUM:

22 Q. So, I'm just bringing up is the manual for that door and it
23 just, it's a better picture of that control panel. I was asking
24 you if you can if it's the same as the one that you saw on July
25 5th. Is this the same, this is a graphical representation, but is

1 this the same?

2 A. Yes, the same.

3 Q. Okay. So, you said you tried to start the pump and then you
4 saw --

5 A. Yes, I tried to start the pump --

6 Q. Okay.

7 A. -- to switch the start. And this is the light of the ramp,
8 over the pump. When this light is a green, is fixed, this means
9 that the pump is running and you can operate the water-tight door.

10 MR. BARNUM: The witness indicated the start/stop toggle and
11 then the green/run light, and also the push/close button.

12 THE WITNESS: That is, where is indicated.

13 BY MR. BARNUM:

14 Q. No. And then, what? What did you see after you tried to
15 close the door?

16 A. All right. After I tried to close the door, I saw that this
17 fault light appear.

18 MR. BARNUM: Okay, witness is indicating the red fault line.

19 BY MR. BARNUM:

20 Q. Okay. And what did that, so the door did not close and what
21 did that fault light tell you? Do you know what that means?

22 A. This is the means that there is some problem in the system,
23 and we cannot operate this door.

24 Q. Okay. So, you already indicated that you tried to shut this
25 door --

1 A. Yes.

2 Q. -- after someone else had on, on fire team 2, after the CO2
3 had been released. Was it also -- and we're going to get to this.
4 Was it also after the fire department arrived? Or was it before
5 the fire department arrived?

6 A. After fire department arrived, I tested this.

7 Q. Okay, all right. Did you receive any feedback from fire team
8 2 that tried to close this door? In that, did they tell you we
9 couldn't get it shut? We couldn't get the door shut, this is what
10 we saw?

11 A. They spoke with the Captain, no with me.

12 Q. And the Captain instructed you to close this door? Did the
13 Captain instruct you to close the door?

14 A. Yes.

15 Q. Did he tell you that they see a fault light, or it's
16 malfunctioning? What did he tell you? Other than to close the
17 door?

18 A. Sorry I don't understand that. There is a lot of confusion.

19 Q. When the Captain ordered you to close this door --

20 A. Yes?

21 Q. -- did he tell you there was a problem with it? That the
22 fire team 2 was having trouble?

23 A. No.

24 Q. After you couldn't get the door to close, what did you do?

25 A. I tried two, three times to make, to close the door, to close

1 this door. And after, I talked to Master, that not was possible
2 to close the door.

3 Q. Okay. What was the environment in the space? Was it a lot
4 of smoke when you were trying to do this? Or could you easily
5 breathe?

6 A. No, I can easily breathe. I saw the smoke, gray smoke not,
7 not a lot of smoke. In fact, I can reach this panel without
8 problem.

9 MR. BARNUM: All right. Lieutenant Reed, you can take that
10 exhibit down, thank you. Okay, I know, I know that was a lot, but
11 I now would like to talk about the next kind of phase of the
12 casualty. I understand that that was after the fire department
13 arrived.

14 BY MR. BARNUM:

15 Q. So I want to back up and ask you, after CO2 was released,
16 when were you, first became aware of that the fire department had
17 arrived?

18 A. When, when the AB on duty call Captain and me to inform that
19 the firefighters from ashore coming on board.

20 Q. Okay. And, and where were you when you were notified?

21 A. I was on deck 12.

22 Q. What were you doing on deck 12?

23 A. We, the crew, we connected the firehose to cooling the deck
24 12.

25 Q. Okay. And just and in your words kind of just take us

1 through what happened next. Did you -- you were notified the fire
2 department was there, what did you do next?

3 A. Yes, I, when I be on duty, call the Captain, and the need was
4 there, fire, fire department on board. The Master give the order
5 to me to give the fire control plan to the fire department, to the
6 firefighters. And explain the situation, to give the information.

7 I voluntary go to the Captain and I told to him that I go on
8 Deck 3 to meet the firefighters. And also, I take this decision
9 also for me, was also small dangerous. Because I don't know the
10 situation around the vessel after we released the CO2.

11 I go. And when I was in deck 3, I saw a lot of the
12 firefighters, and I start to give the information about the fire
13 to the Chief Fireman that was the wearing the white shirt.

14 Q. Okay. So, you went down, and you met the fire department at
15 the ramp?

16 A. Yes.

17 Q. I believe you said that the Captain had instructed the AB to
18 show them the fire control plan? Is that what you said?

19 A. To give the fire control plan and to give the information
20 about what happened.

21 Q. Okay. So, when you got down there, which was after that, did
22 you see the fire control plan?

23 A. I no see the fire control.

24 Q. Did you --and how did you identify that the fireman you spoke
25 to was the chief, in your words?

1 A. Because I introduced myself and this person with the white t
2 shirt, they told me I'm responsible. I'm the --

3 Q. Thank you. All right, and then please proceed. What
4 happened next?

5 A. So when I meet this Chief Fire Department from ashore, I tell
6 that there was a fire in deck 10. I explain the situation that we
7 released the CO2 in garage ,and no people injured, no crew
8 injured. I --

9 Q. And what was his -- excuse me, and what was his response when
10 you told them that CO2 had been released into the space?

11 A. Him told me, okay, okay. Him, understand the situation.

12 Q. Were you under the impression that he --

13 A. I no remember exactly the words, what him reply. I no
14 remember exact.

15 Q. Okay, okay.

16 A. And I repeat to each Chief of Fireman, because after, I saw a
17 lot of a person with the these white t-shirts, I introduced
18 myself, and I give all information each Chief of Fireman.

19 Q. Okay. And then what happened? Then what did you do?

20 A. Yes, they -- the floors. I reported to the Captain that I
21 meet the Chief of Fireman. And they ask me to bring up in deck
22 12. I contacted the bridge and the Captain. And I talked to him
23 that the firefighters like to come up on deck 12. Him reply,
24 okay.

25 I give order to Bosun, to check the aft staircase to be

1 sure that we can go up without any problem because the CO2 was
2 released. And also from, also me, I go in the aft port staircase
3 to check the situation of this staircase. And not there was
4 smoke, not there was any problem. And I bring the firefighters up
5 on deck 12 from aft port staircase. I want some water, please.

6 Q. And to be clear, you were doing, bringing firefighters up to
7 that port staircase on deck 12? You don't have a breathing
8 apparatus on, a CBA?

9 A. No me, no. And also firefighters no have. Also, Chief of
10 fire department don't have a breathing apparatus, breathing
11 apparatus.

12 Q. The firemen that you brought to deck 12 had them with them,
13 but they just didn't have them on?

14 A. They prepared, they prepared, on deck 12, I remember. Q.
15 Okay.

16 A. They carried up their breathing apparatus, but the mask, what
17 I saw, because there was a lot of firefighters men that they, I
18 saw that they prepare the fire suit, everything, to put the mask
19 in deck 12.

20 Q. Okay. And how many, how many crew members for the Grande
21 Costa D'Avorio on July 5th, had turnout gear and SCBAs on?

22 A. Two.

23 Q. Is that, is that normal for an emergency fire on the vessel?

24 A. Yes.

25 Q. That's the way you drill?

1 A. Yes.

2 Q. Is it? Okay. Did you have more SCBAs and turnout gear than
3 just those two? A. No. We have more.

4 Q. You have more?

5 A. Yes.

6 Q. How many?

7 A. We have another one for, because we have three fire stations,
8 and we have one more.

9 Q. Okay. But no one, none of the crew are assigned. That's not
10 their duty is to dress out in that third suit?

11 A. No.

12 Q. Okay, so after you brought the, the fireman up to deck 12,
13 explain what you saw. Did you, did you go down to deck 10? What
14 did you do next? Did you?

15 A. During, when I was on deck 12, I informed the Captain that I
16 was in deck 12 with the firefighters. And I was in contact with
17 the Chief of Fire Department because to organize the best we can
18 to plan the activity and their response. And him told me that
19 they like to investigate the deck 10. I inform the Captain and
20 when the firefighters was ready, they go in deck 10 through aft
21 port staircase.

22 Q. I know you told the Fire Chief, or you said you told the fire
23 chief at the ramp that CO2 had been released?

24 A. Yes, many times.

25 Q. How about, how about any of the other firemen. The ones that

1 you brought up, or the ones that entered the staircase down to
2 reck 10. Did you tell them that CO2 had been released? Or did
3 they ask you?

4 A. I spoke with the Chief of the firefighters. I cannot spoke
5 with 100, everybody. Because we take a contact with the Chief of
6 the fire department.

7 Q. This is a different person than the person at the ramp?

8 A. No, it was the same one that I --

9 Q. So it was just that one time that you told a firefighter, the
10 Chief?

11 A. No only one, I repeat too many times to all Chiefs of the
12 fire department the situation of the fire.

13 Q. Okay. At any point did any of the firemen ask you if a
14 suppression system had been released into the space?

15 A. They no ask me, not.

16 Q. At any time during the, the events of the fire, did any
17 firemen ask you to see the Captain of the vessel?

18 A. To me, no.

19 Q. To someone else?

20 A. I don't know but I saw that the Master meet the fireman.

21 Q. Okay. Did you offer to a fireman to bring them to the
22 Captain?

23 A. I no offer.

24 Q. You didn't offer?

25 A. No ask.

1 Q. I'm sorry, I didn't hear you. Did you offer to a fireman to
2 bring them to up to the Captain?

3 A. No.

4 Q. You did not, okay. And kind of just finish the narrative,
5 you know. You were saying you brought firemen up, fireman
6 proceeded down the port ladder well to engage the fire? Were you,
7 were you on deck 10, or you did you stay in deck 12, and just
8 carry your narrative along?

9 A. No, I stay in deck 12 in contact always with the Chief of
10 fire department.

11 Q. Okay. And then what happened next? Did you assist in any
12 recovery efforts?

13 A. After, after I don't know exactly there is there. That the
14 Chief of Fireman told me that one of firefighters missing. And I
15 reported to the Captain that one of firefighters is missing. And
16 him reply, oh, it's possible -- what?

17 What do you tell me now? One firefighter missing? I told,
18 yes. There, firefighter missing. Okay. And they told me that
19 they stop their firefighting operation to, and start the rescue
20 operation to find this firefighter.

21 I know that after some times, after midnight I think, the
22 Chief of firefighters report to me that two firefighters missing.
23 And I told to Captain. I report to Captain. Captain, another one
24 missing. Now, there are two firefighters missing. Sorry.

25 Q. I understand. What was, what were your crew, what was the

1 crew doing during this time?

2 A. We follow the instruction of the firefighters. For example,
3 they asked me to connect our firehose to the hydrant to reach the
4 stairs, to reach deck 10. We prepared everything they asked. And
5 we were still cooling the area, the deck 12 with all crew at
6 disposal.

7 Q. And deck 12 ramp doors was open? And remained opened,
8 correct?

9 A. Yes, correct.

10 Q. What was, was there any smoke coming out of the ramp, the
11 ramp opening?

12 A. We was, when I bring the firefighters, we was away from the
13 water-tight door. And this I no remember. And after that, we
14 start the exhaust fan system because some, Chief Fire Department
15 ask to head officer to call the Captain to ask to turn on the
16 extractor system. And Master reply, yes, I should, yes.

17 Because they like to start this extractor to remove the smoke
18 to sit back there inside the garage. And when Master open the
19 damper and start the system, exhaust system, immediately, a wave
20 of black smoke coming from the damper, from the door.

21 In fact, there was one, one Chief of Firefighters that asked
22 me -- Chief, the damper are open? Yes, because some firefighters,
23 some Chief of Firefighter had asked the Captain to start on the
24 ventilation.

25 Q. You know why, you know he asked him to do that?

1 A. To start on the ventilation?

2 Q. Yes.

3 A. To remove the smoke to try to find better --

4 Q. Aid in the search for the firefighter? Okay.

5 A. The missing firefighters. And these Chief of Firefighters
6 told me, no chief, please call the bridge to close the damper and
7 the system. And I call the bridge to close the damper. And I
8 call Captain and told him to close the damper and stop the
9 ventilation system just after this.

10 After that, what I remember that one Chief of the
11 Firefighters told me that they found one firefighters in garage
12 and where is the way to the discharge him. To bring out of the
13 vessel? Sorry, discharge is not correct, I'm sorry. To being
14 away from the vessel, this body.

15 I told the Chief of Firefighters, that we have a provision
16 crane that is located in deck 12 that we can use for discharge.
17 Sorry, for bring out this body of this firefighters. Okay, I call
18 the Bosun to provide this provision crane.

19 When they prepare, and after when firefighters recovered this
20 body, I no see these guys because I was busy with the
21 firefighter's operation. They bring out the vessel with provision
22 crane, the first one.

23 After they found the second one, and in the same way we bring
24 out from the vessel. After that, I don't know how many times had
25 pass. I don't know what time exactly. The firefighters leave the

1 vessel.

2 Q. So excuse me, stop. I hate to interrupt you, but you're
3 saying after the two firefighters that went down were recovered
4 were lowered off the vessel?

5 A. Yes.

6 Q. You said that, at what point after that did the remaining
7 shoreside Fire Department leave the vessel?

8 A. Yes. No immediately because I don't remember exactly the
9 time. But after they leave the vessel --

10 Q. Was it an hour? 20 minutes? How long?

11 A. I can check.

12 Q. You can reference your notes if you'd like. And while you're
13 looking at that, I have a question. Was there -- did the
14 shoreside Fire Department communicate with you? Or how did they
15 communicate with you that they were leaving?

16 A. With me?

17 Q. Yes, did the fire department tell you they were going to take
18 everybody off the vessel and leave?

19 A. By voice.

20 Q. I'm asking you how did they tell you?

21 A. By voice.

22 Q. Oh, by voice. So, they told you, Chief Officer, we're
23 leaving?

24 A. Yes.

25 Q. Okay.

1 A. I informed the Captain.

2 Q. And what did you and the crew do after they left?

3 A. We stayed on the ship to try to cooling always on deck 12. I
4 was down in Deck 3 to try to apply vessel. Because the list to
5 starboard was more than five or six degrees due to the water used.

6 And after I try my best to upright the vessel, already the
7 system of the ballast is no working. And in the morning, I had
8 that situation was very bad. Deck 5, also start, the flame start
9 to come to deck 12, where all crew was located, except me, I had
10 to be on duty that on deck 3.

11 And during, I try to upright the vessel. Because the system
12 no working, I try manually. So, that means I use an escape way
13 from deck 3 to go to deck 1. But when I was on the ladder, I
14 heard the public address for Captain that we must leave the vessel
15 because the situation was not under control.

16 And I come back on the ramp, I went to my crew. We counted
17 the crew. We bring ashore. That my Captain was the last to leave
18 the vessel. And the Master told me count around, make sure
19 everybody are present.

20 I count many times, two, three times. I told him that, yes,
21 we are all present, we are all safe. After this, I stay along the
22 side with the Captain, Chief Engineer, and Second Engineer to
23 awaiting the head of the salvage team. And after, when arrive the
24 salvage team, they asked me if I plan. I give and they organize a
25

1 good operation for saving the vessel.

2 Q. Thank you for that. I just have one follow up final question
3 here. Mr. LaFauci, are you are you aware of what the
4 international shore connection is?

5 A. Yes.

6 Q. Okay. What is it, in your words and how is it utilized?

7 A. It is located in the vessel.

8 Q. Sure, that as well. Where is it located?

9 A. One is located in the entrance on deck 3, starboard side.
10 And another one is located on weather deck that is deck 6,
11 starboard side.

12 Q. Okay. And how would you expect that to be used? What is the
13 purpose of it? What does it do?

14 A. Yes. Is the main purpose of this international shore
15 connection is to provide to, in every part in the world, if come
16 some firefighters from the shore to connect the fighters to ours
17 our fire line.

18 Q. Okay. So, international short connection, is it a, a flange?

19 A. Yes.

20 Q. That can be used to --

21 A. Yes.

22 Q. -- adapt a shore fitting to the vessels fire main?

23 A. Yes.

24 Q. And would it be used if the vessel didn't have any
25 electricity? And would it be a method for the shoreside fire main

1 to connect to the vessel's fire main in order to supply the
2 vessel's fire main with --

3 A. Yes.

4 Q. -- seawater?

5 A. Yes.

6 Q. Or with water?

7 A. Yes, with water.

8 Q. Okay. Thank you for that.

9 MR. BARNUM: Thank you, sir. Commander Barger that's all the
10 questions I had.

11 MR. Karpousis: Commander, could I indulge you for a five-
12 minute restroom break? Thank you.

13 LT REED: Due to the length of this witness's testimony,
14 we're going to take a five-minute recess. Before we do follow up
15 questions, the time is now 12:38 local time. We'll recess until
16 12:43 p.m. Thank you.

17 (Off the record at 12:43 p.m.)

18 (On the record at 12:51 p.m.)

19 CDR BARGER: The time is now 12:51 p.m. local time in Union,
20 New Jersey. The hearing is now reconvened. And we are back on
21 the record. Mr. LaFauci, I have a couple of follow-up questions
22 for you. And then we'll also offer an opportunity for other
23 members of the Coast Guard team to ask questions as well.

24 THE WITNESS: Okay.

25 BY CDR BARGER:

1 Q. So going back to earlier discussions on training and
2 preparation for shipboard emergency preparedness, does, how often
3 does the ship conduct fire drills?

