

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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COMMONWEALTH OF MASSACHUSETTS

In Re.  
NATHAN CARMAN

EXAMINATION UNDER OATH OF  
NATHAN CARMAN

DECEMBER 16, 2016  
11:40 a.m.

FARRELL McALEER & SMITH, LLP  
60 WASHINGTON STREET  
SALEM, MASSACHUSETTS

Lauren S. Gardner,  
Professional Shorthand Reporter

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18  
19  
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21  
22  
23  
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2 DECEMBER 16, 2016

3 PROCEEDINGS:

4 MR. SANTOS: This is the Deponent, Nathan  
5 Carman. I know him personally and I can vouch that this  
6 is the Nathan Carman.

7 NATHAN CARMAN, the deponent, having been  
8 satisfactorily identified and duly sworn by the Notary  
9 Public, was examined and testified as follows:

10 EXAMINATION

11 BY MR. FARRELL:

12 Q. Sir, could you state your name for the record?

13 A. Yes. My name is Nathan James Carman.

14 Q. And what -- When were you born?

15 A. I was born on January 21st, 1994.

16 Q. Where do you live, sir?

17 A. I currently live in Vernon, Vermont at 3043 Fort  
18 Bridgman Road.

19 Q. Okay. Now, this is called an examination under  
20 oath under your Boat U.S. policy. I'm going to be asking  
21 you a number of questions.

22 If you don't understand what I'm asking, please  
23 stop me and seek clarification.

24 Will you be able to do that?

1 (Pages 1 to 4)



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<p style="text-align: right;">Page 5</p> <p>1 A. Yes.</p> <p>2 Q. And you have to answer audibly so that the court</p> <p>3 reporter can take down your words and my words and your</p> <p>4 lawyer's words so that we have a record of what we're</p> <p>5 discussing here today.</p> <p>6 A. Okay. Sometimes I can be given to speaking</p> <p>7 softly. So if you pick up on that, just point it out and</p> <p>8 I'll speak up.</p> <p>9 Q. Thank you.</p> <p>10 MR. FARRELL: I'm sure that you'll let us</p> <p>11 know if there's any problem.</p> <p>12 BY MR. FARRELL:</p> <p>13 Q. Now, there will be a book put together by the</p> <p>14 court reporter, a transcription of all our discussions</p> <p>15 today, and you'll have an opportunity to read that</p> <p>16 afterwards, if you'd like.</p> <p>17 A. Uh-huh.</p> <p>18 Q. And you can make corrections to any</p> <p>19 mistranscriptions that are made where the court reporter</p> <p>20 might not have gotten the exact words down as you spoke</p> <p>21 them; is that okay?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Otherwise, you've been sworn under oath</p> <p>24 and your testimony here will be true and accurate to the</p>	<p style="text-align: right;">Page 7</p> <p>1 name of the community college was Northwestern Connecticut</p> <p>2 Community College.</p> <p>3 Q. Okay. And just generally, what were the studies</p> <p>4 that you were engaged in at those colleges?</p> <p>5 A. Much of my studies were general liberal arts.</p> <p>6 Q. Okay.</p> <p>7 A. I also took some courses in accounting and</p> <p>8 business.</p> <p>9 Q. Okay.</p> <p>10 A. In business mathematics and so forth.</p> <p>11 Q. And do you have plans to continue your college</p> <p>12 education?</p> <p>13 A. At this time, that's on hold and I have no</p> <p>14 immediate plans to continue my college education.</p> <p>15 Q. And why is it on hold?</p> <p>16 A. I have -- It's a personal decision that I made.</p> <p>17 Q. What are they?</p> <p>18 A. I'm not sure I can effectively say why I've</p> <p>19 chosen not to be attending college at present, other than</p> <p>20 that I am currently employed, working for myself,</p> <p>21 renovating my house. I enjoy that work and that's what</p> <p>22 I've chosen to be doing at this stage in my life.</p> <p>23 Q. Your employment is in renovating your house; is</p> <p>24 that what I'm to understand?</p>
<p style="text-align: right;">Page 6</p> <p>1 best of your ability, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me just a little bit about your background.</p> <p>4 Tell me about your schooling, if you could.</p> <p>5 A. Sure. So where do you want me to start?</p> <p>6 Q. Well, did you graduate from high school?</p> <p>7 A. Yes. I was -- I did receive a high school</p> <p>8 diploma.</p> <p>9 Q. And where was that from?</p> <p>10 A. From Middletown High School.</p> <p>11 Q. Okay. And have you had any schooling after that?</p> <p>12 A. Yes. I have some college credits.</p> <p>13 Q. Where were they -- Where'd you get those college</p> <p>14 credits?</p> <p>15 A. At -- I took some courses at Central Connecticut</p> <p>16 State University.</p> <p>17 Q. Okay.</p> <p>18 A. And I also took courses at North -- a community</p> <p>19 college in Connecticut. I think it was Northwestern</p> <p>20 Connecticut Community College if my memory serves me.</p> <p>21 It's in the northwestern corner of the state.</p> <p>22 Q. Somewhere in Litchfield County?</p> <p>23 A. No, it's somewhere in -- It's very close to</p> <p>24 Torrington -- No, excuse me. I'm very confident that the</p>	<p style="text-align: right;">Page 8</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. So you're not actually being paid. That's</p> <p>3 how your time is filled.</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. And your house is at that address you just</p> <p>6 provided in Vernon?</p> <p>7 A. Yes, it is.</p> <p>8 Q. That's just over the Massachusetts line, isn't it?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And when -- Do you own that house?</p> <p>11 A. I do.</p> <p>12 Q. When did you buy it?</p> <p>13 A. I bought it in October of -- I'm trying to think.</p> <p>14 It was either two or three Octobers ago that I purchased it.</p> <p>15 Q. How much did you pay for it?</p> <p>16 A. I paid approximately \$70,000.</p> <p>17 Q. And before renovating the house, had you been</p> <p>18 employed?</p> <p>19 A. Yes, I had been.</p> <p>20 Q. What had you been doing?</p> <p>21 A. I had been working for Federal Express loading</p> <p>22 their trucks and their delivery vehicles in the morning.</p> <p>23 Q. Do you have a mortgage on the house?</p> <p>24 A. No, I do not.</p>

2 (Pages 5 to 8)



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<p style="text-align: right;">Page 9</p> <p>1 Q. How did you pay for it?</p> <p>2 A. I paid cash for it.</p> <p>3 Q. And where did the cash come from?</p> <p>4 A. I inherited moneys from my grandfather and used</p> <p>5 part of those moneys to purchase the house.</p> <p>6 Q. Okay. Do you have a car?</p> <p>7 A. I do.</p> <p>8 Q. But -- And you just told us before we started</p> <p>9 that you left your driver's license in Vermont in your</p> <p>10 wallet?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. What kind of car do you drive?</p> <p>13 A. I drive a Ford F-450 pickup truck.</p> <p>14 Q. Pickup truck, did you say?</p> <p>15 A. Yes.</p> <p>16 Q. When did you buy that?</p> <p>17 A. I purchased -- When did I buy that? I bought</p> <p>18 it -- I want to say I bought it earlier this year. I</p> <p>19 don't think I bought it -- I know for a fact I bought it</p> <p>20 late last year. I bought it sometime last year.</p> <p>21 Q. What kind of engine does it have?</p> <p>22 A. It has a diesel engine. Aside from that, I don't</p> <p>23 know the details of it.</p> <p>24 Q. Okay. What car -- What car did you drive before</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. What kind of a lawn mower?</p> <p>2 A. A Kubota ride-on lawn mower. I don't know the</p> <p>3 model.</p> <p>4 Q. And when did you get that?</p> <p>5 A. I purchased that -- It was either September or</p> <p>6 the month before -- I purchased that late this year.</p> <p>7 Q. September of 2016?</p> <p>8 A. Yes, approximately September of 2016. May have</p> <p>9 been a month or two before, but not more than that.</p> <p>10 Q. Okay. Have you had any diesel -- Have you had</p> <p>11 any other diesel equipment that we haven't discussed?</p> <p>12 A. Not to my recollection.</p> <p>13 Q. Not that you've owned?</p> <p>14 A. No.</p> <p>15 Q. Have you worked on diesel equipment other than</p> <p>16 what we've talked about, besides your boat?</p> <p>17 A. Not that I recall. And yes, I have owned the</p> <p>18 boat, as well as the lawn mower and the truck.</p> <p>19 Q. Okay. And the truck was only subsequent to the</p> <p>20 sinking of your boat? You bought the Ford 450 pickup</p> <p>21 diesel after the boat sank?</p> <p>22 A. No. I bought the Ford 450 pickup diesel late</p> <p>23 last year -- or some -- I don't know when last year. I</p> <p>24 bought it some time last year.</p>
<p style="text-align: right;">Page 10</p> <p>1 that?</p> <p>2 A. I had a Ford F-350 prior to purchasing the F-450</p> <p>3 and I did still have the F-350.</p> <p>4 Q. You still do have it?</p> <p>5 A. Well, currently it's not in my custody, but yes, I</p> <p>6 still own it.</p> <p>7 Q. Okay. Whose custody is it in?</p> <p>8 A. It's my understanding that it is currently in the</p> <p>9 possession of law enforcement. I don't know which agency.</p> <p>10 Q. And what kind of engine did it have?</p> <p>11 A. A gasoline engine. I don't know other than that.</p> <p>12 Q. Okay. And prior to that Ford 350, what did you</p> <p>13 drive?</p> <p>14 A. A Toyota Camry hybrid.</p> <p>15 Q. Okay. Was that diesel?</p> <p>16 A. No, it was a hybrid.</p> <p>17 Q. Gasoline electric?</p> <p>18 A. Yes.</p> <p>19 Q. Have you driven any other diesel trucks or</p> <p>20 vehicles?</p> <p>21 A. No.</p> <p>22 Q. Do you own any other diesel equipment?</p> <p>23 A. Yes. I own a lawn mower that has a diesel</p> <p>24 engine.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. In 2015?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know what month?</p> <p>4 A. No.</p> <p>5 Q. Did you work on it? Did you do mechanical work</p> <p>6 on that truck?</p> <p>7 A. I don't recall having done any mechanical work on</p> <p>8 it. I know I put oil in it, but that's all.</p> <p>9 Q. Okay.</p> <p>10 A. Myself, that is.</p> <p>11 Q. Okay.</p> <p>12 A. I did have occasion to hire a garage to do</p> <p>13 mechanical work on it.</p> <p>14 Q. Okay. Regarding the boat that sank, what</p> <p>15 mechanical work did you do on it?</p> <p>16 A. I'm trying to think here of the work that I did</p> <p>17 on it and what would be mechanical.</p> <p>18 Q. When I say mechanical, I should probably define</p> <p>19 what I'm talking about.</p> <p>20 Anything that had to do with diesel engine.</p> <p>21 anything to do with moving parts. Basically any work that</p> <p>22 you did on the boat itself, whether it's a hull or</p> <p>23 machinery or electronics or wiring or anything. I'm</p> <p>24 interested in knowing what kind of work you did yourself</p>

3 (Pages 9 to 12)



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<p style="text-align: right;">Page 13</p> <p>1 on the boat as opposed to what a boatyard may have done.  2 A. Sure. So if I could answer more generally and  3 say everything that I recall having done on the boat, then  4 you can determine what of that is mechanical.  5 Q. Sure. Yeah. Some of it might be mechanical,  6 some of it might be other type of work, but I'm interested  7 in knowing what you did yourself as providing physical  8 labor on improvements or maintenance of the boat that  9 sank.  10 A. Sure. So I installed GPS chartplotters and  11 related accessories, such as radar and an antenna for the  12 chartplotters. I installed the VHF radio onboard the boat  13 as well as -- as well as -- I attempted to do the  14 autopilot myself, then when I realized I wasn't  15 comfortable with that, I hired a marina to complete the  16 job, which they did.  17 Q. Okay.  18 A. What else did I do? I -- Well, I hired someone  19 to change -- to change the prop, so I didn't do that  20 myself.  21 What else did I do? I know I did other work on  22 it. I'm trying to recall what I did over the past just  23 about a year of having owned it.  24 I changed the radio a couple times to get one</p>	<p style="text-align: right;">Page 15</p> <p>1 the fish box, he had cut out the bulkhead to fit around  2 the fish box.  3 Q. Okay.  4 A. And I -- So there was part of the bulkhead to  5 port, part of the bulkhead to starboard, and there was no  6 contact or there was very limited contact between the deck  7 and the bulkhead.  8 Q. Okay. Because it was only three-quarter inch?  9 A. Yes, but you could see space between the deck and  10 the edge of the bulkhead.  11 Q. Okay.  12 A. So the bulkhead was not supporting the deck.  13 Q. Okay.  14 A. And I removed those two pieces of plywood, one to  15 port of the fish box and one to starboard in order to gain  16 space to store the rods in that area beside the fish box.  17 Q. Under deck?  18 A. Yes.  19 Q. And how did you access those under deck  20 compartments?  21 A. From the engine compartment. So immediately  22 forward of the wheelhouse, there was a hatch that could be  23 picked up and --  24 Q. Immediately forward of the wheelhouse?</p>
<p style="text-align: right;">Page 14</p> <p>1 that I was happy with. That was the electronics. I added  2 two seats in the wheelhouse because when I purchased the  3 boat, it had no seats. I did remove the trim tabs.  4 I had also taken out two bulkheads -- Not two --  5 I had taken out two halves of the bulkhead that was  6 forward of the engine and aft of the anchor locker.  7 Q. Let me stop you there.  8 So this is a bulkhead that originally was forward  9 of the engine, but aft of the chain locker?  10 A. Yes, or the anchor locker.  11 Q. Okay. And you say you took two halves of it out?  12 A. Well, I don't know if the bulkhead was part of  13 the boat's original design. What I removed was clearly  14 installed by Brian Woods when he did the refit of the  15 boat. It was -- It appeared to be marine plywood,  16 approximately three quarters of an inch thick, a-glassed  17 to the hull. And there was a fish box that was  18 approximately three feet wide and approximately three feet  19 deep.  20 Q. And this was forward of the engine?  21 A. Yes.  22 Q. Okay.  23 A. And that fish box ran right through the bulkhead  24 so it was already cut out. So when Brian Woods installed</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.  2 Q. Was it a deck hatch?  3 A. Yes, there was a hatch in the deck that could be  4 lifted up.  5 Q. And that was forward of the house itself?  6 A. That's correct.  7 Q. Okay.  8 A. So forward of the house and aft of the fish box,  9 there was a hatch that you could pick up and get -- And  10 that was also immediately forward of the engine. So you'd  11 get down and that's how you could access the engine space  12 and turn it around. So instead of facing aft towards the  13 engine when you're facing forward, you then have the fish  14 box right in front of you, and the bulkhead that I removed  15 to port and starboard was beside the fish box. So you  16 could slide rods on either side.  17 Q. So what was the diameter of the hatch forward of  18 the wheelhouse?  19 A. It was not circular, it was rectangular. I'd be  20 estimating very roughly, but maybe two feet by three feet.  21 Q. And the three feet ran athwartship?  22 A. I don't know what athwartship means. Three feet  23 port to starboard, two feet forward and aft.  24 Q. Okay. And how long were the rods -- Is that</p>

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1 where you would put the rods, through that hatch to lay  
2 them down in the bilge area? Is that -- Am I following  
3 this?  
4 A. Yes. To lay them down beside the fish box.  
5 Q. Okay. The fish box long was running sort of fore  
6 and aft?  
7 A. Correct.  
8 Q. And what was the dimensions of the fish box?  
9 A. I never measured it. In the -- Brian Woods told  
10 me that it was three feet wide by three feet deep by eight  
11 feet long.  
12 Q. Oh, eight feet long?  
13 A. Yes.  
14 Q. Okay. Let me just -- Let me stop you there,  
15 okay?  
16 A. Uh-huh.  
17 MR. FARRELL: I'm going to make -- If I  
18 could, we'll mark this Exhibit 1.  
19 These are the documents that you provided by  
20 e-mail last night. I'll run through them quickly with  
21 you.  
22 (Exhibit No. 1, E-Mailed Documents, marked  
23 for identification).  
24

Page 18

1 BY MR. FARRELL:  
2 Q. Your attorney sent us a bunch of documents last  
3 night, which first, there were a series of work -- repair  
4 orders from Point Judith Marina --  
5 MR. FARRELL: Actually, you know what? Let's  
6 go to Exhibit 2. I've got the wrong stack.  
7 (Exhibit No. 2, Repair Orders and E-Mails,  
8 marked for identification).  
9 BY MR. FARRELL:  
10 Q. So I'm going to hand you what's been marked as  
11 Exhibit 2. This is a series of repair orders and it ended  
12 with some e-mails regarding warranty work and an oil leak.  
13 So here are the e-mails.  
14 A. I have those e-mails here.  
15 MR. SANTOS: Tim Green?  
16 MR. FARRELL: Yeah, I think that's right.  
17 Yes, Tim Green.  
18 MR. SANTOS: Okay.  
19 BY MR. FARRELL:  
20 Q. And then another e-mail contained a letter from  
21 your lawyer dated October 12th, 2016 --  
22 A. Uh-huh.  
23 Q. -- to Attorneys Nardini and Boyle. And then  
24 there was a cruise and airline ticket that was attached.

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1 And then also a copy of the Feecey survey.  
2 A. Uh-huh.  
3 Q. Okay. So we made that Exhibit 2.  
4 If we look at the Feecey survey and we look at  
5 Pages 18 and 19 -- Maybe 19 would be a good place to  
6 start.  
7 Could you on that overview of the hull -- of the  
8 boat draw me the hatch that you're talking about and the  
9 fish box and where the bulkhead forward of the engine had  
10 been that you removed?  
11 A. Sure. I actually think there's a different  
12 diagram that shows where the wheelhouse was and that would  
13 be easier for me to go off of.  
14 Q. I don't know.  
15 A. I'm not positive, but if there is -- Because I  
16 would be basing my assessments of where things were  
17 located off of the position of the wheelhouse. I may be  
18 mistaken.  
19 Q. At least I don't remember seeing one in the  
20 survey. There might be some other document that has it.  
21 A. All right. Well, let me just draw the wheelhouse  
22 over the engine.  
23 Q. Yeah, that's fine. Now, which one are we using?  
24 Are we doing Page 19?

Page 20

1 A. Yes.  
2 Q. Okay. Why don't I take the clip off and make it  
3 a little easier?  
4 A. Yes, please.  
5 Q. Okay. Go ahead.  
6 A. (Deponent complying). That's my best  
7 approximation.  
8 Q. Okay. Thank you.  
9 So you were able to store fishing rods fore and  
10 aft where you had taken out these bulkheads?  
11 A. That's correct.  
12 Q. Okay.  
13 A. So on this side -- So when you take the hatch  
14 off, there was space immediately accessible on either  
15 side. And then once the bulkheads were removed, the space  
16 right here became accessible. And prior to that, it had  
17 been inaccessible.  
18 Q. Okay. Now, there was a hinge contraption  
19 regarding the house that lifted it up off the deck?  
20 A. Yes.  
21 Q. And could you access the engine that way?  
22 A. Yes.  
23 Q. Okay. And where was the -- Where was it hinged?  
24 On the fore or aft?

5 (Pages 17 to 20)



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1 A. It was hinged forward right here.  
2 Q. Okay. And then what was -- Was there hydraulics  
3 there for that?  
4 A. There were no hydraulics. So the hinges were --  
5 There were two hinges. One approximately on either side  
6 of the hatch to the engine space and there were two  
7 Lenco -- Lenco pistons that were electrically operated  
8 that were supposed to raise the hatch. They never worked  
9 properly from the time that I got the boat because there  
10 were two different switches, one for each piston, and if  
11 the pistons weren't in perfect synchronization, then one  
12 would break and it would have to be replaced.  
13 Q. Okay.  
14 A. And at the time of the accident, one of those  
15 pistons was not functioning.  
16 Q. Okay.  
17 A. But all that meant was that I wouldn't have been  
18 able to raise the wheelhouse up to gain access to the  
19 engine.  
20 Q. Could you lift it manually?  
21 A. No.  
22 Q. No?  
23 A. The weight of the wheelhouse would have prevented  
24 it from being lifted by hand.

Page 22

1 Q. Okay. But if you were to lift it, it would lift  
2 forward and it would be open then on the stern edge?  
3 A. That's correct.  
4 Q. Okay. So if you were to lift the hatch up -- I  
5 shouldn't say that. Strike that.  
6 If you were to lift the wheelhouse and tilt it  
7 forward on the pistons, would you also be able to slide  
8 fishing rods up on the starboard and port side?  
9 A. No, because there were fuel tanks here and here.  
10 On either side of the engine, there were two large fuel  
11 tanks.  
12 Q. Okay. Were there other bulkheads in the boat?  
13 A. Yes. There was one forward of the fish box and  
14 aft that divided the bilge from the anchor locker.  
15 Q. So why don't you draw that one in there?  
16 A. (Deponent complying). I assume that this  
17 bulkhead did not go all the way down to the keel because  
18 the water from the anchor locker I believe drained into  
19 the rest of the bilge, but that did go across.  
20 Q. So it wasn't watertight?  
21 A. I don't believe so because my --  
22 Q. The bulkhead -- The forward bulkhead?  
23 A. I don't believe that was watertight. I believe  
24 that the way the anchor locker drained was into the keel.

Page 23

1 Q. Okay.  
2 A. Sitting -- There was a hatch in the deck here, a  
3 hatch here and a hatch here. Other than that, the deck  
4 was closed.  
5 Q. Okay.  
6 A. So I don't know what bulkheads, if any, were  
7 present there. There may have been bulkheads aft that I  
8 either was not aware of or don't recall having been there  
9 right now.  
10 Q. So if you were in the engine compartment, let's  
11 say you lifted the wheelhouse up forward and you were in  
12 the engine compartment and were looking aft, what would  
13 you see? Or was there anything that would block your view  
14 of the transom?  
15 A. Yes. There was a fuel tank here.  
16 Q. Okay. And why don't you -- Why don't you just  
17 show me where the fuel tanks were?  
18 A. Sure. So it would have been on -- And again, the  
19 exact placement is very rough. I don't know relative to  
20 the engine if it would have been -- the back would have  
21 been further forward or --  
22 MR. SANTOS: Keep your voice up.  
23 BY MR. FARRELL:  
24 Q. Just a couple questions.

Page 24

1 A. Uh-huh.  
2 Q. So you're unaware of any bulkheads aft of the  
3 engine compartment space?  
4 A. I think that there were or may have been  
5 bulkheads aft of the engine compartment space. I don't  
6 know where and I'm not positive if there were.  
7 Q. And you don't know then if they were watertight  
8 or not watertight?  
9 A. When I was purchasing the boat from Brian Woods,  
10 I asked him if any of the bulkheads that he installed were  
11 watertight, and he informed me that they were not.  
12 Q. Okay. Now, in this area forward on -- of the  
13 engine, with the fuel tanks on the starboard and port side  
14 of the engine, what would have prevented your putting  
15 fishing rods from the engine compartment space forward to  
16 the starboard and port sides of the fish box?  
17 A. So the sides of the fish box were --  
18 Q. And I should say this, after you took the --  
19 After you took those starboard and port side of the  
20 bulkhead out --  
21 A. Oh --  
22 Q. Did you have access to that area from the engine  
23 space?  
24 A. Yes.

