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I N D E XPROCEEDINGS:PAGE:

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<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>	<u>ALJ</u>
Karlene Petitt	518				542	
David B. Altman	557	603	698	722		728

EXHIBITS:IDENTIFIEDRECEIVEDREJECTEDJOINT

(None identified, nor received.)

COMPLAINANT

(None identified, nor received.)

RESPONDENT

(None identified, nor received.)

1 Q Okay. Could you describe how it came up?

2 A Well, it comes up -- the only time I will explain
3 my case, what's going on, what happened with me, is when the
4 pilots make comments: "Oh, I thought you got fired," or "I
5 heard you were crazy," or something to that effect. And then
6 I kind of laugh and I will tell them what happened. And
7 multiple cases of a variety of situations, almost every time
8 somebody has a story fatigue is often. It appears that it's
9 a common -- it has always been a common thread that Delta
10 viewed deadheading not as duty time, even when it is a
11 deadhead on the tail home. And in one particular case, my
12 captain lost a day of pay because of it, because he came
13 home, they tried to reschedule him and send him back out to
14 Asia. And I asked him if he reported it, he said, yes, to
15 the union, it was really upsetting. And after a week later
16 he thought there's pilots out here who don't feel that I do,
17 they have to make a paycheck, that they're going to fly
18 fatigued, because they're going to lose that pay. And he
19 said that it bothered him so much that a week later he
20 contacted the union and said he would like to take it to
21 Captain Dickson and Graham. And the union representative
22 said: "If you do that, your career is over." So, he didn't.

23 There's also --

24 MR. ROSENSTEIN: Objection, move to strike, on the
25 record.

1 JUDGE MORRIS: Overruled.

2 BY MR. SEHAM:

3 Q Had you completed your answer?

4 A Well, there's two other cases where there was some
5 training issue, in one case in safety, and another, they
6 didn't bring it forward because they had kids that they
7 wanted to come work for the airline and they knew if they did
8 that, they would not have that opportunity.

9 MR. ROSENSTEIN: Objection, move to strike.

10 JUDGE MORRIS: Overruled.

11 BY MR. SEHAM:

12 Q Now, aside from your -- have you recently run for
13 an ALPA political position?

14 A I did. I ran for ALPA MEC Chairman.

15 Q And in the context of that -- your efforts to
16 obtain that position -- was your Section 15 referral brought
17 up as an issue?

18 A It was, because when I've learned is that our
19 airline is -- it's a common thread people are afraid, and I
20 wanted to let --

21 MR. ROSENSTEIN: Objection, move to strike.

22 JUDGE MORRIS: Overruled.

23 THE WITNESS: -- I wanted to let them know that the
24 AIR-21 -- I hadn't heard of this before I went through this
25 myself -- and I wanted to let them know that -- to let them

1 know what the AIR-21 was, that there was protection, they did
2 have the ability to bring safety forward and they shouldn't
3 have that fear. And also, the platform was to encourage a
4 focus on training, because current -- and industry wide -- in
5 Delta is trained to push the button mentality and everybody
6 is losing their flying skills. And I was trying to get ALPA,
7 as a group, to help go in and change this training at Delta
8 Air Lines and just expose them to -- like expose them to AQP.
9 The pilots don't know that under AQP you're required, by law,
10 to have a captain and FO, crew compliment. And so what the
11 airline does, if they've got 20 first officers going through,
12 they'll pair them up and then they swap seats. And part of
13 the AQP certification and why they were allowed to go to AQP,
14 instead of Appendix F training, saves them a lot of money,
15 because we train as a crew. But the FAA identified that 50
16 percent of that training were your pilot not flying duties in
17 your respective seat. So, if I were an FO training in my
18 seat as an FO, with another FO, I will never have the
19 opportunity to pilot not flying, and those duties are quite
20 often more challenging than the pilot flying, because you
21 have to often manage the computer, talk to air traffic
22 control, so you have to have a lot of situation awareness and
23 be working with the captain. So, it is a team effort and you
24 need to be able to have those positions. And also, just the
25 pre-flight, you know, you have to have repetition to get

1 muscle memory to do your tasks. So, it's huge and our pilots
2 don't know that. So, there's many pilots who stumble through
3 training.

4 And even in a check ride, where they bring pilots
5 back for -- and some of these might be construed as
6 disciplinary check rides, where they have a seat support and
7 they have an instructor, but they're not operating per AQP,
8 which requires you have to have -- you have to operate this
9 in a normal environment. You have to play real ATC
10 communication games. You have to do everything as if you
11 were in a flight, part of AQP. So, our pilots -- many of our
12 pilots -- don't know that.

13 And so I just wanted to -- I had no expectation of
14 every becoming MEC chairman, but I wanted to run a platform
15 to help educate our airline group on the things that I know I
16 learned. And so I brought up Safety Management Systems and
17 elements of a Safety Culture, because I think that if ALPA
18 knew this and knew this was a requirement -- they don't know
19 either.

20 JUDGE MORRIS: What is MEC?

21 THE WITNESS: Master Executive Council. It's like
22 the top person.

23 MR. SEHAM: It's the equivalent of a local. ALPA
24 doesn't have locals, per se, but it's a rough equivalent to a
25 local within the International Union.

1 BY MR. SEHAM:

2 Q Did you ever report concerns related to Dr.
3 Altman's method of examination to the FAA?

4 A I did. I actually -- when I received that lengthy
5 report and went through it, I wrote something and I titled
6 it: "Rebuttal." And I went through and things -- how he
7 altered the transcripts, to what he wrote in the report, his
8 analysis of Ed calling me "manic," because I referred to him
9 as "Ed," showed support that the airline calls Ed, "Ed," he
10 wants us to. So, I wrote this rebuttal and I sent it to the
11 head of the FAA, I believe it's Dr. Goodman, is where I went
12 it to. He called me on the telephone, said that he was
13 returning it to me, because Dr. Altman was not an AME, they
14 couldn't do anything about it. But he recommended that I go
15 to the Illinois Medical Board and report it there.

16 Q And did you follow his guidance?

17 A I followed his guidance. They conducted an
18 investigation, it took approximately one year. I've been
19 following up and checking the case, because it's just not
20 something that is published. And so I've been following the
21 case and about six months ago it went from -- maybe a year
22 ago -- from the investigation to somebody they called the
23 controller.

24 MR. ROSENSTEIN: Objection.

25 JUDGE MORRIS: Hold it. Yes?

1 MR. ROSENSTEIN: This is not the same as the other
2 types of testimony that I think the Tribunal has allowed in,
3 for what it's worth, with the prior descriptions of the
4 theory behind allowing broad testimony here. This is hearsay
5 that would be prejudicial to a future witness. It has no
6 probative value in this case. And it should not be allowed
7 in, even with a non-jury case. Ms. Petitt's description of
8 some corollary investigation that's going on in Illinois,
9 based on things she wrote, based on claims that she's raised,
10 is not evidence of any type. And her description of what
11 happened in that case and her claims against Dr. Altman have
12 no place here in this hearing.

13 JUDGE MORRIS: Counsel?

14 MR. SEHAM: One of the reasons why -- and I
15 disclosed this yesterday -- why we wanted to complete Ms.
16 Petitt's testimony before bringing on Dr. Altman, is because
17 I disclosed that there were additional items in her testimony
18 relating to Dr. Altman. Dr. Altman will be appearing and he
19 will be asked questions about his past record. And in fact,
20 other Delta witnesses will be asked questions about their
21 prior knowledge of Dr. Altman's retaliatory practices, that
22 they were aware of before he was selected to perform as the
23 CME in this case.

24 So, if this witness is not permitted to testify, it
25 might, frankly, be to the disadvantage of the Respondent,

1 because they're not going to have the disclosure of lines of
2 testimony that we will be pursuing with their witnesses. It
3 also is relevant in terms of the ethics of this doctor, but
4 also it's related -- it will be tied to the Respondent's
5 foreknowledge of ethical issues and this doctor's history of
6 acting more as an advocate than an impartial examiner.

7 MR. ROSENSTEIN: So, just to be clear, I didn't
8 object to her testifying that she brought a claim. That's
9 fair, she has personal knowledge of what she did. I objected
10 to the hearsay testimony about what the Illinois -- whatever
11 the department is that's doing it -- is doing within that
12 investigation coming from this witness. We don't have
13 documents about that, I don't think there's anything in the
14 binder about it. And it's not proper for this witness to be
15 testifying about what's happening in an investigation going
16 on in a different state, in a different forum, and trying to
17 testify about what that might mean or what that -- we don't
18 know that that's true.

19 If the Complainant wants to ask Dr. Altman
20 questions about what his knowledge of any -- I do think that
21 the Complainant has the right to ask cross-examination
22 questions of the witnesses on credibility, subject to our
23 objecting when those come up. But right now I have this
24 witness and I'm objecting to this testimony. And I didn't
25 hear a real response as to why this witness should be allowed

1 to testify on that point.

2 MR. SEHAM: Two more sentences, if I might be
3 permitted?

4 JUDGE MORRIS: That's one.

5 MR. SEHAM: Okay. Well, if this witness is
6 permitted to continue in her testimony, she'll disclose there
7 is no published accessible document for these proceedings,
8 and that's why there is nothing to disclose. But she did
9 speak to government representatives who advised her of what
10 the status of the case was. That's the best information
11 available, and we've been having hearsay testimony concerning
12 other contacts with government representatives.

13 JUDGE MORRIS: Has there been any type of finding
14 in that matter?

15 MR. SEHAM: There has been, I believe -- and I
16 would defer to the witness -- there has been, in terms of
17 elevating it from one status of investigation to another.

18 JUDGE MORRIS: That doesn't mean -- has there been
19 a formal finding in this matter?

20 MR. SEHAM: I have to defer to the witness, because
21 I'm not even sure of the answer to that, because there have
22 been recent developments.

23 JUDGE MORRIS: I will allow that question.

24 MR. SEHAM: Okay.

25 JUDGE MORRIS: We're going to go question by

1 question now.

2 MR. ROSENSTEIN: Can I answer your question?
3 Because I talked to Dr. Altman's lawyer, so I have the answer
4 to your question.

5 JUDGE MORRIS: Well, I want to hear it from the
6 witness.

7 MR. ROSENSTEIN: Which would be hearsay, but okay.

8 THE WITNESS: I contacted -- there's a young lady,
9 Jessica Pantoya, I have all of Dr. Altman's case number, call
10 her regularly. It was escalated to --

11 JUDGE MORRIS: I don't want to hear about that.

12 THE WITNESS: Yeah, it is -- gone to prosecution --
13 it's at the Prosecution Board right now.

14 JUDGE MORRIS: Okay. I'm not going to allow the --
15 if there was a finding by a body, I would consider that for
16 purposes of impeachment and for credibility. Since there's
17 not been a finding, I can't -- I don't know if it's common
18 knowledge, but doctors, all the time, get unsatisfied
19 patients. So, I'm not going to consider it, unless there's
20 an actual finding.

21 MR. SEHAM: Very good.

22 JUDGE MORRIS: Move on.

23 BY MR. SEHAM:

24 Q Did you ever learn how much Delta Air Lines, how
25 many dollars Delta Air Lines compensated Dr. Altman?

1 A Just under \$74,000.00.

2 MR. SEHAM: So, with other witnesses we're going to
3 be presenting documents to that effect, so I'm going to move
4 forward.

5 BY MR. SEHAM:

6 Q How much were you charged by the Mayo Clinic for
7 their performance as the PME in this matter?

8 A Thirty-three hundred dollars.

9 Q And how much was Dr. Huff, the NME in this matter,
10 how much did he invoice?

11 A He actually -- we had two evaluations, the first
12 evaluation was just shy of \$2,500.00. And Dr. Faulkner
13 directed him to go back and do another investigation, told
14 him no expense spared. So, he did another evaluation, the
15 second time it was \$4,900.00, and he came up with the same
16 result.

17 Q And have you tried to conduct any research with
18 other pilot unions concerning the standard range of Mental
19 Health -- pilot Mental Health Evaluations?

20 A I have, and they vary between \$1,200.00 and
21 \$2,500.00.

22 Q Is there -- now, you're AME, I believe you
23 identified as Dr. Larry Greenblatt?

24 A Correct.

25 Q In the recent past, has he consistently been the

1 issuer of your First Class Medical, or was there any
2 exception to that?

3 A Well, he was always the issuer, until the bipolar
4 diagnosis came out.

5 Q And in that case, you went to an alternative
6 doctor?

7 A I did. I actually went to Dr. Larry and got my
8 evaluation, and then he said he was going to defer it. And I
9 asked him why and he forwarded me an e-mail that somebody, a
10 friend of his, that he asked what to do, because this was
11 going on, ongoing, he evaluated me. The Mayo Clinic had
12 given him a preliminary report and said she's fine, because
13 they knew I was getting my medical. But he was concerned
14 because an FAA representative e-mailed him -- and I have a
15 copy of the e-mail -- that said that he was going to back --
16 didn't want him to back himself into a corner, because this
17 was a time bomb between the Mayo Clinic and Dr. Altman. And
18 he referred to the company as the "baddies," and to not take
19 this personally, but don't support his airman anymore. And
20 that's when he reached out to the regional Flight Surgeon,
21 Dr. Wyrick -- who is actually in this building -- and gave
22 him everything and asked him what to do. And he said he
23 would issue my medical, he had no problem with that.

24 MR. ROSENSTEIN: Objection, move to strike. Now
25 it's hearsay from a federal officer -- move to strike.

1 JUDGE MORRIS: Am I going to see these e-mails
2 about this?

3 MR. SEHAM: I hadn't planned to, just to expedite
4 the process. They're in the volumes.

5 JUDGE MORRIS: That's fine. You can tie it up in
6 your brief. But I'll tell you, counsel is right, I'm hearing
7 hearsay and unless it's associated with something, I'm not
8 going to give it a lot of weight.

9 MR. SEHAM: I understand.

10 BY MR. SEHAM:

11 Q Who is Dr. Huff?

12 A Dr. Huff was the neutral medical examiner, NME.

13 Q Okay. And you said he gave you more than one
14 evaluation?

15 A He did.

16 Q And did someone direct him to move beyond his first
17 evaluation?

18 A Dr. Faulkner.

19 Q When did Dr. Huff clear you?

20 A The first time he cleared me was August 5th. The
21 second time --

22 Q Was that August 5th, 2017?

23 A 2017, correct.

24 Q And the second time?

25 A Was September 2nd, 2017.

1 Q And when did Delta acknowledge your return?

2 A Not until September 24th or 25th of September, you
3 know, and then they backdated the records.

4 Q Can you explain that?

5 JUDGE MORRIS: Wait a minute. How do you know they
6 backdated the records?

7 THE WITNESS: Because I lost my pay because of it.
8 I was getting half pay on disability through this process,
9 and the payroll went out -- we get paid on the 15th, the last
10 day of the month, so it's kind of cleaning up the month
11 before, and disability didn't look at what you did until
12 September 26th. So, then the pay differed. So, I was on
13 half pay disability was my paycheck, and I didn't get that.
14 And I called them and asked them why I didn't get my
15 disability paycheck, and they said:

16 "Oh, because we didn't put it in, you were
17 reinstated at the beginning of
18 September."

19 JUDGE MORRIS: All right. Continue.

20 BY MR. SEHAM:

21 Q Did that removal from disability compensation in
22 that manner cause you any problems?

23 MR. ROSENSTEIN: I'm sorry, I didn't hear the
24 question. I'm sorry.

25 JUDGE MORRIS: Go ahead, state the question again.

1 MR. ROSENSTEIN: I apologize.

2 BY MR. SEHAM:

3 Q Did the removal of -- did your removal from
4 disability payments, in the manner you've described, cause
5 you any problems?

6 A Well, it did, temporary financial problems, because
7 I was depending on half full paycheck to half paycheck, and
8 that went away. But it actually created a training problem,
9 because of that backdating. And what had happened was, when
10 training scheduling went to assign me, they looked at the
11 calendar and thought -- oh, she's just been rolling around
12 for a month -- so they overnighted my flash drive and my
13 training materials and scheduled me to be in the simulator 10
14 days later. And there was no way I was going to be able to
15 -- after being off for that that length of time -- be able to
16 learn this brand new aircraft, 777.

17 Q So, how did you respond to that situation?

18 A The first thing I did was I looked online and saw
19 who my captain I was flying with or would be training with.
20 And I contacted him and just asked him when he received his
21 training materials. And he said six weeks earlier. And I
22 said, well, here's the deal, I've been off on medical, just
23 got mine in the mail this morning. I said I may or may not
24 be there. And he said he would be willing to delay. I
25 didn't tell him why I just got them or anything that happened

1 with me, but he said he'd be willing to delay his training by
2 a week, if -- so he could stay paired up with me instead of
3 getting a seat support.

4 So, I e-mailed Regional Director Mike Levis -- who
5 I believe at the time was the LA chief pilot, I don't think
6 he had been promoted to regional director, yet -- and
7 explained the situation. He was wonderful. He said, no, you
8 need more than 10 days. So, they ended up putting somebody
9 else with that captain, so he could stay on his pattern, and
10 then gave me until the end of October to be prepared.

11 Q Then did you start your training in October?

12 A I did not. Our middle daughter, at 21, had been
13 paralyzed, back surgery --

14 Q I'm sorry, she was 21 at the time?

15 A Back when she was. So, this is now 10 years, 12
16 years later, she's having back issues. So, she had to go --
17 I had to go be her caretaker on that. So, I went out on
18 Family Medical Act to take care of her. And I was told the
19 day I returned from that, I'd better be ready to go into the
20 simulator -- not simulator, but training, so I'd be prepared
21 to take my test.

22 So, I took my flash drive, printed a book and
23 basically studies this airplane at her bedside.

24 Q Who told you that, that you had to proceed with the
25 training?

1 A Mike Levis. He said that that's the way the
2 company did it. I know it wasn't his role. He just said:
3 "You'd better be ready, because they could schedule you the
4 day you get back."

5 Q And did you then advise the company that you would
6 make yourself available to proceed with the training?

7 A I did. After going through that with her and
8 studying, I ended up getting pretty bad lung congestion, so I
9 came home, slept for a week, called them up and said I'm
10 ready to come back to training. And then they delayed me
11 until January.

12 Q Are you aware that Delta has represented that you
13 have been made whole with respect to pay and benefits?

14 A That's what they said.

15 Q Okay. Do you -- is your view that you've made
16 whole with respect to pay?

17 A No.

18 Q Okay. What's your basis for stating that?

19 A Well, because they paid me average line value.
20 There's a lot of opportunities to increase your schedule when
21 you're flying. This whole process we've gone through, the
22 very select few months that I didn't have to go into
23 deposition or go to court, I could open up my schedule and I
24 picked up one trip and make an extra \$5,000.00. I was -- the
25 entire time off -- I could have had the opportunity to get

1 the green sub pay, could have made myself available to that.

2 And you know, it's just average line value is just not what
3 I could have made. And that reflected -- that pay loss is
4 reflected in our profit sharing, so that was less, also.

5 Q Do you have any estimate of what someone in your --
6 well -- I'll withdraw that question.

7 With respect to vacation pay, were you made whole?

8 A I was not. What the company did is when they
9 remove you -- when I received my letter on Christmas Eve, I
10 went into the computer and saw that they had actually, on
11 December 23rd, the night before, changed my status to --
12 before it was called "CADM," it's a company administrative, I
13 don't know what the acronym stands for exactly -- but they
14 removed me and put me out on sick. So, they used my sick
15 leave and vacation. And then they said that in June we get
16 replenished our sick leave, but they wouldn't let me have
17 replenished my sick leave for the next year, but I was
18 vacation at the time that June date came over, so there were
19 -- I don't believe, if you're not working for the company,
20 you should be using your vacation. But if you are using your
21 vacation, you're working for the company, then you should be
22 reinstated your sick leave.