4 A. We conduct fire drills as IMO regulation and as company
5 policy.

6 Q. I'm sorry, how often?

7 A. Yes, per month we carried out at least one fire drill on
8 garage and one in accommodation.

9 Q. Okay. So, one fire drill for a garage fire?

10 A. Yes.

11 Q. And one fire drill for an accommodation fire?

12 A. Yes.

13 Q. And was that the last fire drill you did? Or all your fire
14 drills?

15 A. The last, I no remember. The last fire drill that I, when we
16 carried out?

17 Q. How frequently do you conduct those drills?

18 A. Per week, we carried out a drill.

19 Q. Once a week you do a fire drill?

20 A. Yes.

21 Q. Have any of those fire drills involved the closing of the
22 water-tight doors?

23 A. No, because when we, with the drill, we are in navigation.
24 And all water-tight, navigation must be closed.

25 Q. Have you ever been a part of a drill on board a ship focused

1 on a fire while you're dockside?

2 A. No.

3 Q. On your plans for the ship, fire team lists, muster lists, is
4 there anyone designated to close the water-tight doors?

5 A. No.

6 Q. You described trying to close water-tight door 12 and getting
7 a fault light. Do you know what, if anything, can be done if the
8 controls don't work?

9 A. We can try to close the water-tight in emergency way.

10 Q. And what is that emergency way?

11 A. With the solenoid, the electrical solenoid, or with the
12 engineer to release the pressure of the oil on the water-tight
13 door. We did this, we tried to do this also with the
14 firefighters, but it wasn't working.

15 Q. Okay. And is that something that gets done at the door?

16 A. Yes, so we can do this.

17 Q. Okay. So, you don't have to go anyplace else in the ship to
18 do that emergency closure of the door?

19 A. No, no.

20 Q. You described a fault light. What color was that light?

21 A. Red.

22 Q. Red? Was it solid? Was it flashing?

23 A. Fixed, solid, yes.

24 CDR BARGER: Would you bring Coast Guard Exhibit 10, at the
25 page with the diagram?

1 BY CDR BARGER:

2 Q. And just to reconfirm, on this diagram what, what light are
3 you describing?

4 A. About the default light?

5 Q. Yes.

6 A. This.

7 CDR BARGER: Okay. Let the record show the witness is
8 pointing to the red circle with fault written above it.

9 BY CDR BARGER:

10 Q. Mr. LaFauci, so when you attempted to close water-tight door
11 12, where was this control panel located?

12 A. As the picture that we saw. On the ramp, on deck 11 to deck
13 12, on the side.

14 Q. Okay. If you had closed water-tight door 12, what would have
15 happened?

16 A. We tried to close. If the system working, we must organize
17 this operation, because we must send the operator with the
18 firefighting equipment to close. And also to escape from deck 11,
19 out from deck 12 to go in the door in deck 11. And to go out to
20 of deck 11.

21 Q. Okay. So, if you had you been successful closing the doors,
22 where would you have had to gone from there?

23 A. We will, we must organize the operation because we cannot
24 send person inside without the breathing apparatus if there is a
25 fire. We must before check the area. And if it was safe, the

1 area, and if the system working, we can close the water-tight door
2 and escape from deck 11.

3 Q. Okay, so you couldn't go out to deck 12, this way?

4 A. No, no.

5 Q. You would have to go back through deck 11?

6 A. Yes, correct.

7 Q. What was your understanding of the conditions on deck 11? At
8 the time, you tried to close water-tight door 12?

9 A. I no was inside. I don't know.

10 Q. Okay. When you were on the ramp, you said, I believe you
11 described a little bit of smoke, smoke but not bad. What was the
12 heat like?

13 A. What?

14 Q. The heat, the temperature?

15 A. No, no it was about, the foot to the deck, I feel warm, hot
16 in deck 12 all sides. But when I was on the ramp to be honest, I
17 no, I no remember this. Because in this situation you think to
18 try the best.

19 Q. Okay. Going back to earlier in the day when you were, when
20 you were on deck 10 just before the incident started did you
21 observe push vehicles pushing cargo onto the ship, onto deck 10?

22 A. Yes.

23 Q. Was it the same vehicle every time?

24 A. This I no remember.

25 Q. You don't remember?

1 A. That was exactly the same? I cannot tell to you that it was
2 exactly the same. And because of there is I don't know two,
3 three, depending on the stevedore. If they like to speed up
4 operation they use the more equipment, it depends.

5 Q. The -- just prior to the fire, did you hear any sounds or
6 observe anything that there was an issue with the push vehicle?

7 A. No.

8 Q. Nothing out of the ordinary?

9 A. Nothing.

10 Q. And I believe you previously mentioned that you have been on
11 a ship that has called on the port of Newark before, is that
12 correct?

13 A. Yes, correct.

14 Q. How many times?

15 A. This was my second time, my second trip.

16 Q. Second time at this same terminal?

17 A. Yes.

18 CDR BARGER: If we can bring up Coast Guard Exhibit 7B?

19 BY CDR BARGER:

20 Q. So, Mr. LaFauci, you had previously discussed the use of
21 portable fire extinguishers?

22 A. Yes.

23 Q. What type of fire extinguishers were those?

24 A. Was powdered fire extinguish.

25 Q. Okay. And when you operated that fire extinguisher, where

1 did you point it? How did you operate it?

2 A. I point in the fire, in the engine side.

3 Q. Engine side?

4 A. Yes.

5 Q. Of what? Of what object? Or what vehicle?

6 A. Stevedore car.

7 Q. The stevedore car?

8 A. Yes.

9 Q. And then, you've mentioned that there were fire hoses that
10 you used?

11 A. Yes.

12 Q. Was that water?

13 A. Yes.

14 Q. Just water?

15 A. Yes, only water.

16 Q. And what was the, what was the effect when you sprayed the
17 fire extinguisher at the fire?

18 A. Yes, before the fire coming down. But after that, I take
19 another fire extinguisher, they grow up again. I think the car
20 was running, still running. I don't know if the stevedore driver
21 leave, left the car running.

22 Q. So, when you sprayed the fire extinguisher, it had an effect?
23 It lowered the fire?

24 A. Yes, but immediately, yes.

25 Q. Okay. When you sprayed, when the hoses were going, the

1 water, what was the effect of the water on the fire?

2 A. Was that we try -- I no saw any improvement over the
3 situation. In fact, I advise the Captain.

4 Q. Okay, so water no improvement?

5 A. Yes.

6 Q. Okay. Was there any other firefighting or types of fire
7 suppression equipment available to you on deck 10?

8 A. There was the, foam but was covered by fire. I cannot use
9 that --

10 Q. Okay, can you indicate on --

11 A. Foam operator.

12 CDR BARGER: Let the record show the witness is indicating a
13 position at the aft end of deck 10, portside, approximately frame
14 6?

15 A. No, no, it's after that.

16 Q. Is that frame zero?

17 A. Yes, more, or less at frame zero, yes, 01.

18 Q. And so why couldn't you use the foam applicator?

19 A. Because the first action that I take was to take a fire
20 extinguisher that was also near to me. And also, for me was safe
21 to reach the fire extinguisher.

22 Q. Okay, but for the foam applicator you said, you said what you
23 indicated on the --

24 A. Yes, yes, it is the foam operator.

25 Q. Is foam a type of fire extinguisher?

1 A. No, is, is a one bag that is the form. When you connect with
2 the water with hydrant and you use it, you can discharge the foam.

3 Q. Okay. So, the foam would come out of the fire hose?

4 A. Yes.

5 Q. Okay. And so, my question is, why weren't you able to, or
6 why didn't you use the foam?

7 A. Because I told for me, the safety equipment methodology was
8 this, the first was the fire extinguisher.

9 Q. Okay. So, if I'm hearing you correctly, the fire kept you
10 from getting to it?

11 A. Can you translate this?

12 INTERPRETER: Can you repeat this? For him was safer the
13 fire extinguisher because it was close by to him.

14 Q. Okay.

15 A. To speed it up.

16 Q. Okay. So, did you ever consider using the foam?

17 A. No, I don't consider to use it.

18 Q. Okay. But it was present?

19 A. Yes, it was present.

20 Q. You mentioned explosions that you heard?

21 A. Yes.

22 Q. I believe you said you thought they were tires?

23 A. Yes.

24 Q. Okay. Where did you hear those explosions coming from?

25 A. From, from deck 10, sure.

1 Q. On deck 10?

2 A. Yes.

3 CDR BARGER: Okay. Mr. LaFauci, that's all the follow-up
4 questions I have for you right now. Lieutenant Commander Moore,
5 do you have any follow up questions?

6 THE WITNESS: Thank you.

7 BY LCDR MOORE:

8 Q. Mr. LaFauci, after you saw the fire, you stated the vehicle,
9 the stevedore vehicle was still running. Did you hear any alarms
10 or see any alarms coming from that vehicle?

11 A. No.

12 Q. When you first observed the stevedore vehicle on fire were
13 any other vehicles on fire at that time?

14 A. No, at that time, no.

15 Q. Commander Barger asked you about emergency operation of the
16 door on deck 12. Is that door able to be operated from anywhere
17 else on the vessel?

18 A. No.

19 Q. Is there, is there a hand pump available for operation of
20 that door?

21 A. Any pump?

22 Q. A hand pump?

23 A. No.

24 Q. Are there indicators or panels anywhere else on the ship for
25 indicators on that door?

1 A. The control panel to operate the door is only in deck 12,
2 yes.

3 Q. Are there any indicators on the bridge for water-tight doors?

4 A. To close? To operate?

5 Q. Not to operate, just indicators.

6 A. Indicator, yes, is on the bridge.

7 Q. Okay. And last question, prior to July 5th, 2023, were there
8 any problems that you were aware of with that door?

9 A. No.

10 LCDR MOORE: Thank you. That's all I have.

11 THE WITNESS: Thank you.

12 CDR BARGER: Lieutenant Reed any follow up questions?

13 LT REED: (No audible response.)

14 CDR BARGER: Mr. Pittman any follow up questions?

15 MR. PITTMAN: I have no questions.

16 CDR BARGER: Lieutenant Commander Reed? I mean, Lieutenant
17 Commander Ward, I'm sorry. Any follow up questions?

18 LCDR WARD: (No audible response.)

19 CDR BARGER: Mr. Barnum any? Ms. McAtee? All right, okay,
20 we'll now offer the parties in interest an opportunity to cross
21 examine the witness. As we have with previous witnesses in order
22 to ensure equitable time and opportunity for each party and
23 interest to ask questions, we are going to limit the amount of
24 time given. Each party in interest will have approximately eight
25 minutes for cross-examination within the scope of the direct

1 examination questions. To start, Grimaldi.

2 CROSS-EXAMINATION

3 BY MR. LEVY:

4 Q. Mr. LaFauci, you mentioned the voyage data recorder, does it
5 record voices and sounds on the bridge?

6 A. Only VDR.

7 Q. Yes, is that what the VDR does?

8 A. Yes.

9 Q. Okay. And did you listen to the VDR before coming here today
10 to be able to give us times from the VDR of when events happened?

11 A. Yes.

12 Q. So we know the fire started around 2100 hours --

13 A. Yes.

14 Q. Which for lay people is 9 o'clock at night?

15 A. Yes.

16 Q. What time did the Captain order you and your crew to leave
17 deck 10, where you had been fighting the fire?

18 A. At about 2114 hours Captain ordered me and my crew to leave
19 deck 10.

20 Q. And what time was the CO2 discharged?

21 A. As confirmed by the VDR, at about 2122 hours, the CO2 alarm
22 zone for the zone C, garage sounded, indicating to me that Chief
23 Engineer had started the procedure to release the CO2.

24 Q. So at 2122, you understood that the CO2 was being discharged?

25 A. Yes.

1 Q. So, that's around nine, that is 9:22.

2 CDR BARGER: Mr. Levy, we don't, we don't need to get down to
3 specific minutes on time. If you would like we can put up Coast
4 Guard Exhibit 16.

5 (Coast Guard Exhibit No. 16 marked
6 for identification.)

7 That is the VDR timeline that was compiled by the Coast Guard and
8 reviewed by all PIs.

9 MR. LEVY: That exhibit doesn't contain all the times that he
10 has knowledge of, that he's heard from the VDR. So I'd like to
11 ask him, I can ask him his recollection, if you'd like.

12 CDR BARGER: Yes, and I think it's, we'd like to know what
13 Mr. LaFauci's recollection is, not what his recollection of, or
14 what his observations of the VDR is.

15 MR. LEVY: Okay.

16 BY MR. LEVY:

17 Q. About what time, if you remember, did the firefighters come
18 on board the ship? Now, I want you to put away your notes for a
19 second. And just tell me what you remember. About what time did
20 the firefighters come on board?

21 A. After 2130?

22 Q. After 2130?

23 A. If I remember well.

24 Q. And do you remember when you took the firefighters up to deck
25 12?

1 A. I no remember exactly, after I explained the situation.

2 Q. Okay. Did you talk with the firefighters while you were
3 bringing them up to deck 12 to show them where the different decks
4 were, where the fire started, things like that?

5 A. Yes.

6 Q. When you got to deck 12, did you explain again to the
7 firefighters what they were seeing? Where the bridge was? Where,
8 where door 12 was? The garage door? Where, you know, the, the
9 layout of deck 12? Did you explain that to them?

10 A. Yes, I explain some.

11 Q. Did you answer any questions that they might have asked you?

12 A. Yes.

13 Q. Did you tell them, again, that CO2 had been released?

14 A. Yes.

15 Q. At that time, you could see -- I'll rephrase the question.
16 At that time, could you see, from where you were standing with the
17 firefighters, door 12, the garage door?

18 A. Yes.

19 Q. And what was coming out of that door, if anything, when you
20 first got up there with the firefighters?

21 A. I saw the grey smoke.

22 Q. Gray smoke. And was it --

23 A. Not --

24 Q. Sorry?

25 A. Not big smoke.

1 Q. Not the black smoke that you saw when you were back on 10?

2 A. What?

3 Q. Not the black smoke that you saw --

4 A. On deck 10, yes.

5 Q. -- before the CO2 was released?

6 A. Yes.

7 Q. Okay.

8 A. So, in your mind at that time, did you believe that the CO2
9 was working?

10 A. Yes.

11 Q. Do you remember, without referring to your notes, do you
12 remember what time the firefighters reported -- what time you
13 report it to the Captain that the firefighters were going to go
14 down to deck 10 to investigate?

15 A. Exactly, I no remember.

16 Q. Was it after they went down to investigate or was it before
17 they went down to investigate that you tried to close the door at
18 deck 12?

19 A. Yes.

20 Q. Yes, it was before or, yes, it was after?

21 A. Yes, before.

22 Q. Before. Before they went down, you tried to close the door?

23 A. Yes.

24 Q. Okay. And are you sure on that? You're looking at --

25 A. I no remember, I no remember this.

1 Q. All right, I don't want you to guess. And I know you have
2 notes, but don't look at them. Okay.

3 CDR BARGER: And Mr. Levy, if Mr. LaFauci would like to refer
4 to his notes for, that he's made about his recollection of time,
5 that's fine. But what, the earlier line of question was asking
6 him to recount times that he pulled from reviewing the VDR. And
7 that that's not what we need.

8 MR. LEVY: Thank you for clarifying that.

9 BY MR. LEVY:

10 Q. Okay, let's go back just a step. From your notes, what time
11 did you bring the firefighters up to deck 12?

12 A. I can?

13 Q. Let's back up a second. What time, from your notes, what
14 time did the firefighters come on board the ship approximately?

15 A. After --

16 Q. From your notes.

17 A. Ah, from my notes. About 2134 hours, the being, inform us
18 that the firefighters, shore firefighters were coming on board the
19 ship.

20 Q. Okay. And from your notes and your recollection, what time
21 did you bring them up to deck 12, approximately?

22 A. Approximately a few minutes after 2146.

23 Q. And approximately what time did you report to the Captain
24 that the firefighters were going down to deck 10?

25 A. 2209 hours.

1 Q. When you took the firefighters up to deck 12, was there any
2 panic or sense of, you know, disaster that you felt or you saw the
3 firefighters felt at that time?

4 A. No, nobody was in panic.

5 Q. Everybody appeared calm?

6 A. Calm, yes, appear calm.

7 CDR BARGER: Mr. Levy, you have approximately one minute?

8 MR. LEVY: Thank you.

9 BY MR. LEVY:

10 Q. All right, the families of the firefighters are here.

11 Benito, is there anything you want to say to them?

12 A. Yes, at first, I like to say that don't, on behalf of myself,
13 Grimaldi, and my crew, we are like broken that two brave
14 firefighters lost their life on board, on the Grande Costa
15 D'Avorio.

16 We offer our deep condolences to their family and friends.
17 We try our best to, to extinguish the fire, It's hard for me.
18 Sorry. I also like to tell thank you to the Coast Guard, and the
19 authority ATF (ph.) that help me and my crew during this disaster.
20 Thank you to all authority and to rest, Coast Guard, especially.

21 CDR BARGER: All right, thank you, Mr. LaFauci. We have some
22 more questions for you. So we'll let you get yourself composed
23 and then pass it along to the other parties.

24 THE WITNESS: Okay.

25 CDR BARGER: Okay, Port's America.

1 MR. Zonghetti: Mr. Chief Mate LaFauci, good afternoon. Gino

2 Zonghetti, we've met before. Ready to go? Good to go?

3 THE WITNESS: Yes.

4 BY MR. Zonghetti:

5 Q. Okay, so you were trained on firefighting, including with
6 respect to the CO2 system that was onboard the vessel, is that
7 correct?