6 (Pages 21 to 24)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 Q. You did? Okay.  
2 Did you ever use the engine space flipping the  
3 wheelhouse up to put rods in forward? Or did you simply  
4 use the hatch to stow your fishing rods?  
5 A. No, I only took fishing rods in and out from  
6 below deck through the hatch in front of the wheelhouse.  
7 Q. Okay. And the three hatches that you've drawn in  
8 circular fashion on the after deck, what -- did you ever  
9 look in those hatches?  
10 A. Yes.  
11 Q. Okay. And what did you see in -- And what did  
12 you learn from looking in those hatches?  
13 A. The aft-most hatch, my understanding is that area  
14 is called the lazarette.  
15 Q. Okay.  
16 A. It was where the rudder shaft came through the  
17 boat.  
18 Q. Okay.  
19 A. And there was a bilge pump there. And that's all  
20 the -- So there was the rudder, the bilge pump and then  
21 the rudder angle indicator for the autopilot.  
22 Q. Okay.  
23 A. In the hatch aft of the wheelhouse on the port  
24 side --

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1 Q. Yes.  
2 A. -- there was a bilge pump, there was the  
3 raw-water washdown pump, there was a seacock for the  
4 engine cooling.  
5 Q. Okay.  
6 A. And a seacock for the raw-water washdown pump.  
7 Q. Did you mention that twice just now?  
8 A. I mentioned the pump and the seacock for the  
9 pump.  
10 Q. Okay. Who installed the raw water -- raw  
11 saltwater washdown pump?  
12 A. I installed the pump, Point Judith Marina  
13 installed the seacock that the pump drew water from.  
14 Q. Okay. Go ahead.  
15 And then the one that's more midship?  
16 A. From this hatch looking aft, you could see the  
17 fuel tank. Looking straight down, you could see the keel.  
18 And looking forward, you could see the engine. This hatch  
19 was useful for being able to reach forward and access the  
20 -- the filter for the bilge pump. There was a pump  
21 protection filter to -- that was designed to keep the pump  
22 from sucking in solid debris. It would get caught in the  
23 filter before it ruined the pump. That was the intent.  
24 Q. Okay.

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1 A. And from this hatch immediately aft of the  
2 wheelhouse, I could reach forward and access that filter.  
3 Q. Okay. And you had two bilge pumps on there -- on  
4 that boat?  
5 A. Yes, there was one pump in the lazarette and one  
6 pump that was located here that had a pipe or a tube that  
7 went down into the keel. That's how it sucked water.  
8 Q. Okay. Was that a low point?  
9 A. Yes.  
10 Q. Okay. And where did the bilge pumps discharge  
11 overboard?  
12 A. They discharged overboard at a standpipe in this  
13 corner. I believe that standpipe is noted. I think it's  
14 noted here. That's the standpipe --  
15 Q. Is that BP?  
16 A. Yeah, that's where the bilge pump is discharged.  
17 Q. Okay. Why don't you just circle that?  
18 MR. SANTOS: So that's on Page 18?  
19 THE DEPONENT: Yes.  
20 BY MR. FARRELL:  
21 Q. Okay.  
22 A. So there was a standpipe that had a tube that  
23 went out the aft section.  
24 Q. Okay. Do you know how thick the transom was?

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1 A. No, I do not.  
2 Q. Did you replace one of the bilge pumps the day  
3 before the sinking?  
4 A. I did.  
5 Q. Which bilge pump did you replace?  
6 A. I replaced the bilge pump that was accessible  
7 from the port circular hatch.  
8 Q. Okay. There -- But there was also a bilge pump  
9 aft that was accessible through the stern hatch?  
10 A. There was.  
11 Q. Did you work on that bilge pump at all during  
12 your ownership of the vessel?  
13 A. Yes, I did. I -- The -- This pump had a --  
14 Q. You're talking about the one at the stern?  
15 A. That's correct.  
16 Q. Uh-huh.  
17 A. There was a discharge tube from the pump to a  
18 fitting somewhere below deck or -- I shouldn't say  
19 somewhere below deck -- just below deck at midship, and  
20 that fitting led to a tube that came up over the -- across  
21 the transom and into the standpipe.  
22 I had replaced the tube leading from the pump to  
23 the -- to the pipe during my ownership of the boat. I  
24 don't remember if that tube had water in it that froze or

7 (Pages 25 to 28)



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# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 29</p> <p>1 if the other tube that was for the plumbing for the other  2 bilge pump had water in it that froze, and so when the  3 pump was actuated, water leaked out, so it needed to be  4 replaced.  5 I think what may have happened -- I'm pretty sure  6 that this pump --  7 Q. You're talking about the forward one on the port  8 side?  9 A. That's correct. The forward one on the port  10 side, which was plum below deck back to the lazarette,  11 experienced a freezing of water in the tube in the  12 lazarette that caused that pump -- excuse me -- that pipe  13 to rupture.  14 Q. What was the pipe made of?  15 A. It was a thin plastic.  16 Q. Was it rubbery or was it PVC?  17 A. No, it's very similar to a -- to a washing  18 machine discharge pump.  19 Q. Okay.  20 A. Thin, kind of like an accordion elastic.  21 Q. Okay. And that was from the port bilge pump  22 going aft that you say froze up?  23 A. Yes. That pipe froze and ruptured, and so I had  24 moved -- Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Okay.  2 A. I disconnected the discharge hose from that pump.  3 Q. Okay.  4 A. I connected that hose to the discharge hose from  5 the port midship bilge pump because the hose from the port  6 midship bilge pump to the standpipe had ruptured and the  7 port midship bilge pump was more frequently used.  8 So I then replaced -- I had taken off the  9 ruptured hose and I replaced --  10 Q. The ruptured hose being the one from the port  11 bilge pump to the standpipe?  12 A. Correct.  13 Q. Okay.  14 A. There was a -- And I replaced the hose -- I'm  15 trying to recall -- I'm trying to communicate as clearly  16 as possible.  17 And then I had to go to the Home Depot, so there  18 was a couple hours or a couple days, I don't recall how  19 long it took me to get the replacement pipe, which I then  20 connected from the pump to the tube that went over the  21 transom and down.  22 Q. So that was fixing the stern discharge hose?  23 A. Can you clarify what you mean by stern discharge  24 hose?</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. So what was the problem with the after  2 bilge pump?  3 A. I -- If I'm recalling correctly, and this was  4 something that happened in -- I'm doing my best to recall  5 correctly, but this was something that happened many  6 months ago.  7 I moved the hose from the after bilge pump to the  8 midship bilge pump so that that pump would be working, and  9 then I replaced the pipe.  10 So I don't recall exactly what I did in I think  11 it was February or January of this year. I know that I  12 changed one or both of those two pipes. I don't want to  13 try to recall something that I'm not confident I can  14 recall with precision and get it wrong.  15 Q. Okay. I'm just a little confused. I'm -- Let's  16 start with the after bilge pump.  17 When did you work on it, to the best of your  18 ability?  19 A. It would have been around February.  20 Q. Of 2016?  21 A. Yes.  22 Q. And what was it you needed -- What did you do to  23 the after bilge pump?  24 A. I did nothing to the after bilge pump itself.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. The stern bilge pump had a discharge hose, as I  2 understand it, that went to the standpipe in the starboard  3 quarter on the transom.  4 A. Yes.  5 Q. For some reason, you disconnected that and  6 connected it instead to the discharge hose from the port  7 bilge pump.  8 A. What happened was the discharge hose from the  9 port bilge pump froze and therefore, it needed to be  10 replaced. As a temporary fix before I could get the  11 replacement hose, I disconnected the hose from the aft  12 bilge pump and connected it to the port midship bilge pump  13 hose. And then I was able to go get the replacement hose.  14 The two hoses from the midship bilge pump and the aft  15 bilge pump was identical.  16 And so once I had the replacement hose, I  17 reconnected it to the aft bilge pump and to the discharge  18 -- the fitting for the discharge, and they were metal  19 tubes that ran above the deck along the transom to the  20 standpipe.  21 Q. The discharge hose ran above deck?  22 A. There was metal piping that ran above deck and  23 that was connected to the plumbing from the bilge pumps --  24 This is the way Brian Woods had designed it -- by thin</p>

8 (Pages 29 to 32)



# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 plastic tubes that were very similar to the sort of tube  
2 that a washing machine discharge goes through.  
3 Q. Do you have any pictures of that?  
4 A. I do not have any pictures of it.  
5 Q. Okay.  
6 A. Unless they happen to be in the survey.  
7 Q. Okay. So on the day before the sinking, what --  
8 Tell me exactly what work you did on -- Is it the port  
9 bilge pump?  
10 MR. SANTOS: The day before?  
11 MR. FARRELL: Yeah.  
12 A. Yes. The port bilge pump was not sucking water.  
13 The motor in the pump would turn on, but it would not suck  
14 water out of the bilge and so I -- To me, that indicated  
15 the impeller was bad.  
16 So I removed the pump and I purchased a new pump,  
17 which I installed in place of the pump that I removed. I  
18 then purchased a replacement impeller for the pump that I  
19 removed. In the process of changing the impeller, I  
20 confirmed that that was the problem with the pump that I  
21 removed, that it had a bad impeller.  
22 Q. Okay.  
23 A. So I put in a new impeller with -- right at the  
24 counter of the West Marine where I purchased the impeller.

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1 asking the store clerk to walk me through the steps of how  
2 to change the impeller. He walked me through those steps,  
3 that's how I changed the impeller. And I just stored the  
4 pump that I removed in the fish box as a backup. And I  
5 had installed the new pump that I purchased in place of  
6 the pump that I removed.  
7 Q. And did that have a -- What kind of mechanism was  
8 there for the port pump bilge pump to determine there was  
9 water to pump? Was there a float switch or anything like  
10 that?  
11 A. Yes, there was a float switch that was wired to  
12 the pump.  
13 Q. And was it one of these white plastic things that  
14 floats up and down? Or how would you describe it?  
15 A. It was white plastic and it had two arms, one was  
16 designed to sit on the bottom of the keel and the other  
17 was buoyant. And so when water in the keel rose, the  
18 buoyant arm would rise, closing the circuit.  
19 Q. Okay. And then it would turn on?  
20 A. Yes.  
21 Q. And then when it goes flat, it would turn off?  
22 A. Correct.  
23 Q. Okay. So that -- That was the day before the  
24 sinking.

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1 Did you test it to make sure that it was working?  
2 A. I did.  
3 Q. How did you do that?  
4 A. There had been some water in the bilge and once I  
5 had installed the pump, the water was pumped out, which  
6 indicated that the pump was working.  
7 Q. Okay. And what about the after bilge pump, was  
8 that still functioning?  
9 A. To the best of my knowledge, it was.  
10 Q. Did you ever test it?  
11 A. I did not.  
12 Q. Was there any way to test -- Where was the float  
13 switch for the after bilge pump?  
14 A. The after bilge pump did not have a float switch.  
15 It was of the type where the pump and the intake are one  
16 unit and it was sitting flat on the deck.  
17 Q. And so I'm sorry, did you ever test that one?  
18 A. I did not.  
19 Q. And was there any way to distinguish --  
20 A. Can I just clarify? When I say test it, I did  
21 hear the motor run on that pump. I never saw it suck  
22 water because I had never seen -- I had never attempted to  
23 confirm that it sucked water.  
24 Q. Did you ever, when you heard it running, look at

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1 the discharge pipe to see if it was pumping water  
2 overboard?  
3 A. No, I did not. I -- No, I did not.  
4 Q. Okay. And the one that you -- The extra spare,  
5 old bilge pump that you stored in the fish box was not  
6 connected, it was just there in case you needed it?  
7 A. That's correct.  
8 Q. Were -- And was the -- Was the bilge pump on the  
9 port side readily accessible to you in removing the hatch?  
10 A. Yes, it was.  
11 Q. Right down there below it?  
12 A. That's -- It wasn't immediately below. It was  
13 just -- So there was a piece of a two-by-six or  
14 two-by-eight piece of pressure treated wood running fore  
15 to aft.  
16 Q. A stringer?  
17 A. A stringer. Just to the port side of where the  
18 hatch was.  
19 Q. Okay.  
20 A. And the pump was screwed to that stringer.  
21 Q. Okay.  
22 A. So it was readily accessible.  
23 Q. Certainly within arm's length?  
24 A. Easily.

9 (Pages 33 to 36)



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# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. And where was the washdown thru-hull from 2 there? 3 A. The washdown -- When we say the washdown 4 thru-hull, that was -- 5 Q. Why don't -- Okay. 6 A. So if we can find the engine seacock? 7 Q. I think maybe we have to look at the other 8 diagram. 9 MR. SANTOS: What page are we on? 10 THE DEPONENT: We're on 18 now. 11 A. And no. If I can draw here a circle of the 12 hatch? 13 Q. Okay. 14 A. That's the hatch. 15 Q. This is the port hatch? 16 A. Yes, this is the port hatch immediately aft of 17 the port fuel tank. 18 Q. Okay. 19 A. There is a stringer here. 20 Q. And why don't you put an F for forward? 21 A. (Deponent complying). 22 Q. Okay. 23 A. There's a stringer here with the bilge pump 24 attached and there is a seacock approximately here for the</p>	<p style="text-align: right;">Page 39</p> <p>1 intended for connecting pumps to the -- for pressurized 2 water systems. 3 Q. Okay. 4 A. And if I could just take a moment to clarify 5 because we did talk about bulkheads before? 6 Q. Yep. 7 A. I believe that -- Now that we've spoken about 8 this specific area, I've gotten my mind into this space, I 9 believe that this part, which I've drawn perpendicular to 10 the stringer, was a bulkhead. 11 Q. Okay. And did you have reason to think that it 12 was watertight? 13 A. No. As I said, when I asked Brian Woods if any 14 of the bulkheads were watertight, he informed me they were 15 not. And nothing I saw indicated otherwise. 16 Q. Now, what was the diameter of that hose between 17 the raw-water pump and the washdown pump? 18 A. Approximately five-eighths of an inch. It could 19 have been plus or minus one-eighth of an inch. 20 Q. Okay. And how was it attached to the raw-water 21 washdown seacock? 22 A. The raw-water washdown seacock had a -- a 23 threaded end that a fitting was screwed into, and that 24 fitting had a male. So there was a -- It had a male end</p>
<p style="text-align: right;">Page 38</p> <p>1 engine intake. 2 Q. Okay. 3 A. Pardon my spelling of engine. 4 And there is another seacock somewhere forward of 5 the engine intake approximately here. It may have been a 6 bit closer to the center line or something, but 7 approximately here. 8 Q. And that was installed by Point Judith Marina? 9 A. Yes, it was. 10 Q. Okay. 11 A. For the -- Well, for the raw-water washdown. 12 Q. And where was the raw-water washdown pump? 13 A. That was here. There was -- I don't remember if 14 it was a bulkhead or a stringer. It was some kind of 15 piece of wood extending this way. And the raw-water 16 washdown pump would have been there. 17 Q. Can I take a look at that, Mr. Carman? 18 A. You may. 19 Q. And so -- And what -- what connected the 20 raw-water washdown to the washdown pump? 21 A. A hose. 22 Q. What kind of hose? 23 A. A hose -- A plastic hose that I had purchased at 24 West Marine that I was told by the West Marine staff was</p>	<p style="text-align: right;">Page 40</p> <p>1 on the other side that the raw -- that the hose was put 2 over and two clamps were used to secure the hose to the 3 fitting. 4 Q. And how was it connected to the washdown pump? 5 A. In a similar manner. The pump had come with 6 fittings, as best I recall, for connecting the hose to the 7 pump itself. And again, the connection between the 8 fitting and the hose was a male end with a pump over top 9 and two clamps. 10 Q. And between the seacock and the washdown pump, 11 how much of a distance was -- How long was the hose? 12 A. It wasn't a great distance. Approximately 18 13 inches. I wouldn't say more than 24. 14 Q. Okay. And that was easily accessible from 15 reaching into the hatch with your arm? 16 A. It was. 17 Q. Okay. And was there a turn-off valve or lever on 18 the intake or the seacock for the washdown pump? 19 A. Yes. There was a lever on the seacock itself. 20 Q. Oh, have you taken any medications, drugs or 21 alcohol of any sort, prescription or other kinds of drugs 22 that would affect your testimony today? 23 A. No, I have not. 24 Q. What about your -- Tell me about your prior</p>

10 (Pages 37 to 40)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 boating experience before this boat.  
 2 A. So prior to purchasing this boat, I'll walk you  
 3 back anti-chronologically.  
 4 My mom and I had a Grady-White Seafarer that we  
 5 co-owned. We had owned that boat for a number of years  
 6 and used it a lot. Mostly putting in at Stonington, at  
 7 the boat ramp in Stonington and going out to Block Island  
 8 and fishing around Block Island. We did do other things  
 9 with the boat in the Long Island Sound area and we even  
 10 took it up to New Hampshire once where we spent a couple  
 11 of days boating near Hampton Beach.  
 12 Q. Okay. And how long did you operate that boat?  
 13 A. How long --  
 14 Q. You know, how many years did you operate it?  
 15 A. My mom and I owned the boat -- I want to say that  
 16 we purchased it when I was 18. It may have been a year or  
 17 two after that, but I guess -- I don't remember exactly  
 18 how many years we owned it together. We owned it for --  
 19 I'm estimating here. I'd say three years.  
 20 Q. Okay. Any other boats?  
 21 A. Yes. Prior to my mom and I getting the  
 22 Grady-White Seafarer, when I was young -- So there was a  
 23 period of time where we did not own a boat. However, my  
 24 first experience with boats was as a teenager. My -- We

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1 had a 14-foot aluminum boat with a tiller outboard on it.  
 2 That outboard I think was 25 horsepower. It may have been  
 3 20 horsepower, but it was in that range.  
 4 Q. Okay.  
 5 A. And that was my first experience with power  
 6 boats.  
 7 I also had experience with a canoe that was -- we  
 8 had started using when I was very small and continued to  
 9 use throughout much of my youth.  
 10 I also had experience with kayaks. Both my mom  
 11 and my dad would go out kayaking in Long Island Sound and  
 12 elsewhere at times.  
 13 I also own and have owned since -- since I was  
 14 20, so it would have been -- I believe I purchased the  
 15 14-foot aluminum side console boat that I currently own in  
 16 2014. I -- Plus or -- I know I purchased it plus or minus  
 17 a year. I think I purchased it in 2014. And I have used  
 18 that boat in ponds around Vernon where I live and also in  
 19 the Connecticut River.  
 20 Q. Okay. What about boating courses?  
 21 A. I have a certificate from the state of  
 22 Connecticut that is a permit to operate personal  
 23 watercraft, as well as other types of boats.  
 24 Q. Was there a size limit on it?

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1 A. I don't believe so. I know you can't operate a  
 2 large ship with the permit, but I -- Any sort of -- I  
 3 believe it's a permit to operate any sort of recreational  
 4 boat. I know for a fact that the JC that I purchased was  
 5 well within any size limit that may be on that permit.  
 6 Q. Okay. Show me on this where the float switch was  
 7 for the port bilge pump.  
 8 A. It was in the keel, right around there.  
 9 Q. When did you, before the sinking, last check  
 10 that?  
 11 A. What do you mean by check?  
 12 Q. See that it was functioning.  
 13 A. Well, the switch -- When I replaced the pump, it  
 14 was actuated by the switch. And when the water level got  
 15 low enough, the switch turned it off.  
 16 Q. Okay. When was the last time you visually  
 17 inspected it prior to the sinking?  
 18 A. I never deliberately inspected that part. I did  
 19 see it when -- any time I changed the -- or cleaned the  
 20 pump protection filter because the pump protection filter  
 21 and the float switch were in close proximity to one  
 22 another. So I saw it regularly, but I never held it in my  
 23 hands and carefully inspected it.  
 24 Q. Okay. Have you had any -- any other formal

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1 education regarding vessel operations, other than that  
 2 Connecticut licensing that you passed?  
 3 A. Yes.  
 4 Q. What?  
 5 A. When my mom and I purchased the Grady-White  
 6 Seafarer, we hired a boating instructor to take us out on  
 7 the boat. And we spent I want to say a couple of hours  
 8 with him on the boat with him showing mostly me at the  
 9 helm how to handle it and so forth.  
 10 Q. Who was that?  
 11 A. I don't know the name of the firm. If I spent  
 12 enough time on the internet, I'm sure I could find him,  
 13 but I don't know his name offhand.  
 14 Q. And did he come to the Grady-White and go out in  
 15 it with you?  
 16 A. Yes. So we met at a boat ramp in Connecticut at  
 17 the mouth of the Connecticut River and he instructed us on  
 18 launching the boat, docking the boat, and handling the  
 19 boat while he was onboard in the Connecticut River.  
 20 Q. Okay. And where was his company? What state was  
 21 his company in; do you recall?  
 22 A. I believe he was based out of Connecticut.  
 23 Q. And what about mechanical courses? Anything like  
 24 that that you ever took?

11 (Pages 41 to 44)



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# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 45</p> <p>1 A. No.</p> <p>2 Q. Did you ever take a Cummins diesel engine course?</p> <p>3 A. No.</p> <p>4 Q. And where -- How -- What was the purchase price</p> <p>5 for the boat?</p> <p>6 MR. SANTOS: From Brian --</p> <p>7 MR. FARRELL: From Brian Woods.</p> <p>8 A. I have the purchase price on record. I don't</p> <p>9 know if that -- if that's something you have already in</p> <p>10 the documents we forwarded to you or not. I don't recall</p> <p>11 what the purchase price was offhand.</p> <p>12 MR. SANTOS: Approximately.</p> <p>13 A. Approximately \$45,000.</p> <p>14 Q. Okay. Was there a purchase and sale agreement of</p> <p>15 any sort?</p> <p>16 A. Yes, there was.</p> <p>17 Q. Do you have a copy of that?</p> <p>18 A. I do.</p> <p>19 Q. Okay.</p> <p>20 MR. FARRELL: I'd ask for a copy of that.</p> <p>21 Could you send me that?</p> <p>22 MR. SANTOS: Sure.</p> <p>23 MR. FARRELL: Okay.</p> <p>24 BY MR. FARRELL:</p>	<p style="text-align: right;">Page 47</p> <p>1 cleat to the piling.</p> <p>2 He also took two aluminum plates that were bolted</p> <p>3 to the superstructure that the registration information,</p> <p>4 which was not current and which was -- was affixed to,</p> <p>5 and --</p> <p>6 Q. Was that a Massachusetts number you mean?</p> <p>7 A. Yes, he -- So when I purchased the boat, it had a</p> <p>8 Massachusetts registration. I had registered it in Rhode</p> <p>9 Island, but I hadn't taken the time to put that</p> <p>10 registration information on the boat yet because I hadn't</p> <p>11 been using the boat. It was still early in the season, I</p> <p>12 hadn't been using the boat much.</p> <p>13 And so he took those two plates and he also took</p> <p>14 the power adapter from the dock that took -- that</p> <p>15 converted the dock power, which is a higher voltage, to a</p> <p>16 voltage that you can plug, and extension cord.</p> <p>17 Q. So a shorepower connection?</p> <p>18 A. Yes.</p> <p>19 Q. So he took that shorepower connection?</p> <p>20 A. He did.</p> <p>21 Q. And did you consider the \$45,000 to have included</p> <p>22 those items?</p> <p>23 A. Well, I had purchased the shorepower connection</p> <p>24 myself at West Marine.</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. Now, I understand there's some talk that Woods</p> <p>2 took items off of the boat and you reported it to the</p> <p>3 police.</p> <p>4 A. That's correct.</p> <p>5 Q. What's that about? Tell me about that.</p> <p>6 A. So the boat was at Point Judith Marina and it was</p> <p>7 in the water. And on a weekend when no one was at the</p> <p>8 marina, apparently no one -- The marina was not staffed</p> <p>9 and apparently no one else was around. It wasn't during</p> <p>10 the boating season, it was early this year.</p> <p>11 Q. What month?</p> <p>12 A. I don't know what month offhand. We could get</p> <p>13 that to you based on when I filed the police report.</p> <p>14 Q. Yep.</p> <p>15 A. The -- Brian Woods came to the marina on a</p> <p>16 weekend, he took the dock lines off -- from the boat with</p> <p>17 the exception of one that would have been very difficult</p> <p>18 for him to take because it was tied to a piling that was</p> <p>19 not immediately accessible from the dock. And that line</p> <p>20 he cut. He cut all of the excess from the dock line.</p> <p>21 So -- Because there had been excess off of the cleat. So</p> <p>22 it -- The dock line had been tied to the cleat and there</p> <p>23 was a tag end and he cut that tag end off. So it was only</p> <p>24 the minimal needed to keep the boat connected from the</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay.</p> <p>2 A. I believe two, at least one of the dock lines</p> <p>3 that he stole, I had obtained from a marina where I had</p> <p>4 been keeping the boat before bringing it to Point Judith</p> <p>5 Marina. So I obtained the dock lines after I -- I had</p> <p>6 obtained I believe two of the dock lines after taking</p> <p>7 possession of the boat.</p> <p>8 The other dock lines that he stole had been used</p> <p>9 to tie the boat up when I took the boat from -- from</p> <p>10 Plymouth, Massachusetts where I purchased it, to Rhode</p> <p>11 Island. I had told Brian Woods when I was leaving. He</p> <p>12 never made any statement to make sure you leave the dock</p> <p>13 lines. We had a conversation afterwards where he said I</p> <p>14 could have the dock lines.</p> <p>15 And later after he was -- after we had a dispute</p> <p>16 about -- that I owed him money, he thought I owed him</p> <p>17 money and that I had never agreed to pay him for the work</p> <p>18 that he had done on the boat before I purchased it -- or</p> <p>19 it may have been after I purchased it, but for the work he</p> <p>20 had done on the boat around the time I purchased it.</p> <p>21 That's when -- So when he thought I owed him money for</p> <p>22 something else is when he started demanding that I give</p> <p>23 him the dock lines back. And he stole the dock lines</p> <p>24 several months after I had purchased the boat and then had</p>

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1 the boat in my possession.  
2 So yes, it's my understanding that the dock lines  
3 were my property, that he had given them to me and that he  
4 only changed his mind about giving them to me well after  
5 having done so.  
6 Q. So did he steal anything other than the dock  
7 lines and the shorepower cord?  
8 A. Yes, he stole the dock lines, the shorepower  
9 cable, not the shorepower connector, and the two plates --  
10 the two aluminum plates.  
11 Q. And how do you know that he's the one who stole  
12 them?  
13 A. He had called Point Judith Marina -- Point Judith  
14 Marina told me that he called them on Monday or -- I don't  
15 know if it was on Monday, but shortly after committing the  
16 theft to inform them that he had taken the dock lines.  
17 And he also sent me an e-mail after I had filed the police  
18 report in which he indicated he was the person who took  
19 them.  
20 And I believe he, in speaking to the officer with  
21 whom I filed the police report, admitted to the theft at  
22 that time as well, to the officer.  
23 Q. Did he return them to you?  
24 A. No, I never got them back.