23 What they really should have done, legally and
24 honestly, is said, okay, you can use your sick leave for
25 this, because it's going to go away in June anyway. And your

1 vacation, we're just going to put over here. And then they
2 would have put me on half pay earlier, I would have been
3 paid, made whole on my half pay, they would make that average
4 line value or whatever they were going to do whole, and I
5 still would have had that \$52,000.00 worth of vacation. But
6 they made me use it when they pulled me.

7 JUDGE MORRIS: Wait a minute. So, I'm
8 understanding your testimony, is the company placed you on,
9 quote/unquote, "sick leave," because of their concern for
10 your mental health. And the back side, when you were
11 reinstated, because somebody determined that you did not have
12 this issue, they therefore did not reinstate -- they made you
13 use vacation days during that 22-month time period?

14 THE WITNESS: Yeah. But they didn't place me on
15 sick leave, because I didn't have -- couldn't hold a medical.
16 They removed me from duty. I was not in a sick status, I
17 was in a -- you're not our employee, because you can't hold a
18 First Class Medical status, even though I had one. What they
19 allowed me to do is, instead of -- they allowed me to use my
20 sick leave, they just allowed me to use it for pay purposes
21 only.

22 JUDGE MORRIS: Do you have any -- did anyone tell
23 you or do you have any documents that they basically said you
24 are not an employee because you don't hold a First Class
25 Medical?

1 THE WITNESS: Well, you're not an employee, you're
2 just not -- you can't work. I must have been some kind of
3 employee if I could get disability through them, half pay.
4 But it was -- because if they're saying you're on sick leave
5 and we're going to keep you on sick leave, because of this, I
6 was on duty all the way up until June. And we replenish sick
7 leave in June, another 270 hours for that year, and they
8 didn't give it to me. They said, no, because you're not an
9 active pilot, you're out, so you can't have that. Because I
10 tried to get it -- I thought, okay, well, let me use my sick
11 leave again for next year, at least it will get me through
12 the next few months - and they wouldn't do it.

13 JUDGE MORRIS: And again -- and I apologize,
14 counsel -- so I'm clear, I believe you previously testified
15 that you never lost your First Class Medical, so during this
16 entire time period the FAA did not suspend or pull your First
17 Class Medical during this evaluation process?

18 THE WITNESS: Never. I got three of them in the
19 process.

20 JUDGE MORRIS: Continue.

21 BY MR. SEHAM:

22 Q Did you -- in terms of participating in the
23 litigation in this matter, did you incur direct personal
24 expenses beyond attorneys fees?

25 A Close to \$14,000.00, and they're probably

1 increasing.

2 Q And what do those costs consist of?

3 A Transcript, hotels, transportation, depositions,
4 I'd have to go look at all the -- I have it broken down --
5 airline tickets.

6 Q Okay. And could you describe what role you played
7 in terms of the legal preparation of this case?

8 A Well, we can look at the outside and this side.
9 Lee isn't a one-man show. I put in endless hours doing
10 research, working on this, basically had been the backup
11 attorney without a law license. But hours, hours. Days off,
12 I may put 10 hours a day into it.

13 Q And would you like the Tribunal to entertain
14 compensation for the time you invested in litigation
15 preparation?

16 A Yes. And I'd like to call it green slip pay, too.
17 But it's like we could have gone out and hired somebody for
18 the work that I did, gone out and employed somebody else to
19 do that effort, and it would have been compensated.

20 Q I'd like you to turn to Complainant Exhibit 136.
21 Have you reached the document?

22 A I have.

23 Q And we're looking at a document on the letterhead
24 of JETPUBS, under which it says: "Elevating Aviation," and
25 it's signed by Wally Hines, Director of Standards JETPUBS.

1 Can you explain to the Tribunal the function or the
2 objective of JETPUBS and your history of a relationship with
3 that organization?

4 A Wally Hines owns JETPUBS. They do work with all
5 the airlines. And he was working with this other gentleman,
6 Don, and they reached out to me because they had heard of my
7 work in Safety Management Systems and Safety Culture. And
8 Don -- I want to say his name is Schimke (phonetic), he's a
9 speaker who goes out and trains and speaks to CEOs, and
10 they're both every involved in Safety Management Systems.
11 So, they were looking at putting together a program where I
12 would be the third wheel in that process, to go out and try
13 and assist in educating airlines on SMS. And so this was
14 ongoing.

15 And when Delta pulled me and I knew that Delta
16 would be one of the potential customers, I disclosed to,
17 actually, Captain Hines, and told him that I would be a --
18 what was going on. I said I don't want to be a liability,
19 because of this action of what Delta has done with me. And
20 he appreciated me saying that. And then he told me their
21 airline had six of these going on, too, using the mental
22 health. But he said he understood, but we couldn't -- he
23 said he would talk to Don, and he said he didn't know what
24 would come of it, but then he ended e-mailing me this letter.

25 Q And by this letter he terminated your affiliation

1 with the company?

2 A Yes.

3 Q And the basis for terminating that relationship was
4 what?

5 A It was basically they couldn't -- I had a mental
6 health allegation against me and now they're trying to go out
7 and reach out to airlines with Safety Management Systems,
8 that I could potentially be a liability to them. And I
9 understood, because I agreed with them, I could be.

10 Q Has it damaged your opportunities for work within
11 Delta Air Lines?

12 A Absolutely. I would never -- just taking the stand
13 -- not only my efforts to report safety and what I did --
14 taking the effort to say you can't do this -- I'll never have
15 a management position at Delta Air Lines, ever.

16 Q What would be the first management position up from
17 where you are, would that be assistant chief pilot?

18 A Assistant chief pilot, base chief pilot, regional
19 director, I mean any opportunities are shot.

20 Q Do you have any idea how that would -- to what
21 extent that would increase your current pay?

22 A Well, we could ask Phil Davis when he gets on the
23 stand, what he's making, so that, I don't know.

24 Q Okay. Very good. Okay. And how -- could you tell
25 us what stress, if any, you've experienced since the referral

1 to Section 15, and through the examination process?

2 A There is no way to even explain what the stress is
3 to go through this, unless you go through it, but -- not only
4 to myself, but to my family -- and the hours they've taken
5 from me, not knowing if you're going to have a career or not.

6 I had to be able to survive this. I had to convince myself
7 that they very well may get away with it, and I may lose my
8 career forever. But my life wasn't going to be over, it
9 would just be different. And that's what held me through, is
10 I'm just doing it. But the sleepless nights -- I went for 20
11 years of my career without a sick call and I've had multiple
12 sick calls now. So, it impacts your health

13 And what happens with stress -- we're watching in
14 the news long term stress is a very significant problem, you
15 know. It's going to take its toll in the future, also.

16 MR. SEHAM: I have no further questions.

17 MR. ROSENSTEIN: Before we -- I know we said we
18 would break for Dr. Altman now, but I do have an issue with
19 Complainant's Exhibit 163, that I want to --

20 JUDGE MORRIS: Was that even mentioned?

21 MR. BISBEE: 136.

22 MR. ROSENSTEIN: 136, excuse me.

23 JUDGE MORRIS: 136, okay.

24 MR. ROSENSTEIN: And I would ask to voir dire the
25 witness on the admissibility of this document, or question

1 about -- I can't -- I know that we agreed that the documents
2 were coming in with reservation, but I do have an issue with
3 136 that I don't want to lose sight of, while it's just been
4 referred to. If the Court would indulge?

5 MR. SEHAM: I would object, as counsel referenced,
6 this document has already been admitted. I did not move for
7 its entry just now, because it had already been admitted and,
8 therefore, there's no reason to make an exception to the
9 protocol that we agreed to, which was that her cross it was
10 going to be deferred --

11 JUDGE MORRIS: Well, we actually agreed that if
12 something came up that it could be raised, and even though
13 it's admitted and I said that you could look at it or address
14 it in a brief, one of the things I have to do, when I'm going
15 through 300 and some exhibits, is weigh which ones are more
16 important than others. And to the extent that you have some
17 questions about this document, I am going to allow the
18 company to do that.

19 So, proceed with your questions on this.

20 MR. ROSENSTEIN: Thank you.

21 VOIR DIRE EXAMINATION

22 BY MR. ROSENSTEIN:

23 Q Ms. Pettitt, could you take a look at 136?

24 A Okay.

25 Q This was sent to you by e-mail, by JETPUBS?

1 A I don't remember if he e-mailed it to me or just
2 mailed it.

3 Q It doesn't have -- you'd agree, it doesn't have
4 your address, it just says: "KarlenePetitt@gmail.com,"
5 correct?

6 A Yeah, then it probably was e-mailed.

7 Q Did you look for the actual e-mail to see if you
8 had it, as opposed to the underlying document?

9 A If I had this -- are you asking me how I retrieved
10 this?

11 Q Yes.

12 A If I retrieved it, I looked up his e-mail and
13 retrieved it that way.

14 Q Electronically, in other words?

15 A I believe so.

16 Q And do you have the ability to produce the actual
17 e-mail that you have, where you retrieved it, because there
18 would be some sort of cover e-mail to demonstrate that it was
19 sent and when it was sent?

20 A If this was an e-mail, I could definitely do that.

21 Q The reason I'm asking -- and I'm saying this
22 respectfully, so please -- the date of this, you'd agree, is
23 July 14th, 2016?

24 A Um-hum.

25 Q Yes?

1 A Yes, that's what it says.

2 Q Right. And it references, in the first paragraph:

3 "We appreciate you sharing your recent Mayo
4 Clinic clearance, as well as well as a
5 regional flight surgeon's re-issuance of
6 your First Class Medical."

7 Do you see that?

8 A I do.

9 Q So, my understanding from this case, in discovery,
10 was that you received a clearance from the Mayo Clinic in
11 February of 2017?

12 A Correct.

13 Q So, does that -- did you know what that sentence
14 means or can you explain that sentence?

15 A I'd have to go pull the e-mail out and see. He may
16 have just have written the wrong date on there. That's what
17 I'd have to go look at.

18 Q Okay. And it's also true that the regional flight
19 surgeon's re-issuance of your First Class Medical, was
20 something that happened after July 14th, 2016, correct?

21 A Correct.

22 Q Okay.

23 MR. ROSENSTEIN: So, I reserve that this document
24 should be admitted, until we have that information, because
25 if he wrote the wrong date, that's fine and that can be

1 cleared up. If he didn't write the wrong date and it was
2 sent in July -- or there's no indication of when it was sent
3 -- I object to the document.

4 JUDGE MORRIS: Counsel?

5 MR. SEHAM: It looks like a misprint of 6 versus 7.
6 This document was produced, no questions were raised about
7 it.

8 JUDGE MORRIS: Well, any issues dealing with
9 authentication, if they're not raised seven days prior to the
10 hearing are waived under our rules. So, I'm going to
11 continue to admit the document. You can make the argument,
12 if you so wish.

13 Are we going to hear from Mr. Hines?

14 MR. SEHAM: No.

15 JUDGE MORRIS: No. By the same token, if this can
16 be resolved and we can find that, I'd ask that you produce
17 that, if it's available. Again, it's three years old, I
18 don't know if it's still there or not, that's not for me, but
19 frankly, this is something that could have been or should
20 have been taken care of before now.

21 MR. ROSENSTEIN: They are -- there were --

22 JUDGE MORRIS: Anything else before we take a break
23 in testimony and have Dr. Altman come in?

24 MR. SEHAM: No, except so that I'm not surprising,
25 before Dr. Altman commences his testimony, I understand the

1 Tribunal has already made its decision that his testimony may
2 proceed and as the Tribunal is aware we object to that and we
3 objected to that in a teleconference on May 21st -- or March
4 21st. But I would like to make a statement of that
5 objection. And I don't know if you'd rather that I do it now
6 or once the --

7 JUDGE MORRIS: Do it now.

8 MR. SEHAM: Do it now. Okay.

9 So, the basis of our objection is 29 CFR Section
10 1850(c)(2), that not only requires the disclosure of all
11 expert witnesses, but also an expert witness report. And
12 part of the significance, in terms of the impact on our side,
13 is that until that witness report is received by the other
14 party, by the Complainant in this case, pursuant to
15 1851(d)(1), that we are precluded from deposing that expert
16 witness.

17 We never received an expert witness report or an
18 explanation as to why that report would not be required. I
19 think the only exceptions are if it's ordered by the judge or
20 stipulated that no such report is needed. So, we never
21 deposed Dr. Altman. We had no reason to believe, until March
22 15th, that Dr. Altman would be participating as a witness.
23 And as reflects the thoroughness of our preparation, we've
24 deposed every other witness in this proceeding, so that we
25 could be prepared.

1 So, having received that notification March 15th,
2 we brought it to the attention of Mr. Rosentein on March
3 18th, and the response we received from Mr. Rosentein was
4 that Dr. Altman would not be testifying as an expert witness,
5 but as a fact witness. We wrote back the same day saying we
6 don't see how you separate the whey for the chaff, this is a
7 scrambled egg that can't be unscrambled.

8 And then it was addressed March 21st, and again the
9 same representation was made from Mr. Rosentein, that he
10 would be presented exclusively as a fact witness. That's --
11 I understand the Tribunal has already ruled that he can
12 proceed, but I think this is going to be a very -- so, first
13 of all, we object, we don't think he should be testifying at
14 all, and that we are very significantly prejudiced by his
15 testifying, because we haven't had a chance to prepare or
16 depose him. And that we're hopeful that the Tribunal will be
17 very mindful, as we proceed, as to the imitations that Mr.
18 Rosentein represented to the Tribunal, that he's only going
19 to be testifying about facts. I'm not sure how that gets
20 done, but that's what we understand to be the rule of the
21 road.

22 MR. BISBEE: If I could address -- it's my witness
23 -- if you don't mind me addressing this.

24 I think we continue to be confused by Mr. Seham's
25 position. Dr. Altman is only a fact witness. He was

1 disclosed in our initial disclosures, at the outset of the
2 case, as a person with knowledge as a fact witness. In cases
3 like this, someone who is an expert, oftentimes comes in to
4 offer testimony as a fact witness. We didn't retain Dr.
5 Altman, as part of the litigation, to offer expert opinions
6 on Ms. Petitt's mental health or emotional distress, or
7 compensatory damages, or any of the types of things
8 envisioned by whatever the provision was -- 29 CFR 1550, that
9 Mr. Seham just talked about.

10 Dr. Altman was intimately involved in this case as
11 a fact witness. During the events that are the underlying
12 factual subject matter of this dispute, he was involved in
13 the issues. He was retained by Delta, not as an expert
14 witness, but as someone to conduct an independent medical
15 evaluation. He conducted that evaluation, he reached certain
16 findings, and Ms. Petitt is challenging those findings, I
17 believe, as an adverse action in this case. Every action he
18 took, the conclusions he reached, none of that is expert
19 testimony. All of that is fact testimony being challenged by
20 the Complainant. That's not the type of expert disclosure
21 that's necessary.

22 Mr. Seham never sought to depose Dr. Altman, so
23 this never came up. And Delta shouldn't be prejudiced by
24 that puzzling strategic choice. Again, he was listed in our
25 initial disclosures. He was on notice as someone with

1 knowledge of the case, and there was a decision not to depose
2 him. Delta should not, in any way, be prejudiced by that.
3 That would be point one, he's simply not an expert witness,
4 he's never been an expert witness. He's an expert in his
5 field, that's true, the same way many pilots are experts in
6 their fields, but he has factual knowledge he intends to
7 testify to, factual knowledge that goes to the heart of
8 Delta's defenses, and I believe Ms. Petitt's underlying
9 claims.

10 Again, we don't necessarily view this as going to
11 the heart of this case, that's Ms. Petitt's contention. And
12 he's here to respond to that. We think his medical opinions
13 are out, it's not a med mal case. If Mr. Seham wants to
14 stipulate that this Tribunal is not here to decide the
15 correctness of Dr. Altman's opinions, I think we'd be find to
16 have him limit his testimony extraordinarily.

17 But Ms. Petitt testified on direct, for example --
18 let me find at least one example -- "crying is not a mental
19 health issue." She's opened the door, by offering her own
20 opinions on whether or not Dr. Altman's conclusions were
21 correct. And certainly he should have the ability to respond
22 and explain his methodology. So, even if he were an expert
23 witness, it would be appropriate for him to testify, even if
24 he was not disclosed, as a rebuttal witness, due to the
25 Plaintiff or Complainant's own testimony.

1 And the third point I'd simply make is, Ms. Petitt
2 has presented numerous non-disclosed witnesses. We heard
3 from the ABC News Airline Correspondent, who certainly was
4 not disclosed and did not prepare an expert report in this
5 case. The Tribunal allowed all of that under, I believe, the
6 inherent idea that pilots, and their very nature, possess
7 expert knowledge. Certainly the same is true of a
8 psychiatrist with 30 plus years in the airline industry, who
9 is one of the key witnesses in the case. Again, we don't
10 think of him as one of the key witnesses, in our theory of
11 the case, but they're going to put that at issue. Dr. Altman
12 has got the right to testify.

13 And again, I would just underscore, at the very
14 end, he's not an expert witness. This seems very
15 straightforward to me, he's a fact witness who did expert
16 things as part of the facts of the case.

17 JUDGE MORRIS: Mr. Seham?

18 MR. SEHAM: Well, I'm trying to address the issues
19 in reverse, as I heard them. This is an AIR-21 case and at
20 its core it's about whether employees, in the employ of a
21 contract or subcontractor or carrier, have raised violations
22 of Federal Aviation Regulations or Federal Aviation
23 Standards. So, it's baked into the law that the pilot, the
24 mechanic, the flight attendant and those who support them,
25 are going to be testifying about those compliance standards

1 and their expertise assists that testimony.

2 This is a very different issue of a medical expert
3 retained as a medical expert by the company. And in response
4 to the suggestion that we were, somehow, lax, on our side, in
5 not conducting deposition, we were prohibited from conducting
6 a deposition, until we received that expert report, which we
7 never received. And that concept, frankly, that he would be
8 testifying -- that this psychiatrist, who reached this
9 conclusion about bipolar disorder, would be testifying not as
10 an expert, but as a fact witness, frankly, never occurred to
11 us.

12 And we again submit, and I think the Tribunal has
13 already reached a contrary conclusion, that we don't see how
14 that can be done, testifying about facts without interjecting
15 how he interpreted those facts in reaching that opinion.

16 JUDGE MORRIS: Well, let me ask you, where is your
17 -- where are you coming up with you were prohibited from
18 interviewing this witness? And if you had any questions, you
19 always have the opportunity to get leave from the Tribunal.
20 And did you ever request leave?

21 MR. SEHAM: 29 CFR 18.51(d)(1) Hearing Preparation,
22 reads:

23 "A party may depose any person who has
24 been identified as an expert, whose
25 opinions may be presented at trial."

1 JUDGE MORRIS: Hold on. 18.51?

2 MR. SEHAM: 18.51(d)(1).

3 JUDGE MORRIS: Okay. So:

4 "A party may depose any person who has
5 been identified as an expert, whose
6 opinions may be presented at trial, if
7 16.18.15(c)(ii) requires a report from
8 the expert, the deposition may be
9 conducted only after the report is
10 provided."

11 JUDGE MORRIS: Okay. And how was a report, other
12 than the medical report that he has already submitted, are
13 you saying that he was required to submit a second expert
14 report on top of the medical report upon which he's relying?