8 A. Yes.

9 Q. And onboard the vessel, there is actually a CO2 room that has
10 tanks that contain carbon dioxide that are used in the
11 firefighting efforts, is that correct?

12 A. Yes.

13 Q. And the way this works is that there is a preset amount of
14 CO2 that can get expelled into each zone, and it's designed to put
15 out the fires in those zones. That's your understanding, right?

16 A. Yes.

17 Q. And the way this design works is that the zone, in this case,
18 zone C is supposed to be made airtight, as best possible, so that
19 this amount of CO2 that's designed to put out a fire stays there
20 and puts out the fire, right?

21 A. Yes.

22 Q. And what has to be done to make this area airtight is to
23 close the exhaust dampers, close the exhaust system, and close the
24 water-tight doors, right?

25 A. Yes.

1 Q. Now, for zone C, there's two water-tight doors. There's one
2 on level 6, there's one at the end of the ramp on 11 going to the
3 outside deck 12, right?

4 A. And another one that is between the 3 and 5.

5 Q. Okay. When you got to the point where there was thick black
6 smoke, you, you decided, you made the decision that the handheld
7 firefighting you were doing was not effective. You told the
8 Captain. And the Captain told you to shut the water-tight door,
9 right?

10 A. Yes.

11 Q. And you knew that that was part of the plan to start the
12 sequence that would lead to the activation of the CO2 system,
13 right?

14 A. Yes.

15 Q. And you went down below, you were able to shut those two
16 doors, but I believe you said in your testimony that you couldn't
17 go up through the garage to close the water-tight door on 11, end
18 of the ramp 11 onto 12 because that would have brought you right
19 through the fire again?

20 A. Yes, correct.

21 Q. Now, you don't know what was going on, on deck 12. You said
22 you believe the Captain, or you heard the Captain, tell team 2 to
23 shut that water-tight door on deck 12, right?

24 A. Yes.

25 Q. You don't know exactly what those efforts consisted of

1 correct?

2 A. Yes.

3 Q. But at that point in time, at that point in time, the fire
4 was blazing. There was black smoke, right?

5 A. Yes.

6 Q. Before the CO2 system went off?

7 A. Yes.

8 Q. So someone that would have entered into that doorway on deck
9 12 to get to the controls, which were inside the fire zone would
10 have walked literally in into zone C, right?

11 A. Yes.

12 Q. And at that point in time, there was black smoke, the fire
13 was hot, and things were popping, things were bursting, right?

14 A. We think.

15 Q. Yes, well, you heard it, right?

16 A. No, I heard, I think.

17 CDR BARGER: And for clarification, if we can confirm where
18 can you say there was fire and black smoke?

19 THE WITNESS: From radio, from, I heard from radio.

20 CDR BARGER: Where did you observe fire and black smoke?

21 THE WITNESS: Deck 10.

22 CDR BARGER: Deck 10?

23 THE WITNESS: Yes, I was in deck 10. I cannot see deck 11
24 and deck 12.

25 CDR BARGER: Okay, fire and black smoke on the ramp. Did you

1 observe that?

2 THE WITNESS: Yes, no on deck 10.

3 CDR BARGER: Deck 10?

4 THE WITNESS: Not on the ramp, deck 10.

5 CDR BARGER: Okay, thank you.

6 BY MR. Zonghetti:

7 Q. But the only way for this, the only place for this black
8 smoke to vent at that point in time was up through the door on 12
9 because everything else was shut down, right?

10 A. Yes.

11 Q. Now, at some point the CO2 deployed, correct? You were aware
12 of that?

13 A. Yes.

14 Q. And it was only after that, that you went up to deck 12, and
15 you tried to shut that door again, right?

16 A. After.

17 Q. Yes, after the CO2 was set off, you went up to deck 12 to try
18 to shut that water-tight door, correct?

19 A. After, after.

20 Q. After, which, just to be clear -- after the CO2 went off, you
21 were asked on deck 12 to try to shut the door?

22 A. No, I no. After, after the -- that I was in deck 3, and I
23 bring the deck 12 with the firefighters.

24 Q. Okay. So after you brought the firefighters up, but the CO2
25 had already gone off, right?

1 A. Already was released, yes.

2 Q. And when you got up there, counsel asked you if the CO2 was
3 working, because you said you saw gray smoke coming out?

4 A. Yes.

5 Q. That was CO2 actually coming out of the out of that door?

6 A. I don't know.

7 MR. LEVY: Objection, conjecture.

8 CDR BARGER: Yes, sustained. I don't if the witness has any,
9 you know, understanding of what CO2 looks like.

10 BY MR. SANGUINETTI:

11 Q. The smoke, the smoke had changed from black that you saw down
12 on deck 10, and now it was gray, right?

13 A. Yes.

14 Q. And if that gray smoke reflected CO2 coming out, that would
15 mean the system wasn't working as designed, right?

16 MR. LEVY: Objection, calls for speculation.

17 MR. SANGUINETTI: Well, he's, he's a Chief Mate on the ship.
18 He knows how the system works.

19 CDR BARGER: Sustained.

20 BY MR. SANGUINETTI:

21 Q. CO2, if the system was working properly, the CO2 should not
22 be escaping out of the water-tight door, right?

23 A. Yes.

24 Q. Now, you got a fault when you went in to try to close that
25 door. And again, you would have been inside of the fire zone when

1 you attempted to do that, right?

2 A. I was inside deck 11. In the entrance of the deck.

3 Q. But, and that's part of zone C, right?

4 A. Yes.

5 Q. And there was actually cargo parked right there, right?

6 Within feet of where you were?

7 A. Yes.

8 Q. Now, there was a backup system for you to use to close that
9 water-tight door. Am I understanding correctly? It involved the
10 solenoid valve?

11 A. Yes.

12 Q. But you didn't know how to do that, right?

13 A. Yes.

14 Q. And the person that knew how to do that was the Chief
15 Engineer, correct?

16 A. Is not correct, your question.

17 Q. Well, who knew how to do it? Besides -- you didn't know how
18 to do it. Who knew how to operate the solenoid?

19 A. Chief Engineer and the Captain discuss about the way to close
20 in emergency with also the Chief of Firefighters.

21 Q. But the Chief Engineer --

22 A. I was busy with another thing. I don't know what they plan.

23 CDR BARGER: Mr. Zonghetti, you have one, one minute.

24 BY MR. Zonghetti:

25 Q. What I'm asking is, you didn't know how to use the solenoid

1 valve, and the Chief Engineer was down in the CO2 room, right?

2 A. I don't know.

3 Q. Now, there were no controls on the outside, outside of the
4 fire zone, correct?

5 A. Correct.

6 Q. And there are on other Grimaldi ships, right? There are
7 controls for the water-tight doors outside of the fire zones on
8 other Grimaldi ships?

9 MR. LEVY: Objection.

10 CDR BARGER: Do you have any knowledge of controls for water
11 tight doors on other Grimaldi ships?

12 THE WITNESS: I know, but --

13 MR. Zonghetti: He answered --

14 THE WITNESS: I know, but I never worked in these vessels.
15 They have the control out.

16 BY MR. Zonghetti:

17 Q. And if the controls for the water-tight door had been on the
18 outside, outside of the fire zone, when team 2 went to close that
19 door, they could have done it, correct?

20 A. I don't know.

21 MR. LEVY: Objection, calls for speculation.

22 CDR BARGER: I would sustain. One last question,
23 Mr. Zonghetti.

24 BY MR. Zonghetti:

25 Q. The firemen that went into deck 10, do you know whether any

1 of those firemen were aware of how the cars were loaded there?
2 How close they were? Whether they knew about tied on, tie down
3 straps that were on the ground? Or whether they knew of where the
4 emergency exit on this, on the starboard side were?

5 MR. LEVY: Objection. Calls for speculation.

6 MR. Zonghetti: Well, I'm asking, did you tell them at any point
7 in time any of those things?

8 MR. LEVY: That's a different question.

9 CDR BARGER: So sustained on the way the question was asked.
10 I believe you rephrased.

11 MR. Zonghetti: Yes.

12 MR. Reilly: Can I ask to have the question then repeated as
13 rephrased, so the witness understands it?

14 CDR BARGER: Yes, please rephrase the question to what the
15 what the witness can speak to.

16 BY MR. Zonghetti:

17 Q. Okay. Did you or anyone to your knowledge of the crew tell
18 the firemen that went into deck 10, about how the vessel how the
19 cargo was loaded? Where it was loaded? About the tie down
20 straps?

21 A. I can answer?

22 MR. LEVY: Yes, if you can answer, go ahead.

23 THE WITNESS: I no remember who I give. But I give the
24 loading plan to the firefighters. I no remember, which guys I
25 given it to them. Because they asked me the plan, I give the

1 fire, the cargo plan.

2 CDR BARGER: Okay, so you gave them the loading plan. Did
3 you tell them anything about the conditions of cargo or anything
4 else on deck 10?

5 THE WITNESS: That there was a car on deck 10.

6 CDR BARGER: That that there were cars? Okay, thank you.
7 American Maritime Services.

8 BY MR. Karpousis:

9 Q. Good afternoon, Mr. LaFauci.

10 A. Good afternoon.

11 Q. Prior to the fire breaking out, where were you stationed on
12 the ship?

13 A. I was in deck 10.

14 Q. And you were observing the cargo operations?

15 A. Yes.

16 Q. Now, I'm going to skip around a little bit. So, I'll try and
17 preface my questions with time segments. When Mr. Barnum was
18 asking you questions about the Captain's order to close water-
19 tight 12, water-tight door 12 prior to the discharge of CO2, you
20 remember that?

21 A. Yes.

22 Q. Okay. I believe you said that you thought, and correct me if
23 I'm wrong, you thought that firefighter team 2 was going to
24 attempt to do that job?

25 A. Yes.

1 Q. Okay, that's what you thought?

2 A. Yes.

3 Q. Did you hear any specific order or command from the Captain
4 to have firefighter team 2 do that?

5 A. Yes.

6 Q. Okay. Do you know why then firefighter team 2 did not close
7 door 12 prior to the discharge of CO2?

8 A. Exactly I don't know.

9 Q. Okay, all right. You have sailed on other Grimaldi vessels
10 besides the Costa D'Avorio, correct?

11 A. Yes.

12 Q. Probably would you say four or five of them?

13 A. Ships, more.

14 Q. Do you know where the Costa D'Avorio was built? What yard it
15 came out of?

16 A. In Croatia.

17 Q. In Croatia. Were the other vessels that you sailed on from
18 the same yard?

19 A. Yes.

20 Q. Did you ever sail on any Costa D'Avorio vessels, I'm sorry,
21 withdraw that question. Did you ever sail on any Grimaldi vessels
22 that were built in a Korean shipyard?

23 A. No.

24 Q. Do you know, do you know, if the control panel for the water-
25 tight doors on those Korean yard-built ships are located on the

1 outside of the water-tight door?

2 MR. Tisdale: Go ahead and please translate for him. I'm
3 just going to remind the witness not to guess.

4 CDR BARGER: Only if he has direct knowledge.

5 THE WITNESS: I know after this accident.

6 BY MR. Karpousis:

7 Q. You've come to learn that after this accident?

8 A. Yes.

9 Q. That there are other Grimaldi ships that have the control
10 panels on the outside of the water-tight doors?

11 A. Yes, I don't know much, but something.

12 MR. Karpousis: All right, can I, can I see your Exhibit 8,
13 please?

14 CDR BARGER: Yes, we will bring up Exhibit 8, Coast Guard
15 Exhibit Eight on the screen. Is there a particular page?

16 MR. Karpousis: Page, I think page 1, right. Oh, you mean 3?
17 Okay. Is there, looking at that photograph, is there --

18 LT REED: Which one?

19 MR. Karpousis: All of the photographs on page four.

20 LT REED: Okay.

21 MR. Karpousis: On page 4.

22 BY MR. Karpousis:

23 Q. Do you see an emergency pump for the door depicted in that
24 picture?

25 A. What do you mean say emergency pump?

1 Q. Is there any sort of manual pump or emergency handpump that
2 can be utilized to close the door depicted in that photograph?

3 A. In the place, no.

4 Q. Okay. Is, does such a pump exist on the Costa D'Avorio?

5 A. Yes, exists.

6 Q. Where is it normally stored, sir?

7 A. Normal is on the engine room. On the engine room.

8 Q. Engine room?

9 A. Yes.

10 Q. Okay. Do you know if anyone attempted prior to the discharge
11 of CO2 to utilize that pump on the night of the fire?

12 A. I don't know.

13 Q. You're the head of firefighting team no. 1 on this vessel, is
14 that right?

15 A. Yes.

16 Q. And there is a correspondent firefighting team no. 2, right?

17 A. Yes.

18 Q. And one of the members of each one of these firefighting
19 teams has a breathing apparatus and a firefighting suit that they
20 that don, that they wear?

21 A. The operator.

22 Q. The operator is -- what is the name, not the individual's
23 name, but what is his title for the person who operates, who is
24 the operator on firefighter team 1.

25 A. Team 1 is Bosun.

1 Q. Okay. And what about firefighter team no. 2.

2 A. Fitter.

3 Q. And who is the head of firefighter team no. 2? In other
4 words, the corresponding to you on firefighter team no. 2?

5 A. Second Engineer.

6 Q. Okay. Did the -- do you know if the Second Engineer ever
7 ordered the fitter, who was wearing the firefighting breathing
8 apparatus to go into the water-tight door on deck 12 prior to the
9 discharge of CO2 to attempt to close that door?

10 A. I don't know. I no -- I wasn't there.

11 Q. Did you ever, did you ever hear the Captain specifically
12 order an individual or a firefighting team to close deck 12's door
13 prior to the discharge of CO2?

14 MR. LEVY: Asked and answered.

15 MR. Karpousis: I'm not sure if I asked it that specifically but
16 if I did, I can move on.

17 CDR BARGER: It's sustained. It's been asked. And you have
18 one minute left.

19 BY MR. Karpousis:

20 Q. Did he ever ask, did the Captain ever ask you specifically to
21 leave deck 10 and go up to 12 to try to close it? Prior to the
22 discharge of CO2?

23 A. I no remember, no.

24 Q. Well which one is it? Is it you don't remember or the
25 answer, no?

1 A. I no remember.

2 Q. Okay. Do you remember ever explaining to him why you
3 couldn't do that? Leave deck 10 or send the Bosun up who had the
4 breathing apparatus to close the watertight door on deck 12?

5 A. How can I send a Bosun inside if there is a fire?

6 Q. Well, you're, you're fighting the fire on deck 10, right,
7 sir?

8 A. Yes.

9 Q. Okay. And he had the breathing apparatus on, he could have
10 gone up to 12 to close it and then come back down and help you,
11 right?

12 A. No, if there is a fire on deck 11, again, not to send a
13 person inside the garage if I don't know the situation of garage.
14 Sorry.

15 Q. You didn't know if the fire was on 11 yet though, right?

16 A. I don't know the situation of 11.

17 MR. PALLAY: All right. I have no further questions. Thank
18 you.

19 CDR BARGER: Port Authority of New York, New Jersey.

20 MR. REILLY: We have no questions.

21 CDR BARGER: City of Newark?

22 MR. LIPSCHUTZ: Thank you. Lieutenant, can you scroll up to
23 the first image on this exhibit?

24 BY MR. LIPSCHUTZ:

25 Q. Thank you, Mr. LaFauci. My name is Gary Lipschutz. I

1 represent the City of Newark. I just have a few follow up
2 questions. Can we start with the, what's on your screen? Which
3 is, can you tell me, is this a picture of the ramp on deck 12 with
4 the door closed?

5 A. Yes.

6 MR. LIPSCHUTZ: Can you scroll down to the next page?

7 BY MR. LIPSCHUTZ:

8 Q. Okay. And is this the watertight door after the fire?

9 A. Yes.

10 Q. Yes?

11 A. But before --

12 CDR BARGER: Do you have direct knowledge of what the water-
13 tight 12 door looked like after the fire?

14 THE WITNESS: Yes.

15 BY MR. LIPSCHUTZ:

16 Q. So it's open? This is what it looks like when it's open,
17 right?

18 A. Yes, you see.

19 MR. LIPSCHUTZ: Can you scroll down again?

20 BY MR. LIPSCHUTZ:

21 Q. Can you tell me is this, it seems to me a picture of the ramp
22 is, am I correct?

23 MR. BARNUM: The top picture?

24 MR. LIPSCHUTZ: The top picture?

25 THE WITNESS: This is --

1 CDR BARGER: Yes, to be specific because we haven't looked at
2 these pictures yet, previously. These photographs are of a sister
3 vessel.

4 THE WITNESS: Yes.

5 CDR BARGER: Are they representative of what it looked like
6 on board Grande Casta D'Avorio, prior to the fire?

7 THE WITNESS: Yes.

8 CDR BARGER: Okay.

9 BY MR. LIPSCHUTZ:

10 Q. So if I'm looking at the top picture, that's a -- that looks
11 like the ramp going up to the water-tight door on deck 12?

12 A. This is the ramp, yes.

13 Q. Okay. And this is a picture taken from say deck 11, correct?

14 A. From deck 11.

15 Q. Okay, is there a door on this side of that ramp?

16 A. Door where? There's no door.

17 Q. There's no door on the other side of the ramp, correct?

18 There's only, you have one door?

19 A. Yes.

20 Q. At the bottom of the ramp.

21 A. Yes.

22 MR. LIPSCHUTZ: Could you switch now please to Exhibit 7A?
23 Specifically, the upper left diagram. So can you focus in on the
24 upper left side please? The side view of the ship. Correct, a
25 little further up?