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1 Q. And what's the -- What's the status of that  
2 criminal complaint?  
3 A. I filed the police report, I had some e-mail  
4 communication with Officer Marler immediately after filing  
5 the police report. He told -- Officer Marler told me I  
6 would be contacted by a detective. I never was.  
7 I assumed that because of the petty dollar amount  
8 of the theft, it was being treated as nothing by the  
9 police department and I didn't see a need to pursue it  
10 aggressively.  
11 Q. Okay. I'm going to ask you some more questions  
12 about this survey report, but I'm going to hit the men's  
13 room.  
14 MR. FARRELL: Does anybody else need a break?  
15 MR. SANTOS: Yes.  
16 (Off the record at 12:50 p.m.)  
17 (Back on the record at 12:59 p.m.)  
18 BY MR. FARRELL:  
19 Q. I'm just going to ask you a couple things about  
20 this survey from Feeney.  
21 A. Sure.  
22 Q. Turn to Page 6, if you could, sir. It's not a  
23 great picture, but that shows the transom on the bottom  
24 picture?

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1 A. Yes, it does.  
2 Q. Okay. And up above, does it show the area where  
3 the trim tabs were?  
4 A. Yes. In that picture, you can see the trim tabs  
5 if you look carefully.  
6 MR. SANTOS: That's the bottom picture,  
7 right?  
8 THE DEPONENT: Yes, the bottom picture on  
9 Page 6.  
10 BY MR. FARRELL:  
11 Q. Okay. And you say you can see them if you look  
12 carefully?  
13 A. Right there, you can see where it's a little bit  
14 white, you see the reflection?  
15 Q. I see what you're pointing to.  
16 A. In the -- The trim tabs are in the frame of that  
17 picture.  
18 Q. Okay.  
19 A. And they were on the boat at the time the picture  
20 was taken.  
21 Q. Okay. What's this yellow thing that's in sort of  
22 the middle of that picture; do you have any idea?  
23 A. No, I do not. It appears to me to be something  
24 placed on the trim tabs just resting there.

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1 Q. Were you there during the survey when Mr. Feeney  
2 was there?  
3 A. I was not there -- So the survey had two  
4 components.  
5 First off was when the boat was out of the water  
6 on blocks. I was not present when Mr. Feeney looked at  
7 the boat while it was out of the water. After he had  
8 given me a favorable impression of the boat from looking  
9 at it out of the water, I had Brian Woods launch the boat  
10 and Bernard Feeney, myself and Brian Woods were on the  
11 boat for a sea trial.  
12 Q. Okay.  
13 A. And so the second part of the survey, the sea  
14 trial, both Mr. Feeney and myself were present.  
15 Q. Okay. Was there any discussion regarding the  
16 trim tabs during that sea trial?  
17 A. At the beginning of the sea trial while the boat  
18 was still at the dock, one of the things the surveyor  
19 looked at was confirming the trim tabs had a full range of  
20 motion. So he stood at the transom looking over the back  
21 and watched the trim tabs go up and down while Brian Woods  
22 operated the controls for the trim tabs in the wheelhouse.  
23 Q. Okay.  
24 A. Other than that, I don't recall any discussion of

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<p style="text-align: right;">Page 53</p> <p>1 the trim tabs.  2 Q. Do you know how long the trim tabs had been on  3 the hull?  4 A. I know they were installed by Brian Woods during  5 the refit. I don't know at what point during the refit he  6 installed them.  7 Q. And when was the refit?  8 A. So Brian Woods had purchased the boat in very  9 poor condition. Some time prior to me purchasing it from  10 him, I believe a number of years prior.  11 Q. Okay.  12 A. And he spent those years modifying the boat and  13 upgrading it to the condition that I bought it in.  14 Q. Okay. And did he use it during that period?  15 A. It's my understanding from the conversations that  16 I had with him around the time that I was purchasing the  17 boat that he had put it in the water to do a sea trial of  18 it himself after he thought he was finished refitting the  19 boat and to get some video of it for marketing purposes.  20 Q. Okay.  21 A. But that he never used it recreationally himself.  22 He never, like, went out on fishing trips with it.  23 Q. And what's his background? I mean, what's he do  24 for a living?</p>	<p style="text-align: right;">Page 55</p> <p>1 survey value came in well above the price at which I was  2 purchasing it.  3 Q. Okay. And why did you decide to take the trim  4 tabs off?  5 A. The reason that I decided to take the trim tabs  6 off was because I never found -- I played with them  7 multiple times while using the boat and never found an  8 occasion where they did any good. Any time that I  9 adjusted the trim tabs downwards, just drove the hull --  10 it drove the bow into the water causing the speed to  11 reduce dramatically and reducing performance, not  12 enhancing it. So they were serving no purpose.  13 And I assumed because they were at the very back  14 of the boat and protruding off the back that when the boat  15 was on plain, they were increasing the drag because they  16 would have been -- even when they're in line with the  17 bottom of the hull, they would have been lower. And so  18 adding -- My hand motions don't get caught in the  19 transcript -- So they would have -- So I assumed they were  20 increasing the drag when the boat was on plain and thereby  21 probably reducing performance, reducing speed, making it  22 harder to get up onto plain and reducing fuel efficiency.  23 Q. Did anybody confirm your views regarding the trim  24 tabs?</p>
<p style="text-align: right;">Page 54</p> <p>1 A. When I spoke to him about his experience with  2 boats, why was he qualified to do the refit, he told me  3 that he owned Fastech, which was a marine fabricating  4 company, and that he was a contractor who did a lot of  5 work for Brewers Marina in Plymouth.  6 And I also saw, because when the boat was in the  7 water, it was being kept at Brewers, and I saw that he had  8 a good rapport with the general manager who knew him as a  9 contractor that Brewers hired out.  10 So I understand that he's a marine fabricator who  11 apparently had a couple employees in his company. I don't  12 know how far back he goes in that field or exactly what  13 his qualifications are.  14 Q. And why did you buy the boat?  15 A. I bought the boat because -- I bought this  16 particular boat because I was attracted to its unique  17 design and the enclosed wheelhouse that kept you dry and  18 out of the elements, but also the center console. So I'd  19 have access -- easy access to the front of the boat and  20 there was a very large cockpit, which was good for  21 fishing. And you could -- And there was also space where  22 you could fish forward of the wheelhouse.  23 So it struck me as a very useable, very fishable  24 boat. And I was also attracted to the fact that the</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I never discussed my -- No. No one -- I never  2 discussed those views with anyone.  3 Q. So you didn't discuss them with anybody at Point  4 Judith Marina?  5 A. Not that I recall. I had many conversations with  6 people at Point Judith Marina. I don't recall the trim  7 tabs ever coming up in any of them.  8 Q. Did you discuss the trim tabs with anybody at any  9 other marina?  10 A. No.  11 Q. Did you discuss taking the trim tabs off with  12 Mr. Feeney?  13 A. I did not.  14 Q. Did you discuss taking the trim tabs off with  15 Mr. Woods?  16 A. I did not.  17 Q. Did you conduct research on the internet  18 regarding the trim tabs?  19 A. I don't believe so.  20 Q. Did you consult any boating literature regarding  21 the trim tabs?  22 A. I did.  23 Q. What did you consult?  24 A. Actually, if we can go back a moment to the</p>

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1 question where you said conduct any research on the  
2 internet.  
3 I did look at the -- I purchased several of the  
4 accessories that I installed on the boat from Defender  
5 Marine, got the electronics from Defender Marine and so  
6 forth. And I -- I had looked into getting a trim tab  
7 position indicator that would indicate what position the  
8 trim tabs were in.  
9 Q. Meaning what angle?  
10 A. That's correct. So you could look at it at the  
11 helm and see what angle the trim tabs are at.  
12 Q. Okay.  
13 A. And I had looked into how complicated installing  
14 one of those would be and I realized that it would -- that  
15 it would be quite in depth. It wasn't something I wanted  
16 to get involved in. So I read about that.  
17 Q. Was that before or after you made the  
18 determination that the trim tabs did nothing but -- were  
19 nothing but a hindrance?  
20 A. It was while I was in the process of making that  
21 determination. I hadn't found any use for the trim tabs.  
22 I thought maybe if I am able to see the exact position or  
23 there's even a system where the trim tabs are controlled  
24 by a computer, I thought maybe one of those systems would

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1 to -- which breaks easily, as opposed to Bennett is  
2 sometimes Bennett trim tabs, you have to wade through a  
3 hydraulic fluid in the back of the boat.  
4 So he had -- That had come up incidentally when I  
5 had mentioned the Lenco hatch lift.  
6 Q. Okay. But that conversation didn't include any  
7 pro or con regarding the Bennett type trim tabs on your  
8 transom, did they, with the Boat U.S. surveyor?  
9 A. It wasn't specific. He had mentioned that in his  
10 -- he had experience wading through hydraulic fluid in the  
11 back of a boat when a Bennett trim tabs system failed.  
12 Q. Okay. And that -- that's Dexter Holiday?  
13 A. Yes.  
14 Q. And that was regarding the engine replacement?  
15 A. That's correct. That was -- That conversation  
16 was occurring while he was surveying the boat for its  
17 replacement.  
18 Q. And was the seacock for the engine raw-water  
19 cooling intake closed when you had an overheating problem?  
20 A. Yes. So the engine overheated because the  
21 seacock for the well-water engine intake was accidentally  
22 left closed.  
23 Q. Who had accidentally left it closed?  
24 A. I don't know if the marina -- Because the boat

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1 make them useful. So it was in the process of my -- me  
2 making that determination.  
3 Q. Okay. Besides looking at a system that might  
4 give you an angled indication for the trim tabs, did you  
5 conduct any other research on the internet or otherwise  
6 regarding the trim tabs?  
7 A. Not that I recall.  
8 Q. Okay. Mr. Feeney calls them Bennett type trim  
9 tabs with four actuation cylinders on Page 6; do you see  
10 that?  
11 A. Page 6?  
12 Q. I think it's the section above that.  
13 A. Actually it -- Let me just bring this up.  
14 I do recall the -- a mention of the trim tabs in  
15 a conversation that I had with the surveyor who was hired  
16 by Boat U.S. to -- when I had a problem with the engine.  
17 I had told him that the Lenco hatch lifts were  
18 finicky, so when he had to lift the hatch to inspect the  
19 engine, to be careful. And in the course of having  
20 mentioned that, he said yes, he had experience with Lenco  
21 and they were finicky. And Lenco also makes trim tabs and  
22 he said that -- said something -- I think I told him the  
23 hatch lifts were finicky, he said yes, Lenco trim tabs are  
24 also very finicky, but the advantage to Lenco as opposed

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1 had been at the marina, they had -- It had been out of the  
2 water, then they had launched it. And it's my belief that  
3 the marina left the seacock closed and that I had just not  
4 noted it. I -- And I had sent Tim Green a couple e-mails  
5 to that affect, that I thought he had left the seacock  
6 closed when he shouldn't have.  
7 Q. Did he respond to you?  
8 A. He did. And he said it wasn't his problem.  
9 Q. And how long had the -- had you last been on the  
10 boat prior to the time that you ran it and it overheated?  
11 A. I had been on the boat -- I don't recall exactly  
12 how many times I went to the boat in early maybe April of  
13 this year, but I believe I was on the boat at least once  
14 prior to -- between when it was put in the water and when  
15 I took it out on the sea trial. I may be mistaken there,  
16 but I think I was on the boat at the dock at least once.  
17 And there's a possibility that I had looked at  
18 the seacock and this -- and closed it before leaving. At  
19 that -- Because you're supposed to close -- You can close  
20 a seacock when you leave the -- when you leave so that if  
21 there's a failure in the plumbing, the failure doesn't  
22 result in the boat flooding.  
23 So I don't -- Sitting here right now, I remember  
24 that it was my belief at the time that Point Judith Marina

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<p style="text-align: right;">Page 61</p> <p>1 had left the seacock closed and I don't remember precisely  2 whether -- I don't remember precisely when I had been on  3 the boat between when it was in the water and when I took  4 it out on the sea trial.  5 Q. So let me just -- I asked you a couple of pretty  6 specific questions.  7 A. Uh-huh.  8 Q. Who to your knowledge left the seacock for the  9 fresh water -- saltwater raw intake closed, to the best of  10 your ability?  11 A. To the best of my knowledge, Point Judith Marina  12 left it closed.  13 Q. Okay. And when prior to the trip that you took  14 when the engine overheated had you last been on the boat?  15 A. I don't remember.  16 Q. Could it have been more than a week?  17 A. No, I believe that a week prior to my taking that  18 trip, the boat had been out of the water at Point Judith  19 Marina.  20 Q. Hauled out?  21 A. Correct.  22 Q. Okay. So back again on Page 6, is it your  23 understanding that they were Bennett type trim tabs with  24 four actuation cylinders for the trim tabs?</p>	<p style="text-align: right;">Page 63</p> <p>1 condition of the fuel is what determines how much  2 contaminants are caught in the racor. It's not the  3 newness of the engine, to my knowledge. I'm not a --  4 Q. And what were you finding when you had to clean  5 the racor with the new -- after the new engine had been  6 installed?  7 A. I -- So when I had to take the racor out, I saw  8 that it was dirty and that when you put it in, it's white  9 or  10 almost white. And when I took it out, it was brown or --  11 Q. Uh-huh.  12 A. And so I put a new filter in.  13 Q. And was that -- Did that -- Did that improve the  14 operation of the diesel by doing that?  15 A. No. I -- So just -- I want to go over my  16 recollection of changing the filters in depth.  17 I know I changed the filters multiple times prior  18 to the new engine being installed. I know that shortly  19 after having the new engine, I believe it was shortly  20 after, yeah, I'm -- Yeah, shortly after the new engine  21 being installed --  22 Q. And when was that date? When was the  23 installation finished?  24 A. We have a record of that.</p>
<p style="text-align: right;">Page 62</p> <p>1 A. Yes, it is. Two actuation cylinders per trim  2 tab.  3 Q. Okay. On Page 15, did you ever change the fuel  4 filters?  5 A. Yes, I did.  6 Q. Okay. And how did you do that?  7 A. I did that by removing the cap, first of all.  8 You unscrew the handle that you can see pictured on Page  9 15, which allows you to remove the black lid that you see  10 under the handle. And then underneath that lid is a fuel  11 filter that can be lifted out vertically and inserting  12 another one, topping off with diesel fuel to -- and then  13 replacing the black cap and screwing on the handle again.  14 Q. Did you do that with the original engine?  15 A. Yes. I had occasion to change the racor filter  16 multiple times with the original engine.  17 Q. Did you ever do it with the new engine?  18 A. Yes.  19 Q. Why did you do it with the new engine?  20 A. Because the racor filters were getting dirty  21 quickly.  22 Q. Must have been pretty quickly. I mean, you just  23 got that engine, right?  24 A. Well, the -- It has -- The newness of the -- The</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. SANTOS: The receipts are --  2 MR. FARRELL: I couldn't tell. They --  3 There's two dates on the repair orders. There's like  4 start of -- What do they call it? They have two dates, a  5 delivery date and a finish date.  6 BY MR. FARRELL:  7 Q. Which date do you consider the new diesel to have  8 been installed, reconditioned?  9 A. If we look at the letter that you sent to --  10 MR. SANTOS: That's in the front of your  11 package here.  12 A. It says that there were two different sea trials.  13 I believe one was on June 11th. And after -- Yeah --  14 Q. I saw August 1st and August 3rd.  15 A. August 3rd and August 11th.  16 Q. That's what I mean, August 3rd and August 11th.  17 A. I consider these to have been finished on August  18 11th because that's when the sea trial took place that --  19 where Point Judith Marina then handed the boat over to me.  20 Q. Okay. So after that date --  21 A. I put a gauge on the racor. The gauge replaces  22 the handle that you see pictured on Page 15. Where you  23 see that cross handle, it's a circle that has a dial that  24 indicates I guess the pressure or -- It's a -- There's a</p>

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1 green zone and a red zone. And when the dial gets to the  
2 red zone, it means that the fuel filter needs to be  
3 replaced.  
4 Q. Okay. So after August 11th, how many times did  
5 you replace the fuel filter?  
6 A. I think I changed it once. I may not have had  
7 occasion to change it at all, but I think I changed it  
8 once.  
9 Q. And this is with the new engine?  
10 A. That's correct. With the new engine, I -- Now  
11 that I'm thinking about the difference between the --  
12 between the time when I installed that gauge and before I  
13 installed the gauge, I think after I installed the gauge,  
14 I either changed it not at all or only once.  
15 Q. Okay. How many engine hours did you operate the  
16 new engine before the trip when it sank?  
17 A. I don't know.  
18 Q. Well --  
19 A. I don't know how many hours were on the gauge.  
20 Q. How many trips did you take after August 11th  
21 prior to the trip that it sank? How -- What trips did you  
22 take during that period?  
23 A. I took one trip myself, and my mom and I took  
24 several trips. Most of which -- All of which were to the

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1 A. Approximately eight hours.  
2 Q. Okay.  
3 A. I'd estimate that a full day of boating was  
4 approximately eight hours, and each of those was a full  
5 day.  
6 Q. Okay. How many other trips did you take with the  
7 boat besides those four trips after August 11th and before  
8 the sinking?  
9 A. There was another occasion where my mom and I  
10 went night striped bass fishing, and I'd say that trip was  
11 closer to four hours.  
12 Q. Did you go to Block Island for that one, too?  
13 A. Yes.  
14 Q. Okay.  
15 A. And there -- I think that the night striped bass  
16 trip was the only one where we took the boat out between  
17 the three nights -- the three days we did consecutively  
18 and the date of the sinking. There may have been one or  
19 two other trips in that time period, but I don't think so.  
20 Q. So as I see it, there's the first four to six  
21 hour trip that you made by yourself.  
22 A. Uh-huh.  
23 Q. And the three days when you stayed in the hotel.  
24 A. Uh-huh.

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1 area of Block Island prior to -- I should say all of which  
2 prior to the date of the sinking were to the area of Block  
3 Island.  
4 Q. Okay. How many -- On that one trip you took  
5 yourself, how long was that?  
6 A. I'd estimate maybe four to six hours.  
7 Q. And with your mother aboard, you took several  
8 trips?  
9 A. Correct.  
10 Q. How many?  
11 A. Well, we took -- There was one period of time  
12 where we rented a hotel room for two nights and we spent  
13 three days -- three consecutive days on the boat.  
14 Q. Okay.  
15 A. We took a --  
16 Q. Does that mean three separate trips?  
17 A. Yes.  
18 Q. You came in every night to stay at the hotel?  
19 A. Correct.  
20 Q. Okay. First day, how long was that trip?  
21 A. Approximately eight hours.  
22 Q. Okay. The second day, how long was that trip?  
23 A. Again, approximately eight hours.  
24 Q. And the third?