15 MR. SEHAM: Well, I understand the Tribunal's view
16 on that, by the way the question is phrased, but the answer
17 is yes, that litigant, under this rule, is required to
18 receive that trigger, is required to receive that report and
19 the affirmation based on that report that their adversary is
20 proceeding with that expert testimony. That's the way we
21 read the rule. That is why this is the only witness that we
22 have not deposed.

23 JUDGE MORRIS: I can tell you, I'm going to allow
24 him to testify to the extent of his report, and his opinions
25 that are in that report. Outside of that, is different.

1 This was not a witness that was retained for purposes of
2 litigation, that I'm aware of. He was retained for purposes
3 of doing a Mental Health Evaluation. Now, if there's
4 evidence different, that it was actually prepared in
5 anticipation of litigation, I'll hear that. But this was for
6 purposes of a medical evaluation. You were on notice of
7 that. I'm going to allow testimony as to his report and the
8 procedures he went through to gain the facts associated with
9 the report. And I'm even going to allow him to testify as to
10 his medical opinion, so long as it's within the construct of
11 his report.

12 Now, if he all of a sudden comes out and says -- oh
13 by the way -- and I use this hypothetical -- I'm not going to
14 hear -- oh, by the way, upon reflection I find her to be a
15 schizophrenic -- no. But if he's going to testify, I'm going
16 to allow him to testify to within the four corners of his
17 report and the facts associated or related to the gathering
18 of the information and the communications that may have
19 occurred in gathering the information for purposes of
20 generating a report and his activities after that report was
21 submitted, whether it be to the company or to the claimant in
22 this case, or to any other third party.

23 MR. SEHAM: We understand the Tribunal's ruling.
24 We want, as a final statement, to refer to the fact that,
25 again, by March 18th e-mail Respondent Counsel Rosenstein

1 said this witness would be limited to factual testimony. Mr.
2 Bisbee just made that representation to the Tribunal. And
3 perhaps more importantly, in colloquy with counsel for both
4 parties, on March 21st, before the Tribunal, that
5 representation was, again, made. So, the fact that this is
6 now proceeding on a much wider basis is prejudice. And we
7 just want to --

8 MR. BISBEE: If I may, Your Honor?

9 MR. SEHAM: If I could finish, please.

10 JUDGE MORRIS: Let him finish.

11 MR. BISBEE: Apologies.

12 MR. SEHAM: -- is very prejudicial to us. And
13 that's my last word, just to preserve the objection.

14 JUDGE MORRIS: Certainly.

15 Mr. Bisbee?

16 MR. BISBEE: When we indicated he would testify as
17 a fact witness, what Your Honor identified is precisely what
18 we had in mind -- Dr. Altman's opinions and his methodology
19 and his procedures, to the extent they're relevant to the
20 case. And again, Delta does not believe that that is
21 relevant to the case, because Dr. Altman is not Delta, and
22 we'll identify further arguments in our post hearing brief.
23 But to the extent that Mr. Seham is putting into this case
24 the idea that Dr. Altman's opinions were somehow an adverse
25 action, or that his process was somehow prejudicial, all of

1 that are factual questions. And we set Dr. Altman to testify
2 as a fact witness, which Your Honor just identified, would be
3 those types of facts. So, we don't believe we've been
4 inconsistent in any way. We think Delta's position has been
5 very clear throughout this process.

6 JUDGE MORRIS: All right. Call the witness.

7 Does anyone need a break before then?

8 MR. BISBEE: Could we have a short break, just to
9 rearrange the table, Your Honor, and call the witness?

10 JUDGE MORRIS: Mr. Seham?

11 MR. SEHAM: No, I was going to concur with that.

12 JUDGE MORRIS: Okay. All right, we're in recess
13 for five minutes.

14 (Off the record at 9:56 o'clock a.m.)

15 JUDGE MORRIS: Back on the record.

16 All parties present when the hearing last recessed
17 are again present.

18 Dr. Altman is in the stand. Sir, would you please
19 stand and turn and face me, raise your right hand.

20 Whereupon,

21 DAVID BRUCE ALTMAN

22 having been first duly sworn by the Administrative Law Judge,
23 was examined and testified as follows:

24 JUDGE MORRIS: Please, take a seat. Once you're
25 seated, please provide your full name and contact

1 information. Do not give me your phone number.

2 THE WITNESS: David Bruce Altman. You want my
3 address?

4 JUDGE MORRIS: Your address, business or home,
5 whatever.

6 THE WITNESS: 9933 Lawlor Avenue, Suite 444,
7 Skokie, Illinois 60077.

8 JUDGE MORRIS: Okay. And you've been introduced as
9 a doctor. Do you have any licenses or special
10 qualifications?

11 THE WITNESS: I have a -- I'm licensed in Illinois
12 as a physician. I have -- I'm Board Certified in General
13 Psychiatry, Addiction Medicine and by the American Society of
14 Addiction Medicine. I have --

15 JUDGE MORRIS: Wait a minute. I'm hearing
16 something.

17 THE WITNESS: I'm hearing something, too. I'm
18 sorry.

19 MR. SEHAM: I don't know if it's coming through
20 that wall or not.

21 THE WITNESS: It's my phone. I tried to turn it
22 off. Anyway -- my watch -- I'm sorry.

23 Okay. There's also I'm Board Certified by the
24 American Board of Addiction Medicine.

25 JUDGE MORRIS: Okay. Do you have any FAA

1 certificates or ratings?

2 THE WITNESS: No.

3 JUDGE MORRIS: No. All right.

4 Go ahead, counsel.

5 DIRECT EXAMINATION

6 BY MR. BISBEE:

7 Q Good morning, Dr. Altman. In addition to what
8 Judge Morris just asked of you, could you walk us through
9 your education and career background, please.

10 A Well, I graduated -- I went to medical school at
11 the University of Chicago. And I had my internship at the
12 University of Iowa. Then I had my psychiatric residency at
13 Michael Reese Hospital in Chicago. Then I served two years
14 in the Army and then returned to be the assistant chief of
15 the Adult Inpatient Service at Northwestern University
16 Hospitals. Then following that, I went to -- then I was the
17 assistant chief of the Substance Abuse area there. And then,
18 subsequently, at Lutheran General Hospital. I worked there
19 from 1981 to 1991, and then into private practice.

20 Q When did you first start working with pilots?

21 A In about 1983, the hospital I worked at was
22 approached by United Airlines, saying that they would
23 hospitalizes their pilots for a three to five-day evaluation,
24 when there were allegations of concerns. And the
25 requirement, in order for United to send pilots to our

1 hospital, was they want it only to be an evaluation, and they
2 wanted one psychiatrist to one nurse assigned. So, I
3 volunteered, and that's the way I began.

4 JUDGE MORRIS: So I'm clear, was this
5 hospitalization due to substance abuse or allegations of
6 substance abuse?

7 THE WITNESS: Yes.

8 JUDGE MORRIS: Okay. Continue.

9 BY MR. BISBEE:

10 Q Could you describe your work with airline pilots
11 over the last 35 years or so?

12 A Well, subsequent what happened was, after doing
13 those evaluations, at those days in order to do evaluations
14 of pilots you had to be referred or supported, or recommended
15 by someone. And I was recommended by the physician at
16 United, to the Chief Psychiatrist Barton Packell, who then
17 accepted me to be able to do all types of evaluations on
18 pilots. That probably was in, I'm not sure, but maybe '86.
19 So, since then I've seen pilots for evaluations.

20 Q Could you tell us whether anyone from the FAA has
21 ever provided you with a sense of how your experience
22 compares to other psychiatrists who work with airline pilots?

23 A Dr. Charles Chisnow, who is the chief psychiatrist
24 at the FAA, told me that I've done more evaluations of pilots
25 than anyone else at this point in time.

1 Q I wanted to switch gears a bit and talk about some
2 of the events that sort of bring us all here today. Do you
3 recall the first time that anyone from Delta contacted you
4 about Karlene Petitt?

5 A Let's see -- that's what I had my notes, what the
6 dates were. There's also, if you -- I think it's July 16th,
7 but that's --

8 Q If I could ask you to turn to Respondent's Exhibit
9 40, its in the blue binder next to you, it's RX-40?

10 A Okay.

11 Q This is an e-mail from a Chris Puckett to yourself
12 on Thursday, March 10th, 2016, at 4:24 o'clock p.m., is that
13 correct?

14 A That's correct.

15 Q If you turn to the page to the substance of the
16 e-mail, it indicates:

17 "Dr. Altman, I hope that you're doing well. If
18 you have time over the next few days for
19 a phone call to discuss an issue that has
20 arisen with one of our pilots? The pilot
21 has made a few statements that have
22 raised some mental fitness concerns, but
23 as with most things, I want to ensure
24 that we do not overreact. I figured the
25 best thing to do was reach out to you for

1 some advice on what we are hearing, but
2 also on the things we should be looking
3 for/asking going forward."

4 Does this help refresh your recollection as to the
5 first time that you heard from Delta?

6 A Right. This is it. This is the e-mail and then
7 the subsequent phone call.

8 Q And was Mr. Puckett's description your
9 understanding of why Delta wanted to speak with you?

10 A Yes.

11 MR. SEHAM: I'm going to object to that leading and
12 move to strike.

13 JUDGE MORRIS: Overruled.

14 BY MR. BISBEE:

15 Q Do you recall the first time you then spoke on the
16 telephone with anyone from Delta?

17 A Right. Well, I had spoke -- there was a conference
18 with -- this basically was the telephone call that Mr.
19 Puckett is alluding to. They described the situation in
20 which they -- the manager of the EO, or department head, had
21 gone to have an interview with First Officer Puckett (sic).

22 Q I'm sorry -- First Officer Puckett?

23 A First Officer Petitt -- I'm sorry -- First Officer
24 Petitt. And she had raised a number of issues, one of which
25 was the concern that people at Delta were in some way going

1 to hurt her or cause an accident, where she or others would
2 be injured.

3 They also talked about that there were memory
4 problems. That the exact nature of those memory problems
5 weren't clear to me, at that time, but that they would talk
6 to her -- over years -- that there would be discussions with
7 her and she would appear to understand what they wanted to
8 happen, and then she wouldn't remember.

9 JUDGE MORRIS: You said during this first
10 conversation they were talking over years this occurred?

11 THE WITNESS: No. In other words, they're talking
12 about the fact that over years there's this question of a
13 memory problem.

14 JUDGE MORRIS: Over years. What do you mean by
15 "over years"?

16 THE WITNESS: That in previous -- that the -- maybe
17 the background, I can explain it. For the majority of --

18 JUDGE MORRIS: Well, I'm only interested in what
19 you were told in that telephone call. You said: "Over
20 years," okay.

21 THE WITNESS: Right. That the -- the majority of
22 pilots have very little contact with the Chief Pilot's
23 Office. She'd had multiple contacts in which they had
24 counseled her, over a number of years, and that information
25 which they felt they had communicated to her then kept coming

1 up again and again. Does that help?

2 JUDGE MORRIS: It does. And that happened during
3 this first phone call?

4 THE WITNESS: Yeah.

5 JUDGE MORRIS: Continue.

6 THE WITNESS: Because based on that phone call,
7 based on the question of memory problems, I said that -- well
8 -- let me just -- I'll just say what I remember from that
9 phone call. That the -- so after presenting this
10 information, I -- they -- I was asked:

11 "What's your opinion? Does this reach the level
12 of needing to have a psychiatric
13 evaluation?"

14 And I said, I thought it did. That that kind --
15 and that the evaluation should also have neuro-psychological
16 testing, because of the question of memory.

17 BY MR. BISBEE:

18 Q Dr. Altman, I just want to be very clear. We're
19 talking about your initial conversation with Delta right now,
20 not about future analyses you conducted or anything of that
21 nature. And I'm just trying to make sure --

22 MR. SEHAM: Objection to form. Objection to
23 leading.

24 JUDGE MORRIS: Yeah. I'm going to sustain that.
25 He gave his answer.

1 MR. BISBEE: That's fine.

2 BY MR. BISBEE:

3 Q And so during the initial conversation with Mr.
4 Puckett, did he provide you with background information or
5 did you request any additional information from him about Ms.
6 Petitt's interactions with Ms. Nabors?

7 A He was going -- he sent me the report.

8 Q If you could look at Joint Exhibit E, which is in
9 one of the green binders in front of you?

10 MR. SEHAM: I'm sorry, which exhibit?

11 MR. BISBEE: Joint Exhibit E.

12 MR. SEHAM: JX.

13 THE WITNESS: Okay.

14 BY MR. BISBEE:

15 Q This is an e-mail from Chris Puckett to yourself on
16 Wednesday, March 16th, 2016, is that accurate?

17 A Um-hum. Yes.

18 Q And this is an e-mail where he's saying:

19 "In addition to the materials I sent earlier,
20 the attached draft report from the HR
21 representative will also provide useful
22 context for our discussion."

23 He goes on and attaches -- well, what is the
24 attachment to this e-mail?

25 A Okay. This is where they -- where he has listed

1 the -- taken the items and broken them down into three
2 categories: "Safety Specific, EO Specific, Miscellaneous."

3 Q And if you turn to JX-E-10, it's in the bottom
4 right-hand corner?

5 A Okay.

6 Q Do you see a discussion where it says: "Additional
7 notes"?

8 A Yes.

9 Q If you could just review that for a few moments, to
10 yourself?

11 A Okay.

12 Q Are these Kelley Nabors' notes about her meeting
13 with Ms. Petitt?

14 MR. SEHAM: Objection, no foundation.

15 JUDGE MORRIS: If you know?

16 THE WITNESS: This looks exactly like what was in
17 the report that she wrote. So, that would be -- I don't
18 know. If you'd repeat the question? I'm not sure I --

19 BY MR. BISBEE:

20 Q When you say "the report that she wrote," are you
21 discussing Ms. Nabors' report?

22 A Yes.

23 Q Did you ask Mr. Puckett to send you information
24 about Ms. Petitt's meeting with Ms. Nabors?

25 A I can't remember if I asked or he offered, I don't

1 remember. I certainly received it.

2 Q When you were having these initial discussions with
3 Mr. Puckett, how did he describe your role at this time?

4 A My role was he was asking me whether or not I felt
5 that a psychiatric evaluation was indicated. That was the
6 totality of it.

7 Q And based upon what, whether a psychiatric
8 examination was necessary, based upon what events?

9 A Based upon the information that he was providing,
10 based upon the interview that had happened and the concerns
11 raised by that interview.

12 Q After your initial discussion with Mr. Puckett, in
13 March of 2016, did you have any additional conversations with
14 anyone from Delta?

15 A He told -- I received another phone call, saying
16 that there would be -- I would be patched into a conference
17 call. And that they would want me to express that opinion to
18 the management of Delta.

19 Q And do you recall when that second telephone call
20 took place, or approximately when?

21 A It was within a day or two after this.

22 Q And did you provide your opinion during that
23 telephone call?

24 A The --

25 Q Your opinion at that time?

1 A Yes, yes, that it was indicated.

2 Q What opinion did you provide at that time?

3 A That I thought based on what I had been told, and
4 then at that point I had looked at Kelley Nabors' write-up,
5 that it was indicated. I'm sorry -- a psychiatric evaluation
6 was indicated.

7 Q Were you offering a diagnosis at that point?

8 A No.

9 Q Could you tell us whether the opinion you offered
10 on that telephone call was independent or whether it was
11 influenced in any way by Delta?

12 A It was independent.

13 Q Was there ever a time when you came to be appointed
14 as a Company Medical Examiner?

15 A I received an e-mail from Dr. Faulkner, advising me
16 that I would be the evaluator.

17 Q And I'd like you to look at Respondent's Exhibit
18 57. I think I may actually need to come get you a separate
19 binder for that one.

20 A Fifty-seven?

21 Q Yes, sir. This is an e-mail chain --

22 A I don't think this -- oh, it says here: "Dear Dr.
23 Altman." Yes, I'm sorry.

24 MR. SEHAM: I'm sorry, is this RX or CX?

25 MR. BISBEE: RX.

1 MR. SEHAM: Oh, I'm sorry.

2 MR. BISBEE: RX-57.

3 MR. SEHAM: If I could have a moment, please.

4 MR. BISBEE: Sure.

5 MR. SEHAM: Thank you.

6 BY MR. BISBEE:

7 Q This is an e-mail chain, I believe, between Dr.
8 Faulkner and yourself, Dr. Altman?

9 A Yeah, but at the bottom it is -- right, right --
10 this is my response.

11 Q Is this the e-mail you referred to just a moment
12 ago, when you said Dr. Faulkner e-mailed you as serving as
13 the Company Medical Examiner?

14 A Correct.

15 Q And then if you could look at Joint Exhibit H,
16 please, which is in one of the green binders there? Sorry.

17 A Okay.

18 Q It appears that this is a letter from Dr. Faulkner
19 to yourself, dated May 4th, 2016, is that correct?

20 A Yes.

21 Q What is this letter?

22 A This letter outlines the task, that the
23 neuro-psychological testing has been scheduled, and that
24 Delta Air Lines will direct this medical evaluation under
25 the, basically, the Section 15.

1 Q And if you look at the second sentence of the first
2 paragraph, it indicates, specifically:

3 "You will be conducting a psychiatric
4 evaluation in regard to the pilot's
5 mental health."

6 A Yes.

7 Q "Our particular concern, as mentioned
8 by this pilot to another employee, that
9 she feels she may be physically harmed
10 due to information she has regarding
11 safety issues at Delta Air Lines."

12 Was that the sole reason provided to you for the
13 reason for your referral or your appointment as the CME in
14 this matter?

15 MR. SEHAM: Asked and answered.

16 JUDGE MORRIS: Overruled.

17 You may answer.

18 THE WITNESS: No. Well, I mean this was one of
19 them.

20 JUDGE MORRIS: One of the reasons.

21 THE WITNESS: One of the reasons.

22 BY MR. BISBEE:

23 Q You mentioned a moment ago about
24 neuro-psychological testing. In the third paragraph of this
25 letter, it notes:

1 "As you have requested, Ms. Petitt
2 is scheduled to undergo a
3 neuro-psychological evaluation with Dr.
4 Kelly Cornett in Seattle, Washington.
5 Her appointment with Dr. Cornett is
6 scheduled from 9:30 o'clock a.m., on
7 Wednesday, 11 May 2016."

8 Were you the one who scheduled Ms. Petitt for
9 neuro-psychological testing?

10 A No. I don't remember scheduling her and I don't
11 think I would.

12 Q I'm just curious, are you and Dr. Faulkner close
13 friends?

14 A No. No -- I mean -- well -- we're friendly. I
15 mean we've communicated. I had never met him face-to-face,
16 at this point. It was long after this that I met him.

17 Q Is it unusual that you consulted on the decision of
18 whether or not to refer Ms. Petitt for a Section 15
19 examination, and then also served as the CME in the matter?

20 A I would say no, it's not unusual. Commonly the
21 question is raised -- does this person need an evaluation --
22 and then subsequently -- but not always -- you get the
23 referral.

24 Q When you were appointed as the CME, how did you go
25 about conducting your analysis, beginning to prepare your

1 report?

2 A What I asked for was -- okay -- let me back up.

3 There's this initial thing of two components.

4 There are two components, there's this interview that
5 happened, in which this concern regarding being physically
6 harmed is raised, with an addition, now that I've looked at
7 it, there are lots of other issues that apparently are here,
8 in that dialogue that's reviewed. And then I wanted to know
9 about the past history of these concerns, which was under the
10 sort of memory problem at that point. So, I asked them to
11 provide me the background on the second -- on the latter
12 topic.