1 Thank you. Maybe you even zoom in a little more, please
2 Lieutenant. Specifically, we want to look at the water-tight
3 door. That's about good. But can you move it to the left please
4 and up? Further left, perfect.

5 BY MR. LIPSCHUTZ:

6 Q. Mr. LaFauci, let me direct you to the car that's on the top
7 on the left side. Do you see that?

8 A. Yes, yes.

9 Q. That's deck 12, right?

10 A. Yes.

11 Q. And then to the car's right, is the watertight door and the
12 ramp going down to deck 11?

13 A. Yes, correct.

14 Q. Okay. Below that, is that where the next car is on deck 11,
15 does that show the ramp down from 11 to 10? Or is that where the
16 ramp is from 11 to 10?

17 A. This is the ramp. This is 11, deck 11.

18 Q. Okay, that's the ramp to go from 11 to 12?

19 A. Yes.

20 Q. The ramp from 11 to 10?

21 A. Eleven to 10.

22 Q. Is that where the next car is?

23 A. Eleven, okay, yes, yes.

24 Q. So if you see the water-tight door there's a car right below
25 it?

1 A. Yes.

2 Q. That car is on deck 11?

3 A. Yes, it is in Deck 11.

4 Q. And then it could go down the ramp to deck 10? Correct?

5 A. Yes, that is there, yes.

6 Q. Okay. Are there any doors on the ramp from deck 11 to deck
7 10?

8 A. Doors no, about the doors. So, I can, about, I can explain
9 this better too. About doors, not have doors. There is the gate,
10 one gate that we close during Africa rotation to avoid the
11 stowaway.

12 Q. Okay. When you say, if I can clarify -- when you say a gate,
13 can you describe that?

14 A. Yes, is a gate that you can open, and you can close.

15 Q. Okay, and where is that gate located? Is it top of the ramp
16 at deck 11? Or --

17 A. No, in deck 10, entrance of deck 10. On the ramp in the
18 entrance of deck 10 there is this gate. The doors open during --

19 Q. Okay, so at the ramp to go from deck 10 to 11, is at the
20 bottom of that ramp?

21 A. No, is a, yes, at the bottom of the ramp. To the 10, to go
22 to deck 10 there is one gate, there is the ramp of a deck. That
23 is a ramp that go from deck 6 to deck 10, is the ramp. On deck 10
24 there is this gate. From deck 10, to go to deck 11, there is
25 another gate.

1 Q. Okay. Are the gates airtight gates?

2 A. No water-tight, no.

3 Q. Not air-tight either?

4 A. No, no.

5 MR. LIPSCHUTZ: Thank you. Can you please pull up 7-B, deck
6 10?

7 CDR BARGER: Lieutenant, can you zoom in a little bit?

8 MR. LIPSCHUTZ: Perfect, thank you.

9 BY MR. LIPSCHUTZ:

10 Q. Mr. LaFauci, is the ramp from 10 to 11 depicted here, is that
11 the rectangle at the top? The ramp?

12 A. This is the ramp.

13 Q. Okay. Lieutenant, can you just go to deck 11, please?

14 That's, that's fine. Is that also the same, the ramp from 11 to
15 12?

16 A. To 12, yes.

17 Q. Okay. And then can you go to the next page, please? That's
18 fine. And this is the top deck, deck 12, the same ramp?

19 A. Yes.

20 Q. And on this picture, you can see the water-tight door to the
21 left of that rectangle?

22 A. This is deck -- no.

23 Q. That's not the water-tight door? On the left-hand side?

24 A. I'm not too sure about this.

25 Q. Okay. But that, that's we've gone through these images.

1 That's the, those are the ramps between decks 12, 11, and 10,
2 right?

3 A. Yes.

4 Q. And the only door that closes anything is on the top, deck
5 12, right?

6 MR. LEVY: Object to the form of the question. Of those
7 three decks? Or --

8 MR. LIPSCHUTZ: Yes.

9 MR. LEVY: Okay.

10 MR. LIPSCHUTZ: No, the only door on those ramps.

11 MR. LEVY: On those three ramps?

12 MR. LIPSCHUTZ: Yes.

13 MR. LEVY: Okay.

14 THE WITNESS: You can repeat your question.

15 MR. LIPSCHUTZ: I will absolutely. The only doors on --

16 THE WITNESS: Because I like to understand very well.

17 BY MR. LIPSCHUTZ:

18 Q. Sure. The only door on those ramps, the only door is the one
19 on the top, the deck 12, right?

20 A. Yes.

21 Q. Okay.

22 CDR BARGER: And Mr. Lipschitz, you have one minute.

23 MR. LIPSCHUTZ: I would ask for a little bit more time since
24 there was a lot of time pulling exhibits up. Is that okay?

25 CDR BARGER: We have already accounted for that.

1 MR. LIPSCHUTZ: Okay, thank you.

2 CDR BARGER: Okay, thank you.

3 BY MR. LIPSCHUTZ:

4 Q. When you saw the fire on the Jeep, am I correct, you grabbed
5 a fire extinguisher, right?

6 A. Yes.

7 Q. You did not see any of the stevedores or lashers attempting
8 to put out the fire in any way?

9 A. I no see anybody, any stevedore.

10 Q. So, did you observe anyone else using a fire hydrant?

11 A. Yes.

12 Q. Who?

13 A. Me.

14 Q. And besides you, anyone else?

15 A. Me and the crew. Only me and crew use.

16 Q. The crew? You mean the crew of the ship?

17 A. Yes.

18 Q. None of the lashers?

19 A. No lashers.

20 Q. Are you absolutely certain about that?

21 A. What I saw, yes.

22 CDR BARGER: Is there one more --

23 MR. LIPSCHUTZ: Just one more question. Well, one more
24 question about the water on deck 10.

25 BY MR. LIPSCHUTZ:

Q. You hooked up a hose to try to put out the fire on deck 10,
1 correct?

2 A. Yes

3 Q. Did water come out immediately from the hose? Did the pumps
4 pump water immediately?

5 A. No immediately.

6 Q. There was a delay?

7 A. Not a delay due to the system must be in pressure. No?

8 Q. Approximately how long to get up the pressure?

9 A. Few second.

10 Q. Okay.

11 A. Yes.

12 Q. Only seconds?

13 A. Yes.

14 MR. LIPSCHUTZ: Thank you. Thank you, Commander.

15 CDR BARGER: Okay, thank you. We've been, this has been a
16 long testimony. I'm just going to check for final, any other
17 questions from the investigation team? Okay, Mr. LaFauci, I want
18 to thank you for your testimony today.

19 You are subject to recall, and my sequestration order remains
20 in place until you're released by me. Lieutenant Reed, our
21 recorder, will now notify you once released from that order.
22 The hearing is now in recess for lunch. The time is now 1:53 p.m.
23 We will reconvene at 2:53 p.m. Thank you.

24 (Off the record at 1:53 p.m.)

25 (On the record at 3:00 p.m.)

1 CDR BARGER: Good afternoon. The time is now 3:00 p.m. local
2 time in Union, New Jersey and the hearing is now reconvened. And
3 back on the record regarding the fire on board the Grande Costa
4 D'Avorio. Our next witness is Captain Alessandro Moretti.
5 Lieutenant Reed please swear the witness in.

6 (Whereupon,

7 ALESSANDRO MORETTI

8 was called as a witness and, having been first duly sworn, was
9 examined and testified under oath, as follows:)

10 LT REED: All right, thank you. You may be seated.

11 THE WITNESS: Okay.

12 LT REED: The following witness may require the use of a
13 translator. Mr. Ambrosi, was previously sworn in. If he would,
14 would you please state your name and spell your last name for the
15 record?

16 INTERPRETER: Good afternoon. My name is Alessandro Ambrosi.
17 I spell last, A-m-b-r-o-s-i.

18 LT REED: Thank you.

19 INTERPRETER: And I am the official translator.

20 LT REED: Thank you very much. Captain, would you now please
21 state your name and spell your last name for the record?

22 THE WITNESS: My name is Alessandro Moretti. Last name is
23 M-o-r-e-t-t-i.

24 LT REED: Thank you very much, Captain. And counsel, will
25 you please state your name and spell your last for the record?

1 MR. TISDALE: Thank you, yes. My name is Thomas Tisdale with
2 the law firm of Tisdale and Nast, T-i-n-s-d-a-l-e.

3 LT REED: (Indiscernible).

4 THE WITNESS: My profession on July 5 was the Master of
5 Grande Costa D'Avorio.

6 LT REED: And who were you employed by at that time?

7 THE WITNESS: Grimaldi Deep Sea.

8 LT REED: Now, I want to ask you about your professional
9 certificates. What professional certificates or certifications do
10 you hold for this position?

11 THE WITNESS: I have a Master's license to sail all around
12 the sea.

13 LT REED: And how long have you been employed by Grimaldi as
14 of July 5th, 2023?

15 THE WITNESS: Employed on Grande Costa D'Avorio or sea?

16 LT REED: The company specifically for this question.

17 THE WITNESS: I'm employed with Grimaldi since 2005.

18 LT REED: Okay. And how long were you on board the Grande
19 Costa D'Avorio as the Master?

20 THE WITNESS: I joined Grande Costa D'Avorio March 12th,
21 March of 2023.

22 LT REED: Okay. Thank you very much. Commander, the
23 witnesses ready to proceed.

24 CDR BARGER: Thank you, Lieutenant Reed. Mr. Barnum will be
25 conducting the direct examination of this witness. Mr. Barnum,

1 you may proceed.

2 DIRECT EXAMINATION

3 MR. BARNUM: Thank you, Commander. Thank you, Captain
4 Moretti. Can you hear me, okay?

5 THE WITNESS: Yes sir.

6 BY MR. BARNUM:

7 Q. Okay, just to follow on that last question. Had you sail the
8 aboard the Grande Costa D'Avorio as Master before the trip of the
9 casualty?

10 A. Negative. My first contract as Master on Grande Costa
11 D'Avorio was on 2023, starting from 12 March.

12 Q. Had you sailed for, on other Grimaldi vessels as, in the
13 capacity of Master?

14 A. Yes sir.

15 Q. How many years as Master on other Grimaldi vessels?

16 A. Since 2017 I'm employed as Master onboard Grimaldi vessels,
17 for Grimaldi Deep Sea.

18 Q. So, about six years?

19 A. Yes, sir.

20 Q. Okay. All right. To get a little bit of your background,
21 Captain Moretti, could you tell us your schooling please? How did
22 you receive your nautical training?

23 A. Yes, so, I have a nautical school, five years in Italy, I
24 have a degree to say that I was a candidate, on board. But after
25 that, I have my Navy service done. After the Navy service, I just

1 joined the vessel, pollution vessel in 1999, and start officer
2 career, deck officer career on merchant vessel. I was employed by
3 several companies, several type of ships. And then, I'm with
4 Grimaldi, as I said before, since 2005.

5 Q. Thank you.

6 A. Yes, sir.

7 Q. As a Grimaldi Master, what is your job description?

8 A. Well, the Master of a ship is the Command for the ship. He's
9 assisted by officers and engineers to perform a voyage, one vessel
10 from one port to another port safely for the cargo and especially
11 for the crew members.

12 Respecting all the law that is international, and national
13 law for commercial mercantile, policy security, and so, and so,
14 and so. So the captain is the last, if he's on board, I have the
15 last word on board and have all the decision to take based on what
16 the feedback I have from the engineers or officers.

17 Q. So, thank you. During your previous sailing career as
18 Master, or another position, have you ever been involved in a
19 vessel fire prior to July 5th, 2023?

20 A. Yes, sir.

21 Q. Could you please explain the circumstances surrounding that
22 fire?

23 A. So, we got the fire on a Grimaldi vessel. I was Chief
24 Officer, but the fire wasn't in engine room. Do you want me to
25 explain it deeply?

1 Q. Yes, please.

2 A. Yes. So, ship was port. We have some maintenance job in the
3 engine room. That was a problem with the incinerator on top of
4 the engine on top deck. And we had got some fire inside the duct
5 of the ventilation of engine room. So we start to fight the fire
6 with hoses, water hoses, and the extinguisher from the engine.

7 We keep cooling the area outside. I was outside in that
8 time. I was not in engine room. I was outside of the engine
9 room. Then we seal everything back and we release the CO2. The
10 CO2 was high pressure, not low pressure from the system. I don't
11 know if you want me to explain this? Or just --

12 Q. Yes, please, carry on.

13 A. CO2 high pressure is not one cylinder, but several cylinder
14 of CO2 gases in high pressure. So it was 20, 25 cylinder of CO2.
15 The gas is the same, just the system is a little bit different.
16 When the CO2 was deployed -- I'm sorry.

17 We have also fire department that, local fire department from
18 the Belgium, that drive on board. Fire went off, make inspection.
19 That, that's it.

20 Q. Okay. You said it was in Belgium?

21 A. Yes, Antwerp, sir.

22 Q. Antwerp. When was that?

23 A. I really don't remember. It was 2010? I really don't
24 remember it.

25 Q. You said it was a Grimaldi vessel?

1 A. Yes.

2 Q. A ro-ro, con-ro, like similar to the Grande Costa D'Avorio?

3 A. Yes, similar, an old vessel, but similar.

4 Q. Okay. And I think you referenced the shoreside fire
5 department there in Belgium. Can you tell me a little more about
6 that? Did they -- you as Chief Officer, what kind of interactions
7 did you have with them during the firefighting event?

8 A. Yes. It was interaction with the department that come on
9 board. We explained them what the situation was, what was going
10 on, what we already done. And they decided to make the inspection
11 of the fire area.

12 So, we start to make inspection starting from the, entering
13 the engine room from the workshop. Now, we felt the plans would
14 be a little bit difficult to, let you understand what the plans,
15 what, we start from the bottom, from that tree. Like that tree in
16 Grande Costa D'Avorio.

17 So, we enter from that, but in the engine room space. And we
18 check the spaces to see if there was still fire or, or some risk
19 in the area. I showed them and escort them in the area. Then,
20 they already got everything under control.

21 So, me and Chief Engineer, that was together with me, showing
22 the area. We went outside, and they keep proceeding, doing the
23 inspection. And after they stopped with the ventilation to remove
24 the CO2 because fire was completely off.

25 Q. Okay, so just so I'm clear the you. You said the ship's crew

1 released the CO2 system, high pressure system.

2 A. Yes.

3 Q. How quickly after did the shoreside Fire Department enter the
4 space to do their, to do their inspection?

5 A. I don't remember. I'm sorry, I don't remember.

6 Q. Was it 24 hours?

7 A. No. Half an hour? Half an hour? I'm guessing, though. For
8 sure, not 24 hours, so.

9 Q. Okay. And was that under advisement from the captain of the
10 vessel at the time? Or was the -- do you remember the specifics
11 of who made the decision to enter this space?

12 A. The fire patrol.

13 Q. The fire patrol?

14 A. The fire patrol asked me to come, to go inside. But it was
15 also captain communication between them.

16 Q. Okay, all right.

17 A. So, we, you know.

18 Q. Thank you. I want to go on a little bit about your personal
19 firefighter training. What kind of what type of firefighter
20 training do you have?

21 A. I have basic firefighting training, and I have advanced
22 firefighting training. Then Grimaldi make an extra training on
23 the system that we have on board the ship, fixed firefighting
24 system. So the CO2, CO2, sorry, and the water mist system that we
25 have on board. So, there's a training center in Italy that have

1 the same system that is onboard the Grimaldi ship. So, we have
2 our actual training on how to use this system.

3 Q. Okay. So, there is a Grimaldi company, specific firefighting
4 training that you've participated in?

5 A. Yes. It's run by Grimaldi, and, but it's also the
6 certificate of Rena (ph.). So, it's actually Grimaldi's not
7 giving the certificate but Rena, the Rena is issuing the
8 certificate.

9 Q. And it's regards to the suppression system onboard?

10 A. It's regard advanced firefighters on ro-ros, or yes, on using
11 this CO2 system.

12 Q. Okay. And when was, when did you, when did you take that
13 last?

14 A. I'd have to check. Four years ago? I don't remember because
15 I do the certificate --

16 Q. Do only Masters take this course? Or is it open to --

17 A. As I know, it's open to all the crew members, with some
18 priority as Grimaldi, as I know. But as I know, it's open to
19 everybody of Grimaldi.

20 Q. Okay. In your firefighting training, are you taught on how
21 to -- how are you taught on how to fight a fire while at sea
22 versus while at the dock? Is there anything different that you
23 would do?

24 A. The training is not, the training that I got in the basic and
25 advanced firefighting was no indication of you are in port, or you

1 are not in port. But it's just fighting the fire on board that
2 ship, that particular ship, particular type of cargo, particular
3 use of equipment.

4 But it's not depending on when you are in port, or when you
5 at sea. If you are fighting the fire, you are fighting the fire.
6 So when you, or if you are at sea, or in port, you are just
7 fighting the fire. It's nothing changed. The only thing that
8 changes is that in port you have, you could have the assistance of
9 the --

10 Q. So, obviously a vessel at sea is a lot different than a
11 vessel at shore?

12 A. Yes. But the training, the training, sir, is the same.
13 There's no change in training, fighting the fire when the ship is
14 at port. You are not -- trainers are not making this difference.