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1 Q. And then there's a fifth trip that involves  
2 striped fishing at night?  
3 A. Uh-huh. And between the time when I took the  
4 boat out myself and the time when we stayed at the  
5 hotel --  
6 Q. Okay.  
7 A. We took the boat out at least two other times.  
8 Q. And what did those trips entail?  
9 A. They entailed going to the vicinity of Block  
10 Island for fishing.  
11 Q. And how long were those trips?  
12 A. Approximately eight hours.  
13 Q. Okay. And when in the course of these seven  
14 trips after August 11th and before the trip when the boat  
15 sank was it that you changed the fuel filter?  
16 A. If I changed the fuel filter, I would -- See, I  
17 recall having changed the fuel filter many times. I don't  
18 recall the fuel gauge -- the gauge on the fuel filter ever  
19 indicating the fuel filter needed to be changed, which is  
20 why I think none of the times that I recall having changed  
21 the fuel filter were after the new engine was installed.  
22 Do you follow the way I'm getting to my  
23 conclusion? Because I can't tell you this is the date on  
24 which I installed the fuel filter, this is -- here's

17 (Pages 65 to 68)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 69</p> <p>1 exactly how many times I changed the fuel filter, these  2 are the days. I don't remember that.  3 Q. So after August 11th, you have a gauge on the  4 fuel filters, the red zone and the green zone?  5 A. Yes. If not after August 11th, within a week or  6 two after August 11th.  7 Q. And that never showed you -- That never gave you  8 an indication that the fuel filter needed to be changed?  9 A. Not that I recall.  10 Q. Okay. So -- But -- And how often did you use the  11 boat prior to August 11th?  12 A. Prior to August 11th, the boat had been with  13 Point Judith Marina for quite awhile with them repairing  14 it. I had taken the boat on a long trip from Plymouth to  15 -- to Point Judith in December when I purchased the boat.  16 So that was the long trip.  17 And then my mom and I took the boat out I want to  18 say twice. Again, I'm trying -- I'm trying to recall from  19 things that happened months ago. I'm doing my best. It  20 may have been once, it may have been three times, but I  21 think it was twice, in -- early in the year, like  22 wintertime, maybe December, January, in that range. And  23 then we took it out once around my birthday for my  24 birthday.</p>	<p style="text-align: right;">Page 71</p> <p>1 the engine overheat in April?  2 A. Yes.  3 Q. When did the engine overheat?  4 A. The engine overheat was in April.  5 Q. Okay. And how long were those two trips?  6 A. Like I said, I don't recall them specifically. I  7 just -- I'm trying to get a -- I remember having used the  8 boat. I don't remember every occasion on which I used the  9 boat, so I'm trying to get a sense of -- I feel like I  10 used the boat a lot in this period. How many trips does  11 that equate to? Maybe six hours per trip there.  12 Q. Okay. Any other trips that you took before the  13 engine overheat?  14 A. No.  15 Q. And the engine overheat was only a few minutes,  16 right?  17 A. Correct.  18 Q. Okay. Now, in your testimony, you changed the  19 fuel filter a lot during that period before the overheat,  20 right?  21 A. Yes.  22 Q. How many times?  23 A. Approximately five times.  24 Q. Okay. And that's because the fuel was dirty?</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. And your birthday is when?  2 A. January 21st.  3 Q. Okay. And where'd you go?  4 A. We went to Block Island, we docked in the Old  5 Harbor. Actually, did we -- Yeah, we docked in the Old  6 Harbor.  7 Q. Is that in the Great Salt Pond?  8 A. No, that's on the other side of the island.  9 And we had lunch and then we came back.  10 Q. How long was that trip?  11 A. Maybe six hours, including lunch.  12 Q. So it wasn't running the whole time?  13 A. Correct.  14 Q. How many engine hours on that trip?  15 A. I'd say probably four engine hours, out to Block  16 Island and back.  17 Q. Okay. What about the other time that you ran it  18 with your mother in the wintertime?  19 A. Maybe six or eight hours.  20 Q. Okay. How many other trips did you take before  21 the overheat?  22 A. I don't recall the trips specifically, but it  23 seems like we -- I took two trips.  24 Q. So two trips after the winter trips and before</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes.  2 Q. Did you replace the fuel after the overheat?  3 A. Yes.  4 Q. So new set of fuel in all three tanks?  5 A. There was new fuel in the port and the starboard  6 tank. I don't -- There was still the same fuel in the aft  7 tank. Point Judith Marina had sucked a small amount of  8 fuel out of I believe all three tanks, but at least the --  9 Yeah, they sucked a small amount of fuel out of all three  10 tanks and indicated that it was -- that the aft tank had  11 fine fuel and the port and starboard tanks were the ones  12 that were a problem.  13 Q. Okay. So did you pump them dry and install new  14 fuel?  15 A. I did.  16 Q. Okay. And was there any residue in the tanks  17 when you pumped them?  18 A. Could you clarify?  19 Q. How do you know that -- Who did the pumping of  20 the fuel?  21 A. I did the pumping. The way I did the pumping was  22 by removing the fuel level indicators, which are pretty  23 good-sized holes, so that -- How big would you say that  24 is? Maybe three inches.</p>

18 (Pages 69 to 72)



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1 Q. Diameter?  
 2 A. Yes.  
 3 Q. What you're showing me is less than -- Okay.  
 4 Call it a three-inch diameter.  
 5 A. Yeah, approximately. The fuel indicators were  
 6 inserted through the holes in the tanks that were  
 7 approximately three inches in diameter. And I removed  
 8 those fuel -- fuel level indicators and inserted a fuel  
 9 pump that was a manual fuel pump that reached down to the  
 10 bottom of the tank. I had a barrel and I pumped the fuel  
 11 from the tank to the barrel and then brought the barrels  
 12 to my truck and moved them.  
 13 So the way I was able to tell that the tanks were  
 14 empty was by -- when I kept pumping and nothing was coming  
 15 out, I was -- I looked into the tank and saw a very, very  
 16 small amount of fuel pooled at the bottom corner.  
 17 Q. Okay. And yet you had to change a fuel filter  
 18 once after the engine was replaced?  
 19 A. As I've tried to clarify, I don't know if I had  
 20 to change it after the engine was replaced. It -- Given  
 21 that the gauge on the fuel filter was installed right  
 22 after the engine was replaced and that I don't recall the  
 23 gauge ever having indicated that the fuel filter needed to  
 24 be replaced, I think that all of the times when I recall

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1 A. Yes, quick trips.  
 2 Q. Okay. Do you ever venture on any of your trips  
 3 south of Block Island by anymore than a couple of miles?  
 4 A. I -- When I took the boat out around Block  
 5 Island, I went maybe a mile outside of the wind farm and  
 6 that would have been the farthest south.  
 7 Q. What's that, five miles south of Block Island?  
 8 A. I don't know exactly how far south of Block  
 9 Island the wind farm is. I'd say I went about a mile  
 10 outside of the wind farm on that trip.  
 11 Q. And Block Island was in visibility during that  
 12 trip?  
 13 A. Yes.  
 14 Q. Okay. So any way --  
 15 A. So the air in the fuel filter?  
 16 Q. Yeah.  
 17 A. Now, on one of the sea trials that occurred with  
 18 Bud, which is the name of the mechanic from Point Judith  
 19 Marina, and myself onboard, we took the boat out to the  
 20 Harbor of Refuge and when the boat was brought up to full  
 21 throttle or approximately full throttle, it quickly lost  
 22 power because it wasn't getting enough fuel because there  
 23 had been -- Bud at that time had a suction gauge on the  
 24 fuel filter and that suction gauge was reading nil and you

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1 having changed the fuel filter occurred prior to the  
 2 engine being replaced.  
 3 Q. Okay. What about the air in the -- the bubbles  
 4 in the diesel fuel that's mentioned in the repair orders?  
 5 What -- How did that affect the engine?  
 6 MR. SANTOS: If you know.  
 7 A. I know that when we took the -- we being the --  
 8 Oh, and that's something else I should mention.  
 9 When you were asking about trips, there were  
 10 several occasions where a -- someone from Point Judith  
 11 Marina and myself went out on the boat for what was being  
 12 termed a sea trial by Point Judith Marina. And that was  
 13 all in Harbor of Refuge or right outside the wall.  
 14 Q. Is that separate from the August 3 and August 11  
 15 incidents?  
 16 A. Yes.  
 17 Q. How many of those were there?  
 18 A. That would definitely be documented. I'd say  
 19 definitely three.  
 20 Q. Three additional to the new installation?  
 21 A. Yes.  
 22 Q. Okay.  
 23 A. So when --  
 24 Q. So those are pretty quick trips?

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1 -- a lot of bubbles were visible in the racor.  
 2 Q. Yep.  
 3 A. And so when we brought the throttle up to  
 4 approximately full throttle, the engine quickly lost power  
 5 and I being at the throttle brought power back down to  
 6 idle or close to idle just before the engine would have  
 7 stalled for lack of fuel.  
 8 Q. And when was that?  
 9 A. That would be documented. If you don't have that  
 10 in the invoices that you have, then I --  
 11 Q. Go ahead.  
 12 A. I'll look through. It was before the engine  
 13 overheated. I know that.  
 14 Q. Oh, okay.  
 15 A. I think it would have had to have been because it  
 16 was --  
 17 MR. SANTOS: You got to make sure she gets  
 18 what you're saying. So when you kind of lower your voice,  
 19 she may not pick it up.  
 20 THE DEPONENT: Okay.  
 21 A. So when was the sea trial? I believe it was  
 22 before the engine overheated because there were only two  
 23 sea trials after the engine overheated and it did not  
 24 happen on either of those two sea trials.

19 (Pages 73 to 76)



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1 Q. But did you have bubbles in -- air bubbles in the  
2 fuel filter that were observed after the new engine was  
3 installed?  
4 A. Yes. And the mechanic from Point Judith Marina  
5 told me that they were minimal and not an issue.  
6 Q. Did you notice them to be an issue at all during  
7 your operation of the vessel?  
8 A. No.  
9 Q. Did you consider yourself to be running at wide  
10 open throttle?  
11 A. I did run the boat at wide open throttle on a few  
12 occasions to -- I would normally run it at cruise RPM,  
13 which is 200 RPM less than wide open throttle. But I did  
14 run it at wide open throttle on a few occasions to confirm  
15 that it was working at that level, and it appeared to be  
16 working at that level.  
17 Q. And where'd you buy your fuel?  
18 A. I purchased the fuel from Point Judith Marina on  
19 one occasion and from -- and from -- What do they call it?  
20 Snug Harbor Marina on other occasions.  
21 Q. So let's look at --  
22 A. Do you still want me to look for the sea trial?  
23 Q. You said it was before the overheating, right?  
24 A. Yes.

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1 Q. Yeah, don't worry about it.  
2 Let's look at Page 27 of the Feeney survey. Do  
3 you see those two top photos?  
4 A. Yes.  
5 Q. So the one on the left, that's the trim tab right  
6 there; is that right? Is that the starboard side trim  
7 tab?  
8 A. Yes.  
9 Q. Okay. What's that white thing that's on the --  
10 sitting on the trim tab? I mean, it appears white. It's  
11 sort of yellow, too.  
12 A. The object sitting on the trim tab is a core of  
13 the hull --  
14 Q. Oh, okay.  
15 A. -- that Brian Woods had taken out and saved when  
16 he -- apparently when he installed one of the thru-hulls.  
17 Q. Do you know what the diameter -- what the width  
18 of that is?  
19 A. No, I do not.  
20 Q. Does that core also appear in the photograph to  
21 the right?  
22 A. Yes, it does.  
23 Q. Okay. And I earlier asked you about that yellow  
24 thing that's hanging down.

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1 What is that above it? Is that a scupper?  
2 A. So above the yellow thing, we can see the point  
3 where the trim tab is attached to the boat, and that's  
4 black.  
5 Q. Yes, okay.  
6 A. And above that, we can see a piece of PVC that is  
7 bolted over a hole in the transom, which is where -- on  
8 the starboard side -- The piece of PVC is bolted over the  
9 point where the cockpit would bail, so water would drain  
10 out of the cockpit or the after deck.  
11 Q. It's a drain hole from the deck?  
12 A. Yes.  
13 Q. Okay. And where -- where is the bilge pump  
14 discharge?  
15 A. The bilge pump discharge is --  
16 MR. SANTOS: What photograph are you looking  
17 at? 04?  
18 MR. FARRELL: Correct.  
19 THE DEPONENT: Yes, I'm looking at JPEG  
20 004.JPG.  
21 A. And the bilge pump discharge is inside. It's  
22 closer to the center line than the starboard trim tab and  
23 you can see the top of the rubber covering on the white.  
24 So right there.

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1 Q. Okay. I've got a blowup. Let me see if this  
2 will help us.  
3 A. The problem with these pictures is there's not a  
4 lot of lighting.  
5 Q. I tried to blow this up.  
6 MR. FARRELL: Let's do this as three and this  
7 as four.  
8 (Exhibit No. 3, Photograph; Exhibit No. 4,  
9 Photograph, marked for identification).  
10 BY MR. FARRELL:  
11 Q. Okay. So handing you what we've marked as  
12 Exhibit 3. This is a picture of the trim tab with the  
13 hull core.  
14 A. Uh-huh.  
15 Q. Okay. Now, if we take a look at the transom,  
16 which is depicted in what I've marked as Exhibit Number 4.  
17 That's the same picture as 004 in the Feeney on Page 27.  
18 Does that appear to be the same?  
19 A. It does.  
20 Q. Okay. So you were trying to point out where the  
21 bilge pump discharge is.  
22 A. Yes. The bilge pump discharge is through the  
23 hole that is covered by this rubber cap that you see here  
24 just -- It's on the starboard side of the center line

20 (Pages 77 to 80)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 inside of the trim tab right there.  
 2 Q. Okay. So why don't you just put BP above that?  
 3 A. (Deponent complying). And to be clear, this is  
 4 connected to a standpipe that is in the aft starboard  
 5 corner of the transom. And so the bilge -- The pipes in  
 6 the bilge pump dump into the standpipe and the standpipe  
 7 connects to the object over which I put the letters BP.  
 8 Q. Okay. But that's for the discharge? BP stands  
 9 for bilge pump discharge?  
 10 A. Yes.  
 11 Q. Okay. And this PVC is a scupper or a drain hole  
 12 from the deck?  
 13 A. Yes.  
 14 Q. So why don't you just put D above that for  
 15 deck -- deck drain, how's that?  
 16 A. (Deponent complying).  
 17 Q. Okay. Now, would you -- Let's see. Let's go  
 18 from -- Let's go from port to starboard. And using the  
 19 Numbers 1, 2, 3, and 4, can you show me the connections  
 20 for the trim tabs on the hull for the pistons?  
 21 A. Yes. I'll try, although they're a bit obscured.  
 22 We have one, two, three, four.  
 23 Q. Okay. And what is that black line below them  
 24 that runs sort of horizontal?

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1 Q. Okay. And so these -- In Exhibit Number 4,  
 2 you've numbered these four items. And they seem to be  
 3 sort of blurry, but round.  
 4 A. Uh-huh.  
 5 Q. Are they -- Are they where the thru-hull  
 6 connection is between the piston and the hydraulics on the  
 7 inside?  
 8 A. Yes. To be clear, it's not a thru-hull, it's not  
 9 a connection. The hydraulic passed through a hole behind  
 10 those and connected to the piston somewhere on the other  
 11 side.  
 12 Q. But was there actually some sort of hole between  
 13 the hull -- in the hull to enable that?  
 14 A. Yes.  
 15 Q. How big -- how big is that hole?  
 16 A. When I removed the connectors, it appeared to me  
 17 that the hole was about the size of a half dollar.  
 18 Q. Okay. So that would mean there would be four  
 19 holes about the size of a half dollar?  
 20 A. Correct.  
 21 Q. Okay. And how far, if you could tell me -- Were  
 22 the holes round?  
 23 A. Yes.  
 24 Q. Okay. What's the distance from the bottom of the

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1 A. The black line below them is the line between  
 2 where the bottom paint and the top side paint is.  
 3 Q. Okay. And how far above the bottom paint are the  
 4 -- are the -- What are the -- What are these -- You've  
 5 numbered one, two, three, and four. What are those?  
 6 A. Those are plastic triangles that have three screw  
 7 holes or -- Yeah, they have three holes through which  
 8 screws pass securing them to the transom. And the piston  
 9 that actuates the trim tab attaches to those. It's an  
 10 integral part of the triangle. And it goes down to the  
 11 trim tab itself.  
 12 The hydraulic line that powers the piston passes  
 13 through a hole drilled behind those black parts and  
 14 covered by them. So it goes -- And that's how the  
 15 hydraulic line gets from inside the boat to the piston.  
 16 Q. So if I'm to understand correctly, there is a  
 17 hydraulic mechanism inside the boat on the inside of the  
 18 transom?  
 19 A. Uh-huh.  
 20 Q. And then there's a hole through the transom?  
 21 A. Uh-huh.  
 22 Q. And then on the outside, there's a piston that's  
 23 operated by those hydraulics?  
 24 A. Yes.

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1 hole to the top of the black paint -- bottom paint?  
 2 A. I'd estimate about two inches.  
 3 Q. Okay. So --  
 4 A. Now, I could be wrong there. I did not  
 5 intentionally observe -- When I was taking off the trim  
 6 tab, I did not make an intentional observation of the  
 7 level between the bottom paint and the hole. I did  
 8 observe the distance between the hole and the water line  
 9 itself, and that was maybe four inches or so.  
 10 Q. And how did you determine the water line?  
 11 A. Well, the boat was in the water when I removed  
 12 the trim tab, so it was easy to see how close the water  
 13 was to the hole.  
 14 Q. And that was at rest?  
 15 A. Yes, docked.  
 16 Q. Okay. And when you're underway forward, does the  
 17 bow come up some?  
 18 A. It does.  
 19 Q. And what happens to the stern?  
 20 A. The stern would then go down.  
 21 Q. Okay. So would that bring the hole closer to the  
 22 water?  
 23 A. It would bring the holes downwards. The water  
 24 would be displaced by the boat, so -- but conceivably,

21 (Pages 81 to 84)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 85</p> <p>1 yes.</p> <p>2 Q. Okay. Now, let me ask you, does -- Just showing</p> <p>3 you --</p> <p>4 MR. FARRELL: Exhibit 5.</p> <p>5 (Exhibit No. 5, Specs Page, marked for</p> <p>6 identification).</p> <p>7 BY MR. FARRELL:</p> <p>8 Q. Does the trim tab that's labeled BXT on this</p> <p>9 exhibit, is that a fair exemplar of what you had on your</p> <p>10 boat?</p> <p>11 A. It appears similar to what was on my boat.</p> <p>12 Q. Okay. Now, how did you -- Just so -- When you</p> <p>13 were talking about the triangle, are you talking about the</p> <p>14 triangle that's formed by the transom, the trim tab and</p> <p>15 the piston?</p> <p>16 A. No, I'm not.</p> <p>17 Q. What triangle are you talking about?</p> <p>18 A. I'm talking about the shape of the part that is</p> <p>19 bolted to the transom. You can see here that it's a</p> <p>20 triangle, not a circle.</p> <p>21 Q. It is -- It looks to me like it has two points in</p> <p>22 the vertex at the top. Is that -- Is that what you see?</p> <p>23 A. Well, there -- There was -- I'm thinking about</p> <p>24 what was on my boat.</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Yes. They appeared to be stainless steel wood</p> <p>2 screws screwed into the transom.</p> <p>3 Q. An inch or an inch and a quarter length?</p> <p>4 A. I'd say an inch plus or minus one quarter. That</p> <p>5 is my best estimate of how long they were.</p> <p>6 Q. Okay. So that would have been less than the</p> <p>7 diameter of the -- less than the thickness of the transom.</p> <p>8 A. Presumably.</p> <p>9 Q. Okay. Presumably.</p> <p>10 Do you -- And do you know the thickness of the</p> <p>11 transom from the hole that was left there on the Numbers</p> <p>12 1, 2, 3, and 4?</p> <p>13 A. No, I do not. I tried to establish the thickness</p> <p>14 of the transom looking at that hole by -- but I wasn't</p> <p>15 able to actually look into the hole because the boat was</p> <p>16 in the water and the angle I would have had to have been</p> <p>17 at was impractical.</p> <p>18 So I took a wire that I bent at one end and I</p> <p>19 didn't rebend, I inserted that into the hole and tried to</p> <p>20 catch the inside edge and then pinched the outside edge of</p> <p>21 the wire, and that -- By that method, which is a -- By</p> <p>22 that method, I established the transom was a little bit</p> <p>23 more than three quarters of an inch thick.</p> <p>24 Q. And did you ever try and stick your finger in</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. Yeah.</p> <p>2 A. And there were three screw holes, each of which</p> <p>3 was at a corner and there were no other corners.</p> <p>4 Q. Okay. And those three screw holes held the</p> <p>5 piston to the transom; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And how deep were those screw holes?</p> <p>8 A. Well, the holes -- What I'm describing as screw</p> <p>9 holes in the connector, went all the way through the</p> <p>10 connector, I don't know how far the -- Well, the way I</p> <p>11 would determine how far the screws went into the transom</p> <p>12 is by thinking about the length of the screws. And again,</p> <p>13 sitting here trying to recall the length of screws that I</p> <p>14 removed three months ago is challenging, but I think</p> <p>15 they're about an inch and a quarter or an inch and a half</p> <p>16 in length. They may have been less, I'm sure they were</p> <p>17 not more.</p> <p>18 Q. So if we say an inch or an inch and a quarter,</p> <p>19 were they wood screws with pointy ends?</p> <p>20 A. Yes.</p> <p>21 Q. So they weren't through -- They weren't thru-hull</p> <p>22 fittings? They weren't bolts?</p> <p>23 A. No, they were not.</p> <p>24 Q. So they just sunk into the transom itself?</p>	<p style="text-align: right;">Page 88</p> <p>1 there and just feel it?</p> <p>2 A. I think I did.</p> <p>3 Q. And did you -- Did you confirm it to be about</p> <p>4 three quarters -- three quarters of an inch thick?</p> <p>5 A. I don't recall.</p> <p>6 Q. Okay. So how did you remove the trim tabs?</p> <p>7 A. I removed the -- I removed each of the connectors</p> <p>8 that I've described as being triangular in shape by taking</p> <p>9 off the three wood screws per connector.</p> <p>10 Q. So that's a total of 12?</p> <p>11 A. A total of 12 what?</p> <p>12 Q. Screws.</p> <p>13 A. Screws. Three, six -- Yes, a total of 12 screws.</p> <p>14 There was marine sealant between the connector</p> <p>15 and the transom --</p> <p>16 Q. Okay.</p> <p>17 A. -- that I -- that was acting like a kind of glue.</p> <p>18 So I pried the connector out of the sealant bringing it</p> <p>19 away from the transom. And at that point, I observed the</p> <p>20 hydraulic line running through the transom and into the</p> <p>21 piston, and I cut the hydraulic line, I pulled it into the</p> <p>22 boat --</p> <p>23 Q. You cut the hydraulic line, did you say?</p> <p>24 A. That's correct.</p>

22 (Pages 85 to 88)

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1 Q. I didn't hear you.  
2 A. Yes, I cut the hydraulic line that was running  
3 from inside the boat to the piston.  
4 Q. Okay.  
5 A. And I pulled the hydraulic line into the boat and  
6 removed it from the boat.  
7 Q. How?  
8 A. The -- Well, I -- I'll go through step-by-step.  
9 I cut the hydraulic line with sheers, then on the  
10 inside of the boat working from the lazarette where the  
11 hydraulic pump was, I pulled the -- So there was the  
12 hydraulic pump for the trim tabs there off of which the  
13 hydraulic lines came and I was able to grasp the hydraulic  
14 line there and pull it in.  
15 Q. How did you get there?  
16 A. I accessed the lazarette through the hatch in the  
17 deck above the lazarette that I circled.  
18 Q. From that hatch?  
19 A. Yes.  
20 Q. Okay. Very good. Okay.  
21 MR. SANTOS: Sorry. Is this from the survey?  
22 MR. FARRELL: Yes.  
23 MR. SANTOS: What page?  
24 THE DEPONENT: Page 19, and then I circled

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1 So after having disconnected the trim tabs from  
2 the transom --  
3 Q. Wait a minute. We're not there yet, are you?  
4 A. Can I say the next part? I think you'll  
5 understand.  
6 Q. Yeah.  
7 A. After having disconnected the trim tabs from the  
8 transom above the water line, removing those 12 screws,  
9 peeling them out of the sealant and cutting the hydraulic  
10 lines that ran from the -- through the transom, the trim  
11 tabs were then hanging down in the water from a bracket  
12 that was bolted below the water line. I picked the trim  
13 tabs up because now they're very floppy, pivoting around  
14 the bracket.  
15 Q. So you could pick them up so that they --  
16 A. So I now have them bent up out of the water.  
17 Q. Okay. Let me just stop you.  
18 On Exhibit 3, this is the trim tab?  
19 A. Uh-huh.  
20 Q. What's this to the lower left of the fiberglass  
21 plug? What's this half-moon shape on the left side of the  
22 photo?  
23 A. That's part of a piece of metal that was at the  
24 edge of the trim tab going up vertically. I don't know

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1 the deck hatches.  
2 MR. SANTOS: Okay.  
3 BY MR. FARRELL:  
4 Q. So you were able to reach all four hydraulic  
5 hoses from that hatch?  
6 A. That's correct. I wasn't able to reach them  
7 directly. I was -- So I wasn't able to actually get my  
8 hand to the point where they penetrated the hull, but I  
9 was able to pull them through because all of the hoses  
10 came off of the pump, which was easily accessible through  
11 that hatch.  
12 Q. Yeah, okay. All right. And then so what did you  
13 do to make sure that there was no hydraulic leak?  
14 A. I -- I -- What did I do? So I got that. I'm  
15 trying to recall if I removed the pump or not.  
16 I believe I removed the pump that contained the  
17 hydraulic fluid.  
18 Q. Okay. All right. Then what did -- Then what did  
19 you do?  
20 The question was, how did you remove the trim  
21 tabs?  
22 A. Sure.  
23 Q. Were you in the water?  
24 A. No, I was not in the water.

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1 its name or its purpose.  
2 Q. Did it somehow anchor the piston?  
3 A. I don't believe so.  
4 Q. Was it the whole length -- Was it generally as  
5 long as the trim tab itself?  
6 A. Well, if we see the distance between that and the  
7 edge of the trim tab here --  
8 Q. Yes, except for that, yeah.  
9 A. I'd estimate that there was a similar distance on  
10 the other edge of the trim tab.  
11 Q. But otherwise, it was the full length?  
12 A. Yes.  
13 Q. And what was -- What did it do?  
14 A. I don't know.  
15 Q. And you don't remember it as being a -- some sort  
16 of anchor for the piston?  
17 A. I do not.  
18 Q. Okay. Any way, with the pistons removed, this  
19 trim tab would flop down so that it would be --  
20 A. Uh-huh.  
21 MR. SANTOS: You have to say yes.  
22 A. Yes.  
23 Q. Would it be sort of flush with the transom then  
24 if it was not being held by anything?