13 Q Did you meet with Ms. Petitt at anytime, as part of
14 your examination?

15 A Well, later I had the interviews. I'm sorry, I had
16 three interviews.

17 Q When did those interviews take place?

18 A They took place on July 6th, 2016, July 15th, 2016,
19 and September 14th, 2016.

20 Q And you noted a moment ago that you requested
21 certain documents and information from Delta. Why would you
22 request those materials?

23 A Well, the evaluation -- the question is, does the
24 person have a medically disqualifying condition? So, does
25 the -- then the question will be, would there be other

1 examples, beyond that Kelley Nabors' report? Basically,
2 looking at Kelley Nabors' report, there were -- in my opinion
3 -- significant symptoms which would lead to, potentially, to
4 a medically disqualifying condition diagnosis. Now, in order
5 to see whether that is actually true, I wanted to have more
6 background regarding her and what she had written, and so on.

7 In my opinion, the best data is the interview. The second
8 best are contemporary notes that people have taken at the
9 time, which is Kelley Nabors is an example of that. But
10 there would also be notes by Dr. Faulkner. And the third is
11 material which the individual has written, e-mails, those
12 reports and so on, because that also reflects their thinking
13 and their behavior.

14 So, those were the major things I was seeking. And
15 I kept -- then -- based on items which was in each one of
16 these documents, I wanted to be sure as possible whether or
17 not that actually did imply a medically disqualifying issue
18 or not.

19 Q Who did you ask to locate documents for you?

20 A Those were Captain Davis, there was Chris Puckett
21 and Dr. Faulkner, those were the three.

22 Q In this case, it's been suggested that a large
23 volume of materials were requested by you. Why did you
24 request so much material?

25 A Well, there are two reasons. One is this is the

1 way I do it, this is my standard approach. I always want to
2 have as much possible data, which is in those three
3 categories -- in the categories: "What has the person
4 written," "What are the e-mails and so on," because it gives
5 me a broader view of what's happening.

6 The second is that in this case there are multiple
7 themes and issues, and I was trying to trace each one of them
8 to see if they, in fact, did raise to the level of being a
9 medically disqualifying diagnosis.

10 Q What did you see as your task, as the CME?

11 A The task is -- does the individual have a medically
12 disqualifying diagnosis? And if they do, then that should be
13 my opinion. It has nothing -- it's not doing therapy, it's
14 just -- that's the central and only task.

15 Q And I apologize, I'm going to ask you to look at
16 yet a third binder of Respondent's Exhibits. Let me come
17 find it for you.

18 MR. BISBEE: Respondent's Exhibit 119, for the
19 Tribunal, and for Mr. Seham and Ms. Petitt.

20 THE WITNESS: You want me to look through 119?

21 MR. BISBEE: 119, yes, sir. Did I give you the
22 right one?

23 THE WITNESS: Got it.

24 BY MR. BISBEE:

25 Q This is an e-mail from yourself to Chris Puckett,

1 attaching a chapter from Aeromedical Psychology?

2 A Yes.

3 Q I guess it's sent to Chris Puckett and Dr. Altman
4 -- I'm sorry -- is that correct?

5 A (No verbal response.)

6 Q Dr. Faulkner -- I apologize.

7 A Yes.

8 Q It's an e-mail from you to Chris Puckett and Dr.
9 Faulkner?

10 A Yes. I'm sorry, yes.

11 Q And you say:

12 "Attached are portions from a chapter
13 of the book -- from the book First
14 Officer Petitt considers to be
15 authoritative. Dr. Elliott is the most
16 experienced psychologist in evaluating
17 pilots. Note the last paragraph on page
18 71."

19 Could you tell us what you're referring to when you
20 say:

21 "This is a chapter from the book First
22 Officer Petitt considers to be
23 authoritative"?

24 A I'd have to dig out the point in the interview, but
25 in the interview she refers to this book as evidence that

1 cognitive evaluation is not valid, a valid measure and not
2 useful for evaluating pilots.

3 Q And if you'd turn to page 71 of the book excerpt,
4 it's on page -- what's marked DA1257. Could you summarize,
5 for us, the point that this text is making?

6 A I'm sorry, which part would you like me to -- where
7 it says: "Collaboration"?

8 Q Yes, sir.

9 MR. SEHAM: I'll object. This is a document that's
10 been submitted to evidence and the document speaks for
11 itself. A summary is not appropriate.

12 MR. BISBEE: I'm interested in Dr. Altman's opinion
13 on this, as he indicated Ms. Pettitt suggests this was an
14 authoritative text.

15 JUDGE MORRIS: Overruled.

16 Go ahead, you may answer.

17 THE WITNESS: Oh, I'm sorry. That the first
18 paragraph in this says that:

19 "Because pilots tend to be guarded and
20 defensive, it's important to find and get
21 other sources of collateral information.

22 Records provided by the FAA, employer,
23 other medical practitioners, work with
24 the Commercial Airline Pilots Flight
25 Department, employer EAP, AME, treatment

1 providers, spouse or significant others
2 that may have information."

3 BY MR. BISBEE:

4 Q Is this the approach that you took in this case?

5 A Basically, yes. I didn't contact the pilot's AME
6 or the spouse or significant other, but the first of the list
7 is correct.

8 Q One piece of testimony we've heard from Ms. Petitt,
9 referencing your hours, is you spent a significant amount of
10 time reviewing all these collateral records. And there were
11 many hours put into this. And that the sum of your invoice
12 was quite high. Why spend so much time preparing this
13 report, conducting your analysis?

14 A Well, spending this much time looking at the
15 documents and reviewing transcript and so on, that's my
16 standard practice. That my reports tend to be long and that
17 it's important to me to get it right. The challenge, which
18 is relayed in those two paragraphs, is that the individual is
19 defensive, commonly, not always, but commonly. And you need
20 this other information to make the decision.

21 Also, accentuated, but throughout my career was
22 what happened with Germanwings. Multiple clinicians had the
23 data on the pilot that killed all those people. And it never
24 -- they never connected all the dots and got it to the people
25 who could make the decision. So, to me, it's so important to

1 look at everything and see if there's signs of trouble.

2 Q And if we go back to your report, it looks like you
3 began looking at incidents from 2010 and 2011. Why go back
4 so far in time?

5 A Well, in this case, each one of these events was
6 suggestive of problems. And also, each one of these events
7 linked to later events and became the justification for other
8 opinions. And it became this incredible tangle that had to
9 be un-threaded, in order to try to make some sense of what
10 was happening.

11 For example, the first item, which is the phone
12 call about having a party for flight attendants in Hawaii,
13 that she later alleged was the source of all the trouble, the
14 fact -- and so -- and then other times it wasn't. So, it my
15 attempt by -- I needed to include all of that in order to be
16 able to say here's all the data pieces.

17 Q During the period that you were conducting your
18 assessment and preparing your report, could you tell us
19 whether anyone from Delta ever suggested you should reach a
20 certain conclusion or certain diagnosis?

21 A No. No one ever did that.

22 Q Did anyone from Delta ever express any type of
23 preference regarding your ultimate conclusion or diagnosis?

24 A No.

25 Q Did anyone from Delta ever suggest that you focus

1 on certain information or documents when you were preparing
2 your report or reaching your ultimate conclusion or
3 diagnosis?

4 A No.

5 Q Did Delta try to impact your clinical analysis in
6 any way?

7 A They -- what the people at Delta is they provided
8 me the information I requested. I requested a great deal and
9 then I would go over it again and ask for further
10 clarifications. And there was an ongoing -- my mining the
11 information, so I could understand what was happening.

12 Q We're going to look at a couple of Complainant's
13 Exhibits, now, Dr. Altman. The questions I'm going to ask
14 you relate to some testimony we heard from Ms. Pettitt
15 yesterday. So, I'm going to come get you, yet, some
16 additional binders.

17 MR. BISBEE: Lee and Your Honor, we're going to
18 look at CX-11 and CX-7.

19 JUDGE MORRIS: All right.

20 THE WITNESS: Eleven?

21 MR. BISBEE: You can start with CX-11, yes, sir.

22 MR. SEHAM: I'm sorry, we're starting with which?

23 MR. BISBEE: Eleven.

24 MR. SEHAM: Eleven.

25 THE WITNESS: Okay. This is --

1 BY MR. BISBEE:

2 Q This is an e-mail from yourself to Phil Davis and
3 Chris Puckett, dated Sunday, July 3rd, 2016. And it looks
4 like it is attaching another set of e-mails. Is that
5 correct, Dr. Altman?

6 A Would you ask it again? I'm sorry, I was reading.

7 Q Sure. I'm just making sure I understand what this
8 exhibit is. This appears to be an e-mail from yourself to
9 Phil Davis and Chris Puckett, dated July 3rd, 2016. And
10 attached to this e-mail are, quote:

11 "The pages from the binder regarding
12 e-mails from Jim Graham and OC Miller, in
13 which the Section 15 is discussed after
14 First Officer Petitt wrote an e-mail
15 after she heard a speech by Richard
16 Anderson."

17 Is that an accurate description of this document?

18 A Yes.

19 Q And you go on to note:

20 "I cannot find this e-mail, except in
21 the forwarded version. I would prefer to
22 review it with Ms. Petitt, without the
23 distraction of the other e-mails, and
24 without the yellow highlighting."

25 A Yes.

1 Q Were you intending to rely upon the e-mails
2 attached, that did not include First Officer Petitt in
3 preparing your report?

4 MR. SEHAM: I'm sorry, can I hear that question
5 again?

6 MR. BISBEE: Sure. I'm happy to rephrase.

7 JUDGE MORRIS: I wasn't following that one myself.

8 MR. BISBEE: Yeah, I'll rephrase.

9 BY MR. BISBEE:

10 Q Why did you want them to re-forward you the
11 underlying e-mail involving Ms. Petitt, without the
12 subsequent e-mails involving other people on which she was
13 not copied?

14 A Okay. Well, there are three -- there were going to
15 be -- there were three interviews. The first interview was
16 to provide her a chance to go over her history. The second
17 interview was to go -- to provide the chance to go back and
18 ask her how she was responding to certain documents and what
19 they were saying, and what it meant, for her to expand on
20 that. And the third was to go over specific symptoms.

21 So, this is I wanted to have a clean copy so I
22 could show it to her and we could go over it, that's what I
23 mean by "without the distraction." That's my recollection of
24 what this is about. That it's for the second interview.

25 Q And if you were not ultimately including a document

1 in your report, or you were not considering it as part of
2 your analysis, would you have shown that document to Ms.
3 Petitt during the interview?

4 A If I -- in general, the answer would be yes. If it
5 wasn't considered -- if I looked at it -- and remember the
6 key things that I was focused on were things that she wrote
7 as manifestations of her, and the contemporary data. So,
8 this was something that she wrote. The other things, back
9 and forth, might be helpful, but they wouldn't be critical,
10 and that's what I would be focused on.

11 Q And if we were to look at Complainant's Exhibit 7,
12 which is also in that same binder, is the same answer true,
13 that if Ms. Petitt was not, herself, writing something, it
14 wasn't critical to your analysis?

15 MR. SEHAM: Objection, leading.

16 JUDGE MORRIS: Overruled.

17 THE WITNESS: This is contemporary. The situation
18 is that the evaluation, the standard for decision is whether
19 or not 51 percent of the data. So, this issue, the issue of
20 whether or not she presented -- I'm sorry -- whether or not
21 she violated the media policy of Delta, this was a piece of
22 that. In other words, she will say: "I never violated the
23 policy." Then there's an e-mail from somebody else, at the
24 time, saying she did. Then there's an e-mail from her saying
25 that she -- that the information was on her website and she

1 withdrew it. So, there's -- so I would occasionally take
2 data, other data, from other sources. The other -- the key
3 thing is, anything contemporaneous with what's going on is
4 helpful to see if her view, her presentation of what happens
5 is stable.

6 JUDGE MORRIS: Doctor, let me understand. Are you
7 saying that she put something on the blog and thinks she's
8 doing it right. Then finds out later, from management, that
9 they disagree, and then she immediately removes that. That
10 that's indicative of some sort of mental health problem?

11 THE WITNESS: That's not -- that's not. It's that
12 later she says it never happened. That's the point. In
13 other words, if it's that the -- I never -- that the concern
14 -- in other words, the concern that she did something that
15 violated the media policy, she calls completely fraudulent,
16 that's the problem, not the initial part.

17 JUDGE MORRIS: Okay.

18 BY MR. BISBEE:

19 Q If you could turn to CX-14, which is in that same
20 binder, Dr. Altman. This is an Exhibit from you to Chris
21 Puckett, copying Phil Davis, on Monday, June 13th, 2016.
22 Could you describe for us what you're requesting in this
23 e-mail?

24 A I'm trying to -- well, this is an example of my
25 trying to mine data from the -- I'm asking Chris Puckett and

1 Captain Davis to provide it for me. The question is, is
2 there -- see the difficulty is there were a number of Excel
3 spreadsheets and I'm trying to remember which one we're
4 talking about here.

5 Q Let me focus you slight.

6 A I'm sorry.

7 Q If we go to the very bottom of the first page, the
8 second line, it says:

9 "The strategy is to graph time against
10 cumulative hours or cumulative flights."

11 A Right.

12 Q And we've heard a lot of testimony about your use
13 of the term "strategy," could you --

14 MR. SEHAM: Objection, coaching.

15 JUDGE MORRIS: Let me hear the question.

16 MR. BISBEE: Okay.

17 BY MR. BISBEE:

18 Q Could you provide, in the context of this e-mail,
19 what you meant by the term "strategy"?

20 A Okay.

21 JUDGE MORRIS: Overruled.

22 You may answer.

23 THE WITNESS: Oh, I can answer. Thank you.

24 Okay. The question is -- the question I'm trying
25 to answer is over time is First Officer Petitt changing the

1 amount of time flying, and the number of times she is
2 piloting the plane? Okay, that's the question. So, if you
3 -- so I'm trying to develop -- so I say:

4 "The strategy is to draft time against
5 cumulative hours and cumulative flights."

6 That's the strategy to try to answer that question.

7 If you -- if the person is flying more -- let's say the
8 person is flying -- let's say the person is flying an hour a
9 month, well, then the line would go up one hour a month with
10 the cumulative number of hours. And then if they flew an
11 hour over two months, the slope would flatten out. So, you
12 could look at it and see is there a change in the amount of
13 flying? So, this is a graphic way of trying to answer that
14 question.

15 BY MR. BISBEE:

16 Q Why does that --

17 A So, the word "strategy" is this is a strategy to
18 answer the question.

19 Q Why were you trying to answer that question, how
20 does it impact your report?

21 A There is -- in her -- she produced two major
22 documents and in one of them she represents evidence that she
23 is an SMS, she's a subject matter expert on a topic --
24 multiple topics -- but one of them -- and for her -- for
25 making that case, she says she flies extensively. Now,

1 simultaneously, in her interview she said she told her
2 doctor: "I don't fly that much." So, there's a dissonance
3 here between these two ideas. So, I was hoping to be able to
4 find out, in a quantitative way, is her assertion that she
5 has extensive flying accurate or is it that she is not flying
6 as much. If she is not, then that would be evidence of an
7 expanded mood, which I can get to as a symptom, in other
8 words people embellishing in making a sense that they're
9 better and more expanded in terms of their own view of
10 themselves than they actually are.

11 Q Just one last exhibit I'd like to look at,
12 involving the term "strategy," at CX-71. But I think it's,
13 yet, in another binder for you.

14 MR. SEHAM: I'm sorry, what was the number, again?

15 MR. BISBEE: Sure -- 71, Complainant's 71.

16 THE WITNESS: Okay.

17 BY MR. BISBEE:

18 Q This is an e-mail from yourself to Chris Puckett
19 and Phil Davis, on July 15th, 2016. And if you look at the
20 end of the second line, you say:

21 "I've thought of a strategy which has the
22 possibility of confirming her opinion and
23 refuting it."

24 Again, if you could provide the context of this
25 e-mail and what you meant by the term: "Strategy" in this

1 e-mail?

2 A A procedure, an algorithm, in other words I'm
3 trying to obtain a quantitative measure to answer this
4 question, which served to -- this question I struggled with
5 through the whole -- for months -- I mean, you know, there
6 were a tremendous number of e-mails back and forth. But
7 again, it's an attempt -- I mean this is a strategy to deal
8 with a specific question. Unless I don't understand the
9 question, that's --

10 Q I'd like to turn, for awhile, to your report, which
11 is Joint Exhibit L. We're going to look at your report,
12 which is Joint Exhibit L.

13 JUDGE MORRIS: Don't ask anymore questions. I want
14 to read this.

15 THE WITNESS: Okay.

16 JUDGE MORRIS: I mean you can turn to it, but I
17 want to read this, again.

18 MR. BISBEE: Sure.

19 JUDGE MORRIS: Okay.

20 MR. BISBEE: So, we're at JX-L, Your Honor.

21 BY MR. BISBEE:

22 Q Is this the report that you prepared concerning Ms.
23 Petitt, in your role as the CME, Dr. Altman?

24 A It's the initial part.

25 Q When was your evaluation and your report finalized?

1 A Let's look at -- it's December, approximately. I
2 didn't look back --

3 Q Could you walk us through the approach you took in
4 this report, and the conclusions that you reached?

5 A Okay. All right. The beginning of the report
6 notes the standards for conclusions and opinions, which is
7 again a reasonable degree of medical certainty. Then I talk
8 about the structure of the report. And there it has five
9 basic components: the background data regarding Delta Air
10 Lines, the overview of her history, then a review of the
11 document which led to the evaluation, then a review of this
12 specific events and themes, and then a diagnosis and data
13 supporting this diagnosis. This is just the initial part of
14 the report, it's not the whole report.

15 It begins with background data regarding Delta Air
16 Lines, in order to provide who are the people here, because
17 they appear at different points in the history and they have
18 different roles. So, I was trying to provide that for anyone
19 reading this.

20 And then the social media policy, which becomes
21 important.

22 Then we do an overview of the history. I have a
23 timeline.

24 And then we have the question of flight experience.
25 This is exactly what I was trying to sort out. That one

1 item on page 27 was an attempt to either say does she or
2 doesn't she, what is the reality of the flight experience?

3 Then there's a chronology of events and we go
4 through all of these. That continues until we get to -- so
5 now I have developed a chronology, so it's possible to put
6 things into timeline.

7 Then the third section, the document that led to
8 the evaluation. I put in the investigation report.

9 Then the diagnostic standards.

10 And if you go to page 60, there's what I call the
11 "Technical Terms." These are the feelings, these are the
12 terms that are used in the DSM-5 criteria. And I'm going to
13 be returning again and again to these items. If these items
14 are present, then if you flip the page over you see that
15 these items are exactly the items in the discussion of what a
16 manic episode is.

17 So, the task is -- does the individual have these
18 symptoms and if so, then they would have the symptoms
19 required to make the diagnosis of mania.

20 Q Does the --

21 A The next step --

22 Q Go ahead?

23 A The next step is to take -- now the investigation
24 summary, so if you go to page 62 -- so I've reprinted, now,
25 the summary a few pages earlier. I've given it as it was,

1 now I've printed it again. And I take and you'll see where
2 it says: "Commentary." So, Kelley Nabors wrote:

3 "Scheduled an in-person meeting with
4 Karlene for March 8th, 2016, at the
5 Crowne Plaza next to Seattle Airport.
6 Karlene requested we not meet at the
7 airport, because she's afraid leaders
8 would find out she's talking to me and
9 start asking questions."

10 "Commentary: First Officer Petitt's
11 concern is consistent with a paranoid
12 stance."

13 What's a paranoid stance? Right here:

14 "Suspiciousness of other's motives."