15 Q. Is the part of your training on how to interact and work with
16 different municipalities, different shoreside firefighting
17 agencies?

18 A. No.

19 Q. That's not included in any training that you've received?

20 A. No.

21 Q. Do you know of any company specific, or Grimaldi, do they use
22 any internal means of issuing safety alerts or safety bulletins
23 amongst the fleet?

24 A. I'm sorry, could you rephrase it please?

25 UNIDENTIFIED SPEAKER: (Indiscernible).

1 MR. BARNUM: Would you like me to rephrase it, or do you
2 understand?

3 THE WITNESS: Yes, I got what, I got what he is saying.

4 MR. BARNUM: Okay.

5 THE WITNESS: And probably what you asked me.

6 MR. BARNUM: I'm straight here, that I work for Grimaldi.
7 And no, I'm not, I don't know the other company policy, or if
8 other companies make special training. I'm not aware of this.

9 BY MR. BARNUM:

10 Q. Does the company have a mechanism and a way to communicate
11 amongst its vessels internally of maybe a safety issue that arises
12 on one vessel that they want to share with their whole fleet?

13 A. Yes, this is part of the SMS. So, when accident is on board
14 of the fleet, of one of Grimaldi's fleet vessel, there is an
15 investigation. And after, they share with all the other vessel
16 what happened.

17 MR. BARNUM: Okay. Lieutenant Reed, can you please bring up
18 Exhibit 7-A? 7-A, please.

19 BY MR. BARNUM:

20 Q. Captain Moretti, are you familiar with this document in
21 exhibit, that is Exhibit 7-A.

22 A. Yes.

23 Q. Can you see it clearly?

24 MR. BARNUM: Can you, can you zoom out a little?

25 THE WITNESS: Yes.

1 BY MR. BARNUM:

2 Q. Okay. What is this?

3 A. It's the fire control plan. Now, it's too small.

4 Q. And what kind of information would you, is contained in this
5 fire control plan?

6 A. Okay. The fire control plan, the way you fold the sketch of
7 the ship, so showing all the decks, all the levels of the ship
8 from a view on top, and a side view of the vessel, is indicating
9 also the name or the number of the levels, is indicating the type
10 of the bulkhead that is divided, is dividing the area of the ship.

11 It shows how, I'm sorry. It shows all the portable fire
12 equipment and the correct position of the portable fire equipment,
13 example, extinguishers. It's showing the position and the type of
14 this equipment also for the fixed fire system, like water hoses.

15 It's showing, which type of fixed system covered the area of
16 interest. For example, the garage are covered by CO2 system.
17 It's showing and indicating with labels. These labels are IMO
18 labels and are standardized.

19 All the vessels have the same symbols. The same symbol that
20 you find on this plan are displayed physically near the equipment,
21 so that the crew can understand where on the plan that is the
22 equipment, or/and the same equipment really in position. So, it's
23 the same symbol is on place, on board. It's a particular symbol
24 is reflecting. So, during low visibility poor light is a red-
25 lettering.

1 UNIDENTIFIED SPEAKER: Yes, when, is the light, reflecting
2 light? (Indiscernible).

3 MR. BARNUM: Yes, I understand. Reflection, or glow in the
4 dark.

5 THE WITNESS: It's reflecting the light, but it's also light
6 the watch in night --

7 BY MR. BARNUM:

8 Q. You're talking about the placards that are on the vessel?

9 A. Yes. I'm speaking about this IMO placard.

10 Q. So, this document here that's displayed in 7-A, where would
11 you expect to find that on board the Grande Costa D'Avorio on July
12 5th, 2023?

13 A. This plan are placed on all ships on the working space, agent
14 control room, bridge, accommodation area to allow the crew member
15 to familiarize with these plans. When these plans are displayed
16 in each entrance of the ship, to allow the authority who is coming
17 on board, for example.

18 Q. I'm sorry, please, please continue.

19 A. I thought it was a question. Yes, this this planner was
20 inserted in small containers near the entrance, each entrance of
21 the vessel. For --

22 Q. Where those containers labelled?

23 A. Sorry?

24 Q. You said that the there's a copy of this in containers at the
25 entrance of the vessel. Are those containers labeled in any way?

1 A. Yes. The same thing, everything is labeled. This fire plan,
2 this things that we are watching have a symbol, and if you search
3 on the plan where is this symbol, you will find the exact position
4 of this fire plans.

5 MR. BARNUM: Okay, thank you, you can take the exhibit down,
6 Lieutenant Reed. Thank you.

7 BY MR. BARNUM:

8 Q. All right, Captain Moretti, can you please explain your
9 typical loading operation aboard the Grande Costa D'Avorio?

10 A. The vessel is a multi-purposed Ro-Ro vessel. Let me explain
11 to you. I mean that the loading or discharging of the cargo can
12 be done by Ro-Ro, rolling off, rolling on. But we can also make
13 by lo-lo, by cranes. You want me to figure it, everything out?
14 Or you want me to --

15 Q. No. I'd like -- that's fine. I would just like -- so on
16 July 5th when you came into port Newark explain the operation that
17 day prior to the fire. Was it a normal operation? Was there
18 anything abnormal?

19 A. Okay. On July 5 there was a Ro-Ro operation. And the
20 operation, as was reported to me, was going fine, in schedule with
21 some delays, but nothing extremely strange was happening. Nothing
22 was reported to me.

23 Q. Did you observe or did anybody notify you of any issues with
24 shoreside equipment, pusher vehicles prior to the fire?

25 A. If I observed?

1 Q. Did you see any?

2 A. Yes, yes. But if I personally observed this?

3 Q. Yes.

4 A. No, negative, I didn't observe. But I was not following the
5 cargo operations.

6 Q. Okay. Did anybody inform you of any problems with any of the
7 pusher vehicles prior to the fire?

8 A. Nobody informed me about problem with the equipment.

9 Q. Sorry, could you repeat that?

10 A. Nobody informed me about problems with equipment.

11 Q. With equipment, okay. So, did you have any specific concerns
12 other than being slightly delayed with respect to the load in
13 Newark prior to the fire?

14 A. No.

15 Q. Okay. Now, I'd like you, in your own words, to take us
16 through the events leading up to the time when the order was given
17 to release CO2 in the space, starting maybe from 6 o'clock at
18 night. Would that be, okay?

19 A. Sure.

20 Q. On July 5th, 2023.

21 A. Yes. So, 6 o'clock in the evening, 6:00 p.m.?

22 Q. Yes, sir.

23 A. On that time I was already on board. I was my cabin and I
24 was finishing some paper jobs. I don't think we need to go in
25 details on this. It was nothing, nothing to that is interested on

1 this.

2 At 1900, we normally have our dinner. So, I stopped my work.
3 I just go to the lounge that is on the same deck of my cabin. And
4 normally, I meet with the officer that is in, finishing the duty.
5 At that time I met with Chief Officer and we have our dinner.

6 At that time cargo operation was still ongoing. As reported
7 from the officer, as I tell before, it was no any issues reported,
8 strange issues, some problems. It was just delays due to the last
9 cars and vans that was loaded.

10 And it was not running cars. So, we was losing some time due
11 to the operation of loading of this not running unit. After
12 dinner, could be 40 minutes, something like that, I got back to my
13 cabin, and I just relax, and I just call my wife, check some news
14 probably. And okay, brush my teeth something like that.

15 I was just going to relax, waiting for the cargo operation to
16 end. The vessel was not scheduled to move. So, we was just
17 waiting to finish the car operation. Never have a job was run
18 after that.

19 At 2100 I got a call on the phone for First Officer Ciumala
20 (ph.) called me and advised me that there was a fire on deck 10
21 on one car. I closed the phone. I just put some shoes,
22 something because I was like, pajama, so I put a T shirt and
23 pants. Grabbed the radio and ran on the bridge.

24 The bridge is one deck up, my cabin. During my way to the
25 bridge, the fire alarm, the fire alarm was on, was running, was

1 ringing on the vessel. The Second Officer that just finished
2 watch, that was eating with me, and having dinner with me because
3 he finished the watch, came out of his cabin.

4 His cabin is between my cabin and the bridge, so on my way to
5 the bridge. He opened the door. And I advise him, it's not a
6 false alarm. There's a fire on deck 10. I went to the bridge.
7 Arrived on the bridge.

8 I start the procedure for a fire. So, I push the emergency
9 button to close the exhaust system of the garage, and vents, the
10 damper. I use the radio to call Chief Officer and I was waiting
11 for some feedback from Chief Officer, or from some other officer
12 about the situation.

13 I check the status of the fire panel. The fire panel was in
14 alarm as fire. There was several alarm on deck 10 in the aft
15 part. Immediately after that Second Officer, the Filipino, will
16 take, not the Italian guy that was having dinner with me, the
17 other Second Officer.

18 His position during an emergency, a fire emergency, his
19 muster station is on the bridge with me. So, he reached the
20 bridge. I advise also him, we have a fire. He was with a
21 slippers, I a remember. I tell him to go and change.

22 He changed and he prepared the fire plan that we have on the
23 bridge. He put the fire plan on the big desk that we have on the
24 bridge. But he's also some SMS checklist like a record where you
25 can put the time, and you can follow some part during the

1 emergency, one specific for fire on board.

2 I remember that I check also the fire pump. I start fire
3 pump. I remember I started one fire pump. Then finally I got
4 communication with Chief Officer. This is more or less in about
5 from 2100 that I was in cabin and I received the call, between
6 five minutes.

7 So, I, on the bridge, I get countered with Chief Officer. I
8 start the fire pump and close them the dampers, the vents, and the
9 and the exhaust. I was checking around the vessel from outside if
10 wind have a consideration.

11 Weather condition was good. So, it was first consideration
12 to check. After that the communication with Chief Officer was, he
13 confirmed me that there was one stevedore's cars of fire on deck
14 10, in the aft part.

15 So, Second Officer was checking the plan and trying to
16 position, to have an idea of where we start the fire, in
17 comparison, so with the cargo that we already had on board. Chief
18 Officer, Mr. Benito LaFauci advised me then that he was using,
19 with our crew members, portable extinguisher to try to get the
20 fire off.

21 Luckily, he advised me that they used already several
22 extinguishers. I remember four or five that he told me it was
23 used. But the fire was still going.

24 So, he started with the crew members that was there helping
25 him. Other crew member was reaching the area to set the fire

1 hoses, connected, and start to use fire hoses on fire. The other
2 crew members hear the fire alarm because I left the fire alarm
3 that is heard the from all the vessel, it's clear to all the crew,
4 I leave it running to let the crew understand that it was not a
5 false alarm. There was really something going on.

6 I remember that I make also an announcement on a PA system.
7 PA system of the vessel is like the mic and we can reach my voice
8 over all the area. And I advised fire on deck 10, so that the
9 crew was aware that the situation was a situation of, situation of
10 fire, and the area where the fire was.

11 Also I get counting in this, of five minutes that we are from
12 21 to 25, to 21, five going on to 2510, we have fire hoses, or we
13 are starting to fight the fire with the hoses. Our Chief
14 Engineer, I call Chief Engineer. I'm sorry, I called the
15 Engineer, and advised to go, to go, to Chief Engineer to go in
16 engine with some engineers.

17 I also make an announcement, Chief Engineer in engine room.
18 Chief Engineer position muster station for fire, is in engine
19 room. So, also engine was monitored. The other crew member
20 that was not in the garage, the deck department most of them, it
21 was involved in the cargo operation that went -- sorry, went to
22 deck 10 to help Chief Officer.

23 The other guys went to the muster station. Muster station
24 is on deck 11 and is the place where all the crew member muster
25 in case of emergency. The Bosun, the Bosun was also following
cargo

1 operation. He was in another area.

2 He hear, by my voice, he hear the alarm, and he here also the
3 radio because he have the radio. Chief Officer was yelling fire,
4 fire on deck 10 on the first deck. So, Bosun went deck 11 to a
5 fire station.

6 He went there because Bosun is the operator of a fire team on
7 board. So, he collected the breathing apparatus and the fire
8 gear. And then, when I got feedback from an officer that was
9 helping him to prepare himself, he got contact with Chief Officer
10 that in that time was already using some fire hoses to fight fire.

11 He advised Bosun to proceed in this area following a certain
12 way, a safe way. And when Bosun arrived, they give the hoses to
13 Bosun that was using gear to better fight the fire. And Bosun
14 keep on fighting the fire.

15 In the meantime, we got other crew members on our team that
16 was already mustered, the muster station. Another operator was
17 also dressed up. At that point, so between 2105 to 2110, my
18 countdown was already thinking about the fire is moving somewhere.

19 Because after five minutes of keeping fire, the fire was,
20 should moving somewhere. So, I asked my officer on the bridge to
21 go and check the water power door that is on deck 12. He report
22 to me that the smoke, heavy smoke was coming out from this door.

23 Q. Sorry, Captain Moretti, could you repeat that? Who did you
24 ask to go check the door?

25 A. The Second Officer that was with me on the bridge. On the

1 bridge with me, but he's a Second Officer.

2 Q. Okay, thank you. Please continue.

3 A. I asked him to go outside because the bridge is on deck 12
4 and the door is about 50 meters from the bridge on the port side.
5 So, he got near the area. He see the fire. He see -- sorry, he
6 see the smoke coming out.

7 He say there's a lot of black smoke coming out from this
8 powered watertight door on deck 12. At that point, I involved
9 Team 2. And I asked him to proceed in that area to check what was
10 the situation inside deck 11, through that door.

11 Because I was already worried that the fire that was still
12 ongoing was passing from deck 10 to deck 11. At that time, most
13 of deck 10, full deck 11, and full deck 12 was already loaded.
14 After 2110, we already reached this time more or less, we, I got
15 feedback from Team 1, let's say Chief Officer, so the guy who was,
16 the people who was fighting direct to the fire on deck 11, I'm
17 sorry, on deck 10.

18 That the situation was not improving, or better the fire was
19 improving but was not able to control the situation. The fire was
20 not, was all, it there was not able to switch off, to extinguish
21 the fire.

22 I also had feedback from Team 2 about the situation on deck
23 12, about the deck 11 and the door. I asked if it's possible at
24 that point to close this watertight door, to segregate better all
25 the area.

1 The situation was too smoky, too dangerous for
2 considerations, and Team 2 say this, we are not able to do this.
3 So, I tell them, okay, back up. At that point, at, after 2110,
4 more or less, 2115, my priority van was to put this position of
5 the crew in a safe area.

6 So I tell the crew to, that was inside the garage to back up,
7 to go away, to leave the area. This is a closed box, is, we can
8 call it garage C. This closed box is made up of several decks.
9 So, I tell them to leave garage C. This is decks 6, 7, 8, 9, 10
10 and 11.

11 So, the team that was inside the deck 10 fighting the fire,
12 received my order to back up and to proceed in a safe area. They
13 left hoses running on deck. So, the water was still spraying, but
14 nobody was there anymore.

15 The same thing I told the team that was on the open deck to
16 keep the hoses cooling and throwing water inside deck 11 from this
17 open door. During all these, the other crew members was also
18 helping and preparing other water hoses from the muster station to
19 protect the accommodation area and to protect crew members that
20 was mustered there.

21 I remember that, at that point, I give order to Chief
22 Engineer to proceed and to prepare CO2 for release. After that I
23 have feedback of the crew members, was counted out, was in a safe
24 position. Most of the people was at the muster station. Chief
25 Officer was down on deck 3 with the group member that was with

1 him.

2 Q. How about -- excuse me, how about the shoreside personnel?

3 Did you account for their presence on the vessel?

4 A. I, yes, I forgot about that, actually. I ask the Chief
5 Engineer, the Chief Officer, sorry, I think in the first five
6 minutes, if stevedores was there. And he confirmed me that
7 stevedore left the vessel. So, only crew member was on board.

8 Q. Do you know how he confirmed that?

9 A. By, I call him. In the first, sorry.

10 Q. How was, do know how the Chief may have a muster sheet? Or
11 does he, was he relying on some other means to verify that no one
12 was on board from the shore?

13 A. I see, I think that he see the stevedores running down from
14 deck 10. And then we had, he had feedback from the AB on watch at
15 the deck 3, at the entrance that the stevedores went off.

16 Q. Okay. I've got a couple, couple questions for you before you
17 continue. You, you spent some time discussing closing of water-
18 tight doors as you call them on the vessel, the ramp doors. You
19 couldn't, there was trouble closing ramp 12 door. Is there, does
20 any crew members on board, is that their specific duty to be in
21 charge of closing a particular door or not?

22 A. Was no unassigned crew member. These waterpower doors are
23 powered by electrical and our powered system. So, we have some
24 crew that are trained to do that. Officers, Engineers, and also
25 Bosun and AB are able to do this. But it's not an appointed

1 person to do that.

2 Q. Who conducts that training for these crew members?

3 A. The Officer, myself, the Engineers, it's not also
4 specifically mentioned in who is making the training. When you
5 come on board like a young Officer, you check, you stay together
6 with the other Officers that already know how to operate because
7 we operate already because we read the manuals, we have manuals,
8 we have instructions. Instructions are also posted.

9 Q. Okay. So it's more of an on-the-job training. As opposed to
10 a formal sit-down training on how to operate these doors?

11 A. Yes.

12 Q. Is that correct? Okay. And then who determines which one of
13 the crew members receive a key in order to operate the doors?

14 A. That is not, is not determined by some person should receive
15 the key, some person should not receive the key. For example, the
16 Officer on watch have the key, and can pass it to the other
17 Officer or watch.