23 (Pages 89 to 92)



# EXAMINATION UNDER OATH OF NATHAN CARMAN

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- 1 A. It would be almost flush with the transom.
- 2 Q. And you're saying you could also -- All right.
- 3 So take it from there.
- 4 A. Sure. So I then was able to pull the trim tab up
- 5 so it's out of the water so the angle between the transom
- 6 and the surface of the trim tab would have been less than
- 7 90 degrees.
- 8 Q. Okay.
- 9 A. And I was able to strike the corner of the trim
- 10 tab with a hammer in order to move the trim tab
- 11 horizontally sliding it out of the bracket.
- 12 Q. So looking at Exhibit 5, you're talking about
- 13 where it says BXT?
- 14 A. Yes.
- 15 Q. Having removed the pistons --
- 16 A. Uh-huh. Yes.
- 17 Q. -- you were able to slide the bottom piece, which
- 18 is sort of in this photograph -- I mean, in this picture,
- 19 Exhibit 5, it's now sort of perpendicular to the transom;
- 20 is that correct?
- 21 A. Yes. In that picture, the bottom piece is
- 22 perpendicular to the transom.
- 23 Q. And you were able to slide it which way? Or you
- 24 hit it with a hammer you said?

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- 1 A. That's correct.
- 2 Q. Let's say this was the starboard one. Which way
- 3 would you hit it?
- 4 A. I believe it would have gone either way. My
- 5 recollection is that I was working from the center line
- 6 and pushing it outwards.
- 7 Q. Okay. And it just slid out?
- 8 A. Yes. It didn't slide out with hand pressure
- 9 alone, but by being -- When I struck the edge, it moved
- 10 horizontally.
- 11 And if I can draw how I visualized the bracket.
- 12 So that is -- What I just drew is the trim tab or this is
- 13 the surface of the trim tab and --
- 14 Q. Are we looking at it in its thinnest perspective?
- 15 A. Yes.
- 16 Q. So it's perpendicular to the transom in that --
- 17 in your drawing?
- 18 A. Uh-huh.
- 19 Q. All right. So what's your -- Is this the
- 20 bracket?
- 21 A. No, that's the trim tab.
- 22 Q. All right. What's the circle?
- 23 A. Where it fits into the bracket and then the
- 24 bracket -- That's approximately how I visualized it.

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- 1 Now, that may or may not be a technically
- 2 accurate drawing from an engineering perspective, but I
- 3 think it will help you understand how the trim tab moved
- 4 up and down.
- 5 Q. And was that -- Where was that bracket in
- 6 connection with the water line?
- 7 A. That bracket was below the water line.
- 8 Q. Okay. Was the water line separate from the
- 9 bottom paint?
- 10 A. Yes. I think the water line was slightly below
- 11 the bottom paint.
- 12 Q. Okay. And -- So you pushed the -- If this is the
- 13 starboard trim tab, you pushed it further to starboard.
- 14 A. Correct.
- 15 Q. Okay. And you were able to easily remove it?
- 16 A. Yes.
- 17 Q. Okay. Did this piece that is
- 18 rectangularly-shaped with no apparent curves in it with
- 19 what looks to be a number of screw holes in it remain
- 20 onboard attached to the transom after you did that?
- 21 A. Yes. The bracket that was bolted to the transom
- 22 remained attached to the transom.
- 23 Q. Okay. Did you take it off at any point?
- 24 A. I did not.

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- 1 Q. Okay. Do you know what those screws -- Do you
- 2 know if those screws were thru-bolted?
- 3 A. I do not know.
- 4 Q. So leaving that -- I don't know what kind of
- 5 metal that is.
- 6 What kind of metal was it?
- 7 A. I don't know.
- 8 Q. Was it aluminum? Was it stainless?
- 9 A. I assume it wasn't steel because I assume that
- 10 steel would rust. I have no way of knowing what type of
- 11 metal.
- 12 Q. Okay. Did it seem to be the same for the trim
- 13 tab itself as with the bracket?
- 14 A. I wasn't able to see the bracket because the
- 15 bracket was entirely below the water line, so I couldn't
- 16 have compared the two types of metal.
- 17 Q. Okay. So having taken the trim tab off, what did
- 18 you do with it?
- 19 A. I put it in the back of my truck.
- 20 Q. And did you do that with both of them?
- 21 A. I did.
- 22 Q. And how long were they?
- 23 A. From -- Looking at the distance from the port
- 24 side of the trim tab to the starboard side --

24 (Pages 93 to 96)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 Q. Of an -- I'm talking about how long was an  
2 individual trim tab? There were two, right?  
3 A. Yes. Of an individual trim tab, they were  
4 probably 18 inches in length by maybe eight or 10 inches  
5 in depth.  
6 Q. Okay. So you put them in your truck?  
7 A. Yes.  
8 Q. Okay. Then what did you do regarding the trim  
9 tabs?  
10 A. Then I proceeded to seal the holes. I believe I  
11 went to West Marine in this period of time. I don't think  
12 I bought the sealant before taking the trim tabs off.  
13 So I then went to West Marine, I purchased  
14 materials to seal the holes and I came back --  
15 Q. What were they?  
16 A. 5200 Marine Sealant. I had epoxy putty that to  
17 me appeared identical to a J.B. Weld, although it wasn't  
18 labeled as J.B. Weld because it was being sold at West  
19 Marine, and a fiberglass repair kit.  
20 I don't need to use the restroom right now, but  
21 if there does come a break at some point, I will need to  
22 use the restroom.  
23 Q. Okay. So what's the 5200 manufacturer? Is that  
24 3M?

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1 A. Yes.  
2 Q. Okay. And how did -- How much of that did you  
3 buy?  
4 A. I purchased -- I think I purchased one tube.  
5 Q. And what West Marine store?  
6 A. At the West Marine in Narragansett, in the same  
7 parking lot as Stop & Shop.  
8 Q. Okay. And what day did you buy that?  
9 A. I bought that on the same day that I removed the  
10 trim tabs, which would be the Saturday before the boat  
11 sank.  
12 Q. Is that -- Is that September 17th?  
13 A. It should -- Yes, it would be September 17th.  
14 Q. Okay. And this epoxy putty, what was that that  
15 you purchased?  
16 A. I -- It was a long cylindrical stick, maybe four  
17 or five inches in length. I don't remember what name  
18 brand it was. I think it was a West Marine store brand.  
19 Q. Okay.  
20 A. But I had experience using J.B. Weld. I looked  
21 at the instructions and all of the information on the  
22 packet and everything there appeared to be identical or  
23 nearly identical to J.B. Weld.  
24 Q. What was your experience using J.B. Weld?

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1 A. I had used it on the boat -- a small 14-foot boat  
2 that I currently own to patch holes above the water line  
3 in that boat.  
4 Q. Is this the aluminum boat that you were  
5 mentioning?  
6 A. Yes.  
7 Q. And what were the dimensions of the holes that  
8 you patched?  
9 A. They were rectangular and a very rough  
10 approximation would be one inch by two inches.  
11 Q. Okay. When had you done that?  
12 A. I had done that shortly after purchasing the  
13 boat, which would have been -- If I bought the boat in  
14 2014, it would have been sometime in 2014.  
15 Q. What does J.B. Weld stand for; do you know?  
16 A. It's a brand name. I don't know what J.B. is an  
17 acronym for, if anything.  
18 Q. Okay. And what was the fiberglass repair kit  
19 that you bought?  
20 A. It was a product, a single product, as I recall,  
21 that contained some fiberglass mat and --  
22 Q. You mean, the fiberglass, the fabric itself?  
23 A. That's correct. The fabric that's designed to be  
24 saturated with resin to be -- to make it hard -- to turn

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1 it into fiberglass.  
2 Q. Okay.  
3 A. So it contained fiberglass mat or fabric. It  
4 contained containers -- empty containers for mixing. I  
5 think it contained a set of gloves to keep your hands  
6 clean while mixing the resins. It contained one or -- at  
7 least one and may have contained a couple different  
8 liquids that -- one of which was resin and I don't know  
9 what the other ones were right now.  
10 It also contained instructions on how to use the  
11 items in the kit to perform certain types of repairs.  
12 Q. Okay. Do you want to go to the men's room?  
13 A. Yes, please.  
14 (Off the record at 2:11 p.m.)  
15 (Back on the record at 2:48 p.m.)  
16 BY MR. FARRELL:  
17 Q. With the Grady-White, had you ever been outside  
18 the sight of land?  
19 A. Yes.  
20 Q. Where?  
21 A. When my mom and I went fishing in New Hampshire.  
22 We went out I believe as far as 40 miles.  
23 Q. What kind of fishing?  
24 A. We were fishing for cod.

25 (Pages 97 to 100)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 101</p> <p>1 Q. What kind of fishing?</p> <p>2 A. Can you clarify?</p> <p>3 Q. What -- What gear were you using to catch the cod</p> <p>4 fish?</p> <p>5 A. We were using rod and reel with jigs, diamond</p> <p>6 jigs and Norwegian jigs.</p> <p>7 Q. Were you catching them?</p> <p>8 A. Yes, we did catch some cod.</p> <p>9 Q. Where were you?</p> <p>10 A. We caught cod, I don't think it's Coxes Ledge in</p> <p>11 New Hampshire. It's the -- It's not Coxes, it's not</p> <p>12 Jeffreys, I don't think. There's a ledge off Hampton</p> <p>13 Beach -- some distance off Hampton Beach, and that's where</p> <p>14 we caught most of the cod fish. We did also go out past</p> <p>15 that. We didn't catch much out there, but we tried.</p> <p>16 Q. Did you ever go tuna fishing in the Grady-White?</p> <p>17 A. No.</p> <p>18 Q. Had you ever gone tuna fishing in -- What is it?</p> <p>19 Is it the Chicken Pox? Is that the name of the boat that</p> <p>20 sank?</p> <p>21 A. The Chicken Pox was the name that had been on the</p> <p>22 back of the boat at one time when Brian Woods put it in</p> <p>23 the water and took pictures of it. Then when some of the</p> <p>24 emergency gear, I think when the EPIRB was registered, the</p>	<p style="text-align: right;">Page 103</p> <p>1 the boat sank. And it's my understanding that the Coast</p> <p>2 Guard did not receive a signal from the EPIRB. It was in</p> <p>3 the bracket at the time that the boat sank, so I don't</p> <p>4 believe it would have gone off.</p> <p>5 Q. Did your mother use credit cards?</p> <p>6 A. Yes, she did.</p> <p>7 Q. Would she have used a credit card to buy it</p> <p>8 online?</p> <p>9 A. If she bought it online, presumably.</p> <p>10 Q. Isn't that what you said, you thought she bought</p> <p>11 it online?</p> <p>12 A. I think she bought it online.</p> <p>13 Q. Did you have a radio on the boat?</p> <p>14 A. Yes, there was a VHF radio on the boat.</p> <p>15 Q. Was it working?</p> <p>16 A. It was.</p> <p>17 Q. Did you test it?</p> <p>18 A. I don't -- I believe that I tested it at the time</p> <p>19 -- on the trip when the boat sank previously. Sometimes</p> <p>20 when I went out, I would pick up the radio and say radio</p> <p>21 test and --</p> <p>22 Q. Let me stop you, Mr. Carman.</p> <p>23 I asked you, did you test the radio?</p> <p>24 A. When?</p>
<p style="text-align: right;">Page 102</p> <p>1 name Chicken Pox was used.</p> <p>2 Q. His EPIRB?</p> <p>3 A. No, the EPIRB that was on the boat at the time it</p> <p>4 sank. When that was registered, the name Chicken Pox was</p> <p>5 used for that registration. The boat had no name affixed</p> <p>6 to it when I owned it. It was just my boat.</p> <p>7 Q. What EPIRB was on the boat when it sank?</p> <p>8 A. An EPIRB of the type that is mounted in a bracket</p> <p>9 and is to be activated manually or moved it from the</p> <p>10 bracket. And either -- I think you can push a button or</p> <p>11 if you submerge it in water while it's out of the bracket,</p> <p>12 it will be activated.</p> <p>13 Q. Did you buy that?</p> <p>14 A. No, my mom bought it.</p> <p>15 Q. Where did she buy it?</p> <p>16 A. I don't know. I think she got it online. I</p> <p>17 don't know exactly though.</p> <p>18 Q. Where can we get the receipt for that?</p> <p>19 A. I don't know. My mom bought it shortly after I</p> <p>20 purchased the boat. I don't know any details about the</p> <p>21 purchase of it.</p> <p>22 Q. Is it your understanding it went off when the</p> <p>23 boat sank?</p> <p>24 A. I have no knowledge of it having gone off when</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Ever.</p> <p>2 A. Yes.</p> <p>3 Q. When?</p> <p>4 A. I -- Numerous times when going out, I would pick</p> <p>5 up -- The way I tested it was by picking up the radio,</p> <p>6 thumbing the mic and saying please give me a radio check.</p> <p>7 And if I heard someone respond to that, I knew that it</p> <p>8 went out.</p> <p>9 Q. Okay. And when did you last give a radio check</p> <p>10 test like that prior to the boat sinking?</p> <p>11 A. I may have done that when --</p> <p>12 Q. No. To the best of your ability, I'm not asking</p> <p>13 for you to guess, I'm not asking for you to give me</p> <p>14 possibilities.</p> <p>15 When did you last check the radio prior to it</p> <p>16 sinking?</p> <p>17 A. I believe that I tested it when I went to get</p> <p>18 fuel for the boat for the trip that my mom and I went out</p> <p>19 on when the boat sank, which would have been the Saturday</p> <p>20 before the boat sank.</p> <p>21 Q. The 17th?</p> <p>22 A. Yes.</p> <p>23 Q. And what's the basis of that belief?</p> <p>24 A. That I recall having checked the radio</p>

26 (Pages 101 to 104)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 frequently. I don't recall physically having picked up  
2 the mic on that trip and done it. I just -- a general  
3 sense.  
4 Q. Okay. I'm asking you, when did you last test the  
5 radio from your vessel prior to the sinking? When do you  
6 have a specific recollection of doing it?  
7 A. I can't connect any of my recollections to a  
8 date. I can say that I have numerous recollections of  
9 doing it while in the harbor and I believe that one of  
10 those occasions was the day prior.  
11 Q. But that belief is not based on a specific  
12 recollection; is that correct?  
13 A. Yes.  
14 Q. Who mounted the bracket for the EPIRB?  
15 A. I did.  
16 Q. And how was the EPIRB registered?  
17 A. I don't understand the question.  
18 Q. An EPIRB gives off a signal if it's activated.  
19 A. Uh-huh. Yes.  
20 Q. Did anybody call any authorities or get in touch  
21 with any authorities regarding the EPIRB and saying that  
22 it was on this boat and this boat is owned by so-and-so?  
23 Any registration of the EPIRB and the signal?  
24 A. Yes. My mom registered the EPIRB on the boat and

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1 Q. Why not?  
2 A. I have it deeply engrained in me that you don't  
3 signal for distress unless you are in imminent -- your  
4 life or limb is in imminent jeopardy. And I didn't  
5 realize the boat was sinking until it sank.  
6 The Coast Guard asked me in the briefing that I  
7 sat down with them for after I got back to land, they  
8 asked me what do you wish you had done differently? And  
9 the two things I said was I wish we had worn life vests  
10 and I wish that as soon as I saw water in the boat, I  
11 picked up the radio and said pan, pan, pan, this is our  
12 position, there's water in the boat, I'm trying to  
13 diagnose the problem, but here's where we are both  
14 physically and situationally.  
15 Q. Where were you?  
16 A. We were at Block Canyon.  
17 Q. Do you have any coordinates for where you were?  
18 A. No.  
19 Q. And were there any vessels on the horizon?  
20 A. No.  
21 Q. Was your radar operating?  
22 A. No.  
23 Q. So you didn't have any vessels visible on the  
24 horizon?

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1 she did that with NOAA.  
2 Q. And how do you know that?  
3 A. Because she told me.  
4 Q. Okay. Do you know what she told you -- What is  
5 the information that she gave NOAA?  
6 A. Whatever form you need to fill out to register  
7 the EPIRB.  
8 Q. And her name is?  
9 A. Linda Carman.  
10 Q. And where on the boat was the EPIRB mounted?  
11 A. The EPIRB was mounted in the cabin immediately  
12 above where the flares and other safety gear was kept.  
13 Q. Okay. Could it be manually activated?  
14 A. I don't know for a fact if there was a button on  
15 the EPIRB, that by pressing the button would manually  
16 activate the EPIRB, or if you would have to dump the EPIRB  
17 in water in order to activate it.  
18 But yes, if you could physically dunk the EPIRB  
19 in water to activate it, certainly.  
20 Q. Did you make any distress signals on the VHF  
21 radio?  
22 A. I did not.  
23 Q. This is when the boat was sinking, you did not?  
24 A. Correct.

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1 A. Correct.  
2 Q. And you don't know by radar whether there were  
3 any vessels that may have been beyond your visibility on  
4 the horizon?  
5 A. Correct.  
6 Q. Due to an expanded view that the radar might have  
7 given you?  
8 A. That's correct.  
9 Q. So as far as you knew, you were all alone?  
10 A. I wasn't aware of any vessels in proximity to my  
11 vessel.  
12 Q. In proximity, how many mile distance would you  
13 say?  
14 A. I had no knowledge of the nearest vessel.  
15 Q. And how much water did you see in the bilge --  
16 A. I saw --  
17 Q. -- when you first became alarmed?  
18 A. I saw what I would characterize as a lot of  
19 water. It was up to the battery boxes.  
20 Q. And that wouldn't present you with imminent  
21 danger of sinking?  
22 A. The -- I -- It didn't enter my mind that we were  
23 in distress. It entered my mind that we had a problem and  
24 that I needed to diagnose the problem. But I just -- You

27 (Pages 105 to 108)

# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 don't call the Coast Guard unless you absolutely need  
2 them.  
3 Q. Who told you that? Did you learn that in your  
4 Connecticut course?  
5 A. Yes, I learned that in my Connecticut course.  
6 Q. What did they tell you?  
7 A. I don't remember what they told me specifically,  
8 but I just --  
9 Q. What about the man that you hired to take you out  
10 on the boat? Did he tell you never to call the Coast  
11 Guard unless you're sinking?  
12 A. We went over -- We did go over how to place a  
13 distress signal while he was out on the boat with us and  
14 also the circumstances under which you place a distress  
15 signal, which are jeopardy of life or limb, whether that's  
16 from an injury where somebody needs to be medevaced or  
17 whether that's the boat is sinking. But it -- My thought  
18 was fix the problem. And that's --  
19 Q. What did you do to fix the problem?  
20 A. I went to the hatch that was over the seacock  
21 that I've described to you and I attempted to establish  
22 whether or not the seacocks had failed in any way.  
23 Q. Okay.  
24 A. I saw at that point that the water was above the

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1 Q. Okay. And you opened that and looked in and you  
2 saw the water a couple of inches from the deck underneath  
3 it, right?  
4 A. Yes.  
5 Q. Okay. And you didn't think you were in distress?  
6 A. At that point when I saw that the water was close  
7 to the deck, I proceeded to move the safety gear forward  
8 while my mom was bringing in the fishing lines.  
9 Q. So you're no longer diagnosing the problem?  
10 A. At that point, I'm not actively diagnosing the  
11 problem.  
12 Q. You're preparing to abandon the ship; is that  
13 right?  
14 A. I'm preparing for the possibility that that may  
15 be necessary.  
16 Q. So you thought that it might be necessary for you  
17 to abandon ship? You had that possibility in mind?  
18 That's the reason you were moving things forward?  
19 A. Yes, I was moving things forward in case that  
20 became necessary.  
21 Q. And where were these things that you were moving  
22 forward?  
23 A. The things were stored in the cabin under the --  
24 Let me describe for you how the cabin --

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1 level of the seacocks. It was close to -- It was above  
2 the level of the seacocks.  
3 Q. How far below the deck?  
4 A. Not very far below the deck.  
5 Q. Inches, please.  
6 A. Three inches.  
7 Q. Okay.  
8 A. And it wasn't -- I couldn't see through it  
9 because it was the color of engine oil.  
10 Q. Was there any smell to it besides engine oil?  
11 A. There was no smell to the water that I perceived,  
12 but it was the color of engine oil.  
13 Q. Was there any diesel smell?  
14 A. No.  
15 Q. Was there any smoke?  
16 A. There was not.  
17 Q. Was there any soot?  
18 A. In the air?  
19 Q. Yes.  
20 A. No, there was no soot in the air.  
21 Q. Okay. So in looking -- And this is the port  
22 hatch we're looking at?  
23 A. Yes. This is the circular hatch in the cockpit  
24 deck on the port side.

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1 Q. Just tell me, where were they?  
2 A. They were in the cabin generally under where the  
3 steering wheel is.  
4 Q. Okay. And how proximate to that area is the  
5 radio microphone?  
6 A. The radio microphone is above the steering wheel.  
7 Q. Within a couple feet of where you're grabbing  
8 these things?  
9 A. Yes. The things are on the floor and the radio  
10 microphone is above.  
11 Q. And you didn't use the radio at that point?  
12 A. That's correct.  
13 Q. And you -- And you didn't -- You didn't use the  
14 radio, although you thought you might have to abandon ship  
15 because -- Why didn't you use the radio? I don't  
16 understand.  
17 A. I thought I was being cautious by moving the  
18 things forward. I thought that when -- My plan, to the  
19 extent that I had one, was to get the things in a safe  
20 spot so that in the worse case scenario, we would have  
21 them there. And to then put my hand into the water, try  
22 to establish back at the hatch, try to feel around and see  
23 what is wrong down there, if that's where the problem is.  
24 Q. Did you conclude that the bilge pumps weren't

28 (Pages 109 to 112)



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1 working?  
2 A. I wasn't able to hear the bilge pump running.  
3 And obviously --  
4 Q. You had two working bilge pumps, to your  
5 knowledge?  
6 A. At the time we left the dock, that -- earlier, to  
7 my knowledge, both bilge pumps were operational.  
8 Q. But you didn't hear either of them operating  
9 during this period preceding your discovery of all the  
10 water under deck?  
11 A. I did not. When the engine was running, I would  
12 not have been able to hear the bilge pump and it was  
13 submerged at the time that I opened the hatch.  
14 Q. Is it fair to conclude that with the presence of  
15 all that water, that the bilge pumps were not functioning  
16 correctly?  
17 A. Yes.  
18 Q. What was your mother doing during this period  
19 that you were moving things forward from the wheelhouse or  
20 from the pilot house to the forward part of the boat?  
21 A. She was in the cockpit bringing the fishing lines  
22 in.  
23 Q. And -- So then she would have been aft of the  
24 wheelhouse?