15 And the process is going through this document and
16 seeing if there are symptoms which are consistent, based on
17 those definitions of symptomatology, and seeing if there's
18 enough here to suggest that it meets the DSM-5 criteria. But
19 you don't really have to meet the DSM-5 to be the -- meet the
20 standard for the FAA, because the FAA standard is less.

21 The FAA has a standard which does not -- so if you
22 meet the DSM-5, then you meet the FAA standard.

23 JUDGE MORRIS: All right. Doctor --

24 THE WITNESS: Yes. I'm sorry.

25 JUDGE MORRIS: I'm looking at your report on page

1 62, and the example that you give, the extract dealing with
2 the Kelley Nabors' manager interview. And you say in the
3 note here:

4 "It's because she was afraid leaders
5 would find out she was talking to me and
6 start asking questions."

7 You were aware, at the time, that this was an EEO
8 investigation or an investigation into allegations against
9 management, were you not?

10 THE WITNESS: (No verbal response.)

11 JUDGE MORRIS: Let me rephrase it this way --

12 THE WITNESS: I don't think it was that explicit to
13 me, no, I don't.

14 JUDGE MORRIS: In this response here, you're saying
15 that that's a paranoid stance that a person who is taking
16 action against the people that hired them, that she may not
17 want to find out that she's reporting on management?

18 THE WITNESS: The management is sending Kelley
19 Nabors to interview her. So, finding out that she's being
20 interviewed seems -- I was unable to see why that would be
21 something they would find out, since management is sending
22 them -- sending her. In other words, it's like -- wait,
23 these people are sending you and you don't want them to know
24 that you're talking to me. That's the part where it seemed
25 suspicious of people's motives.

1 JUDGE MORRIS: Okay.

2 BY MR. BISBEE:

3 Q You were walking us through your analysis, Dr.
4 Altman?

5 A Okay. So, okay, so it says here -- I'll just do a
6 few -- the next paragraph was:

7 "On March 8th, 2016, the conversation
8 started with Karlene asking me to remind
9 her what was the purpose of the meeting.

10 I reminded her of our discussion on
11 February 29th. I explained to her I
12 wanted to followed up on her Equal
13 Opportunity concerns addressed in the
14 letter she had given Jim Graham in late
15 January 2016. During our discussion,
16 Karlene was quite intense and sometimes
17 tearful and unable to speak, because of
18 her emotions."

19 So, the implication is the emotional state, she was
20 unable to remember the reason for the interview, and that's
21 Criteria C.

22 Q What was the ultimate conclusion that you reached
23 in Part 3 of your report?

24 A Part 3 -- okay. So, we go through the whole item
25 and then I repeat the DSM-5 criteria.

1 MR. SEHAM: I'm sorry, is there a page reference?

2 THE WITNESS: I'm sorry -- it's page 74.

3 JUDGE MORRIS: Of your report, page 74.

4 THE WITNESS: Of my report.

5 JUDGE MORRIS: Which would be D, JX-L-74, as well.

6 THE WITNESS: So, I think it's on page 59. I've
7 listed the DSM-5 criteria and characteristics of paranoid
8 ideation, and now I'm taking the items that I've identified
9 and saying -- would the person, based on that information,
10 meet this criteria?

11 And so we have Criteria 1: "Inflated self-esteem or
12 grandiosity." I said based on my analysis of Kelley Nabors'
13 report, it would be she would meet that criteria.

14 "Decreased need for sleep." And then it progresses
15 down. I'd be glad to read it all, but I'm not sure.

16 JUDGE MORRIS: Doctor, did you ever interview the
17 person that you're relying so heavily on in this, Ms. Nabors?

18 THE WITNESS: No, I never interviewed her.

19 JUDGE MORRIS: Why not?

20 THE WITNESS: Because I was basing it on the idea
21 that I wanted the contemporary data. In other words, this
22 was her contemporary report, based on what happened. And as
23 you move back and have -- I didn't -- so, basically, I was
24 trying to go with what are the things that are
25 contemporaneous to the event and focus on that.

1 JUDGE MORRIS: Okay.

2 BY MR. BISBEE:

3 Q When you were making decisions about the
4 methodology you would apply, how did you decide what approach
5 to take -- how did you decide, for example, whether or not to
6 interview Ms. Nabors?

7 A Well, it's basically that I was -- I felt that the
8 information there was clear, that she's quoting directly from
9 First Officer Petitt. I felt I had enough information.

10 Q And broadly speaking, when you were making
11 methodological decisions about how to prepare your report,
12 what was the basis for your decisions?

13 A The basis was that the primary data would be
14 information provided in the interview, items that she wrote,
15 and then other items where there was contemporaneous
16 information.

17 JUDGE MORRIS: Did --

18 THE WITNESS: I'm sorry.

19 JUDGE MORRIS: I'm kind of hooked on --

20 THE WITNESS: Yeah, okay.

21 JUDGE MORRIS: -- and I apologize. Did you ever
22 present what was given to you, the statement that Ms. Nabors
23 -- the contemporaneous report that you're relying upon, did
24 you ever give that to the Complainant in this case, to give
25 her an opportunity to explain her version of events in

1 looking at that?

2 THE WITNESS: We discussed --

3 JUDGE MORRIS: Not discussed --

4 THE WITNESS: No -- you're right, I did not. I
5 alluded to different items.

6 JUDGE MORRIS: Okay.

7 THE WITNESS: See the -- let me just -- I'll just
8 do one more part of it. This -- at the end of this, there
9 was, I felt, enough to do to say, okay, does -- now we're
10 going to close the issue on Kelley Nabors' report, basically
11 and see if there's additional data, outside of the report,
12 which would support the findings that I found in that report
13 or not. If there was no data to support that, the answer
14 would be she doesn't have a medically disqualifying
15 diagnosis. So, the focus was on those other items.

16 JUDGE MORRIS: All right.

17 BY MR. BISBEE:

18 Q When you were preparing your report and conducting
19 your analysis, you obviously needed to make decisions about
20 how you would proceed, is that fair?

21 A Yes.

22 Q So, for example, you needed to decide -- and I'm
23 just trying to lay foundation, Your Honor -- you needed to
24 decide whether or not you would speak with Ms. Nabors or rely
25 upon her contemporaneous notes, is that fair?

1 A Yes.

2 Q And there were, I assume, many other similar
3 decisions, when you were preparing your report?

4 A Yes.

5 Q When making any of the many decisions that went
6 into your report, could you tell us whether any decision was
7 impacted by the substance of Ms. Petitt's communications to
8 Delta or to you?

9 A I'm confused by what you're saying. I'm sorry.

10 Q I can rephrase. And I think it will be helpful for
11 me to lay a little more foundation. Some of the
12 documentation that you requested involve what Ms. Petitt has
13 referred to as a safety report that she provided to Delta in
14 January of 2016, correct?

15 MR. SEHAM: Objection, mis-characterizes the
16 evidence.

17 JUDGE MORRIS: Repeat the question?

18 MR. BISBEE: Sure.

19 BY MR. BISBEE:

20 Q Some of the documentation you requested from Delta
21 included what Ms. Petitt has referred to as her safety report
22 from January of 2016.

23 JUDGE MORRIS: Overruled.

24 You may answer.

25 THE WITNESS: I can answer. I'm sorry. At this

1 point I'm just -- did I want to read the safety report? I'm
2 sorry.

3 MR. BISBEE: Yes.

4 THE WITNESS: Yes.

5 BY MR. BISBEE:

6 Q And similarly you reviewed what's been referred to
7 as an "Ethnographic Study," from April of 2016?

8 A Yes.

9 Q And you reviewed other documents from Ms. Pettitt
10 that included the word: "Safety"?

11 A Yes.

12 Q Did the fact that the word: "Safety" was used or
13 that she had provided safety reports, did that, in any way,
14 impact any of the decisions you made when you were deciding
15 how to go about preparing your report?

16 MR. SEHAM: Objection, vague, over broad.

17 JUDGE MORRIS: Overruled.

18 You may answer.

19 THE WITNESS: No. It has to do with form more than
20 content. In other words, is this an example of
21 suspiciousness, it would be of any topic, it wasn't the
22 items, the headline of these were "Safety," but the topic,
23 the thing I'm focused on is -- are there these symptoms,
24 which I listed on page 60, are they there, do they appear to
25 be there, is there evidence of a thought disorder? That's

1 what I'm looking for.

2 BY MR. BISBEE:

3 Q And if there had been no discussion of safety on
4 the record you reviewed, would that have changed your opinion
5 about whether or not to interview Kelley Nabors, or whether
6 to take a different technical step in preparing your report?

7 MR. SEHAM: Same objection.

8 JUDGE MORRIS: Overruled.

9 THE WITNESS: Could you repeat it? I'm sorry.

10 MR. BISBEE: Sure.

11 BY MR. BISBEE:

12 Q If there had been no discussion of safety, at all,
13 in the materials you were reviewing, would you still have
14 made the same methodological decisions you made? For
15 example, choosing not to interview Kelley Nabors, but instead
16 to rely upon contemporaneous notes?

17 A Yes.

18 Q And what I'm asking is, could you explain the
19 relationship, if any, between the choices you made about how
20 to prepare the report, how to conduct your analysis, and the
21 fact that there was some discussion of safety in the
22 documents you were reviewing?

23 A Again, it's the -- not the content, it's how the
24 ideas are developed, how the person reacts to things, is
25 there a logical sequence, that's what I was looking for. I'm

1 not -- it wasn't a question of I'm judging whether or not
2 she's accurate with regard to safety, that wasn't my -- it's
3 not my expertise and it also wasn't what I was trying to look
4 for. The question was, did she have symptoms of a medically
5 disqualifying illness? That was the question. And those
6 symptoms could be in any topic.

7 Q If we could turn to page 231 in your report, Dr.
8 Altman? You include an e-mail from Ms. Pettitt to Ed Bastian
9 on March 5th, 2016, in the report, is that what I'm seeing
10 here on page 231?

11 A Okay.

12 Q Can you explain what the importance was of this
13 e-mail, as articulated in your report?

14 A Okay. So, I included this in the report because
15 it's an example of her making a statement that she never went
16 outside of the chain of command -- this is a statement --
17 then this is this e-mail basically shows she did, okay.
18 That's one. And a person with an expansive mood feels the
19 rules don't apply to them. So, it is in her -- in other
20 words -- when she says: "I never did this," can that
21 statement be trusted? And then second, is that there's an
22 expansive mood that I can set things up the way I want.

23 Q Do you believe your report is 100 percent mistake
24 free?

25 A Oh, I'm sure it's not.

1 Q So, here on page 231, you say:

2 "Also note that she addressed Mr. Bastian as

3 'Ed,' undue familiarity associated with

4 mania."

5 If Mr. Bastian had testified: "Everyone calls me

6 Ed," might that be an example of a mistake?

7 MR. SEHAM: Objection, leading.

8 JUDGE MORRIS: It is, but I'll allow it.

9 THE WITNESS: Okay. I'm not sure it's a mistake.

10 I said: "Undue familiarity is associated with mania." My
11 implication is that that was not -- that he was not addressed
12 that way, so not knowing that, that part -- the second part
13 is true, "undue familiarity is associated with mania," that I
14 don't -- I wouldn't view as an error, at all. That his
15 policy is to always be addressed as "Ed," I didn't know that.

16 So, that would be -- that one point would not be supported
17 by the data, the reality.

18 BY MR. BISBEE:

19 Q If you make mistakes in the report, were any of
20 those mistakes purposeful?

21 A No.

22 Q If mistakes were made, were any of those mistakes
23 in any way related to the fact that Ms. Petitt had talked
24 about safety?

25 A No.

1 Q Could you describe how you weighted the many
2 different individual observations that are contained in this
3 report?

4 A That I -- my attempt was to provide all the
5 information in a systematic way that somebody could follow
6 how the logic -- how my logical train was. It's all there.
7 And also provide the primary documents. This initial section
8 is not the whole report, because you have to be able to go
9 back and say did I take it out of context. And only by
10 having the rest of the information could you know that. So,
11 you have to have that.

12 Second, the First Officer Petitt wanted the audio
13 files included. In fact, she stressed that I should include
14 the audio files with the report. It's not my standard
15 response, but I did it. So, those were there. So, that
16 would take it to another level, that you could say, well, is
17 the transcript accurate? So, you can move it back to an
18 audio thing. Basically, my goal and attempt was to have all
19 the primary data there. The parallel is with
20 neuro-psychological testing. If you have
21 neuro-psychological testing, the raw data is there and then
22 the interpretation is built on the raw data. The raw data
23 here is my interviews, the transcripts of my interviews, all
24 the documents I was able to collect, and all of those are
25 necessary in order to prove or disprove the validity of my

1 conclusions. That's why they're all included.

2 Q What if one of the included observations or facts
3 was mistaken, would that change your ultimate conclusion or
4 diagnosis?

5 A No. In other words, it has to be 51 percent. And
6 I mean the example was -- it's near the end -- I think it's
7 300 -- here we go -- 364. In fact, maybe this is helpful,
8 because this was actually the guiding principle. I wrote a
9 paragraph, was trying to define, okay, here is what the
10 symptoms of mania are, this is what I'm looking for. If
11 they're not here, then she doesn't have a problem. If they
12 are here, she does.

13 JUDGE MORRIS: So, I'm clear, it's page 364 of your
14 report?

15 THE WITNESS: 365, I'm sorry -- 355 -- I'm sorry.

16 MR. SEHAM: Three-five-five?

17 THE WITNESS: Three-five-five.

18 "Symptoms of mania include: Uncritical
19 self-confidence, grandiosity in an
20 expansive mood, these symptoms cause the
21 patient not to recognize and not
22 acknowledge inconsistencies in reporting
23 events. The description of events in the
24 manic patient's histories often
25 dramatically modified to fit a narrative

1 which congruent with the patient's
2 elevated mood state, thus, a marker of
3 mania is a pattern of contradictions in
4 reporting events, and a refusal to
5 acknowledge the presence of an error in
6 judgment or an error in behavior. From
7 this viewpoint, inaccurate reporting,
8 which serves to support a grandiose
9 expansive mood is one of the many
10 behaviors that characterize mania."

11 And then I have 10 examples. And since the report
12 is out, there are more, but there were 10 at that point.

13 Now, so if one of these is an error, it doesn't, to
14 me, shift it.

15 JUDGE MORRIS: Wait a minute. You just said since
16 the report is out there are more. How do you know that?

17 THE WITNESS: Well, there have been -- there's
18 correspondence with First Officer Petitt.

19 JUDGE MORRIS: That you've had?

20 THE WITNESS: Yes.

21 JUDGE MORRIS: Okay.

22 THE WITNESS: And events with the FAA. I mean in
23 other words, so that provided even more examples of shifts in
24 -- where it's this way and then it's the opposite.

25 JUDGE MORRIS: Okay.

1 THE WITNESS: So, one item -- no. One would not --
2 if there was only one example of a problem, of a -- I'm sorry
3 -- of a symptom -- I would not be very comfortable -- I would
4 not be comfortable with that, at all.

5 BY MR. BISBEE:

6 Q How did your process in conducting your analysis
7 and preparing your report in this case compare to your
8 process in similar cases?

9 A This is the process I use, in all cases. Each case
10 presents a different question, a different theme to be
11 approached. Then you try to figure out how could I answer
12 that question.

13 Q What was your ultimate conclusion in your report?

14 A That she was medically disqualified because of a
15 diagnosis, based on FAA criteria, of bipolar disorder.

16 Q And what was the basis for that conclusion?

17 A The basis was that after going through all of the
18 secondary data, the data after the Kelley Nabors report,
19 there was enough information, based on a, you know, based on
20 a standard of 51 percent, to say she met the DSM-5 criteria,
21 therefore, she would meet the FAA criteria.

22 Q As we sit here today, what's your current view as
23 to the accuracy of your report's ultimate conclusion
24 regarding Ms. Pettitt?

25 A I still am convinced that this is an accurate

1 diagnosis.

2 MR. BISBEE: Nothing further, Your Honor.

3 JUDGE MORRIS: Cross?

4 MR. SEHAM: Yes, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. SEHAM:

7 Q How many prior Section 15 evaluations have you
8 performed at Delta?

9 A There was one attempted, that was not completed.

10 Q And who did that -- whom did that involve?

11 A I don't think I can say the name.

12 Q Oh, are you saying you can't remember or --

13 A Oh, I know the name, but I can't. I don't -- I
14 think I would --

15 JUDGE MORRIS: I'm not going to require him to
16 identify the name.

17 BY MR. SEHAM:

18 Q You acted as the PME with respect to the evaluation
19 of Ms. Petitt?

20 A CME, I thought.

21 MR. BISBEE: Sorry -- yeah.

22 MR. SEHAM: Pardon?

23 MR. BISBEE: Did you say PME or CME?

24 MR. SEHAM: I did and I mis-spoke.

25 BY MR. SEHAM:

1 Q Did you act as the CME with respect to the
2 evaluation of Ms. Petitt?

3 A Yes.

4 Q And who, if anyone, explained what your role was?

5 A Attorney Chris Puckett and Dr. Faulkner.

6 Q What did Chris Puckett say to you in terms of what
7 your role was?

8 A Well, let's see. This went over many
9 conversations. Let me see if I can try to pull together.
10 Ultimately, I got a document describing what the role is.
11 So, well, basically, let me -- I'll speak in general terms.
12 And I don't think I can remember, you know, at this point, he
13 told me this or that, they all sort of flow together.

14 The role of the Company Medical Evaluator, in the
15 Section 15 process, is it's the initial evaluation. If the
16 -- this is an independent evaluation in that in the CME
17 renders an opinion. If the opinion is that the pilot does
18 not have a medically disqualifying diagnosis, that's the end,
19 it's finished. If not, the pilot -- it's necessary -- then
20 they'll have the pilot -- the pilot will have their own
21 evaluation, and that will be arranged through AMAS. Then if
22 there continues to be a disagreement between -- I'm sorry --
23 do you want me -- am I going on? I'm sorry.

24 Q No, no, no. I'm signaling to my client. You're
25 fine.

1 A Okay. So --

2 Q Although, I would say that my question is what did
3 Mr. Puckett say to you?

4 MR. BISBEE: And I'll object to the extent that he
5 may have been providing that information and was just cut
6 off. I don't know, I'm just -- the witness --

7 MR. SEHAM: It sounded like he was just --

8 THE WITNESS: I mean in other words, I'm giving --

9 JUDGE MORRIS: Let's get an answer.

10 THE WITNESS: In other words, I'm giving you this
11 is what he told me, this is where -- so the roles, the
12 functions of the CME are, first of all, that you provide the
13 evaluation, that information is provided to the Delta doctor,
14 and to the AMAS physician, that was in the letter. Then
15 after -- I found out after I did the evaluation that it was
16 necessary to send a form letter to the pilot. He sent me a
17 copy of the template, which I completed and sent it to First
18 Officer Petitt.

19 Then the role was to -- the next in the sequence
20 would be that the pilot -- if the pilot evaluator concurred
21 with the Company Medical Evaluator, that was done, there was
22 no role for the CME in that case. If they disagreed, then
23 there would be a discussion between the Company Medical
24 Evaluator and the -- so between the Company Medical Evaluator
25 and the Pilot Medical Evaluator, to determine the Neutral

1 Medical Evaluator. And then the Neutral Medical Evaluator
2 would make the final decision.

3 The other part that he explained, that was
4 explained to me -- either he explained it or Dr. Faulkner
5 explained it, or it was in the documents, was that the
6 information -- if at any point the decision was made that the
7 pilot, in this flow of pattern, did not have a problem, the
8 information would never be revealed to the FAA, that was part
9 of the --

10 So, that -- now I'm sure -- let me think if there
11 are any more roles of the CME. The CME has the final
12 decision with regard to this negotiation, it's not a decision
13 made by management, but it's my decision. I mean at this
14 point I can't think of other variables, but it was -- those
15 were the major points that informed me about it, or they
16 informed me about. I'm sorry.