18 Some key, some spurs key are positioned in some place, could
19 be positioned in some place. Each vessel is could be a different
20 story. So, we can keep one on bridge. On the bridge, we have
21 some, some key pad, some key holder, sorry, where you can put this
22 key. I'm not saying that this was on Costa D'Avorio. I'm saying
23 how it's working.

24 Q. So on your vessel, the Grande Costa D'Avorio, part of that,
25 on-the-job training to close these water-tight doors, would that

1 training include manually, manual operation of the door by means
2 of a hand pump or other method?

3 A. No. This is specific training that is made with Engineers
4 and with Bosun for example. Like Officers, I trained how to
5 operate the door. But cannot be trained it, or don't, cannot know
6 how to operate it in emergency with the emergency system. But the
7 manuals are on board and each Officer normally take the time to
8 read and to check all the equipment that are on board because he
9 can be used it that one day.

10 Q. Okay, thank you.

11 A. I'm going on with the timer?

12 Q. Yes, you're right about your -- yes, please continue.

13 A. As you wish, sir. So I give the order to Chief Engineer to
14 proceed to, from engine control room to CO2 room to prepare the
15 CO2 discharge. I clear, I make the crew clear the garage area
16 where the fire was.

17 I muster the remaining crew. We obviously count, so I have a
18 positive feedback about the, where the crew member was. As I
19 forgot before, stevedores was confirmed out of the ship. I
20 remember also that we had three young Cadet on board.

21 Even if they normally stay at the muster station, I tell them
22 to come on the bridge. I want the Cadet with me on the bridge,
23 away of any danger. After that, I make an announcement, and I
24 sound the general alarm to make again everybody clear that my
25 intention and soon the CO2 will be discharged in zone C.

1 After that, I give the order to Chief Engineer to discharge
2 CO2 in garage C. And I have positive communication and
3 acknowledged my Chief Engineer. The Chief Engineer start the
4 procedure. I can understand that because we can hear some
5 different alarm, and the panel on the bridge was also on alarm.
6 That's more or less what happened until the CO2 discharge. You
7 want me --

8 Q. Thank you. What type of concerns did you have releasing the
9 CO2 knowing that that deck 12 hatch was open?

10 A. Yes, I forgot to tell you that, obviously, when Chief Officer
11 leaves the garage C, he closed all the doors, other power doors.
12 I forgot to say this, but this was clear for everybody, I think.

13 We are remaining, our three doors to close. But he closed
14 the door. And all our doors was already self-closed. My concern
15 was nothing because the CO2 is a gas that is 1.3 heavier than the
16 air. So we try to close the door. It was not possible, due to
17 safety reason because my crew members was risking their life. So,
18 my issue was we can use CO2? Yes. I didn't have any issue.

19 Q. Now, you said that the Chief Engineer released the CO2
20 locally from the CO2 room, is that correct?

21 A. Yes, Chief Engineer is the one in charge to operate the CO2
22 system.

23 Q. Is that duty assignment of his, is that something that's --

24 A. Yes, it's clear --

25 Q. Can I, I'd just like to finish. And then -- is that

1 something that's on the station bill? Or how is it known that
2 that's the Chief Engineer's duty in the event of a CO2 release?

3 A. Chief Engineer as Italian law is responsible for the fixed
4 fire system. And he's also the one responsible to use it in case
5 of emergency. This is also stated in the muster list.

6 Q. So, CO2 was released. You said that all your crew was out,
7 your hatches were closed except for deck 12. And, just want to be
8 clear, at any point up to that, did you, or any of your Officers,
9 or cadets on the bridge, did anybody call the local Coast Guard or
10 the local fire department or 911?

11 A. I called by radio, by VHF and make a Channel 16 announcement,
12 Grande Costa D'Avorio, fire on board, berth.

13 Q. And did you get a response?

14 A. No. But the bridge was full of alarms. So, actually, I
15 don't know if somebody responds, I cannot hear it.

16 Q. Okay. So, the CO2 has been released. We've learned today it
17 takes about 10 minutes to fully discharge into the space, is that
18 correct?

19 A. I'm sorry?

20 Q. It takes about 10 minutes for the CO2, is that correct in
21 your understanding?

22 A. Yes, sir. The CO2 is meant to automatically discharge as a
23 procedure. This is a machine that this is automation system that
24 will discharge the CO2. The full process will take more or less,
25 in that area, 10 minutes.

1 Q. Manual activation and then automatic after that?

2 A. Yes. There is operator that have to activate the system.

3 It's not automatically activated. But is one man that have to
4 activate the system. But this more procedure, like opening hatch,
5 and boxes, and valves, and push buttons. But then, from that
6 point, the system will automatically discharge the CO2 in that
7 area.

8 Q. Okay. And then at what point did you become aware that the
9 shoreside fire department was, had arrived and were onboard your
10 vessel? Onboard the vessel on July 5th?

11 A. Yes, fire patrols arrive around 2135, 33. We can clearly hear
12 the sound of the engine coming, approaching the vessel. That I
13 can know --

14 Q. Yes?

15 A. At that point --

16 Q. What time?

17 A. Yes, 2133, 2135, something like that. And at that point I
18 alerted fire patrol was coming.

19 Q. And who told you that?

20 A. No, I hear that the siren of the engine, the trucks
21 approaching the area.

22 Q. So when did you first become aware the shoreside Fire
23 Department was on board?

24 A. Shortly that 2136.

25 Q. And who was stationed at the gangway at that time?

1 A. Yes, we have one man that is taking duty at the checkpoint
2 area. A checkpoint area is the position near the ramp. So, the
3 access from the berth to the ship. I advise him fire patrol will
4 board the ship. And I give him some instructions. He called me
5 back when fire patrol was on board.

6 Q. What were the instructions that you gave him?

7 A. I give the instruction to the AB on watch to deliver the fire
8 plan. The sketch that we have seen before. Advising that we
9 already released CO2. Advise them that we got the fire on board,
10 on which deck and I tell them bring them up.

11 Q. What do you mean by bring them up?

12 A. Bring it to me.

13 Q. So you requested the AB that was stationed at the ramp to
14 bring the first responding fire department personnel up to you on
15 the bridge?

16 A. Yes. When I say bring them up, and normally I use this word
17 when somebody's coming on board and they call me. Like, agent it
18 could be, or authority, U.S. Coast Guard. Bring them up, that's
19 mean bring it to me. Just normally I'm up, or in cabin, or on the
20 bridge.

21 Q. Okay. So, you said bring them up. You didn't specifically
22 say bring them up to the bridge. You said bring them up?

23 A. Yes, sir.

24 Q. At any point throughout the fire, the evolution of fire, did
25 you request again to have any fire department personnel brought

1 specifically to you on the bridge?

2 A. No.

3 Q. Okay, I guess we can get to this now. At what point did you
4 have any, at what point did you have the first interaction with,
5 face to face, with a fire department, shoreside fire department
6 person?

7 A. Let me, I'm just thinking a time. Ten minutes after they
8 arrive, I got the visual and I meet one of the Chief of the fire
9 department on deck 12. Because they was escorting up the fire
10 department.

11 Before this, Chief Officer, by my order and by his also, went
12 down to deck 3 to get the first contact with this, of this fire
13 authority that was coming on board. And these people come up on
14 deck 12. I was outside the bridge. I see these Chief of fire
15 patrol. He was with a white shirt. And I interfere with him.

16 Q. Do you know if he was -- was it the first fireman up to deck
17 12? Or were there others already there?

18 A. On that side, yes, I think he was the first one. He was
19 together with our two fire operator, because there was not with
20 white shirt. But he was on deck 12, on my same deck. And the
21 other two guys, the other two firefighters was one deck below,
22 just below the stairs.

23 Q. And what kind of, what did you have, what did you tell him?
24 What kind of conversation did the two of you have?

25 A. I say I'm the Captain. I say that we have fire on deck 10,

1 that we use CO2. I indicate him that the best way to move around
2 the vessel was the stairs, the stairs on the aft port side. I
3 then advise him, do not enter the area without any breathing
4 apparatus.

5 Because the two firefighters that was near him, just one deck
6 below, was pointing the door of deck 11, garage area. They want
7 to open this door. He also say, okay, I want to open this door.
8 Where is this door?

9 He was asking me where this door was leading. Where this
10 door was connected to. And I explained him this is deck 11, the
11 fire should be one deck below, started on deck 10. And he
12 insisted. I want to open this door.

13 Q. Do you think he was aware of what a CO2 suppression system
14 is?

15 A. I cannot answer this question.

16 Q. Well, you told them that CO2 had been released into the
17 space. Did he question? Did you have any questions?

18 A. No, he didn't question me about CO2. Yes, I advise him, as I
19 tell you that CO2 was already being released. And also, the AB
20 down advised the fire department that reached the vessel that CO2
21 was released.

22 And sea, Chief Officer was down on deck 3, taking as Officer
23 in my eyes. Did have contact with them in the first step. And
24 Chief Officer advised him that CO2 was ready been released.

25 Q. Okay. And at some point, you, you went back to the bridge.

1 Am I correct in saying that?

2 A. Yes, the, the situation over there just continued because the
3 Chief Fire Patrol insisting I want to see what's behind this door.
4 So I advised him again about the flame, the fire could be there,
5 the CO2.

6 And I put one of my crew members, one small team with one
7 fire hoses near this door to will prevent any, any fire or
8 whatever spread from that door. And then, at that time, they
9 insisted they want to open this door and they open the door.
10 There was gray smoke, steady. They immediately closed the door.
11 At that point he was confiding with the radio, with I think his
12 command.

13 Q. To be clear what door was this?

14 A. I'm sorry?

15 Q. Could you, to be clear what door was this that the fire
16 department, you say the fire department opened?

17 A. This door was the door on the starboard side near the muster
18 station. The door that is connecting the open area to deck 11
19 garage area.

20 Q. Understood, thank you.

21 A. Yes, as I said, he was speaking to the radio.

22 Q. All right, and then after that you went back to the bridge.
23 And at what point did you receive word that shoreside fire
24 department personnel were engaging the fire on deck 10?

25 A. He, after that, I mean, he was speaking with the radio. We

1 probably acknowledged each other, I'm here, and I went back to the
2 bridge and the bridge area, outside the bridge or immediately
3 inside the bridge. Because that is my command place in case of
4 emergency.

5 And I receive information, feedback, by Chief Officer that
6 was also with a Fire Chief. He was inside or outside deck 12, but
7 near the trans stage (ph.) stays, aft port side. And that area
8 was the area where the fire, they have patrols. I'm saying
9 patrols, I don't know this, was preparing to proceed down to deck
10 10, deck 11, for inspection on the fire area.

11 Q. And just to back you up one second, I missed this question.
12 Did you notify or did the fire department ask or did you inform
13 them that there was no, the, there was no one in the space of deck
14 10? Or in the garage zone C?

15 A. Yes, we say that everybody was out because CO2 was already
16 being deployed.

17 Q. Okay. So, they didn't ask -- there wasn't a, was there a
18 question that someone might be in there still?

19 A. No. From the fire patrol, you're asking me fire patrol ask
20 me if somebody was inside?

21 Q. Yes.

22 A. No. No question from them.

23 Q. Okay. No one from the fire patrol asked you if there is crew
24 members inside?

25 A. Directed to me, no. And also, by radio, nobody asked me.

1 Q. All right, so approximately how much time would you say was
2 between the first entry by the fire department into deck 10 to the
3 point where you got notification from or, to the point where you
4 were notified that there is firefighters lost in the space?

5 A. I'm sorry, the time between they got inside, and they get
6 lost? Or which time they got inside?

7 Q. Initial entry into deck 10. Who? Is there, do you have --
8 is someone on, is the Chief Mate on scene giving you updates of
9 what's happening from the shoreside fire department?

10 A. Yes, as I confirmed before, Chief Officer and Bosun was
11 directly with the fire patrols when these --

12 Q. I'm just curious about approximate time. You don't need to
13 read those.

14 A. May I?

15 Q. Sure go ahead.

16 A. Yes, about 2122 Chief Officer reported that they was ready to
17 go inside. So, more than half an hour later of the release of the
18 CO2.

19 Q. Okay. So kind of pick me up there -- when did you first
20 become notified that there was potentially one or two firemen lost
21 in the space? And what, what did you do?

22 A. Yes, Chief Officer was always giving me feedback about the
23 situation of these teams of the fire patrols. And about five
24 minutes later, so around 2230, he reported me that there was
25 something wrong. Somebody was not finding his way out from deck

1 10, or from deck 11.

2 Q. Okay, I'm just curious. I'm just curious, in your own words,
3 if you can remember what you did on the bridge, your actions
4 following notification that the shoreside fire department is now
5 going into rescue operations trying to find two lost firefighters
6 within that space. Kind of explain to me what you did on the
7 bridge to assist in that.

8 A. Yes, I was, when I received this feedback from Chief Officer,
9 I asked if we can do something. Actually, I was asking that to
10 the fire patrol, what we can do to help. And after that, we
11 receive other information, but really after.

12 At that moment, we was just standby, awaiting information
13 from the fire department. Chief Officer also informed me that
14 another team was going inside, as you say, for rescue, search and
15 rescue for some guy that was not able to come out. Was trapped,
16 the information was that somebody was trapped.

17 Q. At what time were you joined on the bridge or at any time
18 during the night, were you joined on the bridge by shoreside fire
19 department personnel?

20 A. Yes.

21 Q. What time?

22 A. If they come on the bridge to me?

23 Q. Yes.

24 A. Yes, the marine fire patrol come on the bridge. But this was
25 after the second fire fighter was already lowered down, ashore.

1 So, we are speaking about like, three o'clock in the morning.

2 Q. Okay, and how did you know he was a marine fire patrol?

3 A. He, he introduced himself like I'm, marine fire patrol. And
4 when he come on the bridge, because at that point, the, my issue
5 was trying again, to close the water-tight door.

6 Q. Three, 3:00 in the morning was the first time someone from
7 the fire department joined you on the bridge?

8 A. Directly joined me on the bridge, yes.

9 Q. Was there discussions about another CO2 release?

10 A. Yes, but, but we don't have CO2 left. He asked me, in case
11 you can release more CO2. But there's no CO2 enough.

12 Q. Okay. We, we learned earlier today from Mr. LaFauci that the
13 CO2 system could be crossed over to the fire main system. Is that
14 your understanding as well?

15 A. By sprinkler, by water, yes.

16 Q. Was that option considered?

17 A. Late after, yes.

18 Q. I'm sorry.

19 A. Yes, late after, yes.

20 Q. What time after?

21 A. After 6 o'clock.

22 Q. 6:00 in the morning on July 6th?

23 A. Yes. After, when we meet down. When I send to my crew to
24 leave the vessel. I, Master wait for, for rescue, for more
25 firefighters because we was left alone. So, we have this

1 conversation with me, and Chief Engineer.

2 I was asking Chief Engineer, what is the situation of engine?
3 How is going on generator? And what we can do in case we can do
4 something else? And we figure it out that we can connect the
5 hoses to the CO2 release system.

6 Q. Okay. That was my next question because I'm not familiar
7 with that system. So, is this -- it sounds like you need to
8 actually hook fire hoses into your CO2 system to make it to turn
9 it into a sprinkler system? Is that correct?

10 A. Yes, more, or less is like that.

11 Q. Okay. So, it's not a hard pipe valve that you open that you
12 can cross over?

13 A. No, it's not the fixed system already connected. You, you
14 actually have to disconnect one flange, connect another flange,
15 and connect some hoses from any line of the fire system to the
16 main flow system of the CO2 when you open the valve of the app.
17 And at that point, you have like a trench system using the CO2
18 line.

19 Q. Was the CO2 system designed to operate like that as a
20 contingency?

21 A. This is a contingency, emergency things, that actually is not
22 mentioned in the how to use it. It's there but it's not mentioned
23 in how to use the system. So, there is a connection for the water
24 there, but is not mentioned in the manual, as I know, that is you
25 can use it as water sprinkler system.

1 Q. So, so, how did you become aware of it, of this option?

2 A. Because Chief Engineer and I know the system, know that the
3 place of disconnection. But we just trying to guess, now, this.
4 We was just, what we can do now? We can use this system? We can
5 try to use this system? We can try to use this line that normally
6 is used for cleaning the line? Why not? So we have these
7 thoughts.

8 Q. Okay. Captain Moretti, could you describe what a vessel
9 response plan is?

10 A. A vessel response plan is a plan used in the U.S. It's
11 because all procedure and contact for OSB (ph.) we have a company
12 that is in charge for any help and assistance to the vessel in
13 case of OSB. And there is also an address in case of emergency of
14 fire on board. But it is to company dedicated for this, this
15 procedures.

16 Q. Okay, did you activate your vessel response plan on the --

17 A. Yes.

18 Q. -- the night of July 5th?

19 A. Yes.

20 Q. And who did you call?

21 A. I called Don Jon's.

22 Q. Did you speak to someone? Were you able to get a hold of
23 someone and speak to somebody?

24 A. Yes, we, we had this call together with the marine
25 firefighter that was on the bridge with me. Also, it was his

1 suggestion because as I tell you before, the fire patrol was not
2 on board anymore. Nobody was there.

3 So, we think to call these private salvagers, and we call
4 them on the phone. And after I receive one email from them asking
5 you have to confirm if you need assistance. So, I went to send
6 the email and to reply to them. That yes, we need assistance.