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1 A. Yes.  
2 Q. Okay. And was the boat -- How was the boat  
3 aligned in the water at that point?  
4 A. I don't understand.  
5 Q. Was there -- Did you notice the boat to have any  
6 problems operating because it was full of water?  
7 A. No. The trim of the boat forward and aft was not  
8 perceptibly altered until the boat sank. And as the boat  
9 sank, it sank very -- The bow just dropped down.  
10 Q. The bow went in first?  
11 A. Yes.  
12 Q. When's the last time you saw your mother?  
13 A. The last time I saw my mom was when I made the  
14 decision to go forward and start moving the safety gear  
15 from the wheelhouse to the bow of the vessel.  
16 Q. And you were moving the safety gear to the bow of  
17 the vessel, though it was pointing down toward the -- into  
18 the water?  
19 A. At that point, the trim of the vessel was not  
20 perceptibly altered.  
21 Q. And you're actually saying that the vessel sank  
22 bow first?  
23 A. Yes.  
24 Q. Now, how can you explain that? You seem like a

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1 smart guy. How do you explain that?  
2 A. I feel that I would be speculating if I tried to  
3 answer that.  
4 Q. Okay. Well, have you thought through your mind  
5 in the time since September 18th when the boat sank, how  
6 did it sink by bow first? Have you considered that  
7 question?  
8 A. I've considered how it sank, yes.  
9 Q. What possible factors can you come up with that  
10 it would sink bow first?  
11 A. The fact that the keel is deeper fore than aft.  
12 So at the very front of the boat, obviously it's sloped,  
13 so I don't know how deep the keel would be relative to the  
14 cockpit, but it's -- The cockpit is shallower than  
15 midships and slightly forward of the midships.  
16 Q. So the last time you see your mother, she's  
17 reeling in the lines?  
18 A. Yes.  
19 Q. Okay. And where are you?  
20 A. I'm at that point moving forward from the hatch  
21 to the wheelhouse to start moving stuff forward.  
22 Q. Did you say anything to her?  
23 A. I -- Earlier when I -- Right after I saw the  
24 water in the engine compartment is when I asked her to

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1 start reeling in the lines between --  
2 Q. Why did you reel in the lines? Why did you want  
3 her to reel in the lines?  
4 A. Because fishing was not the top priority at that  
5 point. The -- It slowed the boat down, so -- Let me  
6 clarify here.  
7 After having -- seeing water in the bilge, I  
8 first brought the throttle back to idle because we had  
9 been trolling and I turned the engine off.  
10 Q. Why?  
11 A. Because water was around the engine, so it was  
12 prudent to turn the engine off.  
13 Q. So any chance of the bilge pumps pumping water is  
14 shut off?  
15 A. No.  
16 MR. SANTOS: I don't think he answered the  
17 question.  
18 Did you answer the question?  
19 THE DEPONENT: What question?  
20 BY MR. FARRELL:  
21 Q. Why did you turn off the engine?  
22 A. I turned off the engine because after I had seen  
23 water in the bilge, the water was around the base of the  
24 engine and so I thought that it would be prudent to shut

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1 the engine off given that it was partially immersed.  
 2 Q. Why? Why was it prudent to shut off the engine?  
 3 A. Because the -- It could suck in water when it's  
 4 supposed to be sucking in air. There's -- That's the first  
 5 thought.  
 6 Q. So any way, what were you saying to your mother  
 7 during this sequence?  
 8 A. So after I had brought the -- You say during the  
 9 sequence, so let me --  
 10 Q. Well, the last thing I heard you say to your  
 11 mother was reel in the lines.  
 12 A. Uh-huh.  
 13 Q. Is that correct?  
 14 A. Yes.  
 15 Q. Something to that effect.  
 16 A. Yes.  
 17 Q. Did you say anything to her after that?  
 18 A. No.  
 19 Q. Had you said anything to her about the water in  
 20 the bilge prior to your saying bring in the lines?  
 21 A. I did not.  
 22 Q. Okay. So during this evolution of water in the  
 23 bilge and shutting down the engine and all that, and  
 24 moving stuff from the wheelhouse forward and not setting

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1 dewatering the boat?  
 2 A. I didn't think about how to dewater the boat. I  
 3 was focused on how is water getting into the boat.  
 4 So my thought was first you stop water from  
 5 getting in, then you figure out how to get the water that's  
 6 already in out.  
 7 Q. And you never did come up with the reason the  
 8 water came in; is that correct?  
 9 A. That's correct.  
 10 Q. And you never came up with a means of getting the  
 11 water out?  
 12 A. That's correct.  
 13 Q. You shut the engine down.  
 14 A. I did.  
 15 Q. Then what happened?  
 16 A. So I shut the engine down, then I went to the  
 17 circular hatch on the port side on the top deck and that's  
 18 when I looked into the hatch and saw that the water was  
 19 about three inches below the deck and I wasn't able to see  
 20 through it to visually determine the condition of the  
 21 seacocks.  
 22 Q. How did you know the water was -- How did you  
 23 know you had water in the bilge before opening that hatch?  
 24 A. Well, I had -- The way I established water in the

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1 off the EPIRB and not using the radio, during this time  
 2 when you're diagnosing the problem, the only words you  
 3 have with your mother are bring in the lines?  
 4 A. Yes, something to that effect.  
 5 Q. Okay. And --  
 6 A. Could I elaborate there?  
 7 Q. I'll ask you a question.  
 8 MR. SANTOS: Just for the record, I do think  
 9 he should be permitted to elaborate.  
 10 BY MR. FARRELL:  
 11 Q. Did you put on a life jacket?  
 12 A. I did not.  
 13 Q. Did you toss a life jacket to your mother or  
 14 otherwise instruct her to put one on?  
 15 A. No.  
 16 Q. Did you contemplate any other course of action  
 17 since the bilge pumps weren't working to dewater the boat?  
 18 A. My first priority was finding out how water was  
 19 getting into the boat and shutting off that means of  
 20 infiltration before thinking about dewatering that.  
 21 Q. Did you determine what that was?  
 22 A. No.  
 23 Q. All right. After that first priority is taken  
 24 care of, did you come up with any other ideas for

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1 bilge was by looking into the hatch forward of the  
 2 wheelhouse.  
 3 Q. Oh, you opened that hatch, too?  
 4 A. So what happened was I looked into the hatch  
 5 forward of the wheelhouse where I saw a lot of water in  
 6 the bilge. Then to establish why water was getting into  
 7 the boat, I went to the area where the seacocks were. My  
 8 first thought was something is wrong with the seacocks.  
 9 maybe a hose has come off, maybe a seacock has failed  
 10 totally or something is wrong in that area because that's  
 11 where most of the hole fittings were.  
 12 So I went to that area. I wasn't able to see the  
 13 seacocks. I went -- So I saw the water in the bilge, then  
 14 I turned the boat off and powered it down. Then I went to  
 15 that -- to the area where the seacocks were. And as I was  
 16 doing that, I was asking my mom to bring in the lines.  
 17 And then when I saw that I wasn't able to  
 18 establish the condition of the seacocks visually, I went  
 19 and I started bringing the safety gear forward. As I was  
 20 bringing the safety gear forward, the boat sank.  
 21 Q. How many trips forward did you make with safety  
 22 gear?  
 23 A. I made two trips forward and the boat sank as I  
 24 was carrying --

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1 Q. Where did you put --  
 2 A. I need to finish my answer.  
 3 I made two trips forward with safety gear that I  
 4 completed and I was carrying a third item forward when the  
 5 boat sank.  
 6 Q. Okay. And where were you placing these items?  
 7 A. I was placing them on the -- I was placing them  
 8 on the fish box forward of the wheelhouse.  
 9 Q. How far off the deck was the top of the fish box?  
 10 A. The fish box was flush with the deck.  
 11 Q. Okay. What time did you replace the bilge pump  
 12 on Saturday the 17th?  
 13 A. What time? Late morning to midday.  
 14 Q. Okay. What time did the boat sink?  
 15 A. It sank midday on Sunday the 18th.  
 16 Q. Roughly 24 hours after?  
 17 A. Sure.  
 18 Q. Okay. What time did you take the trim tabs off?  
 19 A. In the afternoon of Saturday the 17th.  
 20 Q. Roughly what time? Or to the best of your  
 21 ability, what time?  
 22 A. Late afternoon, early evening. People were  
 23 having dinner, so around the time that people on the dock  
 24 would start having dinner.

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1 Q. Which would have been? By a clock, tell me. I  
 2 don't know.  
 3 A. Maybe 5:00 plus or minus two hours.  
 4 Q. Some people eat dinner at 3:00?  
 5 A. I'm trying to estimate the time for you and I  
 6 don't know the time, so I want to make sure that the  
 7 timing is most likely in the range that I give.  
 8 Q. Give me the time in a clock to the best of your  
 9 ability that you took off the trim tabs, taking them off  
 10 of the bracket.  
 11 A. The best of my ability as far as a point in the  
 12 day is late afternoon, early evening. That's the best I  
 13 can do.  
 14 Q. All right. Now, you have four holes in the  
 15 transom at that point?  
 16 A. Yes.  
 17 Q. Okay. What did you do, if anything, to those  
 18 four holes?  
 19 A. I put J.B. Weld putty in the holes so as to seal  
 20 them.  
 21 Q. J.B. Weld putty or did you use the West Marine  
 22 version?  
 23 A. Excuse me. I used the putty that I purchased at  
 24 West Marine that I've described as being similar to J.B.

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1 Weld.  
 2 Q. Okay. Why did you buy 5200 that day?  
 3 A. I bought 5200 in order to seal the screw holes  
 4 that were around the half dollar sized holes, and I did  
 5 use the 5200 for that purpose.  
 6 Q. Okay. And the fiberglass kit, what did you use  
 7 that for?  
 8 A. I had purchased the fiberglass kit, along with  
 9 the putty, because I wasn't sure which I would use to seal  
 10 the larger holes, and I first tried to seal the holes  
 11 using the fiberglass kit.  
 12 That was unsuccessful because the fiberglass  
 13 resin that I was putting in the holes according to the  
 14 instructions in the kit kept flowing out because it was  
 15 still liquid and as I was pouring it in the hole, I wasn't  
 16 able to seal the hole on the outside well enough to keep  
 17 it from flowing out until it hardened. And so I gave up  
 18 on using the fiberglass kit and instead used the J.B. Weld  
 19 -- the J.B. Weld-like material with which I was familiar.  
 20 Q. And what time was that?  
 21 A. That was in the time frame that I gave you.  
 22 Q. I'm asking you to tell me to the best of your  
 23 ability -- It seems like it's later than when you took off  
 24 the trim tabs. I'm trying to ask you to give me a time

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1 frame, please.  
 2 A. It was very shortly after I removed the trim  
 3 tabs, very shortly after.  
 4 Q. How long did you fiddle around with the  
 5 fiberglass?  
 6 A. I did not spend very long attempting to patch the  
 7 holes with the fiberglass. Maybe 15 to 30 minutes.  
 8 Q. And tell me exactly what you did with this J.B.  
 9 Weld-type material.  
 10 A. I opened it, I opened the large package that was  
 11 plastic, I removed the plastic wrapper on the putty itself  
 12 and the sticker from the end of the putty. I broke off a  
 13 piece of putty from the large stick that was -- that  
 14 seemed to be the right size to patch the hole. I then  
 15 kneaded it in my fingers so that it was an even color  
 16 because the -- The reason you knead it is to mix the  
 17 outside layer with the inside layer, which creates the  
 18 chemical reaction and causes it to harden.  
 19 So I mixed the two -- And the outside layer and  
 20 the inside layer are different colors, so when the putty  
 21 itself is the same color consistently, you know they're  
 22 well-mixed.  
 23 Q. Okay.  
 24 A. So I kneaded it in my fingers until the putty was

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1 a consistent color. I then forced the putty into the hole  
2 in the transom and I -- and I smoothed out -- smoothed out  
3 on the outside edge and tried to force it so that it was  
4 -- so that it expanded and filled the hole.  
5 Q. Do you have receipts for that purchase?  
6 A. No, I do not.  
7 Q. Does anybody have receipts from that purchase?  
8 A. I don't know if the receipts from the -- I don't  
9 know if the receipts from the purchase of the putty and  
10 fiberglass repair kit would be in my truck or if I did not  
11 take them with me from the store.  
12 Q. You don't know? If they were in the truck, law  
13 enforcement would have them?  
14 A. Presumably.  
15 Q. And you bought -- And this was along with the  
16 5200 and the fiberglass, the three items you bought at the  
17 Narragansett West Marine --  
18 A. Yes.  
19 Q. -- on the day of September 17th?  
20 A. Yes.  
21 Q. Okay.  
22 MR. O'CONNELL: And the bilge pump?  
23 BY MR. FARRELL:  
24 Q. Oh, yeah. Did you buy the bilge pump there, too?

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1 Q. Does it expand then from that shape?  
2 A. No, it's -- It does not expand.  
3 Q. Okay. So how thick was the -- I mean, how thick  
4 was the putty piece that you stuck in -- Let's just start  
5 with one hole.  
6 A. Well, I had it in a ball, so I'd measure  
7 thickness in the approximate diameter of the sphere.  
8 Q. Uh-huh.  
9 A. And I'd say maybe an inch in diameter is the size  
10 of the sphere that I then compressed and tried to force  
11 into the hole.  
12 Q. Okay. And did you -- Did the hole inside the  
13 boat have any backing?  
14 A. No, it did not. Following -- So following  
15 instructions from the fiberglass repair kit, I had balled  
16 up a piece of paper towel because the fiberglass repair  
17 kit instructions specifically said that if you can't  
18 access the back of the hole to keep the resin from flowing  
19 out the back, the way to handle that was to ball up a  
20 piece of paper towel or similar material and shove it into  
21 the hole to seal the back end and then pour the resin in.  
22 I followed those instructions when using the J.B.  
23 Weld-type putty.  
24 Q. A piece of paper towel, is that what you said?

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1 A. I bought the bilge pump at -- I went to the  
2 Narragansett West Marine to look for a bilge pump and then  
3 I also went to the West Marine in -- What do you call it?  
4 Newport, Rhode Island or in -- or near --  
5 MR. O'CONNELL: Middletown?  
6 A. Middletown, Rhode Island. To look for a bilge  
7 pump. I think I bought the bilge pump at the West Marine  
8 in Middletown, Rhode Island.  
9 Q. You grew up in Middletown, Connecticut, right?  
10 A. Yes, Connecticut.  
11 Q. Okay. So what is this? An epoxy? Is it a  
12 putty? What is the stuff you filled the hole with? You  
13 say it's a stick.  
14 A. Uh-huh.  
15 Q. What is the material?  
16 A. Chemically I don't know what the material is.  
17 It's a play-doh type substance, somewhere between play-doh  
18 and that really firm putty that can make balls that are  
19 really bouncy.  
20 Q. Silly putty?  
21 A. Yes.  
22 Q. So it's malleable? You can fit it into a shape  
23 that you want it used to fill a hole; is that --  
24 A. Correct.

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1 A. That's correct. It didn't seem like much, but I  
2 thought it was a nice extra step and it couldn't hurt. I  
3 didn't think it was absolutely necessary, but I didn't see  
4 how it could hurt.  
5 Q. And that's a technique that you use with  
6 fiberglass?  
7 A. That's a technique that was suggested in the  
8 instruction handbook from the fiberglass repair kit.  
9 Q. Was there any such instruction in the West Marine  
10 product that you used?  
11 A. The West Marine putty contained no detailed  
12 instructions on how to use it in specific applications.  
13 It only said how -- that you're supposed to break it off  
14 and mix it. It didn't say here's how you use it in the  
15 specific application, the way the fiberglass repair kit  
16 did.  
17 Q. And did you read any -- What were the  
18 instructions that you read regarding the putty?  
19 A. I read the insert in the package.  
20 Q. Okay. And what did it tell you? What do you  
21 remember? What did you follow? Tell me what about the  
22 instructions and the insert that you followed or that were  
23 significant to you.  
24 A. Sure. The instructions in the insert that I

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1 followed were ones that I was already familiar with from  
2 having used the product in the past, which was they  
3 basically break a piece off, knead it in your hands until  
4 it's of a consistent color, and then insert it in the hole  
5 and wait for it to harden.  
6 Q. And how long does it take to harden?  
7 A. It hardens in -- From my experience, it hardens  
8 quickly so that when you -- an hour or two, to a point  
9 where if you push your fingernail into it, your fingernail  
10 will bend or break rather than it getting a dent from your  
11 fingernail having been pressed into it.  
12 I believe the cure time to an absolute hard cure,  
13 I think the package said it was 24 hours. However, the  
14 putty was very hard in a much shorter period of time than  
15 that and it was hard before we left the dock.  
16 Q. I don't know. Is that the product that you  
17 bought?  
18 A. Yes.  
19 Q. This is it? All right.  
20 THE DEPONENT: Do you want to see the  
21 picture?  
22 MR. SANTOS: Yep. Do you want to put that on  
23 the record?  
24 MR. FARRELL: Yeah, I'm going to try to put

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1 Q. Okay. And the price there is 23.99?  
2 A. Yes, the price stated on Exhibit 6 is --  
3 Q. Is that your recollection of how much it cost you  
4 to buy the item?  
5 A. I don't recall its price.  
6 Q. Okay. So just so I understand, at the Middletown  
7 store, you bought the bilge pump?  
8 A. Yes.  
9 Q. But at the Narragansett store, you bought the one  
10 epoxy stick, the one tube of 5200?  
11 A. Yes.  
12 Q. And the third item you bought there was the  
13 fiberglass?  
14 A. Yes.  
15 Q. So three items and you don't know if you have a  
16 receipt for those items from the Narragansett store?  
17 A. That's correct.  
18 Q. And the one item of bilge pump from the  
19 Middletown store, do you have a receipt for that?  
20 A. I don't think so.  
21 Q. Was there one in your truck?  
22 A. Normally when I go to a store and I -- the  
23 cashier hands me a receipt, I tell them to discard it or I  
24 just throw it out as I walk out the door. I don't

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1 that on the record.  
2 BY MR. FARRELL:  
3 Q. Reading from the telephone, it's West Marine  
4 Epoxy Putty Stick. And it's -- It's got a green kind of  
5 cylinder that appears to be the product.  
6 A. Yes.  
7 Q. Okay. How else would you describe it?  
8 A. I'd describe it as a cylinder of putty inside of  
9 a clear plastic cylinder that's part of a box or a  
10 cardboard backing.  
11 Q. Okay.  
12 MR. FARRELL: Is there any other way to put  
13 on the record the --  
14 MR. O'CONNELL: Let me print it.  
15 MR. FARRELL: Okay. Let's take a break.  
16 (Off the record at 3:29 p.m.)  
17 (Exhibit No. 6. Copy of Online Picture,  
18 marked for identification).  
19 (Back on the record at 3:33 p.m.)  
20 BY MR. FARRELL:  
21 Q. We just printed that out. Is what's been marked  
22 as Exhibit 6 the item that you bought at -- in the  
23 Narragansett store?  
24 A. It appears to be.

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1 normally keep track of those paper articles.  
2 Q. Are those cash or credit card transactions?  
3 A. Credit -- No. Debit card transactions.  
4 Q. Okay. So your debit card would reflect these  
5 purchases?  
6 A. Yes.  
7 Q. Okay. What debit card would that have been?  
8 A. It would have been the debit card from my  
9 checking account at The Private Bank. Most of their  
10 branches are in the Chicago area, but the name of the bank  
11 is The Private Bank.  
12 Q. Okay. Do you have debit card receipts --  
13 transactions reflecting these purchases?  
14 A. I have access to online banking. I can look at  
15 the history of my online banking, which shows debit card  
16 purchases going back a certain distance. And if not, I'm  
17 sure I can contact the bank to get that record.  
18 Q. I'm certainly interested in seeing the purchases  
19 made at the Narragansett West Marine store and the  
20 Middletown West Marine store on September 17th, the  
21 Saturday, 2016.  
22 A. Okay.  
23 Q. Are there any other West Marine stores that you  
24 made purchases at in September of 2016?

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# EXAMINATION UNDER OATH OF NATHAN CARMAN

<p style="text-align: right;">Page 133</p> <p>1 A. Yes.</p> <p>2 Q. Where?</p> <p>3 A. Any other stores? Any other dates on which I</p> <p>4 made purchases?</p> <p>5 In September of 2016, I know I made -- I may be</p> <p>6 speaking possibly more generally than just September. I</p> <p>7 know I made purchases at the Mystic, Connecticut store and</p> <p>8 also at a store that I believe is located in Warwick,</p> <p>9 Rhode Island.</p> <p>10 Q. And these are all West Marine?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did you ever purchase materials at marinas</p> <p>13 for the boat?</p> <p>14 A. I did.</p> <p>15 Q. What kind of purchases did you make at those</p> <p>16 marina stores?</p> <p>17 A. I purchased a horn at one of the marina stores, I</p> <p>18 purchased basic electrical connectors and crimp connectors</p> <p>19 at another marina store. I think I bought putty -- Excuse</p> <p>20 me. Not putty, but something similar to 5200 at another</p> <p>21 marina store in various states since I purchased the boat.</p> <p>22 Q. And what did you do with that putty that you</p> <p>23 purchased from various marina stores?</p> <p>24 A. I corrected myself. I didn't purchase putty. I</p>	<p style="text-align: right;">Page 135</p> <p>1 (Exhibit No. 7, Receipt, marked for</p> <p>2 identification).</p> <p>3 BY MR. FARRELL:</p> <p>4 Q. Handing you Exhibit 7, is that the receipt for</p> <p>5 the purchase you're talking about?</p> <p>6 A. It is.</p> <p>7 Q. Okay.</p> <p>8 MR. FARRELL: Eight.</p> <p>9 (Exhibit No. 8, Print-Out, marked for</p> <p>10 identification).</p> <p>11 BY MR. FARRELL:</p> <p>12 Q. Does Exhibit 8 reflect the purchase you made of</p> <p>13 5200?</p> <p>14 A. When?</p> <p>15 Q. On the 17th of September 2016.</p> <p>16 A. I don't remember whether the 5200 that I</p> <p>17 purchased at West Marine on September 17th was in this</p> <p>18 type of tube or whether it was in the type of tube that</p> <p>19 you have to use a gun for. I did keep a gun for West</p> <p>20 Marine -- excuse me -- for 5200-type sealant on the boat</p> <p>21 in my tool kit. And so I -- I don't remember which type</p> <p>22 of tube it was.</p> <p>23 Q. So you're talking about 12 screw holes that you</p> <p>24 pushed 5200 into the day of -- the day before the sinking?</p>
<p style="text-align: right;">Page 134</p> <p>1 purchased a product similar to 5200.</p> <p>2 Q. Okay. And what did you do with that product?</p> <p>3 A. I used it to seal the -- So when I was taking the</p> <p>4 -- When I pumped the fuel tanks out, I removed the fuel</p> <p>5 sending unit from the tanks and I had to put the fuel</p> <p>6 sending unit back down. I wanted to seal between the</p> <p>7 sending unit and the fuel tank itself so that if water got</p> <p>8 on top of the fuel tank, it wouldn't get in between the</p> <p>9 sending unit and tank, and get into the tank itself.</p> <p>10 So I used this sealant, which was the less</p> <p>11 permanent version of 5200, to make a seal between the</p> <p>12 sending unit and the fuel tank.</p> <p>13 Q. Is that 4200?</p> <p>14 A. Yes.</p> <p>15 Q. Where'd you buy that?</p> <p>16 A. I bought that at the marina store in the marina I</p> <p>17 was keeping the boat at. What was the name of the marina?</p> <p>18 It's the marina I kept the boat at after PJM, after Point</p> <p>19 Judith Marina, which is -- The name is stated in a few of</p> <p>20 these documents.</p> <p>21 Q. Let me see if this refreshes your recollection.</p> <p>22 I'm going to hand that to you.</p> <p>23 A. Yes. Ram Point Marina.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 136</p> <p>1 A. Yes.</p> <p>2 Q. You don't remember if you used a tube like</p> <p>3 depicted in Exhibit 8 or a gun?</p> <p>4 A. I think I used a tube like this, but I am not</p> <p>5 positive. And when I say like this, I mean like depicted</p> <p>6 in Exhibit 8.</p> <p>7 Q. Okay. And we would be able to tell if you</p> <p>8 purchased from West Marine an item like this, Exhibit 8,</p> <p>9 that was probably the one you used on the 17th?</p> <p>10 A. Yes, if I -- The 5200 that I used on the 17th to</p> <p>11 seal the screw holes was the 5200 that I purchased at West</p> <p>12 Marine earlier that day.</p> <p>13 Q. Okay. Did you do anything else to secure the</p> <p>14 four half dollar sized holes in the transom before</p> <p>15 departing?</p> <p>16 A. No.</p> <p>17 Q. How did you actually reach those holes?</p> <p>18 A. By leaning over the transom while standing in the</p> <p>19 cockpit.</p> <p>20 Q. Okay. And is that also the manner in which you</p> <p>21 removed the piston and the trim tabs?</p> <p>22 A. Yes, it is.</p> <p>23 Q. Okay. So you didn't have the boat backed up to a</p> <p>24 dock, you were just leaning over and doing it from the</p>

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1 deck?  
2 A. Well, the back of the boat was -- It was backed  
3 into the slip, which was closer to another dock. But I  
4 was not accessing the transom from a dock. I was  
5 accessing it from inside the cockpit.  
6 Q. Okay. And you didn't need to get in the water to  
7 do it?  
8 A. No, I did not.  
9 Q. Okay. So let me understand. You bought the boat  
10 for \$4500, right?  
11 A. 45,000.  
12 Q. \$45,000, sorry. But you initially insured it for  
13 66,000 or so with Boat U.S.?  
14 A. That's correct.  
15 Q. And that was based on what, on the survey?  
16 A. That was based on the valuation given by the  
17 surveyor when the survey was done.  
18 Q. Okay. And then you increased the hull value of  
19 the boat with Boat U.S.?  
20 A. That's correct. I increased the hull value to  
21 reflect the extensive moneys that I had spent investing in  
22 the boat in electronics and other equipment.  
23 MR. FARRELL: Let's mark this as Exhibit 9,  
24 is it?