17 BY MR. SEHAM:

18 Q You said you had many conversations with Chris
19 Puckett?

20 A With Dr. Faulkner, Chris Puckett. I asked for --
21 at one point I asked for a copy of the Labor Management
22 Agreement, so I could actually see this flow pattern, because
23 it was -- what was -- this is after the report, this becomes
24 a -- after the report goes out, then this, these additional
25 roles become more complicated. I'm happy to describe it, but

1 I didn't know if you wanted to go beyond the report.

2 Q We're referring back to your earlier testimony.
3 You said you had many conversations with Chris Puckett about
4 the role of the CME?

5 A I'm trying to define "many." I know at least --
6 it's not just Chris Puckett, it's Dr. Faulkner.

7 Q Well, let's take them one at a time?

8 A See, the trouble is, I can't really remember who I
9 was talking to about which, so I wouldn't be able to answer.
10 They all -- I was talking to both of them about this -- what
11 my role would be with regard to these post-report issues that
12 came up.

13 Q Well, when did you have -- can you give us some
14 time-frame as to when you had your first discussion about the
15 role played by the CME?

16 A Well, there's that letter, that's way early.
17 That's, I mean there's the letter that we looked at a little
18 earlier.

19 Q Okay.

20 A That's the beginning. But that was, basically,
21 straightforward. This is just doing a psychiatric
22 evaluation, this is what I've done for years. The
23 complexities begin after the report -- at least my -- was
24 sent out.

25 Q Now, as you commenced your CME role, you understood

1 that Ms. Pettitt had been maintaining that she was -- her
2 mental health was acceptable and that she was fit to fly,
3 correct?

4 A As I was maintaining my role? Say that again?

5 Q As you commenced your CME --

6 A Her position was that she was mentally well, yes.

7 Q And the company's position was that there was
8 reason to be concerned about her mental health?

9 A The company's position was -- I had said that there
10 was reason, that's what led to it. Not that they said that
11 there was reason. They brought data, they weren't sure.
12 Based on -- if I had said, in that initial meeting -- I'm
13 sorry -- initial telephone call with Chris Puckett and, I
14 believe it's Meg, but I'm sorry, I can't remember the other
15 lady -- if I had said I don't think this rises to the level
16 of concern, my sense was then that was it.

17 So, they brought data and I said I think this
18 enough to proceed with a psychiatric evaluation.

19 Q And you say you had the sense that, but for your
20 evaluation, the Section 15 would not have been commenced --
21 why, what --

22 A Well, they were asking -- there's the initial
23 e-mail, we don't want to overreact, that was the note, the
24 very first e-mail. My sense is that's exactly the attitude
25 they had -- we don't want to overreact, are we overreacting

1 by saying that we need to have a psychiatric evaluation for
2 this data or not? If I had said I don't think my opinion,
3 based on the information I've got, is that you would be
4 overreacting and you shouldn't proceed, that would have ended
5 it right there.

6 Q But you told them that -- you told the Delta
7 representatives that they should proceed with a Section 15?

8 A I told that that was my opinion, yes.

9 Q And you based that -- what data did you have --
10 actually, let me withdraw that aborted question.

11 A I'm sorry.

12 Q When you made that recommendation --

13 MR. SEHAM: And maybe let's look to counsel, the
14 date of the teleconference, can we stipulate, was that March
15 17th?

16 MR. BISBEE: 16th.

17 MR. SEHAM: 16th, I'm sorry.

18 BY MR. SEHAM:

19 Q Would you agree that the recommendation you made
20 was on or about March 16th?

21 A Yes. That feels right.

22 MR. BISBEE: We're not -- I'm not sure which
23 telephone conference you're necessarily talking about.

24 THE WITNESS: Is the question whether it's the 16th
25 or not? That's the best I can -- look, I'm sworn to tell the

1 truth, I don't know, absolutely for sure, but it's around
2 there.

3 MR. SEHAM: No. And that's why I'm not trying to
4 challenge your memory about which day, and that's why I
5 turned to counsel. If we could just stipulate, to facilitate
6 further questioning.

7 MR. ROSENSTEIN: Can I just -- I hate to interject
8 -- are we talking about the meeting where lots of people are
9 present or are we talking about the meeting that preceded
10 that with just Puckett and -- because there are two -- there
11 was testimony about both, I think.

12 MR. SEHAM: And the teleconference at which he
13 recommended that a Section 15 --

14 MR. ROSENSTEIN: I don't think that answers the
15 question, because I think his testimony on direct was that he
16 recommended during both of those.

17 MR. SEHAM: Okay. Well, that --

18 MR. ROSENSTEIN: They were both teleconferences, I
19 think the testimony was, and I think that -- if I remember
20 right, because I was listening, not asking questions -- he
21 said that he had a preliminary phone call with Puckett and
22 Meg, who he just said. And then he had another call with
23 others. I don't think there's a lot of testimony about that
24 second call on direct. And if you're asking about the dates
25 of those, I think we can stipulate to those dates, if you

1 want us to. Is that acceptable?

2 MR. SEHAM: Yeah, that's what I'm getting to, just
3 so we can have a shared --

4 MR. ROSENSTEIN: My --

5 MR. SEHAM: I don't want to challenge the witness
6 and his memory --

7 MR. ROSENSTEIN: Just so that it's a clear record,
8 the record reflects calendar entries of a meeting on March
9 17th in the record, where Captain Graham participated and
10 there was an ultimate discussion about Section 15. And that
11 the phone call would have preceded that meeting, at least by
12 a day. So, it could have been March 16th, it could have been
13 earlier, but somewhere between March 11th and March 16th.
14 Most likely it is March 16th, but I can't be sure. Is that
15 okay?

16 THE WITNESS: You know, you subpoenaed my progress
17 notes about --

18 MR. SEHAM: That's -- I thought this was going to
19 be simpler.

20 BY MR. SEHAM:

21 Q I just wanted to have -- and really, the question
22 I'm asking, at that point, when you had these discussions,
23 whether they were March 16th or March 17th, 2016, you had not
24 yet been appointed as CME, correct?

25 A Correct.

1 Q Okay. And if you could turn to the document that
2 was -- oh -- to CX-3, do you have that up on the table?

3 MR. BISBEE: I don't believe he does.

4 MR. SEHAM: Oh, okay.

5 MR. BISBEE: Right here. CX-3 is in here.

6 THE WITNESS: Okay. Thank you. Oh, it's Meg
7 Taylor. Okay.

8 BY MR. SEHAM:

9 Q So, your first contact from Chris Puckett was on
10 March 10th, 2016 -- looking at the first page of CX-3-001?

11 A Yes. Okay.

12 Q You didn't have any contacts prior to that date,
13 correct?

14 A Well, not about this case.

15 Q That's what I meant, yeah. And then the next
16 e-mail was starting at CX-3-003, is March 11th?

17 A Okay.

18 Q Okay. Did you have any telephone calls between the
19 March 10th e-mail and the March 11th e-mail?

20 A I don't know. Let me look. It looks like I did.
21 "Speaking with you today," so I must have.

22 Q Okay. Do you recall how long that conversation
23 was?

24 A No.

25 JUDGE MORRIS: That was a no, for the record.

1 THE WITNESS: No. I'm sorry. No.

2 MR. SEHAM: No.

3 JUDGE MORRIS: You just have a soft voice.

4 THE WITNESS: Sorry.

5 MR. SEHAM: And I missed it completely. Thank you.

6 BY MR. SEHAM:

7 Q And do you recall what you discussed during this
8 teleconference that's referenced on CX-3-004?

9 A Not now. No, I don't.

10 Q Okay. And it says: "Between now and then I will
11 send you some materials." Do you see where I'm reading, the
12 last sentence?

13 A Yes.

14 Q "Between now and then I will send you
15 some materials that will give you some
16 background on the issue in front of us."

17 Had you asked for some materials at this point, or
18 were these materials that Mr. Puckett had decided to send
19 you?

20 A I don't remember.

21 Q Okay. Now, if you turn to the CX-3-005, to the
22 best of your recollection is this the next e-mail
23 communication that you had with Chris Puckett concerning Ms.
24 Petitt?

25 MR. BISBEE: I'm just going to object, to the

1 extent this is a compilation of exhibits, that doesn't
2 necessarily mean that it's exhaustive of everything that
3 might be in the record. Is that fair to say, Lee?

4 JUDGE MORRIS: Well, it's everything in the record
5 that's --

6 MR. BISBEE: Let me rephrase, Your Honor.

7 MR. SEHAM: I think it's probably not fair to say.

8 MR. BISBEE: This is not one continuous e-mail
9 chain. It's a series of separate e-mails included as one
10 exhibit. Is that correct?

11 MR. SEHAM: That's correct, but if you look at the
12 bottom right it's marked DA0001 in sequence, and these are
13 the documents produced by Dr. Altman's attorney, and this is
14 the sequence that was provided to us by Dr. Altman's counsel.
15 So, I think it is a sequence of e-mails, if not necessarily
16 a thread.

17 BY MR. SEHAM:

18 Q Now, if you could turn to the next -- I lost my
19 train of thought -- I'm looking at CX-3-005. To the best of
20 your recollection, is this the next e-mail communication that
21 you received from --

22 JUDGE MORRIS: The number he's referring to is on
23 the bottom right-hand side.

24 MR. SEHAM: Yeah.

25 THE WITNESS: Right there. So, now we need to go

1 back. I'm sorry.

2 JUDGE MORRIS: No -- forward -- CX-3-005 is what
3 he's referring to.

4 THE WITNESS: Okay.

5 BY MR. SEHAM:

6 Q Would that have been, to the best of your
7 recollection, the next e-mail that you received from Chris
8 Puckett?

9 A If you give me a minute, I'm getting a little mixed
10 up here.

11 Q Sure.

12 A The background information it says this is March
13 15th, and there's the pages, all these pages came in one
14 e-mail, that's what it looks like.

15 Q If you could give us --

16 A That's what I mean, it's 005 -- I'm sorry --
17 CX-3-005 to 052 are all -- is the cover e-mail and the
18 attachments. I think that's what we're talking about.

19 Q I'm sorry, the last page reference was what?

20 A 052.

21 Q Okay. So, that --

22 A I'm just trying to get that this -- where it says:
23 "Background information for tomorrow's call," and then
24 there's the info, and then it's blank, I believe that these
25 were the attachments.

1 Q Okay.

2 A That's the best I can -- so now -- I don't remember
3 your question. I'm sorry.

4 Q That's fine. And I'm not sure I remember my
5 question either, so we'll struggle forward together.

6 A Okay.

7 Q Had you, to the best of your recollection, going
8 back to the first page within the exhibit, where we start
9 with March 10th on the first page and then starting on the
10 third page, CX-3-003, but if we go to March 11th and then we
11 go to March 15th, starting on CX-3-005, I don't -- we're not
12 seeing, in this exhibit, any e-mails that you sent Mr.
13 Puckett. Do you recall whether, in the interstice here, that
14 you were sending e-mails to Mr. Puckett?

15 A I don't remember. I don't remember sending -- this
16 whole area is -- I don't have complete recollection about.
17 And now --

18 Q Well, let me --

19 A I mean I didn't -- I really did not see this as a
20 significant event, you know, in terms of what day everything
21 was happening at the time, because this is what commonly
22 happens. I'll get a phone call and they're going to talk to
23 me and so on, so I'm sorry I can't give you tighter data.

24 Q That's fine. What I'm getting to -- ultimately
25 what I'm trying to ascertain is there's a subject heading at

1 the top of CX-3-005, in large type, that states: "BACKGROUND
2 INFORMATION FOR TOMORROW'S CALL." Is that a subject heading
3 that you created or was that a subject hearing that Mr.
4 Puckett created?

5 A I can't -- I can only -- I would only be
6 speculating.

7 Q Okay.

8 A I don't remember. I mean it looks like it's from
9 him, because -- but I'd be speculating, because I don't
10 really remember the details of this. He's providing me
11 background information for today's call, logically it would
12 be it's from him.

13 Q Do you recall having asked for any specific
14 information at this juncture?

15 A No, I don't remember. In other words, this initial
16 -- whether -- because there was a phone call, as you said,
17 you know, it says -- and I don't remember about what was said
18 in that phone call. So, I can't really respond with any sort
19 of definitive answer.

20 Q Did you know -- let's try it this way -- did you
21 know, as of March 15th -- to have a clear premises here let's
22 turn to page 6?

23 A Page 6, okay.

24 Q CX-3-006. And the first --

25 A Oh, I'm sorry. Just give me a second.

1 Q Yeah. No, no, really, take your time, don't worry
2 about it.

3 A Okay.

4 Q It starts: "Dr. Altman," do you see where I am?

5 A Right, "In advance of our call tomorrow."

6 Q Right. So: "Dr. Altman, in advance of our call
7 tomorrow, I want --

8 MR. BISBEE: Objection. I think he's reading the
9 document while you're asking the question.

10 MR. SEHAM: Oh, sure. I was just going to read two
11 sentence and ask for a comment. But if you want the witness
12 to read the entire e-mail, that's fine.

13 JUDGE MORRIS: Do you want to read before he asks
14 you a question?

15 THE WITNESS: Maybe that's a good idea. Okay.

16 Okay. I'm ready.

17 MR. SEHAM: Okay.

18 BY MR. SEHAM:

19 Q Now, just to isolate the first two sentences first,
20 that read:

21 "Dr. Altman, in advance of our call
22 tomorrow, I wanted to provide some
23 background on the pilot we will be
24 discussing. Attached is a document she
25 submitted to our chief pilot."

1 Did you know at anytime prior to receiving this
2 e-mail, that Ms. Petitt had submitted a document to her chief
3 pilot?

4 A I don't -- see, since I don't know the content --
5 the first I learned of First Officer Petitt was that first
6 e-mail. Then there's a phone call. I don't know what we
7 talked about in that phone call. So, I don't know the answer
8 to that question.

9 Q Okay. Do you have any recollection of making a
10 request to Mr. Puckett for a report that was submitted to Ms.
11 Petitt's chief pilot?

12 MR. BISBEE: Objection, asked and answered.

13 JUDGE MORRIS: Overruled.

14 THE WITNESS: Okay. Could you ask it again?

15 Sorry.

16 BY MR. SEHAM:

17 Q Do you have any recollection of asking Mr. Puckett
18 that he provide you with a copy of a report that Ms. Petitt
19 submitted to her chief pilot?

20 A I don't have any recollection either way.

21 Q Okay. Going down to this -- for lack of a better
22 word -- second paragraph, do you see where I'm reading?

23 "For additional background, here is a

24 link to the pilot's personal website."

25 And there's a site reference.

1 A A link, right.

2 Q You see that. Had you requested that link at this
3 time, do you recall?

4 A I don't recall. I don't recall requesting a link.

5 Q During -- you referenced that there were memory
6 issues raised by the company?

7 A That was the word that was used, "memory." That
8 was the term that -- right.

9 Q And was that raised in advance of the
10 teleconferences with other --

11 A With the big group?

12 Q Yes.

13 A Oh, yes. In other words, this next phone call --
14 the next phone call is the phone call in which I recommend
15 for her to have the neuro-psyche testing. So, that
16 neuro-psyche testing is based on the question of memory. Is
17 that --

18 Q Yeah.

19 A I can reconstruct that part for you.

20 Q Okay. Now, you said you -- you had e-mail
21 communications with Mr. Puckett and Captain Davis during the
22 course of your examination process, correct?

23 A Yes.

24 Q And would you agree that you had scores of e-mail
25 exchanges with him?

1 A If scores is more than 20?

2 Q Yes.

3 A Yes.

4 Q Multiples of 20?

5 A Oh, yes.

6 Q Okay. And with whom -- you say you also
7 communicated with Dr. Faulkner, with respect to Ms. Petitt?

8 A Yes.

9 Q Did you communicate directly with anyone else from
10 Reporting Culture Air Lines, with respect to Ms. Petitt?

11 A No. I'm sorry -- no -- my recollection.

12 Q And how many e-mails did you exchange with Ms.
13 Petitt during the examination process?

14 A I wouldn't be able to -- you mean before the --

15 Q No. In the totality of the examination process,
16 was it --

17 A If you're saying the examination process, up to
18 completing the report?

19 Q Correct.

20 A I wouldn't -- there were some -- I wouldn't be able
21 to give you a number. I could do it, if you needed it.

22 Q Was it more than 15 or less than 15?

23 A Again, certainly not a larger number, so not 50 or
24 whatever. Now, she -- there were e-mails regarding the
25 appointment. There were phone calls about changing the time

1 of the appointment and so on. She sent me information and I
2 requested -- where she sent me statements and so on. The
3 difficulty is, I don't remember how many specific e-mails
4 there were. The information that she sent me was included in
5 the report, so if we get that part of my report, I could show
6 you exactly where it is.

7 JUDGE MORRIS: Counsel, it's 12:00 o'clock p.m., do
8 you want to break now for lunch?

9 MR. SEHAM: That would be fine.

10 JUDGE MORRIS: How much time do you guys want for
11 lunch?

12 MR. BISBEE: Forty-five minutes is what we did
13 yesterday, I think, yeah.

14 JUDGE MORRIS: All right.

15 The hearing is recessed. Sir, do not discuss your
16 testimony with anyone. If you ant to have lunch here in the
17 facility, you have to be escorted outside this immediate area
18 -- that's all of us, so you're not being picked on -- except
19 to go to the bathroom.

20 We'll reconvene here at a quarter of 1:00 o'clock
21 p.m.

22 This hearing is in recess.

23 (Whereupon, at 12:01 o'clock p.m., the hearing was
24 recessed for lunch.)

25 --o0o--

1 AFTERNOON SESSION

1:00 O'CLOCK P.M.

2 JUDGE MORRIS: On the record.

3 All parties present when the hearing last recessed
4 are again present.

5 Dr. Altman is still on the stand. You may continue
6 with your cross.

7 MR. SEHAM: I'm going to continue with CX-97, and
8 I'm going to approach the witness or the witness area to
9 assist.

10 THE WITNESS: Did you say CX-97? I'm sorry.

11 MR. SEHAM: Yes.

12 THE WITNESS: Okay.

13 MR. SEHAM: I think it's in here.

14 CROSS-EXAMINATION RESUMED

15 BY MR. SEHAM:

16 Q So, we've placed before you a document identified
17 as CX-97. And going from the bottom up, you see there's an
18 e-mail from Chris Puckett to you on May 24th, 2016?

19 A Correct, yes.

20 Q And it was to arrange a face-to-face meeting,
21 correct?

22 A Yes. In Chicago.

23 Q The first line:

24 "Dr. Altman, would it be possible to get

25 together on Memorial Day, next Monday? I

1 spoke to Phil and we're both available
2 and willing."

3 Is that a meeting that you requested or that Delta
4 requested?

5 A The meeting -- well -- I had requested that they
6 give me the background information. I didn't request that
7 they come. Their explanation was it was so complicated they
8 needed to come. So, in a sense, one way to answer it is they
9 requested it, and the other way is I requested it. I mean I
10 started by asking for this information. They said it's just
11 so complicated, we need to meet with you and send you this
12 binder of -- I don't know if it's called "binder" or
13 "notebook," -- I think it was called "notebook" or something.