7 Q. So did you call, did you activate your vessel response plan
8 and make that call to Don John (ph.) before that marine
9 firefighter joined you on the bridge? Or was it after?

10 A. No, after with him.

11 Q. So, it was through a consultation with him, through
12 discussions with the marine firefighter is when you started your
13 vessel response plan?

14 A. Yes, we call this, the plan was, the plan is on the bridge.
15 We, he gave me feedback that the fire patrols, the firefighters
16 was leaving. We don't have any more manpower. So, we are going
17 to wait some other manpower from some other fire departments. So,
18 in the meantime, he say, why we don't call Don John? Why don't
19 you call these guys that are special marine salvagers. And so we
20 call them.

21 Q. Okay. And what time, approximately what time did you and
22 your crew evacuate the vessel?

23 A. Around 6:30, something like that.

24 Q. And did you stay? And how long did you stay near the vessel?
25 Did you stay there all day?

1 A. Yes, I stayed two days there.

2 Q. At what time did the Coast Guard arrive that morning?

3 A. Sir, actually, a lot of authority comes. So I cannot be so
4 precise, really. I remember the commercial port authority lady
5 coming to assist our crew. I remember some police coming. I
6 remember also Coast Guard coming.

7 But I mean, it could be like, between 7 and 8 o'clock in the
8 morning. We was -- already Don John was there. So, we was
9 preparing to have a plan, how to go back on board and try to
10 extinguish the fire because the fire was still ongoing.

11 And Coast Guard was also there. So, the discussion was
12 between Don John, Coast Guard, and our authority. Also fire
13 department came back, there was some fire department authority
14 there.

15 CDR BARGER: Okay, understood. Thank you, that's all the
16 questions I had for you Captain Moretti. Commander Barger?

17 CDR BARGER: Thank you, Mr. Barnum. Captain Moretti, I have
18 some follow-up questions for you. And then I will also provide
19 the opportunity for the rest of my team to ask follow-up questions
20 as well.

21 THE WITNESS: Yes, sir.

22 BY CDR BARGER:

23 Q. Going back to earlier conversation about preparation and
24 training on board for emergency response, how frequently do you
25 conduct fire drills?

1 A. Fire drills are conducted with, scheduled by the company and
2 by the Italian authority. So, is one at least each month. But is
3 other scheduled by the company due to risk, heavy risk of fire on
4 board. So we conduct that. Each 15 days we have one fire drill,
5 or at least one fire drill. We are speaking only about fire
6 drills, at least every 15 days to which we have fire drills.

7 Q. Okay. Do you remember when your last fire drill was before
8 July 5th, 2023?

9 A. I will have to check I mean, for sure between 15 days before.
10 So the vessel was sailing from Europe to U.S. During that long
11 sailing for sure, we had some drills of fire.

12 Q. Okay. So, before you arrived in Baltimore?

13 A. Yes, sir.

14 Q. Do you remember what the what type of fire was the subject of
15 that fire drill?

16 A. Commander, I don't remember exactly because they change all
17 the time. I remember that in port, in Italy, so before sending
18 from Europe to U. S., we also had an inspection from the company,
19 from Grimaldi, from the employer.

20 And the inspector come on board and check also drill. And we
21 make one drill on deck 12 concerning the emergency generator, or
22 simulation, obviously, on fire. During the navigation from the
23 Europe to U.S., I think we got some fire on like deck 11.

24 Q. Who prescribes or who decides what type of fire, or what's,
25 what's going to be the location of the fire for one of your fire

1 drills?

2 A. Yes, this is not the, I mean, the company procedures say that
3 Chief Officer is the training Officer. And the Captain have to be
4 sure that the training is ongoing as the law on board. But
5 personally, I decide most of the time and come up with some
6 scenario. Sometimes, I advise Chief Officer, sometime I don't
7 advise him about the scenario.

8 Q. So the, if I understand you correctly, Grimaldi, the company
9 tells you when to conduct fire drills, and then you decide what
10 type of fire drill is going to be?

11 A. Yes.

12 Q. Okay. Did any of your fire drill scenarios include while you
13 were at the dock doing cargo operations?

14 A. Sorry? Repeat? No, see as I tell you before also the
15 training that we receive on the certificated after we had, we, we
16 are training on fire on board. If the vessel is in drydock, if
17 the vessel is in port, if the vessel is ongoing, if the vessel is
18 a tanker there is nothing changed. The procedure is always the
19 same. The only thing that changes is after we have backup from
20 professionals.

21 Q. Did the fire drills ever include the need to have to close
22 the water-tight doors? Like on deck 12?

23 A. The power water, yes, the power water-tight door at sea are
24 closed. Because it's a waterproof door, so we sail with that door
25 closed. So sometime in port we can do, if we do some drills in

1 port, yes. Obviously that we need to segregate the fire.

2 Q. Okay. So, you always conduct your fire drills at sea?

3 A. Yes, because in port we are pretty busy.

4 Q. Okay, understood. So I have a couple questions specific to
5 water-tight door 12.

6 A. Yes, sir.

7 Q. Did you, did you ever personally observe water-tight door 12
8 after the fire began?

9 A. Yes.

10 Q. Okay. When you observed it, was it before or after the CO2
11 had been released?

12 A. Before and after.

13 Q. Okay. When you observed it before the CO2 was released, what
14 did you observe?

15 A. A lot of smoke, black smoke coming out. And I cannot spot
16 the control of the door and I cannot even spot the draw leak line
17 of the door that are located inside.

18 Q. Okay. And then after the CO2 was released, what did you
19 observe?

20 A. After the CO2 was released, the smoke change with light gray
21 smoke reducing intensity.

22 Q. Okay, to your knowledge before July 5th, or I guess before
23 the fire started, had there been any, been any issues with water-
24 tight door 12 opening or closing?

25 A. Negative, sir. No, is power door.

1 Q. Okay, when was the last time it was closed?

2 A. Before arriving in port.

3 Q. Okay. So you would have opened it up upon arriving at the
4 dock at, at berth 18?

5 A. Yes, when we arrived on July 5th, I berthed the vessel, 5
6 o'clock in the morning and cargo operation was planning to start
7 like 7, 8 o'clock in the morning. So, at that point, the main
8 ramp was open, and we start to open other doors to prepare for
9 cargo operations. And so, the door was obviously closed.

10 Q. I know you have a lot of control panels and alarm panels on
11 the bridge. Is there controls or alarms for water-tight door 12
12 located on the bridge, navigation bridge?

13 A. On the bridge there is one synoptic panel showing open or
14 close. On this panel there is also a switch that shows you sea
15 mode or harbor mode.

16 Q. Okay, what's the difference between those two modes?

17 A. Sorry? Between? Sea mode is when you use the door at sea,
18 and you switch off everything. You cannot operate the door
19 because it's selected like sea mode. It's like a safety, like a
20 lock.

21 Q. Okay.

22 A. Harbor mode, you can operate everything because means like
23 that you're in harbor.

24 Q. Okay, so sea mode keeps somebody from accidentally opening
25 that door at sea?

1 A. Yes.

2 Q. Okay. So there's an indicator that the door is open or
3 closed on the bridge. Is there any type of alarm to indicate a
4 fault or other failure with one of the water-tight doors on the
5 bridge?

6 A. I mean, there's the automation system of the vessel. All the
7 system engine, lighter, and so and so, are most connected to the
8 automation system. So, you have to go in the logs of the
9 automation system. And from there you can see if there is some
10 fault on the systems. But on the panel, no.

11 Q. Okay. And so, to your knowledge the fire began on July 5th,
12 2023. Were you aware on the bridge of any type of fault or
13 failure with the system based on the alarm system for the ship?

14 A. No.

15 Q. Within the vehicle cargo decks, what type of firefighting
16 equipment or fire suppression equipment is in those spaces?

17 A. So, in the cargo area there's portable fixed system, we have
18 portable and fixed system. In the specific, we have portable
19 powder extinguisher, and we have foam applicators. Fixed system
20 water hoses and the water supply system to the hoses, no
21 sprinkler, and the CO2 low pressure.

22 Q. Okay. I'd like to clarify on that you said foam applicator.
23 Is the foam, firefighting foam to be used with that applicator
24 also located in the same spot?

25 A. The foam applicator is a tanker of about 20 liters of foam

1 that have a nozzle, a special nozzle that can be connected to all
2 the hoses that we have on board. Instead of using the nozzle of
3 spraying the water, you connect this one, another small nozzle is
4 inserted in the count. It's like Venturi (ph.) system, and you
5 can spray the water and the foam will be created.

6 Q. Okay, so everything that's needed to attach and use foam with
7 the fire hose is located at the foam application station?

8 A. Yes.

9 Q. Okay. Is that something that you or your crew checks
10 regularly to make sure that equipment is there?

11 A. We check the equipment. I'm sorry, Commander, we check the
12 equipment on based the schedule of maintenance.

13 Q. Okay. At any point, did you have a discussion with the Chief
14 mate about using the foam to, in their initial efforts to fight
15 the fire?

16 A. No.

17 Q. Had that been any consideration that was given as a possible
18 firefighting method?

19 A. No, this makes no sense to use that one.

20 Q. Okay and why is that?

21 A. Because the foam needs to be sprayed on some surface to
22 create the foam. And need to flood on the surface to suffocate
23 the fire. The deck is full holed.

24 Q. Okay.

25 A. I'm sorry, sir? The deck, the full deck where the cargo is

1 loaded and when the fire is full of holes. Holes for lashing no
2 because was not maintenance, sir. Yes, sure.

3 Q. When the shoreside fire department asked you to turn on, turn
4 back on the ventilation system, did that raise any concerns for
5 you?

6 A. Yes.

7 Q. Please explain.

8 A. I clearly ask them. You are sure? Because if you are going
9 to start the exhaust system again, the oxygen and the flow of air
10 can start again the fire from the amber, or from the heat that for
11 sure we still have inside the garage. Because we are speaking
12 about the oven, it's everything full of steel inside there.

13 Q. Okay, and who did you have that conversation with?

14 A. The conversation was with my Officer that was in contact with
15 the Fire Chief that was requesting to do so.

16 Q. Okay. And can that exhaust system be singled, can it be
17 turned on just for deck 10? Or does it turn on for all of zone C?

18 A. Yes, you can switch, you can run only one extinguisher. You
19 can select which extinguisher you want to run, but the flaps, the
20 vents, the dampers will all open. You cannot only open one damper
21 and start one extractor. You can start one extractor, but you can
22 only full open the full garage and sea damper.

23 Q. Okay. So, if I'm following what you're saying, you could
24 turn on the extractor or exhaust fan specific to deck 10, but the
25 dampers when they open, you could potentially be pulling air into

1 both deck 10, possibly deck 11 as well?

2 A. All garage C.

3 Q. All of garage C? Okay. All right, thank you, Captain. I
4 don't have any other questions at this time.

5 CDR BARGER: Lieutenant Commander Moore, any follow up
6 questions?

7 LCDR MOORE: Yes, Commander, just a few.

8 BY LCDR MOORE:

9 Q. Good afternoon, Captain. I'm just going to cover a couple
10 more questions on the water-tight door system. Are there more
11 than one of the doors like the water tight door we're talking
12 about on 12 that need to be closed prior to the CO2 activation?
13 Or is it just the one door on 12?

14 A. No, garage C is full of doors. Normal doors, and power
15 doors.

16 Q. So are there other doors that need to be closed within zone C
17 other than 12?

18 A. Yes. All the doors have to be closed.

19 Q. Are the other doors operated on independent pumps to close
20 them or is it all one shared?

21 A. Negative. The system of the power door is one with single
22 points of operation each door, but the system is one.

23 Q. Were any of those other doors closed before the attempts to
24 close water-tight door 12 on July 5th, 2023?

25 A. The fire doors was closed because our self-closing device.

1 Q. Were there any problems with those doors closing as expected?

2 A. Negative, everything was closed.

3 Q. And did you receive any faults for any of the other doors on
4 that system?

5 A. No.

6 Q. Very early on, you mentioned that there's instructions posted
7 for the water-tight door 12. Where are those instructions
8 located?

9 A. The location of the instruction is on the, on the command on
10 the panel, near the panel.

11 Q. Near the operation panel?

12 A. Yes.

13 Q. Did the card, the instruction cards did they include
14 emergency procedures? Or do just regular use?

15 A. No, the regular procedure.

16 Q. And then I just wanted to clarify one more thing. Can we
17 pull up Exhibit 10 on page 22? Earlier you were talking about a
18 bridge panel. Is this the bridge panel you were referring to?

19 A. Yes.

20 Q. When the system's in harbor mode, can you both open and close
21 the doors?

22 A. You can operate everything in harbor mode.

23 Q. Right, okay. You can pull it down, thank you. And the last
24 thing is if there are any other drills that involve water-tight
25 doors. Because you mentioned that fire drills do not involve the

1 door system. Are there any other drills that would involve
2 opening or closing these doors?

3 A. There's no drill involving directly how to close the door or
4 how to operate the doors, this is a training. Obviously that we
5 have to segregate the area.

6 Q. Thank you.

7 LCDR MOORE: That's all I have Commander.

8 CDR BARGER: Lieutenant Commander Ward, do you have any
9 follow up questions?

10 LCDR WARD: (No audible response.)

11 CDR BARGER: Lieutenant Reed, any follow up questions?

12 LT. REED: I have no questions, thank you.

13 CDR BARGER: Mr. Pittman, any follow up questions?

14 MR. PALLAY: I have no questions.

15 CDR BARGER: From NTSB, Ms. McAtee any follow up questions?

16 MS. McATEE: I have no further questions.

17 CDR BARGER: Mr. Barnum, any follow up questions?

18 MR. BARNUM: Just one question, Captain Moretti.

19 BY MR. BARNUM:

20 Q. The, Lieutenant Commander Moore was just talking to you about
21 the panel on the bridge. Lieutenant Reed, could you bring that
22 exhibit up please? And you were discussing between harbor and sea
23 mode. I, is there, I'll wait until it comes up here. There's
24 also a fault, is there a fault indicator light on here as well?

25 A. Of the system.

1 Q. Of the system?

2 A. Yes, power supply.

3 Q. Okay, at any point during the fire on July 5th or 6th, did
4 you receive any alarms on this panel?

5 A. No, no.

6 Q. Thank you.

7 MR. BARNUM: Thank you, that's all the questions.

8 CDR BARGER: Okay, thank you. The time is now 4:34 p.m.
9 We're going to take a 10-minute recess before cross-examination
10 questions begin. So we will resume at 4:45pm.

11 (Off the record at 4:45 p.m.)

12 (On the record at 4:47 a.m.)

13 CDR BARGER: The time is now 4:47 p.m. local time in Union,
14 New Jersey. The hearing is now reconvened, and back on the record
15 regarding the fire on board Grande Costa D'Avorio. Our current
16 witness is Captain Alessandra Moretti. Captain Moretti, as a
17 reminder you, you're still under oath.

18 THE WITNESS: Yes, sir, well understood.

19 CDR BARGER: Captain Moretti, we're now going to have the
20 opportunity for each of the parties and interest to ask you follow
21 up, or questions on cross-examination. As we have done with
22 previous witnesses in order to ensure equitable time and
23 opportunity for each party in interest to ask questions, each
24 party in interest will have approximately eight minutes for cross
25 examination within the scope of the direct examination questions

1 that our investigation team asked.

2 As a reminder for Counsel, in light of some of the previous
3 witnesses' testimony and questions elicited from them, please
4 ensure that your questions are eliciting relevant information that
5 meets the purpose of this investigation. Grimaldi?

6 MR. LEVY: Commander on behalf of Grimaldi, I have no
7 questions.

8 CDR BARGER: Thank you, Ports America.

9 CROSS-EXAMINATION

10 BY MR. Zonghetti:

11 Q. Good evening, Captain. My name is Gino Zonghetti, I'm Ports
12 America's attorney. I have a few questions for you.

13 A. Yes, sir, please.

14 Q. You testified as to a fire that you experienced years ago
15 while you were working on a Grimaldi vessel. And you were also
16 aware that there had been other fires aboard Grimaldi vessels,
17 which is something that you were made aware of through the SMS
18 system that you mentioned. Is that the case?

19 A. Yes, sir.

20 Q. And the type of cargo that's carried on Grimaldi vessels,
21 some of it, includes used vehicles that are subject or can be
22 subject to fire, is that correct?

23 A. Yes, all cargo can be subject to fire, yes.

24 Q. The used vessels, the used vehicles have gasoline in them,
25 oil in them, batteries and so on. And that's something of concern

1 about which you've been made aware by the company and in your
2 experience you're aware of, right?

3 A. Yes.

4 Q. Now, you underwent specialized training in firefighting, if I
5 understand your testimony, at a location in Italy, that's either
6 used or run by Grimaldi, which has specialized training for the
7 precise CO2 system that is used on the type of Grimaldi vessel,
8 you are Captain of?

9 A. Yes, sir.

10 Q. And is it correct that at this training, you're taught how
11 the system works, and you're taught how to use it? Or trained in
12 how it works and how to use it?

13 A. Yes.

14 Q. Are you given training materials during this training by the
15 company? Or by who, whoever's running it for the company?

16 A. Yes, they give some PDF, some, some.

17 Q. And I'm sorry. And I'm like, correct that one of the things
18 that you're taught is that in fighting a fire using the CO2 system
19 on the vessel, that it's important to follow the procedures that
20 are in place for use of the system?