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1 (Exhibit No. 9, E-Mails, marked for  
2 identification).  
3 BY MR. FARRELL:  
4 Q. Handing you what's been marked as Exhibit 9, does  
5 that reflect the improvements you made on the boat to  
6 increase its value to a hull value for insurance purposes  
7 of roughly \$88,000? There's several pages of documents  
8 there.  
9 A. Sure. Let me read them.  
10 Yes. This e-mail appears to be the one that I  
11 sent reporting my request to increase the value of the  
12 boat.  
13 Q. Okay. The EPIRB is not in that list, is it?  
14 A. No. My mom had purchased the EPIRB, so I didn't  
15 have invoices for it.  
16 Q. Anything else that she purchased for the boat  
17 besides the EPIRB?  
18 A. Yes. She -- What did she buy? She bought her  
19 own life vest, she bought folding chairs for us to use  
20 while onboard the boat. She had a cooler, I don't know if  
21 she -- that we had owned before I got the boat, but that  
22 we used on the boat. That was her cooler.  
23 What else did she buy for the boat specifically?  
24 And that's all that I recall that she purchased for the

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1 boat.  
2 Q. And the life raft, when did you buy that?  
3 A. I bought the life raft -- It may be reflected  
4 exactly on one of these invoices. I'm pretty sure it was  
5 one of the invoices I sent in that e-mail, which would  
6 have been -- Here's the invoice number for the life raft  
7 on January 8th, 2016. That sounds right to me.  
8 Q. Okay. Is the life raft depicted --  
9 MR. FARRELL: Let's make this an exhibit.  
10 (Exhibit No. 10, Photograph, marked for  
11 identification).  
12 BY MR. FARRELL:  
13 Q. Exhibit 10, is the life raft depicted in that  
14 photograph?  
15 A. It is.  
16 Q. Do you know when that photograph was taken?  
17 A. It appears to have been taken when the prop was  
18 being changed by a diver that I hired. And I base that  
19 off of the -- what I'd call debris on the deck where the  
20 boat is tied. I remember that distinctive debris having  
21 been at the dock when the prop was being changed.  
22 Q. Okay. And when was that?  
23 A. That was within probably approximately two weeks  
24 of the date on which the boat sank.

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1 Q. So it probably was during the month of September  
2 2016?  
3 A. Yes, I believe it was during the month of  
4 September.  
5 Q. Okay. And so then we have -- Does this depict  
6 the boat as it was rigged and equipped at the time of the  
7 sinking?  
8 A. Yes.  
9 Q. Okay. This is just the same photograph, but a  
10 slightly longer view of the stern; would you agree?  
11 A. I would.  
12 Q. Okay.  
13 MR. FARRELL: This is Exhibit 11.  
14 (Exhibit No. 11, Photograph, marked for  
15 identification).  
16 BY MR. FARRELL:  
17 Q. Who took this photograph?  
18 A. I don't know. I was not aware that the boat was  
19 photographed when the prop was changed. The only time the  
20 boat was at that dock was when -- Oh, that's another time  
21 the boat was at the dock.  
22 When my mom and I went fishing, I don't remember  
23 which fishing trip it was that we took, but we had docked  
24 there to go to a bait and tackle shop nearby.

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1 Q. Where is this picture?  
 2 A. This picture is at Point Judith -- Yeah. Point  
 3 Judith Galilee near where the state docks are. The state  
 4 docks are actually visible in the background. The state  
 5 boat launch at the end of the escape road in Galilee is  
 6 over here, which is very near to where the boat is docked  
 7 in this picture.  
 8 Q. Sort of to the left of this photograph? Is that  
 9 where you were pointing when you --  
 10 A. Yes. If the person standing in the photograph --  
 11 If you're facing forward looking at what this photograph  
 12 depicts, the boat ramp -- the state boat ramp in Galilee  
 13 is approximately behind you or maybe to your left, but  
 14 it's in that area.  
 15 Q. Okay. What's this sort of forward of the radar?  
 16 A. Forward of the radar is a light.  
 17 Q. That's a white rectangular-shaped deck light?  
 18 A. Yes.  
 19 Q. Okay. And where's the EPIRB?  
 20 A. The EPIRB is not visible in the photograph. It  
 21 is in the wheelhouse. It would have been in a bracket  
 22 underneath the window, well underneath the window on the  
 23 port side in the front. You can see that window in the  
 24 picture.

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1 Q. And why did you mount it inside of the  
 2 wheelhouse?  
 3 A. I mounted it inside the wheelhouse because -- I  
 4 mounted it inside the wheelhouse in close proximity to all  
 5 the other safety gear because it seemed sensible to have  
 6 the EPIRB mounted near the safety gear. And because I was  
 7 -- In order to activate the EPIRB, you had to physically  
 8 access it and take it out of the bracket. It seemed like  
 9 a good place to have it.  
 10 Q. Have you ever heard of anybody placing an EPIRB  
 11 on a bracket inside of a structure rather than exposed on  
 12 the outside?  
 13 A. I've never heard specifically of how people -- of  
 14 how you're supposed to place an EPIRB of that variety.  
 15 Q. Have you ever seen anybody place one inside  
 16 rather than outside?  
 17 A. No, but I never would have had occasion to see an  
 18 EPIRB on someone else's boat.  
 19 Q. Did you ever ask anybody whether it should be  
 20 mounted inside or outside?  
 21 A. No, I did not.  
 22 Q. Did you ever do any research on the internet to  
 23 find out if it should be mounted inside or outside?  
 24 A. I did not.

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1 Q. And you never asked anybody for their advice as  
 2 to where it should go?  
 3 A. I spoke to my mom about it and she seemed to be  
 4 in concurrence with the spot that I had chosen.  
 5 Q. Can you show me where you -- Can you show me  
 6 where your mother was when you last saw her?  
 7 MR. SANTOS: And you're showing him on --  
 8 MR. FARRELL: Exhibit 11.  
 9 A. From that picture, I can't point to a specific  
 10 area. I can say that she was in the cockpit. And part of  
 11 the cockpit is shown in that photograph.  
 12 Q. Is it -- Is where she was standing obscured by  
 13 that piling?  
 14 A. Yes. She was not in the part of the cockpit that  
 15 is visible in the photograph.  
 16 Q. When you say cockpit, you mean the deck aft of  
 17 the wheelhouse?  
 18 A. Correct.  
 19 Q. So you would have -- The last place you would  
 20 have seen her is obscured by the piling; is that correct?  
 21 A. It's obscured by a combination of the piling and  
 22 the wheelhouse, yes.  
 23 Q. Okay. So let's go back then to the survey and  
 24 have you just put an X where you last saw her. I'm going

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1 to give you a red pen. If you could mark with an X where  
 2 your mother was where you last saw her.  
 3 MR. SANTOS: And this is Page 19 of the  
 4 survey.  
 5 A. (Deponent complying).  
 6 Q. At that time, would you please put a star where  
 7 you were?  
 8 A. Well, I was moving from the hatch -- I was  
 9 moving, so --  
 10 Q. Show me where you were when you looked and saw  
 11 your mother the last time. And depict that, please, with  
 12 a five-pointed star.  
 13 A. Will an asterisk do?  
 14 Q. That'll be fine. Use an asterisk.  
 15 Now, you were moving you say. In which  
 16 direction?  
 17 A. I was moving from the hatch that I had looked  
 18 into to the -- to the starboard side in order to get into  
 19 the wheelhouse because the door was on the starboard side.  
 20 Q. Okay. And how is it that you -- Tell me how you  
 21 saw your mother who was aft of you.  
 22 Did you turn your body? Did you turn your head?  
 23 Tell me exactly.  
 24 A. Yes. As I was getting up from -- Because I was

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1 kneeling, I bent down at the hatch. As I was getting up,  
2 I saw her.  
3 Q. Okay. And where were you -- And this time, use a  
4 star, where you were when the boat sank.  
5 MR. SANTOS: Well, when the boat sank?  
6 MR. FARRELL: When the boat went nose down,  
7 bow down.  
8 A. (Deponent complying).  
9 Q. Okay. And why don't you just sign that bottom of  
10 the page in that red pen, if you wouldn't mind.  
11 A. (Deponent complying).  
12 Q. And would you date it, too?  
13 A. (Deponent complying).  
14 Q. Thank you.  
15 What kind of gear were you towing when you were  
16 fishing just before it sank?  
17 A. We were towing -- Well, we were trolling with  
18 some deep running lures, like large parlour type lures and  
19 we had surface baits, which included a couple daisy chains  
20 and a cedar plug daisy chain that I had purchased from  
21 people on Craigslist who were selling tuna fishing gear.  
22 Q. Okay. How many rods did you have? How many  
23 lines in the water?  
24 A. There were a total of five lines in the water.

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1 Q. Really? And had you ever caught a tuna fish  
2 before?  
3 A. No.  
4 Q. What kind of tuna fish were you fishing for?  
5 A. In reality, anything that would bite, but I would  
6 assume that that would be a yellowfin or bigeye tuna, or  
7 even mahi-mahi, which are not a species of tuna.  
8 Q. And had you ever caught any of those?  
9 A. Yes, I had caught mahi-mahi before.  
10 Q. Where?  
11 A. I believe I caught mahi-mahi when fishing in  
12 Florida with my mom, but I know for a fact that I caught  
13 them when fishing in Hawaii.  
14 Q. But in New England waters, had you ever?  
15 A. No.  
16 Q. Okay. What time did you depart the dock on the  
17 trip that sank -- that the boat sank?  
18 A. We departed the dock somewhere between 11 p.m. on  
19 Saturday the 17th and 12 -- maybe 12:30 a.m. on the 18th.  
20 Q. Okay. And how long prior to 11:00, which is the  
21 earliest departure, had you finished putting the putty in  
22 the four holes on the transom?  
23 A. Approximately six hours.  
24 Q. Okay. And you first went fishing off of Block

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1 Island?  
2 A. That's correct.  
3 Q. Where?  
4 A. Southeast -- Let me picture a map in my head  
5 here.  
6 MR. SANTOS: On the 18th?  
7 MR. FARRELL: This is on the morning of the  
8 18th, yeah.  
9 A. Okay. So it's southeast of Block Island.  
10 Q. Okay. Is there a geographic spot there that you  
11 were fishing at that you can refer us to?  
12 A. I -- No, I don't recall what the coordinates  
13 were. It was a spot on the chartplotter that I had found.  
14 Q. Okay. I'm going to ask you to --  
15 MR. O'CONNELL: The one on the left.  
16 BY MR. FARRELL:  
17 Q. I'm going to ask you, Mr. Carman, to just --  
18 First of all, with this pen, can you show us where you  
19 departed from? You can pull that chart closer to you if  
20 you want.  
21 MR. FARRELL: We'll mark this as an exhibit,  
22 too. This will be 12.  
23 (Exhibit No. 12, Chart, marked for  
24 identification).

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1 BY MR. FARRELL:  
2 Q. Okay. So this is going to be NOAA Chart 13215,  
3 Exhibit 12.  
4 And Mr. Carman, where did you -- Here's the  
5 Harbor of Refuge.  
6 A. We departed from Point Judith. The marina where  
7 we departed from is not pictured here. It would be off of  
8 the chart.  
9 Q. To the north?  
10 A. To the north.  
11 Q. Okay.  
12 A. But we exited the Harbor of Refuge approximately  
13 here.  
14 Q. On the southwest entrance?  
15 A. Yes.  
16 Q. Okay. And then where were you fishing that --  
17 You went fishing off of Block Island you said on the  
18 southeast corner?  
19 A. Correct.  
20 Q. Okay. Can you depict that area?  
21 MR. SANTOS: Only if you know. If you don't  
22 know, you don't know.  
23 THE DEPONENT: Well, I know generally.  
24 A. If you want to find the coordinates of my X and

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<p style="text-align: right;">Page 149</p> <p>1 go there. I can't tell you those are the precise --</p> <p>2 Q. Okay. I understand. Do you want to draw a</p> <p>3 circle that's a general area? Is that fair enough?</p> <p>4 A. I'd be more comfortable saying -- drawing an X</p> <p>5 saying this is approximately where we were.</p> <p>6 Q. That's fine.</p> <p>7 A. (Deponent complying).</p> <p>8 Q. Okay. You marked an X. Is that where you were</p> <p>9 striped fishing?</p> <p>10 A. Yes.</p> <p>11 Q. Did you catch anything there?</p> <p>12 A. We did not.</p> <p>13 Q. Had you caught fish there before?</p> <p>14 A. No.</p> <p>15 Q. Where is the wind farm?</p> <p>16 A. The wind farm is depicted here.</p> <p>17 Q. In the compass rose? Is it inside the compass</p> <p>18 rose?</p> <p>19 A. Several of the towers -- of the wind farm that</p> <p>20 are depicted are within the compass rose.</p> <p>21 Q. Okay. And you had made a trip south of the wind</p> <p>22 farm earlier in 2016, you earlier testified?</p> <p>23 A. Yes.</p> <p>24 Q. And where was -- Where was that area? Can you</p>	<p style="text-align: right;">Page 151</p> <p>1 Approximately an hour and a half.</p> <p>2 Q. And then you fished there about an hour and a</p> <p>3 half?</p> <p>4 A. Yes.</p> <p>5 Q. So using that math, what time did you depart the</p> <p>6 X for Block Canyon to the south?</p> <p>7 A. Well, if we left at midnight and we departed the</p> <p>8 X three hours after midnight, then we would have departed</p> <p>9 the X at three a.m.</p> <p>10 Q. Okay. There's been reports in the newspaper that</p> <p>11 your mother had no intention of going to the canyons; is</p> <p>12 that correct?</p> <p>13 A. No, it's not correct in that when my mom and I</p> <p>14 left the X, we both understood that we were going to the</p> <p>15 canyons to go fishing and we were both in full agreement</p> <p>16 with that.</p> <p>17 Q. Okay. And then how long did it take you to get</p> <p>18 to Block Canyon?</p> <p>19 A. It took approximately five hours.</p> <p>20 Q. Okay. And so you arrived there approximately</p> <p>21 what time?</p> <p>22 A. So three a.m. plus -- Approximately seven a.m.</p> <p>23 based on that math.</p> <p>24 Q. Three plus -- Three plus four is seven. Three</p>
<p style="text-align: right;">Page 150</p> <p>1 depict it on this chart?</p> <p>2 A. Sure. Can I draw a line?</p> <p>3 Q. Yeah, go ahead. A rough line --</p> <p>4 A. So roughly. A ballpark.</p> <p>5 Q. All right. Very good.</p> <p>6 Now, how long were you fishing there at the X</p> <p>7 area where you were striped fishing?</p> <p>8 A. An hour or so.</p> <p>9 Q. Okay. Where did you go from there?</p> <p>10 A. From there, we proceeded to Block Canyon.</p> <p>11 Q. What time did you depart the X area for Block</p> <p>12 Canyon?</p> <p>13 A. I don't know. I'd be deducing based on how long</p> <p>14 we spent there and how long it would have taken us to get</p> <p>15 there.</p> <p>16 Q. Go ahead and deduce.</p> <p>17 A. Well, I guess that it would have -- It should</p> <p>18 have taken us approximately --</p> <p>19 MR. SANTOS: Don't guess.</p> <p>20 BY MR. FARRELL:</p> <p>21 Q. Well, let me ask you.</p> <p>22 How long did it take you to get from Harbor of</p> <p>23 Refuge down to the X?</p> <p>24 A. That's what I'm trying to think of.</p>	<p style="text-align: right;">Page 152</p> <p>1 plus five is eight.</p> <p>2 A. Seven a.m. is -- Because I remember we were</p> <p>3 getting there shortly after the sun came up and so I know</p> <p>4 the sun would have been up by 8:00.</p> <p>5 Q. Okay. So it was around 7:00, you were at your</p> <p>6 southern terminus?</p> <p>7 A. That's my best guess, yes.</p> <p>8 Q. All right. And where was that?</p> <p>9 And I'm going to show you a bigger chart, which</p> <p>10 we'll mark as Exhibit 13. That'll be Chart 12300.</p> <p>11 (Exhibit No. 13, Chart, marked for</p> <p>12 identification).</p> <p>13 BY MR. FARRELL:</p> <p>14 Q. Can you, on this chart, sir, draw an X as to</p> <p>15 where you arrived around 7:00 on the morning of September</p> <p>16 18th?</p> <p>17 A. (Deponent complying).</p> <p>18 Q. Okay. Now, having put that X there, what -- Why</p> <p>19 did you choose that spot?</p> <p>20 A. Can you clarify?</p> <p>21 Q. I -- I'm -- Absolutely a good question. I'm -- I</p> <p>22 was imprecise in my questioning.</p> <p>23 Did you have an intended spot that you were</p> <p>24 aiming for in the Block Canyon area?</p>

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1 A. I'm still not sure I understand, so let me tell  
2 you how I'm answering your question.  
3 Q. Well, I'll try and make it clearer for you.  
4 A. Uh-huh.  
5 Q. Okay. When you departed the X southeast of Block  
6 Island where you were striped fishing, did you plug in any  
7 coordinates in the Block Canyon area that the GPS brought  
8 you to?  
9 A. Yes, I did.  
10 Q. Okay.  
11 A. The --  
12 Q. And what -- And was that location depicted by the  
13 X that you've just drawn on Exhibit 13?  
14 A. Yes.  
15 Q. Okay. And what -- What factors went into your  
16 decision to use that as your destination?  
17 A. The fact that we were going to be trolling Block  
18 Canyon and that to do so, we'd be going in -- in a line  
19 parallel to the line of the canyon rather than  
20 perpendicular to it or otherwise.  
21 The fact that I wanted to start offshore and work  
22 inshore rather than the other way around. And so starting  
23 at the southern end of the canyon and we would -- we were  
24 trolling north. That would put us closer to shore when we

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1 were getting ready to go home.  
2 Q. Okay. And so what time did you start trolling  
3 north?  
4 A. We started trolling right after arriving, which  
5 would have been shortly after 7:00.  
6 Q. Okay. And had you ever fished in this area or  
7 within several dozen miles of this area depicted by the X  
8 on Exhibit 13?  
9 A. No, I had never been out to the canyons before.  
10 Q. What prompted you to go there?  
11 A. I had been wanting to fish the canyons for a very  
12 long time, since we had the little 14-foot boat when I was  
13 a child.  
14 My dad and I had gone to seminars on canyon  
15 fishing and tuna fishing and that sort of thing when I was  
16 younger. It had always been a dream of mine. When I  
17 bought the boat, the JC31, I did so with the intention of  
18 getting a boat that I could take to the canyons.  
19 September, August is the time of year when you go  
20 canyon fishing, that's the time of year when you catch  
21 things in the canyons.  
22 And all of those factors is what made me want to  
23 go fishing at the canyons.  
24 Q. In 2016, had you talked with anybody who reported

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1 that there were fish or bite going on in Block Island --  
2 Block Canyon?  
3 A. I had spoken to the people at Snug Harbor Marina.  
4 They have a bait shop and I spoke to the people in that  
5 shop asking them what the fishing was like offshore. I  
6 asked them a couple times and they indicated that it was  
7 uncertain, that nobody wants to be the first one to go out  
8 because you don't know what you'll catch.  
9 To me, fishing generally, and fishing in the  
10 canyons as part of that, is very much about the activity  
11 of fishing. You hope to catch things, but often times, my  
12 mom and I wouldn't catch anything when we went out. We  
13 still considered it a good trip.  
14 So I had inquired about where the bite was. I  
15 had received some reports that the fishing was uncertain,  
16 but not any bad reports saying a bunch of people went out  
17 and caught nothing. And based on that, I thought it would  
18 be nice to go to the canyons. And Block Island seemed to  
19 be the nearest canyon to go to.  
20 Q. Had anybody reported catching anything in the  
21 Block Canyon area?  
22 MR. SANTOS: To him?  
23 MR. FARRELL: Yeah.  
24 A. I never heard anyone report catching fish in the

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1 Block Canyon area in that time frame that we were going  
2 out.  
3 Q. Okay. And did you see any boats on your way  
4 south?  
5 A. Well, let me also say that I know generally from  
6 having read reports and so forth that Block Canyon is  
7 considered a good place to fish.  
8 Q. No, but I -- My specific question was during  
9 September 2016, had you heard any positive reports of  
10 people catching fish in the Block Canyon area?  
11 A. As I answered, no.  
12 Q. Did you take ice with you?  
13 A. Did we take -- I think there was ice in the  
14 cooler that my mom brought.  
15 Q. And that was for what, your food?  
16 A. It had food, it had bait -- It had bait in it and  
17 many fish that we caught would have been thrown into the  
18 cooler.  
19 Q. How big was that cooler?  
20 A. It was quite large. Maybe -- Talking about  
21 outside dimensions, 24 inches by 60 inches.  
22 Q. Okay. Who put that cooler onboard?  
23 A. My mom and I carried it down.  
24 Q. And what kind of food and supplies did you take

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# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 with you on the trip?  
 2 A. I had a bottle of lemonade that my mom and I had  
 3 purchased at Stop & Shop just before leaving. We had the  
 4 fishing rods, I kept both inshore and offshore fishing  
 5 rods on the boat, so they were both onboard along with  
 6 tackle for both inshore and offshore fishing.  
 7 There was bait, some of which my mom had brought.  
 8 My mom brought mackerel, I think she brought some squid  
 9 that -- I have a lot of bait that she kept frozen in her  
 10 freezer and she would bring it every time we went fishing.  
 11 So most of that stuff, which included mackerel, squid and  
 12 maybe some bunker she brought. I had --  
 13 Q. Was that -- What fishery were you going to direct  
 14 those baits toward?  
 15 A. We also brought live eels to go fishing, too.  
 16 Q. Was that all for stripers?  
 17 A. The live eels were for stripers.  
 18 Q. What about the mackerel and the squid?  
 19 A. My mom brought those to go -- for us to go  
 20 fishing with. We were planning on using the live eels for  
 21 striped bass and when we left the dock, we wouldn't --  
 22 weren't planning on using the bunker or anything else for  
 23 the striped bass.  
 24 Q. What were you going to use them for?