14 Q What information did you ask them for?

15 A I was asking for these examples -- remember this
16 memory question, this whole issue of a history of being
17 counseled and then not remembering. So, at this point the
18 memory -- after this meeting the whole memory thing just
19 changes, but I think at this point it was about -- I'm asking
20 for information about that.

21 Q Okay. No, that's --

22 A Okay. I feel like I've answered your question.

23 Q That's fine. No, it did. It leads to follow up
24 questions, but --

25 A Okay.

1

2 Q -- that's fine. So, when you asked -- so you asked
3 for background information related to the memory issues that
4 the company had raised, correct?

5 A In that first telephone call -- not the first
6 telephone call -- in the call with the two, when I spoke to
7 Chris Puckett and the other attorney.

8 Q Meg Taylor?

9 A Meg Taylor.

10 Q Okay. And did you give them any directives, in
11 terms of the information you were interested, other than that
12 general request for information related to the memory issues?

13 A I don't remember giving them any other guidance.

14 Q And if you can turn to the next document in the
15 series CX-98?

16 A Okay.

17 Q Yes. So, you see it's an e-mail --

18 A I got -- I can't remember if it was a Fed Ex or
19 UPS, I got it --

20 Q You got it --

21 A Yeah.

22 Q I'm sorry, I don't mean to interrupt.

23 A No, no -- but it's actually right, it's this big
24 box.

25 Q Okay.

1 A Just before the meeting.

2 Q And so this was the memory related information you
3 were -- that was in response to your request for the memory
4 related information, correct?

5 A Okay. Let me just look. This is the Table of
6 Contents of it.

7 Q Well, yeah, we're coming to that in a second.

8 A I'm sorry.

9 Q No, we're all anxious to get this over with. But
10 I'm just saying, the binder that they sent you was in
11 response to the information you requested on memory issues?

12 A Right.

13 Q And then if you turn to the next page, is this a
14 Table of Contents of the information that they sent you?

15 A Yes.

16 Q Okay. And it's organized into 14 different
17 categories lettered A through N, correct?

18 A I'd have to count, but it's A through N, right.

19 Q All right. Whatever that adds up?

20 A Whatever it is.

21 Q Okay. So, A through N. I always remember L is 12,
22 and then I count up from there. And these different
23 categories, A through N, were categories that Delta organized
24 the documents into?

25 MR. ROSENSTEIN: Objection, foundation.

1 JUDGE MORRIS: Overruled.

2 THE WITNESS: Yes.

3 BY MR. SEHAM:

4 Q Had you, at this point, made -- for example, I note
5 (g) references:

6 "Communications from FO Petitt directly to Delta
7 CEOs Richard Anderson and Ed Bastian."

8 Had you asked, specifically, for correspondence
9 from Ms. Petitt to those two individuals?

10 A No.

11 Q I'm sorry?

12 A No, I hadn't.

13 Q Now, subsequent to getting this binder, you
14 continued to receive documents from Delta during the course
15 of your examination of Ms. Petitt, correct?

16 A Yes.

17 Q And in each instance was that in response to a
18 specific request from you or was there some standing
19 instruction to them to provide certain categories of
20 documents?

21 A Both.

22 Q Both.

23 A In other words, I would -- the one we talked about,
24 where I'm asking whether it's possible to do this Excel
25 spreadsheet and so on, that's specifically from me. I'm

1 saying, can you do this? Others were -- right now I don't
2 remember, but there's actually, in this, there's a gap of --
3 there's a time where there's a gap of what's happening, and I
4 asked them to please fill that gap with e-mails, because --
5 and so on -- so that would be a more general. There's the
6 whole topic of -- so then -- so it goes from vary specific to
7 general, you know, I need this information in the middle
8 here, to more broad, which is that do you -- is there any
9 information about that -- what was going on in terms of the
10 training, at the point at which there's this incident with
11 Captain Albain -- is that, you know, is there anything about
12 that? So, that would be much more open.

13 And then there was the whole issue of has she
14 raised -- for example, there's -- no -- actually, those are
15 the major ones. I mean I'm sure I asked for other things,
16 but I can't remember right this moment.

17 Q Was there any standing instruction from you to Mr.
18 Puckett and Captain Davis, that they should just provide you
19 anything related to Ms. Petitt, irrespective of subject
20 matter?

21 A Anything related? I don't remember saying -- and I
22 don't remember ever saying anything that there's anything --
23 the question was where there's -- going back to the original
24 question, the original question was there's a history of her
25 having disagreements with the chief pilot's office, can they

1 fill in that. But also, wait, there's more. I asked for an
2 explanation of the trip buy, I asked for that multiple times.

3 And of other sort of elements in the Pilot Working -- the
4 Working Agreement with the company, Working Agreement with
5 the Pilots.

6 Q Did you ever ask for information related to her
7 union related activity?

8 A No, I don't think I specifically asked for union
9 related activities.

10 Q Did you ever ask for information related to her
11 alleged participation in a job action?

12 A No. That just came to me.

13 Q Did the documents you received also, from the
14 company, also involved -- I'm sorry -- included a number of
15 witness statements from other pilots?

16 A Yes, I asked whether they had that, and then
17 proceeded to go ahead.

18 Q And did you provide any of those witness statements
19 to Ms. Petitt?

20 A Right now I can't remember. We went over -- in the
21 second interview, we went over a great deal of the material.
22 I don't know if I had it then or -- I'm not sure.

23 Q Okay. And during the course of your examination
24 process, you received information from the company related to
25 -- that references Ms. Petitt's initiation of this AIR-21

1 action, correct?

2 A Could you say it again? I'm sorry.

3 Q I'm asking -- well, during the course of your
4 examination of Ms. Pettitt, you received information from
5 Delta that referenced her participation in an AIR-21 action,
6 correct?

7 A She told me.

8 Q And isn't it true that you also go --

9 A I mean, in other words -- who was -- what was -- I
10 -- she definitely told me. It definitely was told to me by
11 the Delta people. But I got it from both sources.

12 Q Okay. Thank you. Had you asked Delta to give you
13 information related to her participation in an AIR-21 action?

14 A Did I ask Delta to give me information?

15 Q To provide you -- you just testified that you
16 received both from Ms. Pettitt and from Delta --

17 A Advice that this was happening.

18 Q Correct.

19 A Right. No, I didn't really -- my recollection, I
20 didn't really explore the AIR-21 question. She raised it,
21 then -- I mean if we can parse it -- there's the period up
22 until the completion of my report and then there's after
23 that. Then later she tells me that I'm going to be part of
24 it, in an e-mail.

25 Q But in your -- isn't it true -- and we can look for

1 them during break -- but isn't it true that in your report
2 there are references to Ms. Petitt's AIR-21 action?

3 A In my report -- I'm sure there are.

4 Q And did you ever ask that the company provide you
5 with information related to her AIR-21 action?

6 A I don't remember.

7 Q Now, if you can go to your report, which is JX-L,
8 I'm going to reference 190?

9 A May I put this down?

10 Q Yes, yes, whatever gets you through the process.

11 A Okay.

12 Q So, here at the top of page 190 -- could you turn
13 to page 190 -- I'm sorry, I neglected to tell you where to go
14 -- page 190?

15 A Okay. Just a second. Okay. I'm ready.

16 Q Okay. So, at the very top it references: "1/29/16
17 Assessment of Delta Air Lines Flight Operations Safety
18 Culture." And then you have -- am I correct in saying that
19 this is now a breakdown of her document titled: "Assessment
20 of Delta Air Lines Flight Operations Safety Culture," dated
21 1/29/16 -- what follows over the next several pages?

22 A Let me look. I think so.

23 Q Take your time.

24 A Okay. Yes.

25 Q Okay. And is this the same -- this is the same

1 document that you received from Captain Puckett -- excuse me
2 -- Chris Puckett -- in --

3 A In that e-mail.

4 Q -- on March 15th, 2016?

5 A Right, but it's also in the binder.

6 MR. BISBEE: One second, Dr. Altman.

7 I'm going to object, just to the extent you
8 referred to him as Captain Puckett.

9 JUDGE MORRIS: He corrected himself.

10 MR. BISBEE: Okay, okay.

11 THE WITNESS: Anyway --

12 MR. SEHAM: I think he deserves a promotion after
13 all this.

14 MR. BISBEE: Just making sure the record is clear.

15 Sorry.

16 MR. SEHAM: Right.

17 BY MR. SEHAM:

18 Q And just so the record is clear -- and you're going
19 to be shuffling between books, and I apologize for that --
20 but if you look at CX-3 --

21 A Oh, CX-3.

22 Q CX-3, yeah.

23 A Okay.

24 Q And if you could turn to the fifth page?

25 A Okay.

1 Q Which has an e-mail dated March 15th, 2016?

2 A Okay, yes.

3 Q Okay. So, what follows after those first two pages
4 -- starting on CX-3-007, with the title of: "Assessment of
5 Delta Air Lines Flight Operations Safety Culture," and which
6 you received on March 15th, is the same document that you
7 begin to analyze on page 190, correct?

8 A Yes. It was also in the binder that just preceded
9 the big meeting, the meeting in Chicago.

10 Q Okay. And upon analysis of that January 29th
11 report, you found, within, a number of issues which
12 contributed to your final diagnosis, correct?

13 A Yes.

14 Q Did those touch on some of the memory issues that
15 were brought up by the company in the mid-March time period?

16 A No, not -- no. These issues were not -- in other
17 words -- the memory issues were earlier in the binder. In
18 other words, those were the earlier issues. I'm sorry.

19 Q Well, among the issues that related to -- and tell
20 me if I'm correct --

21 A Right.

22 Q -- but were, among the memory issues that you're
23 alluding to -- issues related to use of uniform in public,
24 was that one of the memory issues?

25 A In presentations?

1 Q Yes.

2 A Yes.

3 Q And one of the memory issues also involved a letter
4 of counseling related to social media use?

5 A Yes.

6 Q And isn't it true that those are referenced in her
7 January 29th report?

8 A They all flow together, correct.

9 Q Okay. So, did you -- I believe you discussed, on
10 direct, Ms. Petitt's "Ethnographic Study," do you have a
11 recollection of a document referred to as an "Ethnographic
12 Study"?

13 A That was in the binder, also.

14 Q Okay. And if you could turn to page 220 of your
15 report, JX-L-220?

16 A I'm here.

17 Q Okay. So, at the bottom, about two-thirds down, do
18 you see where it says: "Here's the cover pager of the 52-page
19 Safety Culture report." And then there's a title: "Safety
20 Culture Ethnographic Study of Delta Air Lines"?

21 A Yes.

22 Q And you received the entirety of this report,
23 correct?

24 A It was in the binder, and then the PowerPoints were
25 sent to me by e-mail.

1 Q And you -- I think you used the term "mined," that
2 you "mined" this "Ethnographic Study" for information that
3 contributed to your diagnosis, is that correct?

4 A Yes.

5 Q Okay. Now, how many years have you been a
6 psychiatrist?

7 A Okay. Let's see -- I graduated my residency in
8 1975.

9 Q Okay. And this is not -- I'm going to go through
10 these questions very quickly, because I'm sure the answer is
11 no. You're not a certified pilot, correct?

12 A No.

13 Q And you've never had -- you're not an aircraft
14 mechanic with an airframe and power plant license?

15 A I should say yes --

16 JUDGE MORRIS: I already asked you that at the
17 beginning.

18 THE WITNESS: Wait a minute. I am not. I am not.

19 MR. SEHAM: Okay.

20 BY MR. SEHAM:

21 Q And so have you ever worked for an airline?

22 A No.

23 Q How would you describe the scope of your knowledge
24 with respect to the Federal Aviation Regulations?

25 A That they're limited to the medical regulations.

1 Q Okay.

2 JUDGE MORRIS: What part is that, if you know?

3 THE WITNESS: Right now I couldn't retrieve it.

4 I'm sorry.

5 JUDGE MORRIS: All right.

6 Go ahead, counsel.

7 MR. SEHAM: Okay.

8 BY MR. SEHAM:

9 Q And how would you describe the scope of your
10 knowledge with respect to Delta's Flight Operations Manual?

11 A Prior to this interview -- prior to this?

12 Q By the conclusion of the interview?

13 A I'm sorry. I had absolutely no knowledge of it
14 before I started on this case.

15 Q And did you acquire that knowledge during the
16 processing of this case?

17 A I acquired some knowledge.

18 Q And how did you acquire that knowledge?

19 A Based on the information provided to me by Attorney
20 Puckett and Captain Davis, and Dr. Faulkner.

21 Q And who?

22 A Dr. Faulkner?

23 Q Okay. And did you, during this process, did you
24 acquire a working knowledge of SMS?

25 A I'm not sure how you define a "working knowledge"?

1 Q Okay. How would you describe the scope of your
2 knowledge?

3 A I had an introduction, let's say, working -- an
4 introduction to this concept?

5 Q Okay.

6 A I would hardly --

7 Q I'm sorry?

8 A No, I mean I would say I had an introduction based
9 on my -- based on this case.

10 Q And did you acquire -- you're knowledgeable of the
11 term: "AAURS," pronounced "Aurus" as an aviation operation
12 program?

13 A At this point, I don't remember.

14 Q Okay. And you acquired some knowledge through this
15 process with respect to Delta's Stall Training?

16 A I'm sorry, could you say that -- "stall framing"?

17 Q Stall Training.

18 A Scall?

19 Q Stall -- S-t-a-l-l.

20 A Oh, stall -- I'm sorry. Yes, they provided me the
21 releases, the notifications.

22 Q Okay. Very good. It's CX-25. If you could turn
23 to CX-25?

24 A BX?

25 Q CX -- as in Charlie -- X-25?

1 A Sure. Okay.

2 MR. BISBEE: I think that's also Joint Exhibit K.

3 MR. SEHAM: Oh. I'm sorry. Then let's -- that
4 might be preferable -- well it might be preferable if it's --
5 let me do in -- thank you for that. We'll work with that,
6 but I'm going to start with CX-25, because there's a cover
7 e-mail to it.

8 BY MR. SEHAM:

9 Q So, this was an e-mail -- are you with me on CX-25?

10 A I think so. It's on May 31st?

11 Q Correct. That's an e-mail that you received from
12 Chris Puckett, correct?

13 MR. BISBEE: I'll just note that e-mail is also in
14 Joint Exhibit K.

15 MR. SEHAM: Oh, it is, okay. I apologize. Then
16 let's move directly. I wasn't sure.

17 THE WITNESS: Which binder should I be looking at?

18 MR. SEHAM: It's the one -- it should be the one
19 with the green cover sheet, and so we're looking at JX-K.

20 THE WITNESS: I'm sorry, I don't see it at all --
21 oh, wait -- it's right in front of me. I'm sorry. Okay.

22 BY MR. SEHAM:

23 Q Okay. So, the same question now that we're
24 relating to JX-K, this is an e-mail you received from Chris
25 Puckett on or about May 31st, 2016, correct?

1 A Yes.

2 Q And you received this full document, JX-K-002 to
3 053, up to the next tab?

4 A Here we are -- Safety Culture -- okay.

5 Q I'm just asking --

6 A I'm -- anyway -- yeah. I'm not going to go through
7 every page.

8 Q No.

9 A It sure looks right, yes.

10 Q Okay. Well, we'll accept that for now. And did
11 you read through this entire document?

12 A Oh, many times.

13 Q Many times. Okay. Let's put that to one side. I
14 might come back to that.

15 During the course of your examination of Ms.
16 Petitt, you learned that she had been type rated on a
17 multitude of aircraft, correct?

18 A Yes.

19 Q In fact, you knew that she had been type rated on
20 the 747-400, the 747-200, the 767, the 757, the 737, the 727
21 and the A330, correct?

22 A I'd have to go back and look, but there were many
23 planes. If you want, I'll go back and look.

24 Q Okay. Well, let's pass that for now. You knew
25 that she had worked for a multitude of airlines, right?

1 A Absolutely. We reviewed that in her interview.

2 Q Okay. And that would include Coastal, Evergreen,
3 Braniff, America West, Hainan, Guyana, Tower Air and
4 Northwest, correct?

5 A Yes.

6 Q Okay. And you knew that she had spent 21 years
7 training pilots in Boeing jet aircraft and developing
8 training programs, correct?

9 A That's what she told me, yes.

10 Q Did you ever come to doubt --

11 A No, there was never a question.

12 Q Okay.

13 A I mean just saying in terms of the source, it's not
14 only in her documents -- I'm not sure which one of the two --
15 it's in there, and also she told me that.

16 Q Okay. And did you ever question that?

17 A I didn't question it.

18 Q Okay. And you also know that she implemented 757
19 ground school and simulator training programs, correct?

20 A Yes.

21 Q And you know that she drafted -- did you know what
22 QRH stands for?

23 A She told me. At this point I don't remember.

24 Q Okay. You recall that she advised you or that you
25 knew that she had drafted a Quick Reference Handbook for the

1 757, did you know that?

2 A Oh, I'm sorry. Yes.

3 Q Okay. And that she had authored LOE evaluation
4 documents?

5 A I'd have to go back and look, but that sounds
6 familiar.

7 Q And you knew she was studying for her doctorate at
8 Embry-Riddle, in Aviation Safety?

9 A Correct.

10 Q But you rejected the idea that Ms. Pettitt should be
11 considered an aviation safety expert, correct?

12 A The question was whether her -- it hinged on this
13 -- whether she had exaggerated one area. See, the issue
14 isn't whether she is or isn't, because that would be -- it
15 has to do with symptoms. Does she have the symptom of
16 grandiosity, that was the question.

17 Q But you based the conclusion that she exhibited
18 grandiosity, in part, on her representation that she was an
19 expert with respect to Aviation Safety?

20 MR. BISBEE: Objection, lacks foundation.

21 JUDGE MORRIS: Overruled.

22 THE WITNESS: That I think if you go to page -- way
23 back here --

24 MR. SEHAM: Are you referring to your --

25 JUDGE MORRIS: L -- it's JX-L, he's looking at.

1 THE WITNESS: I'm looking at my report. It's page
2 354.

3 "During the period of 2010 to 2016,
4 First Officer Petitt presented herself as
5 an authority and/or expert in the
6 following areas: Safety, being a CEO of
7 Delta, Training, Marketing, Psychological
8 and Psychiatric Assessment. I would
9 conclude that these beliefs are
10 consistent with an expansive mood and
11 grandiosity, the idea that you could be
12 everything."

13 MR. SEHAM: Okay.

14 THE WITNESS: That's, I think that's -- unless
15 you're alluding to something else, that's what I was saying.

16 Not that it's possible that she's an expert in safety, that
17 isn't it. It's that you can be everything.

18 BY MR. SEHAM:

19 Q Did you ever determine that she didn't have the
20 necessary criteria to describe herself as an Aviation Safety
21 expert?

22 A No. See, that's not the point I was making.

23 Q Well, I'm asking you did you ever come to that
24 conclusion?

25 MR. BISBEE: Objection, the witness is trying to

1 answer the question.

2 JUDGE MORRIS: Overruled. You can follow on or
3 follow up.

4 THE WITNESS: Did I conclude that she was not an
5 expert?

6 MR. SEHAM: In Aviation Safety.

7 THE WITNESS: I didn't render an opinion on that.
8 I was rendering that expansive mood and grandiosity are the
9 belie that you can be an expert in all these areas and more.