21 A. Yes, each system have some procedure and this procedure or
22 display to show it and train it to the people.

23 Q. And one of those procedures, certainly is that all of the
24 water-tight doors within the fire zone or encompassing the fire
25 zone have to be closed or should be closed, before the CO2 system

1 is activated? Is that correct?

2 A. During this fire training the system is shown. So they show
3 us how to use the system, how the system is working, how to
4 operate the system. There's no reference to the structure of the
5 vessel or the position of the fire.

6 Q. One of the, one of the procedures you have on the vessel in
7 using the system, and what you train your crew in, is that the
8 water-tight doors need to be shut closed before the system is
9 activated, correct?

10 A. In case of a fire, we have to segregate the area.

11 Q. Right. And that means closing the water-tight doors? Among
12 other things.

13 A. Closing whatever is open in this area.

14 Q. And that's in fact, one of the things you drill the crew on
15 onboard the vessel when you do fire drills?

16 A. Yes.

17 Q. Now, another thing about a CO2 system that you're trained on
18 is once the CO2 is discharged into the zone, what you need to do
19 is allow the CO2 to do its work by smothering the fire and cool,
20 to do boundary cooling on hotspots, correct?

21 A. Yes, CO2 is not cooling. CO2 is suffocating the fire, so we
22 have to give time to the CO2 to do the job.

23 Q. Now, am I correct that no, no particular member of the crew
24 on the vessel that we're talking about was assigned the specific
25 job of closing the water-tight doors during the training or during

1 the fire drilling? Is that correct?

2 A. If the question, even nobody is assigned from Master List or
3 from company proceeded to close the door, yes, nobody's assigned.
4 Normally, during the drill, or in case, we give order to somebody
5 to. So, we assign the person to close via direct order.

6 Q. Now, in addition, if I understand your testimony, there's no
7 training to the entire crew as to how to close one of the water
8 fight, tight doors using the emergency methods, is that correct?

9 A. Yes, not all the crew are training to operate the doors.

10 Yes, this is the question? Correct.

11 Q. And I believe you said that the that's more the Engineers
12 that know how to do, how to close the door using the emergency
13 method?

14 A. No, this is not that all Engineers, only Engineers.

15 Q. Well, the Chief mate testified today that he didn't know how
16 to close the door using the emergency room, the emergency method.
17 Do you know who on that vessel knew how to close the door, the
18 water-tight door using the emergency method? Who was trained in
19 that?

20 A. Me, Bosun, second Engineer, Chief Engineer.

21 Q. The Chief Engineer during the fire whoever was down in the
22 CO2 room and in the engine room, is that correct?

23 A. Yes.

24 Q. Now you asked the Second Mate shortly after you became aware
25 of the fire, one of the second mates to go look at the water-tight

1 door on deck 12 to see if it could be closed, correct?

2 A. Yes, I sent Second Officer immediately, the second Officer
3 was with me on the bridge to check what was the situation of that
4 area of that door, yes.

5 Q. And he told you there was black smoke coming out?

6 A. Yes.

7 Q. You then later sent the second firefighting team,
8 Firefighting Team Two which had a man in the breathing apparatus
9 to go look at that door as well to see if it could be closed. Is
10 that also, correct?

11 A. Yes, I give order to Team 2, to proceed down to deck 11
12 through deck door to check what was the situation in deck 11. I
13 was aware of the fire was spreading on deck 11. And, in case I
14 tell him, and after I also give direct order, to close the water-
15 tight door.

16 Q. And they told you essentially the same thing. That there was
17 smoke and heat coming through that door, and they did not go
18 through that door because of it, correct?

19 A. Yes.

20 Q. And then you yourself went to take a look at the situation at
21 that door, and -- correct?

22 A. Yes.

23 Q. And this was all before the CO2, your order was given to
24 deploy the CO2, is that correct?

25 A. Yes.

1 Q. It was your intention, pursuant to the plan, the firefighting
2 plan, to close that door if it could be closed, before the CO2 is
3 deployed, correct?

4 A. Yes, my plan was to segregate the fire area.

5 CDR BARGER: Mr. Zonghetti, one minute.

6 BY MR. Zonghetti:

7 Q. Because the controls for that door were contained within the
8 fire zone, your people could not even touch, could not even get to
9 the controls before you set off the CO2, correct?

10 A. I didn't get you, sorry. Could you please repeat?

11 Q. The controls for that door were inside the fire zone, right?

12 A. Yes, sir.

13 Q. So they could not even get to it before you set off the CO2,
14 correct?

15 A. Yes, was danger to go there because there was no way out of
16 them.

17 Q. And if they had gone there and shut the door, they would have
18 closed themselves inside this dangerous area, right?

19 A. Exactly.

20 Q. You made this decision to set off the CO2 without closing
21 that door because that was the best option you had given all the
22 available options, correct?

23 A. Yes, sir.

24 Q. But that wasn't how the plan was supposed to work, correct?

25 A. I don't know what plan you're referring to.

1 Q. The plan, we talked about this. The procedures were you
2 close all of the water-tight doors before you set off the CO2.

3 A. Segregating the area, yes, okay.

4 Q. Now, if there had been controls outside of the fire zone, at
5 least they could have been touched by the crew to see if they
6 worked, right?

7 A. Yes.

8 CDR BARGER: And we have time for one more question.

9 BY MR. Zonghetti:

10 Q. Now, when the smoke, you saw smoke coming out originally it
11 was black. When the CO2 went off, you saw the smoke, it turned to
12 gray, right? But it was still coming out of the door, right? On
13 12?

14 A. Yes, heavy smoke was coming out of the door. Heat was coming
15 out of the door, but the smoke changed from heavy, black smoke to
16 gray color.

17 Q. Do you know if the CO2 system when you activated put out the
18 fire?

19 A. I was not inside the deck.

20 Q. Thank you.

21 CDR BARGER: American Maritime Services?

22 MR. Karpousis: Thank you.

23 BY MR. Karpousis:

24 Q. Captain Moretti, my name is John Karpousis. I represent
25 American Maritime Services in this case. Thank you. We talked a

1 little bit, or you talked a little bit about the panel that had
2 the sea versus the harbor switch before we took our break. Do you
3 remember that? The control panel that had sea or harbor mode,
4 right?

5 A. Yes.

6 Q. Yes, yes, right. If it's in sea mode, and you're in port and
7 you try to activate the water-tight door, would that lead to
8 getting a fault signal?

9 A. I don't remember that.

10 Q. Okay. What was the position that that panel was in sea or
11 harbor when you abandoned ship?

12 A. I cannot remember that.

13 Q. If it was in sea, if it was in harbor mode, you would have no
14 reason to change it before you abandon ship?

15 A. Yes.

16 Q. All right, I just have some questions about now, the order
17 that you gave to the various people with respect to the water-
18 tight door. Okay?

19 A. Yes.

20 Q. Okay. So you told the second Officer who was in the bridge
21 with you, verbally, you said, go look at the at the water-tight
22 door?

23 A. Yes.

24 Q. On 12, right?

25 A. Yes.

1 Q. How soon after the, after you were aware that the fire had
2 begun did you give that order?

3 A. In between the first five minutes as I said before.

4 Q. Okay. I'll try not to ask questions that were already asked,
5 but I got to establish a little foundation, so. And then, after
6 that, you instructed firefighter team no. 2, to try to close the
7 water-tight door. Is that right?

8 A. Yes, sir.

9 Q. How, how soon after the second Officer told you that he
10 couldn't close it, because there was a lot of black smoke, did you
11 give the instruction to firefighter team no. 2?

12 A. That was going on after the first five minutes operator have
13 to dress, team would have to be ready. So between five and ten.

14 Q. Okay, so between five and ten minutes from when the fire
15 started, you gave that instruction?

16 A. Yes.

17 Q. To firefighter team no. 2?

18 A. Yes.

19 Q. How did you give that instruction? Was it over the radio?

20 A. Yes, I communicate with my team by radio.

21 Q. Okay. Do you know if the head of Team Two and the fitter who
22 was equipped with the breathing apparatus, do you know if they
23 went to the water-tight door at 12 or at 11?

24 A. At 12.

25 Q. Okay. Did you, when you visited the water-tight door, after

1 they reported back to you, were they with you? Was firefighter
2 team with you at 12?

3 A. When they report to me.

4 Q. After they reported to you that they could not close water-
5 tight door 12, right?

6 A. Yes.

7 Q. You then went yourself before the discharge of CO2 to see the
8 situation?

9 A. Yes, yes.

10 Q. Were they with you? Or did you go by yourself?

11 A. No. I go by myself from the bridge. They was already in the
12 area.

13 Q. They were already there?

14 A. They were, they were already in the area, yes. Near the
15 water-tight door.

16 Q. Was there any discussion made with respect to sending the
17 fitter in who had the breathing apparatus through any means or
18 method whether through 11 or through 12 to activate the water-
19 tight door?

20 A. Yes, I give the order to Team Two to go inside to check and
21 in case close the door, so.

22 Q. You gave that order? And did, and he, he said no?

23 A. They said me that was too much smoke and was too dangerous to
24 proceed.

25 Q. Okay. And you believe you gave that order somewhere between

1 five to ten minutes after the fire started?

2 A. If I may check the times here.

3 Q. Sure.

4 A. 2114.

5 Q. So about 14 minutes afterwards?

6 A. Yes, sir.

7 Q. Okay. That was the first time you asked Firefighter Team Two

8 close the water-tight door?

9 A. Yes.

10 Q. Okay. Why didn't you, why didn't you ask them sooner?

11 A. I asked him when we was ready.

12 Q. I'm sorry?

13 A. I asked them when they was ready.

14 Q. How did you know they were ready? You're in the bridge,

15 they're at their muster station.

16 A. We have communication by radio with teams, all teams. All

17 crew was in communication, had teams, department with me.

18 Q. You've sailed on Grimaldi vessels since 2005, correct?

19 A. Yes, sir.

20 Q. Okay. The Grimaldi vessels you, well, let me back up one.

21 The Costa D'Avorio was built in Croatia, right?

22 A. Yes, sir.

23 Q. Okay. The other vessels that you sailed on for Grimaldi,

24 were they all, did they all come out of the same yard?

25 A. No, sir.

1 Q. Okay, did any of them come out of a yard in Korea?

2 A. Yes.

3 Q. Okay.

4 A. I'm sorry, in my command or during my career?

5 Q. That you sailed on?

6 A. No, okay, yes.

7 Q. And those vessels that were built in the yard in Korea,
8 you'll agree with me some of them have the control panels for
9 water-tight doors fitted on the outside of the water-tight doors
10 as opposed to the inside?

11 MR. LEVY: You're asking whether the other ships on which he
12 served had them on the outside?

13 MR. Karpousis: Yes, precisely.

14 THE WITNESS: No.

15 MR. Karpousis: Sorry?

16 THE WITNESS: No.

17 BY MR. Karpousis:

18 Q. Okay. Have you ever seen or heard of any Grimaldi vessels
19 that have control panels on the outside of the water-tight doors?

20 A. Yes.

21 Q. Okay. In order to take a ship out of service, to the best of
22 your knowledge and install that type of situation, put in a new
23 control panel on the outside of a water-tight door, how much would
24 that cost?

25 MR. LEVY: Objection.

1 CDR BARGER: Sustained.

2 BY MR. Karpousis:

3 Q. Is the transfer of the CO2 to water the system, you remember
4 we talked about transferring the CO2 system to the waters? Is
5 that mentioned anywhere in your SMS Management documents?

6 A. No in the SMS, in the manual.

7 CDR BARGER: One minute warning.

8 BY MR. Karpousis:

9 Q. Last question. Do you, you agree or disagree with the
10 statement, the ship is always under the Captain's command so long
11 as the Captain is on board.

12 A. I agree.

13 Q. Thank you, sir, for your time.

14 A. Please.

15 CDR BARGER: Port Authority of New York, New Jersey.

16 MR. REILLY: We have no questions.

17 CDR BARGER: Thank you. City of Newark?

18 MR. LIPSCHUTZ: Thank you, good evening. Only a few.

19 Captain, my name is Gary Lipschutz from the city of Newark, L I P
20 S-C-H-U-T-Z. Can you please pull up 7-B, deck 11? Okay, that's
21 excellent. Captain, earlier today you testified how a Newark Fire
22 Chief opened a door on deck 11 and smoke came out. I believe you
23 said starboard side?

24 A. I not said the smoke come out. I said the smoke was still.

25 Q. You said what?

1 A. The smoke was still. Not coming out, not coming in.

2 Q. Thank you. And I misunderstood but my question here is can
3 you kindly show me on this diagram which door was opened?

4 A. I can move my, okay, this one here I'm pointing to the door.
5 This is the yellow arrows.

6 Q. Okay. So that's the door near the starboard, a boat, the
7 rescue boat?

8 A. Yes, the lifeboats.

9 Q. The lifeboats, okay.

10 A. When the Newark Fire Personnel asked you to open the dampers
11 and evacuate the smoke, right? Or open up the vents?

12 A. Yes?

13 Q. That was because at least one and perhaps two firefighters
14 had gone missing, am I right?

15 A. Yes, I got the information there was search and rescue that
16 was not able to find somebody. And we would like to, to clean
17 some smoke from the inside of the.

18 Q. Right, and that was to try to help find the missing
19 firefighters?

20 A. For sure.

21 Q. Sorry I'm jumping around. Regarding the Jeep that caught
22 fire, did anyone from your crew either that day or anytime report
23 to you that that jeep was having problems that day?

24 A. No.

25 Q. And the last topic is, you mentioned that the Coast Guard at

1 some point arrived. Do you know when they arrived?

2 A. I repeat in the morning when we was with Don John, the
3 salvager. And there was a lot of authority over there, I believe
4 around seven o'clock to eight o'clock.

5 Q. And do you know how or when The Coast Guard was notified of
6 the ship fire?

7 A. I make a call on the radio channel 16 immediately when I come
8 on the bridge in the first five minutes as I testimony before.

9 Q. Yes, you said that before and you also said you were not
10 aware because of the noise whether there was a response to that.

11 A. Yes.

12 Q. Okay. So is it that your belief that that dispatch was the
13 way the Coast Guard learned about the fire?

14 A. I think so.

15 Q. Okay, but you're not certain?

16 A. Not sir.

17 Q. Thank you. That's all my questions.

18 A. Okay.

19 CDR BARGER: Thank you. Any follow-up questions from the
20 investigation team?

21 BY CDR BARGER:

22 Q. Captain, I have one last follow-up question for you. When
23 you, at the time that you and your crew abandoned ship were the
24 fire pumps still operating?

25 A. Yes. Generator no. 1, 2 and 3 was running. Fire pump number

1 one, number two, number three was running. Fire hoses with less
2 on deck, open.

3 Q. Okay. When if ever, did you experience any problems with
4 the fire pumps?

5 A. In that period?

6 Q. While you were on board the ship from initiating initiation
7 of the fire to when you abandoned ship?

8 A. No.

9 Q. Okay. All right. Thank you, Captain.

10 A. Please, sir.

11 CDR BARGER: Captain Moretti, thank you for your testimony
12 today. You are subject to recall and my sequestration order
13 remains in place until released by me. You will be notified when
14 that order is lifted by our recorder, Lieutenant Reed. The
15 hearing will now take a quick five-minute recess before my closing
16 remarks. The time is now 5:11 p.m. We will reconvene at
17 5:16 p.m.

18 (Off the record at 5:11 p.m.)

19 (On the record at 5:17 p.m.)

20 CDR BARGER: The time is now 5:17 p.m. local time here in
21 Union, New Jersey. There are no more witnesses or exhibits to
22 present on today's schedule. Today we heard testimony from
23 Mr. Jorge Tabadoa, General Manager at Ports America, Mr. Benito
24 LaFauci, the Chief Mate of Grande Costa D'Avorio on July 5th,
25 2023, and Captain Alessandro Moretti, the Master of Grande Costa

1 D'Avorio on July 5th, 2023. We introduced Coast Guard Exhibits 4,
2 7 through 12, and 16.

3 (Coast Guard Exhibit Nos. 11 and 12
4 marked for identification.)

5 CDR BARGER: They are publicly available through the
6 investigations newsroom. During tomorrow's session, we will hear
7 from Special Agent Matthew Hartnett, Bureau of Alcohol, Tobacco,
8 Firearms and Explosives, and Investigator Mike Richardson from the
9 National Institute for Occupational Safety and Health, Firefighter
10 Fatality Investigation and Prevention Program.

11 Tomorrow, we plan to introduce proposed Coast Guard Exhibits
12 5, 6, and 17, and 19. They will be publicly available on the
13 investigations newsroom at the resumption of the hearing. I
14 request that all PII counsel stay behind for a follow-on
15 discussion. Thank you again for attending today. It is now 5:19
16 p.m. hearing session. Day 2 is now adjourned. We will convene
17 tomorrow Friday, January 12th, 2024, at 8:30 a.m. Thank you.

18 (Whereupon, the proceedings in this matter were recessed, to
19 be continued, on Friday, January 12, 2024 at 8:30 a.m.)
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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ABOARD *GRANDE COSTA D'AVORIO*
AT BERTH 16 IN THE PORT OF NEWARK
IN NEWARK, NEW JERSEY ON JULY 5, 2023
US Coast Guard District 1 Formal
Investigation
Public Hearing Day 2 of 6

ACCIDENT NO.: DCA23FM039

PLACE: Union, New Jersey

DATE: January 11, 2024

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.



Margaret C. Boardman
Transcriber