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1 A. When we left the dock, our plan was to go fishing  
 2 for striped bass in the vicinity of Block Island and I had  
 3 no immediate intent of using the bunker unless maybe we  
 4 decided to fish into the day inshore and then we would  
 5 have used it on junking.  
 6 Q. You certainly weren't planning to use the  
 7 mackerel, the squid or the bunker for tuna fishing or --  
 8 in the canyons; is that correct?  
 9 A. At the time we left the dock, the reason that was  
 10 onboard was not for tuna fishing.  
 11 Q. Okay. How fast did you troll as you were heading  
 12 north?  
 13 A. We were trolling -- I was varying the speed  
 14 periodically between maybe four and six knots.  
 15 Q. Okay. And did you -- What was the weather  
 16 condition?  
 17 A. The weather conditions atmospherically were  
 18 clear, the sea conditions were not rough. There was a  
 19 swell, but it was a -- what I describe as a sighing wave,  
 20 so it wasn't perfectly flat, but the waves were widely  
 21 spaced. And maybe the highest from trough to crest, maybe  
 22 four feet, but that's a very wide space between trough and  
 23 crest.  
 24 Q. Okay. And what direction was the swell coming

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1 from? Were you able to discern that?  
 2 A. No.  
 3 Q. And as I asked, when you were heading down south  
 4 from Block Island toward Block Canyon, did you see any  
 5 other vessel traffic?  
 6 A. No.  
 7 Q. And in your days aboard the life raft, did you  
 8 see any other vessel traffic besides the Chinese  
 9 freighter?  
 10 A. Yes, I did.  
 11 Q. What did you see?  
 12 A. On one occasion at night, I saw a -- I couldn't  
 13 see the hull of the vessel, but I saw lights that were --  
 14 appeared to be from -- I saw a ship in the form of lights  
 15 quite a ways off near the edge of the horizon. And that is  
 16 the only other vessel that I saw while on the life raft.  
 17 Q. And what bearing was it from you, do you know?  
 18 A. No, I don't.  
 19 Q. Do you have any idea if it was -- any idea if it  
 20 was north, south, east or west of you?  
 21 A. I had a very difficult time establishing bearings  
 22 in the life raft, so no, I would be really guessing. I  
 23 can't do that.  
 24 Q. Okay. So as you're trolling north, did you

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1 notice any maneuvering characteristics on the vessel  
 2 change?  
 3 A. No. The -- We were -- I was not trolling -- No,  
 4 I did not notice any maneuvering characteristics on the  
 5 vessel change.  
 6 Q. You were on autopilot most of the time?  
 7 A. Yes.  
 8 Q. And were you just simply heading back toward  
 9 Block Island?  
 10 A. Yes.  
 11 Q. And how long did you intend to troll?  
 12 A. We would have trolled until -- I don't remember  
 13 whether we had agreed to -- I'm pretty sure that we agreed  
 14 to leave so as to be back at the dock around six or around  
 15 when it would be getting dark, which we -- We wanted to be  
 16 back at the dock around when it would be getting dark and  
 17 we figured how long it would take us to get from the  
 18 canyon to the dock.  
 19 Q. So what time would you have hauled back on your  
 20 lines and started steaming toward Block Island and  
 21 finished fishing?  
 22 A. At this time, I don't remember what our plan was  
 23 because I don't remember what time sunset was at that  
 24 particular time.

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# EXAMINATION UNDER OATH OF NATHAN CARMAN

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1 Q. And you said midday, but do you have any more  
2 specific time as to when the vessel sank?  
3 A. No, I do not.  
4 Q. And do you have an ability to show us where on  
5 this chart the vessel sank?  
6 A. I could estimate that it sank approximately  
7 halfway between where we started and the edge of the  
8 canyon. So if I draw an X here halfway between --  
9 Q. Let's make it an asterisk.  
10 A. Okay. So probably halfway between the X and the  
11 asterisk.  
12 Q. Why do you say -- Okay. Why do you say that?  
13 What's the asterisk represent?  
14 A. That's the direction in which we were trolling.  
15 Q. All right. So somewhere in between you say?  
16 A. Yes.  
17 Q. Okay. So just for no -- For lack of better  
18 reference, the 140 fathom mark looks to be about halfway  
19 in between?  
20 A. Sure. I don't know what the scale of this map  
21 is, so I don't know if that asterisk is -- I don't know  
22 what the scale of this map is.  
23 Q. Well, all that asterisk is doing is showing you a  
24 direction, right?

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1 A. Yes, but it's also showing a distance and I don't  
2 know what the distance between here and there would be.  
3 So it's somewhere in the direction of the asterisk.  
4 Q. Okay. Did you have a depth sounder?  
5 A. Yes.  
6 Q. Did it -- Did you have readings coming off of the  
7 depth sounder?  
8 A. Not that showed the depths at -- The depth  
9 sounder was functioning, but it was not showing the depth  
10 because it was so deep.  
11 Q. Okay. Are you saying that the vessel sank like  
12 in the middle of the canyon as depicted here in the chart  
13 where there actually is a drop off on the bathymetric  
14 lines or whatever they're called?  
15 A. All I can say is -- All I can say is that we  
16 started somewhere in the vicinity of the X trolling north  
17 within Block Canyon -- within the walls of Block Canyon,  
18 and that the boat sank after we started trolling north.  
19 We started trolling north around seven and the boat sank  
20 around midday. We were trolling between four and six  
21 knots.  
22 Q. How do you know you were in the walls of Block  
23 Canyon?  
24 A. Because of the heading that I had on the

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1 autopilot.  
2 Q. You used autopilot and GPS points to determine  
3 that you would be coming up sort of the heart of the  
4 canyon moving up the continental shelf to the north?  
5 A. Yes.  
6 Q. Okay. And so going through that line, you were  
7 going through like the heart of the walls of the canyon  
8 and then heading north from there?  
9 A. Yes.  
10 Q. You don't know exactly where you were where you  
11 sank?  
12 A. That's correct.  
13 Q. But -- How many hours after you started fishing  
14 at seven or so did the sinking occur?  
15 A. Approximately five hours.  
16 Q. Okay. How many days were you in the life raft?  
17 A. Seven days.  
18 Q. What happened to your mother?  
19 A. When the boat sank, I did not -- I found myself  
20 in the water. I wasn't able to locate her.  
21 Q. Did she go down with the vessel?  
22 A. I know she was a strong swimmer. The seas were  
23 not rough. I don't know if I would have been able to see  
24 her head some distance from me, especially not being high

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1 above the water because there was that swell, but I think  
2 it most likely because she was a strong swimmer that she  
3 was not conscious on the surface after the boat sank.  
4 Because if she was, she would have been able to swim. She  
5 would have been able to see the life raft and she would  
6 have been able to hear me and she would have responded to  
7 me calling out to her.  
8 Q. So was she somehow affixed to the vessel when it  
9 went down? Is that your conclusion?  
10 A. I don't know if she -- if when the bow dropped,  
11 she either struck her head or struck a limb such that she  
12 was either unconscious or unable to swim. I don't know if  
13 she got tangled in the fishing line or got a hook caught  
14 on her, which would have connected her to an 80-pound test  
15 rod, or if she got tangled in the dock lines that were in  
16 the cockpit.  
17 I don't know why she didn't make the life raft,  
18 but all of those seem to be possible explanations to me.  
19 Q. Okay. And there was no sound because the engine  
20 was turned off.  
21 A. That's correct.  
22 Q. And you didn't hear any voice or scream of help  
23 from her of any sort?  
24 A. Not that I perceived. I don't -- In that instant

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1 when the boat sank, it feels like I lost my senses for a  
2 period of time. One second I was walking forward and the  
3 next second I'm in the water. I don't know how acute my  
4 senses would have been in that fraction of a second, which  
5 is also when any call for help would most likely have  
6 come, but I did not receive any call from her.  
7 Q. And you didn't hear anything from her after you  
8 told her to reel in the lines?  
9 A. No. I was focused on what I was doing and she  
10 was focused on what she was doing.  
11 Q. So you heard nothing from her since saying reel  
12 in the lines? I just want to make sure about that.  
13 A. Well, she responded yes, I will reel in the  
14 lines.  
15 Q. After that, did you hear anything from her?  
16 A. We weren't talking after I asked her to reel in  
17 the lines.  
18 Q. Okay. How did the life raft deploy?  
19 A. It deployed automatically.  
20 Q. And how long were you in the water before you  
21 were in the life raft?  
22 A. A brief period of time. When I was in the water  
23 and the boat was gone, I saw the life raft, the bag that I  
24 was holding and the other safety gear was in close

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1 pair of pants made out of a similar material, and  
2 obviously the life vest.  
3 (Exhibit No. 15, E-Mails, marked for  
4 identification).  
5 BY MR. FARRELL:  
6 Q. Had you changed your clothes from when you  
7 departed?  
8 A. Yes, I had.  
9 Q. What had you worn when you departed from Point  
10 Judith? What did you have on when you departed Point  
11 Judith?  
12 A. I had on Grunden outerwear. And right now, I  
13 don't remember what clothing I had on under the Grundens.  
14 Q. And when did you change clothing?  
15 A. After getting into the life raft.  
16 Q. Okay. I'm handing you Exhibit 15.  
17 Can you flip through that and tell me what that  
18 is?  
19 A. This appears to be an e-mail that I sent to  
20 Martha Charlesworth, the adjuster on my insurance claim,  
21 responding to her request for the invoice showing that the  
22 engine had been the subject of a previous claim, it was in  
23 fact replaced. And also responding to her request that I  
24 give a written statement of the accident.

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1 proximity to me. I was able to collect the safety gear  
2 and get to the life raft. So minutes.  
3 Q. Okay. And you climbed in the life raft then?  
4 A. Yes.  
5 Q. Okay. Did you at any point check the transom as  
6 you were sinking?  
7 A. No, I never checked anything aft of the hatch on  
8 the port side of the cockpit.  
9 MR. FARRELL: Let's take a break.  
10 (Off the record at 4:28 p.m.)  
11 (Exhibit No. 14, Photograph, marked for  
12 identification).  
13 (Back on the record at 4:37 p.m.)  
14 BY MR. FARRELL:  
15 Q. So I'm handing you Exhibit 14. What's that  
16 depict?  
17 A. That is a picture of me being brought up the  
18 gangway of the freighter that rescued me when they rescued  
19 me.  
20 Q. What were you wearing at that time?  
21 A. At that time, I was wearing clothing that had  
22 been in the -- what I'd call the safety gear that was kept  
23 on the boat, which included a fishing shirt, which is a  
24 light fabric button-down long-sleeved shirt, and also a

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1 Q. And what prompted your getting in touch with her  
2 initially -- with Boat U.S. initially?  
3 A. I contacted Boat U.S. in order to file a claim  
4 because the boat had sank.  
5 Q. And when did you type up that statement?  
6 A. I typed up that statement after Martha had asked  
7 me to give a written statement to insurance. I think it  
8 was at least several days afterwards. I had -- It was a  
9 very emotional time for me, as you can imagine, and it  
10 wasn't my top priority, but it is something that I did get  
11 done as quickly as I was able to after she had asked for  
12 it.  
13 Q. So you e-mailed it to her on October 19th.  
14 Would it be fair to say that you completed this  
15 statement that's part of Exhibit 15 around that date?  
16 A. Yes, shortly before that day.  
17 Q. Okay.  
18 MR. FARRELL: Why don't we make this an  
19 exhibit, too?  
20 (Exhibit No. 16, Letter, marked for  
21 identification).  
22 BY MR. FARRELL:  
23 Q. This is a letter that your lawyer had sent me and  
24 we have it in the exhibits already, but I'm just giving it

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1 to you as a standalone. This is the one we talked about  
2 earlier as the one that was sent to Attorneys Nardini and  
3 Boyle.  
4 Have you read this letter?  
5 A. Yes, I have.  
6 Q. Okay. Is there anything factually incorrect  
7 that's stated in that letter?  
8 A. There are a couple of -- I read this letter last  
9 night in preparation for this meeting and I did notice a  
10 couple of things that I'd like to point out as possibly  
11 clarifying, possibly correcting them.  
12 Do you mind if I take out my copy of this letter  
13 where I highlighted what I'd like to point out?  
14 Q. You go right ahead. Sure.  
15 A. I'll just go over my notes and then point out to  
16 you what I saw.  
17 One clarification --  
18 MR. SANTOS: Why don't you make a reference  
19 to the page and the paragraph?  
20 THE DEPONENT: Yes. Okay.  
21 BY MR. FARRELL:  
22 Q. Go ahead.  
23 A. Sure. One clarification that I'd like to make on  
24 Page 2 in the sub-bullet marked with a black square on the

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1 boat, Carman arrived on the evening of Friday September  
2 16th.  
3 Well, yes, I arrived on the evening of September  
4 16th, which was not a day of the weekend and it was not  
5 the weekend before, it was the weekend of.  
6 Now, on Page 3 in the first full paragraph or the  
7 first section that is marked with a round circle, it says.  
8 This created holes above the water line, but none below  
9 the water line. There were four holes about the size of a  
10 half dollar.  
11 That is true. There are also three holes per  
12 screw hole for a total of 12 screw holes -- excuse me --  
13 three holes per half dollar sized hole. So there were a  
14 total of 12 screw holes, plus those four.  
15 Q. But those 12 screw holes, were they -- did they  
16 go all the way through the hull?  
17 A. I don't know.  
18 Q. They might have?  
19 A. Yes, they might have, but I was not able to  
20 establish whether or not they did.  
21 Q. All right.  
22 A. And then on the last page, so we're now on Page  
23 4, under the first bullet, second to last line, it says,  
24 Cannan and his mother also went fishing at night on one

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1 third paragraph is it says, One particular issue was that  
2 water was entering the hull through the rudder stuffing  
3 box.  
4 And I'd clarify that it appeared to be at that  
5 time entering through the stuffing box. And it was later  
6 established that water was entering not through the  
7 stuffing box itself, but from between the stuffing box and  
8 the hull, meaning that the stuffing box wasn't sealed to  
9 the hull properly.  
10 Q. Okay.  
11 A. And in the next paragraph, which is Paragraph 4  
12 marked by a white circle, it says, The boat was purchased  
13 in December 2015 and Carman piloted back to South  
14 Kingston, Rhode Island. During this trip, the boat's  
15 engine did not seem to be at full power.  
16 That is partially true. During part of the trip,  
17 the boat's engine did not seem to be at full power. The  
18 first half of the trip, it was running fine. I then  
19 paused, took a break, and when I tried to get underway  
20 again, I wasn't getting full power. So during part of the  
21 trip, the engine was not at full power.  
22 And again, a clarification is on the last  
23 paragraph of Page 2, the last bullet under the heading  
24 Repairs, it says, The weekend before the sinking of the

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1 occasion.  
2 We actually went fishing at night on two other  
3 occasions. One was the last time -- When we spent three  
4 days fishing together in Rhode Island, we went fishing at  
5 night on one occasion there and one occasion subsequent to  
6 that. Both times for striped bass.  
7 And then the last bullet point, again on Page 4,  
8 I had several -- I picked up on several things here. I'm  
9 not sure if they're matters of clarification or matters of  
10 inaccuracy, so let me read it.  
11 So talking about Page 4, on the last bullet  
12 point, it says, Point Judith said this was normal, but  
13 Carman asked them to inspect it any way.  
14 My first conversation with Point Judith Marina  
15 about my observation of oil in the bilge, Tim Green who  
16 was a representative of PJM, told me that it was not  
17 normal for there to be any oil in the bilge from a -- a  
18 new engine. And he also told me that there should be no  
19 blow-by from a new engine. And I believe the only blow-by  
20 would have come out of the breather tube. He said there  
21 should have been no blow-by, so it shouldn't matter that  
22 the breather tube was venting into the bilge.  
23 The mechanic is not the person who told me that  
24 the oil in the bilge is minimal, but sitting on top of

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1 water. That quote is from an e-mail that, according to my  
2 recollection, was sent to me by Tim Green. I don't know  
3 if the mechanic told him, but I don't remember the  
4 mechanic telling me, I remember Tim Green telling me and  
5 Tim Green is not a mechanic, or at least not to my  
6 knowledge.

7 And it is true at the end that when I followed up  
8 by phone after they had inspected the boat, they now said  
9 this was normal and made me feel like I was being  
10 unreasonable for pressing them about the issue. And I  
11 thought that because I -- I don't know a lot about diesel  
12 engines, I know very, very little. And what I know, I  
13 learned from asking a mechanic at PJM. So I thought that  
14 they must be right, and I wasn't seeing any performance  
15 issues with the engine, so I didn't pursue my complaint  
16 further.

17 Q. So besides the four balled-up pieces of paper  
18 towel that you stuck in the holes on the transom and the  
19 tube of epoxy that you bought from West Marine and the --  
20 the tube of 5200 and the fiberglass kit that you didn't  
21 end up using, you didn't do anything else to try and fill  
22 the holes that were on the transom?

23 A. No, I did not.

24 Q. And what -- How long did you talk with the Coast

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1 Q. Okay.

2 A. Can I put my copy of the letter away?

3 Q. You can put your letter away. Yes.

4 Did you review anything else in preparation for  
5 today?

6 A. I reviewed the invoices that were sent to you to  
7 refresh my familiarity with them and I spoke to my  
8 attorney, but other than that, no.

9 Q. In Exhibit 9, do you see that e-mail?

10 A. Yes, I see the e-mail that you have here.

11 Q. Who's Holly Abrams?

12 A. I don't know.

13 Q. Do you remember seeing this e-mail?

14 A. Yes, the text of the e-mail looks familiar to me.  
15 I have no idea who Holly Abrams is and I wouldn't have  
16 looked at the -- at the other data.

17 MR. SANTOS: Can I see it?

18 BY MR. FARRELL:

19 Q. Did you ever use an e-mail Rampoint@AOL.com?

20 A. No. Did -- What do you mean by -- Did I send  
21 e-mails to that address or was that the address at which I  
22 received?

23 Q. Yeah, that you received.

24 A. I never received e-mails at that address, no.

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1 Guard after you came to shore?

2 A. I talked to them I'd say extensively. I don't  
3 know the duration of the interview, but I believe I  
4 answered all of their questions.

5 Q. Okay.

6 A. A couple hours.

7 Q. Okay. And what about -- And then there was a  
8 search warrant at your house?

9 A. That's correct.

10 Q. And what was -- Do you know what the search  
11 warrant was for?

12 A. I have a copy of what the judge signed saying  
13 what it's authorized for. Aside from that exact language,  
14 I don't know what it's for. We could get you that exact  
15 language, but I'd just be trying to recall it here.

16 Q. Okay. Have there been other -- Have you been  
17 interviewed by other law enforcement?

18 A. Yes. After speaking to the Coast Guard, I  
19 submitted to an interview from Detective Bucco, who I  
20 understand to be a detective of the South Kingstown Police  
21 Department, and I interview -- I did that interview with  
22 him right after speaking to the Coast Guard, right after I  
23 got to land. And that's the only other interview that  
24 I've done with law enforcement.

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1 Q. Did you ever send any to that address?

2 A. I don't know. I know I sent e-mails to Ram Point  
3 Marina, I don't recall which address they used.

4 Q. Okay. How certain are you with that X that you  
5 drew on the chart for where you started trolling? Could  
6 it have been south of there?

7 A. Yes, it could have been. As I said, I don't know  
8 the scale of the map and so I -- Placing things on the map  
9 is challenging. That's my best guess, but it could have  
10 been south of there.

11 Q. Okay. What about this crossover hose valve that  
12 was referenced in the repair records? Do you remember  
13 that issue?

14 A. I do remember Point Judith Marina bringing it up  
15 to me. We're talking about the fuel tanks now, if I  
16 understand?

17 Q. Right.

18 A. I do remember Point Judith Marina bringing that  
19 up to me. That was also something that I had spoken to  
20 the marine surveyor about in phone conversations we had  
21 when he was doing the survey, though I don't believe  
22 appeared in his final survey report.

23 The surveyor had told me that the way that was  
24 designed was standard and typical, and he did not mention

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1 it as something in noncompliance with any set standard.  
 2 So I believe that when PJM advised me to make a  
 3 repair to that, that they were not being forthright in  
 4 their motives for asking me to make that repair. I  
 5 thought they were trying to get me to pay them more to do  
 6 something that didn't need to be done because the surveyor  
 7 had indicated to me that there was no issue.  
 8 Q. Did you ever check the -- Well, let me -- Were  
 9 there specifications or information provided in that epoxy  
 10 stick in the -- What was there, a flier on the inside that  
 11 came with the product?  
 12 A. Yes.  
 13 Q. Okay. Do you still have that?  
 14 A. Let me clarify. Yes, there was a flier on the  
 15 inside that came with the product.  
 16 Q. Okay. Did you -- Do you still have that? Was  
 17 that still -- Did you leave that in your truck?  
 18 A. No, I would have either discarded the empty  
 19 package. If there was any leftover, I would have put it  
 20 in my tool kit on the boat, or there's a possibility that  
 21 the package would be in the truck.  
 22 Q. Okay. Did you use all of that product?  
 23 A. I don't think I used all of it. I think I used  
 24 most of it, but I think there was a little bit leftover.

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1 Q. Okay. Showing you Exhibit 6.  
 2 Is it your understanding that the epoxy stick was  
 3 a permanent repair?  
 4 A. Yes, it is.  
 5 Q. And you base that on what?  
 6 A. I base that on the literature in the package and  
 7 in my understanding of J.B. Weld, which I considered the  
 8 product to be identical to J.B. Weld in every practical  
 9 respect, and I base that on my knowledge of the literature  
 10 from the package and my knowledge of J.B. Weld being that  
 11 it hardens strong as steel or practically strong as steel  
 12 and can be used above and below the water line and is -- I  
 13 believe the package even says that it's suitable for  
 14 permanent repairs. I'm not positive that the package says  
 15 that specifically.  
 16 Q. Did the literature inside it make that statement?  
 17 A. It gave me that impression.  
 18 Q. All right. You think there was extra. Did you  
 19 leave the extra in your truck or is it in the boat?  
 20 A. No, if there was extra, and I'm pretty sure that  
 21 there was, I would have put it in the tool kit that I kept  
 22 onboard the boat. There would have been a very small  
 23 amount of extra. I think it was just an inch or two of  
 24 the whole stick.

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1 Q. And how long is the whole stick?  
 2 A. Trying to recall sitting here, I'd say six to  
 3 eight inches in length.  
 4 Q. Thank you very much.  
 5 Now, I just want to make sure you understand,  
 6 we're going to get you this transcript to review and if  
 7 there's anything, as I said, that is mistyped, you know, a  
 8 mistake in transcribing your words, you get a chance to  
 9 fix that.  
 10 MR. FARRELL: Would you like to have him sign  
 11 it and review?  
 12 MR. SANTOS: Yeah, I think so.  
 13 MR. FARRELL: We'll get it to you in a couple  
 14 weeks.  
 15 MR. SANTOS: Okay.  
 16 BY MR. FARRELL:  
 17 Q. Is there anything else about your testimony that  
 18 you want to change at this point?  
 19 A. No, there's not. I would like to -- No, there's  
 20 not.  
 21 Q. Okay. Is there anything you want to add?  
 22 A. I recall that there was a point in the -- when  
 23 asked if I could have an opportunity to clarify something.  
 24 I'm trying to think of exactly where we were at there.

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1 Yes, so regarding our -- my mom's and my  
 2 understanding when we left the dock and how that  
 3 understanding changed.  
 4 We had -- My mom and I had intended to go striped  
 5 bass fishing, we had inshore fishing rods onboard the  
 6 boat, we had eels and so forth. My mom also had expressed  
 7 concern in the past about me going out on the boat. She's  
 8 a mother, that's the basis of her concern. And I had  
 9 given her -- I had agreed with her not that I would never  
 10 go out on the boat alone, but that any time I was planning  
 11 to go out, I would offer her an opportunity to join me.  
 12 And that was the compromise that we had struck.  
 13 So on the way out, I told her that I was planning  
 14 on going out to the canyons in the coming days and that if  
 15 she wanted to go with me, that she could. She was working  
 16 that week and we agreed that I would -- that we would go  
 17 out that evening and -- that day, rather than me going out  
 18 alone later in the week.  
 19 Q. Okay. Anything else?  
 20 A. No.  
 21 Q. All right. Thank you very much, sir.  
 22 A. Yes.  
 23 MR. SANTOS: Thank you.  
 24 (Examination of Nathan Carman concluded at 5:04 p.m.)

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EXAMINATION UNDER OATH OF NATHAN CARMAN

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CERTIFICATE

I, NATHAN CARMAN, hereby certify under  
the pains and penalties of perjury that I have read the  
foregoing transcript of my testimony and further certify  
that said transcript is a true and accurate record of my  
testimony (with the exceptions of the corrections,  
additions, and deletions noted below).  
PAGE LINE CORRECTIONS, ADDITIONS AND OR DELETIONS

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Signed under the pains and penalties of perjury  
this \_\_\_\_ day of \_\_\_\_\_, 2017.

NATHAN CARMAN

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COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK COUNTY

I, Lauren Sullivan Gardner, Professional  
Shorthand Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, do hereby certify that the  
witness whose testimony is hereinbefore set forth, was  
duly sworn and identified and that this transcript is a  
true record of the testimony given by the witness.

I further certify that I am neither related to or  
employed by any of the parties in or counsel to this  
action, nor am I financially interested in the outcome of  
this action.

In witness whereof, I have set my hand and seal  
this 3rd day of January, 2017.

Lauren Sullivan Gardner, Notary Public in and  
for the Commonwealth of Massachusetts  
My Commission Expires: September 26, 2019

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