10 MR. SEHAM: Okay.

11 BY MR. SEHAM:

12 Q And the source of your information that she had --
13 let me back up. You can go back in your report to page 29?

14 A Twenty-nine?

15 Q Yeah.

16 A Okay. This data would not support the position --
17 is that --

18 Q Yeah. If you'd let me pose the question first.

19 A I'm sorry.

20 Q No, that's fine. To start as a premise for the
21 record, what I want to draw your attention to is:

22 "On 4/27/16, she made a speech at
23 Delta Headquarters and presented a
24 document entitled: 'Safety Culture.' On
25 page 4 she wrote: 'Subject Matter Expert

1 Petitt is an employee who has a unique
2 combination of extensive experience in
3 operating aircraft, pilot training,
4 authoring training programs and manuals,
5 managing processes and creating FAA
6 approved publications.'" "

7 And you, thereafter, add the sentence:

8 "This data would not support the
9 position that FO Petitt has extensive
10 experience in operating aircraft."

11 You're referring to the graphs -- not the graphs --

12 A The tables.

13 Q -- the tables -- thank you -- to the tables in the
14 first part of this page, and the second half of the prior
15 page?

16 A Yes.

17 Q And that -- the purpose of referencing this excerpt
18 from the "Ethnographic Study" that we saw in JX-K, was in
19 support of a conclusion of grandiosity?

20 A Yes. In other words it says that -- a person with
21 grandiosity often has a part -- part of what they're saying
22 is absolutely true -- it's the extending it. In other words,
23 I would read that as she's having extensive experience in
24 operating aircraft, not historically, but now.

25 Q I see. And I don't mean to debate your

1 interpretation but --

2 A No, but that was the way I interpreted it, and
3 that's how the conclusion --

4 Q But my question is very simple --

5 A I'm sorry.

6 Q -- and you indirectly answered it -- but your
7 conclusion that she -- is "suffered" the right word or
8 "exhibited" -- what's the right verb?

9 A Exhibited would be fine.

10 Q Exhibited, thank you. Your conclusion that she
11 exhibited grandiosity was based, in part, on this
12 representation contained in her "Ethnographic Study,"
13 correct?

14 A On the statement in her "Ethnographic Study,"
15 correct.

16 JUDGE MORRIS: How many pages is this complete
17 statement?

18 MR. SEHAM: Which statement?

19 JUDGE MORRIS: This "Ethno" --

20 MR. SEHAM: It's 53 -- it's 52, I think, if you
21 discount --

22 JUDGE MORRIS: So I'm understanding, out of 52
23 pages you're using that excerpt to demonstrate grandiosity,
24 out of 52 pages?

25 THE WITNESS: I'm not sure what your question is.

1 You mean -- are you saying that's the only thing I'm using to
2 exhibit grandiosity or as an example?

3 JUDGE MORRIS: Well, as an example or are there
4 more examples in that 52-page document?

5 THE WITNESS: There are more problematic examples.
6 Right now I couldn't tell you whether there was another
7 grandiosity one. There were significant other things in that
8 document that were of a concern.

9 JUDGE MORRIS: Okay.

10 MR. SEHAM: Okay.

11 BY MR. SEHAM:

12 Q And just to refer you to page 3 of -- I'm sorry,
13 I'm getting distracted -- it's JX-K-004, which is page 3 of
14 the "Ethnographic Study." And the top of the page starts
15 with the word: "Introduction."

16 A Okay. I've got the "Safety Culture" in front of
17 me, that's not the right one.

18 MR. BISBEE: It's the one with the green -- if no
19 one has any objection -- it's here, this one right there.

20 THE WITNESS: Oh, I'm sorry. yes. Okay. I should
21 look at page 3?

22 MR. SEHAM: Yes.

23 THE WITNESS: Okay.

24 JUDGE MORRIS: But JX-K page 4.

25 MR. SEHAM: Correct. Yeah, there are several

1 documents like this where there's a cover e-mail and then it
2 throws a page discrepancy in terms of everything else that
3 follows.

4 BY MR. SEHAM:

5 Q So, it's page 3 of the study, page 4 of JX-K-004.
6 In any case, there's a header at the top that says:
7 "Introduction."

8 A Yes.

9 Q All right. And underneath there's a second heading
10 of: "Flight and Training," and it describes Ms. Petitt's
11 professional background. You had no basis for challenging
12 the voracity of any of these factual representations, with
13 respect to her flight and training, correct?

14 A Yes.

15 Q You would --

16 A I'm sorry.

17 Q You accepted all this as true?

18 A I accepted it as true.

19 Q Okay. Now, moving to a different subject, the
20 topic of "Chain of Command." Did Ms. Petitt's -- did you
21 determine that Ms. Petitt had repeated problems conforming
22 with the chain of command?

23 A There was -- it depends on what "repeated" means.
24 That the issue was raised about -- early -- about following
25 the chain of command. Early with regard to the Christmas

1 party.

2 Q But raised by whom?

3 A Well, in the binder of events --

4 Q That the company provided you in --

5 A Right.

6 Q -- in late May?

7 A Right. So, one of -- if we could find that, where
8 you have the Table of Contents, that's one of the --

9 Q Okay. So, that's -- I think that's CX-98. If I'm
10 wrong, I'm only wrong by one -- yeah -- CX-98.

11 MR. BISBEE: I think that's correct, yeah.

12 MR. SEHAM: I feel like I deserve a prize for that.

13 MR. BISBEE: You do.

14 THE WITNESS: It would be in Tab A.

15 "Correspondence and dealings with the
16 Seattle Chief Pilot's Office, 2011 to
17 2012."

18 MR. SEHAM: Okay.

19 THE WITNESS: Then she talked to me about it.

20 MR. SEHAM: Okay.

21 BY MR. SEHAM:

22 Q Well, did you talk to -- you had a meeting shortly
23 after you received this binder, correct?

24 A Oh, the day-long meeting, yes, in Chicago, happened
25 after I received this binder. And it was explained to me, in

1 other words, they went through each one of these tabs.

2 Q Okay. And did the issue of chain of command come
3 up in your discussions with Mr. Puckett and Captain Davis?

4 A That she was counseled about going outside of the
5 chain of command, so that would be yes.

6 Q Okay. And do you know whether there is a published
7 -- by which I mean documented -- chain of command policy at
8 Delta Air Lines?

9 A No.

10 Q Did you ever ask that question to Mr. Puckett or
11 Captain Davis?

12 A I don't remember.

13 Q Did you ever ask that question to Ms. Pettitt?

14 A She told me there wasn't.

15 JUDGE MORRIS: There was not?

16 THE WITNESS: Was not.

17 JUDGE MORRIS: Okay.

18 BY MR. SEHAM:

19 Q Once she told you that there was no published
20 documented chain of command policy, can you explain why you
21 did not make further inquiry as to whether there was one or
22 not?

23 A See, since I don't remember specifically about
24 whether I discussed it, it's hard for me to answer that
25 question. You know, in other words, right now I can't

1 remember whether I raised it with them or not, so that -- I
2 just can't -- you're asking me why I didn't, but I might
3 have. So, I don't know how I can answer. I don't know how I
4 can answer you successfully, because I don't remember.

5 Q I want to make sure I understood your prior
6 testimony. You say you got this binder in late May?

7 A In May.

8 Q And then you had a face-to-face meeting in Chicago
9 with Chris Puckett and Captain Davis, correct?

10 A Correct.

11 Q And then you had an all day meeting, correct?

12 A Correct.

13 Q And one of the things that you discussed, at some
14 length, was the documents related to Tab A?

15 A Correct.

16 Q And those are the documents upon which you relied
17 to determine that there was a chain of command issue with
18 respect to Ms. Pettitt's workplace conduct, correct?

19 A That wouldn't be completely it.

20 Q I don't mean --

21 A Let me try to answer the question.

22 MR. BISBEE: Objection.

23 THE WITNESS: The issue of --

24 MR. BISBEE: I'm simply trying to help the witness
25 finish his answer, that's all. It appears that he is, so I

1 can withdraw.

2 JUDGE MORRIS: All right.

3 THE WITNESS: I'm sorry, I didn't hear what he
4 said.

5 JUDGE MORRIS: Go ahead, you can continue with your
6 answer.

7 THE WITNESS: There was the issue of that she
8 contacted -- and the difficulty is right now I can't remember
9 who the president was, you know, but one of the chief --

10 MR. SEHAM: Would it help you -- this is,
11 hopefully, non-objectionable -- but I'd refer you to
12 reference Tab G, in terms of names and assisting your
13 recollection.

14 THE WITNESS: Yeah, but I don't -- again --

15 MR. SEHAM: I'm sorry, please continue.

16 THE WITNESS: I'll answer it the best I can and
17 then we can fill in the names.

18 MR. SEHAM: Sure.

19 THE WITNESS: That she was in Hawaii and felt that
20 there should be a party for the flight attendants. Contacted
21 upper management, let's say, that would be upper management.

22 And then was distressed that she was asked -- told that she
23 had not followed the chain of command. That she should --
24 and she needed to write apologies. This is combining the
25 information from her and from the information I had received.

1 And she said: "I never violated the chain of command."

2 Okay. That is what she told me.

3 And then you see the e-mail that we talked about,
4 where she invites -- I think it's Mr. Bastian -- to the
5 meeting, and that sounded, to me, or seemed to me, to be
6 going around the people that invited her. So, that
7 represented -- it's like I found that to be a dissonance,
8 where she says one thing and then there's another, and that's
9 why I raised it.

10 BY MR. SEHAM:

11 Q To cut to the quick, part of what I'm trying to get
12 to is what are the sources of information and when was the
13 information received. So, I understand your testimony was
14 that you received information related to chain of command
15 policy, both from Delta and from Ms. Petitt, correct?

16 A Correct.

17 Q Okay. And that chain of command information, a
18 part of it, was in Tab A, referenced here in the Table of
19 Contents in Exhibit CX-99?

20 A Yes.

21 Q Okay. And that that was the issue of
22 non-compliance with chain of command, was also discussed in
23 your face-to-face meeting with Captain Davis and Mr. Puckett?

24 A Yes.

25 Q All right. That helps. Thank you.

1 Now, you said Ms. Petitt took the position that
2 there was no published chain of command policy at Delta Air
3 Lines, correct?

4 A Yes.

5 Q Okay. And you never went back to -- or did you
6 ever go back to Mr. Puckett and Captain Davis to ask?

7 A See, this is the part I believe know the answer to,
8 so I'm kind of, at that point, stuck.

9 Q Okay. And Ms. Petitt -- was there any discussion
10 with Ms. Petitt about a published open door policy?

11 A Yes. Yes, she raised that, too.

12 Q And what did you -- when she used the term "open
13 door policy," what did you understand that to mean?

14 A That she said that at Northwest there was an open
15 door policy that you could go right to upper management for
16 anything, basically. Basically, there was not -- you didn't
17 have to go up the levels and then that this was her
18 understanding of what was going to be at Delta.

19 Q Okay. So, she communicated to you that the
20 official policy at Delta was also to have an open door
21 policy, correct?

22 A No. After she then -- right now -- see, I think it
23 comes down to "official." I never received official
24 documents about open door policies or chain of command.
25 Informal, yes.

1 Q Did you ever request that Delta provide you with
2 any published open door policy?

3 A I don't remember asking.

4 Q Okay.

5 JUDGE MORRIS: Given your focus on the, I'll call
6 it "cognitive dissonance" or the "dissonance" you're talking
7 about --

8 THE WITNESS: Right.

9 JUDGE MORRIS: If that issue had come up, is that
10 something you, in the normal course, would have asked for?

11 THE WITNESS: Likely.

12 JUDGE MORRIS: Okay.

13 THE WITNESS: There were so many issues, with so
14 many different details and so many things to check on, I
15 don't know that I -- so the answer is likely. Did I do it?
16 I'm not sure.

17 JUDGE MORRIS: Okay.

18 Counsel?

19 MR. SEHAM: Yes. One second.

20 BY MR. SEHAM:

21 Q And she told you that she didn't see anything wrong
22 with availing herself of an open door policy, correct?

23 A Let me just make sure I understood. She told me
24 that she didn't see a problem with her --

25 Q Correct.

1 A -- using -- responding to an open door policy.

2 Right -- yes.

3 Q If you could turn to your report, JX-L, at page
4 231. I think this was a page we discussed during direct.

5 A I'm sorry. Just a second.

6 Q So, at the top you write:

7 "FO Petitt has already sent an e-mail
8 to Mr. Bastian on 3/5/16, inviting him to
9 come to the SMS presentation. This note
10 was forwarded to Captain Graham and
11 Captain Dickson."

12 Q Now, would you agree with me that the SMS
13 presentation that you're referring to, that she invited Mr.
14 Bastian to, was a presentation based on JX-K, her
15 "Ethnographic Study"?

16 A Yes.

17 Q Correct -- yes?

18 A That's where she presented it. She presented the
19 slides.

20 Q Okay. So, she was inviting Mr. Bastian to
21 participate in a presentation with respect to the
22 "Ethnographic Study," correct?

23 A Yes.

24 Q And it was covered to some degree on direct, but at
25 the bottom of -- toward the bottom of 231, the second to last

1 paragraph says:

2 "Also note that she addresses Mr.
3 Bastian as 'Ed.' Undue familiarity is
4 associated with mania."

5 So, her e-mail of March 5th contributed to your
6 diagnosis, to some degree?

7 A Yes.

8 Q Okay. And you note here, specifically, that she
9 addresses Mr. Bastian as "Ed," and that undue familiarity is
10 associated with mania. Did you ever ask Ms. Pettitt to
11 explain why she referred to Mr. Bastian as "Ed"?

12 A I don't remember asking her that. So, I doubt that
13 I did.

14 Q Okay. And didn't you -- it had no impact on your
15 conclusion, with respect to this issue, that Mr. Bastian, in
16 his e-mail, signed off with just his first name, "Ed."

17 A He's writing to his -- the next level management.

18 Q Okay. Yes.

19 A I didn't -- so I was operating, apparently, under
20 the wrong assumption that within the upper management they
21 would use first names, but not the entire employee base of
22 Delta. That was my assumption when I wrote that.

23 Q In terms of reaching that assumption, had you ever
24 -- you never contacted Delta representatives to --

25 A No, I didn't contact. That was my assumption.

1 Q And did Ms. Petitt provide you with this March 5th,
2 2016, e-mail, or did that come from the --

3 A I don't remember at this point.

4 Q Would that have been -- to maybe jog your memory,
5 would that have been in subsection (g) of the Table of
6 Contents, that's titled: "Communication from FO Petitt
7 Directly to Delta CEOs Richard Anderson and Ed Bastian," at
8 CX-98-002?

9 JUDGE MORRIS: You're getting the deer in the
10 headlight here.

11 THE WITNESS: I mean it could.

12 MR. SEHAM: I'm sorry.

13 THE WITNESS: It could, it could be. I mean I'd be
14 glad to look.

15 MR. SEHAM: Okay.

16 BY MR. SEHAM:

17 Q Do you have the entire binder?

18 A I don't, but it should be here somewhere.

19 MR. BISBEE: I would object. The entire binder, I
20 don't believe is in evidence, just the Table of Contents is.

21 MR. SEHAM: Oh, okay.

22 THE WITNESS: Well, I could have brought it.

23 MR. SEHAM: Next time.

24 THE WITNESS: In fact -- in fact -- see you --

25 MR. ROSENSTEIN: Don't be volunteering any

1 documents.

2 THE WITNESS: Right. I mean I don't have it here.

3 JUDGE MORRIS: He's on the stand.

4 MR. ROSENSTEIN: Okay.

5 BY MR. SEHAM:

6 Q Now, turning to the next page, you see this
7 handwritten note?

8 A Oh, the next page here?

9 Q Yes. I'm sorry.

10 A The one that begins: "Ed comma," right?

11 Q Yeah, yeah.

12 A Okay. Good.

13 Q Correct. The handwritten notes on page 232 of your
14 report. Did Ms. Pettitt provide this document to you?

15 A I don't know.

16 Q And you see towards the end, right before the typed
17 or the preprinted material, do you see where it says: "This
18 report explains many of the current challenges"?

19 A I see that.

20 Q Okay. And this would be -- would this be a cover
21 -- was it your understanding that this was a cover note,
22 covering or shipping of the "Ethnographic Study" to Mr.
23 Bastian?

24 A That's my recollection.

25 Q Okay. Now, you spoke to Captain Davis and Captain

1 (sic) Puckett, face-to-face?

2 A No, no, Attorney Puckett.

3 Q Oh, excuse me. I just think --

4 A I know.

5 Q -- I just think -- well, whatever -- I shouldn't
6 say what I think.

7 A Okay.

8 Q Captain Davis -- thank you -- first of all, thank
9 you --

10 A No problem.

11 Q -- better -- yes, thank you.

12 So, Captain Davis and Chris Puckett, you met with
13 them face-to-face, correct?

14 A Yes, in May.

15 Q And that was at their request?

16 MR. BISBEE: Objection, asked and answered.

17 JUDGE MORRIS: Overruled.

18 THE WITNESS: They arranged it, yes.

19 BY MR. SEHAM:

20 Q Okay. And --

21 A I mean I -- well, I asked them to provide me the
22 information, so they provided me information that I asked
23 for. They told me it was so complicated they needed to deal
24 with it face-to-face, so that was their part of the coming.
25 So, I'm not sure where you parse that.

1 Q Well, you've given the answer, which I'm satisfied.
2 And you never met with Ms. Nabors face-to-face, correct?

3 A Correct.

4 Q Okay. You did hear her speak on a teleconference
5 at one point, correct?

6 A (No verbal response.)

7 Q Do you have no recollection of that?

8 A There were a lot of people -- when they had me --
9 there's the first phone -- let's go back. There's the first
10 -- there's the very first phone call, then there's the phone
11 call with the two attorneys. Then there's the phone call
12 with upper management, where the decision is made.

13 Q Okay.

14 A There were a lot of people there. They listed off
15 a whole bunch of people that were there. I don't remember
16 who it was. She could have been in there, I don't know.

17 Q You had, at the time, in mid-March, you made a
18 recommendation that Delta proceed with a Section 15
19 evaluation, correct?

20 A I recommended -- well -- I recommended she have the
21 psychiatric evaluation, which basically means a Section 15,
22 correct.

23 Q So, you didn't make a recommendation based on
24 Section 15, you were more specific?

25 A Yeah. In other words, she needs to have a

1 psychiatric evaluation, including neuro-psychological
2 testing.

3 Q And was there any reaction to the company when you
4 made that statement -- did they agree -- did persons on --
5 you were on a telephone, correct?

6 A I was on the telephone.

7 Q Okay. So, were there persons on the other end who
8 agreed with you or said we'll accept your recommendation?

9 A It was so long ago. And the reality is, I didn't
10 think this was very significant. I didn't really see this
11 phone call as significant. I was just supposed to give my
12 opinion. And then I was cut off -- in other words, my part
13 was done and I left. I later learned that the Section 15 was
14 going to happen. Now, what the response was -- everybody --
15 the people talking to me were very cordial, that's all I
16 remember.

17 Q Well, I thought -- and if I mis-remember, I'm sure
18 someone will correct me -- but my recollection is that on
19 direct testimony that you testified that you made a
20 recommendation and Delta went forward with their actions
21 based on your recommendation?

22 A Right. The e-mails that I was seeing subsequently
23 said that I got an e-mail that they're going to follow
24 through with it. So, I'm not sure where the -- whether I was
25 told it there, or whether the e-mail -- and again, this whole

1 question about that phone call, I did not give it the
2 significance that, obviously, now it matters. I just thought
3 I was supposed to just say what my opinion was and then move
4 on. And I wasn't, at that point, sure that I would ever hear
5 about this case again.

6 Q All right. I understand. And this is not to
7 hector you, just to get your best recollection. So, you --

8 A I know that either it was in the phone call or with
9 the e-mail that followed, that I knew that they were going to
10 proceed with the Section 15.

11 Q So, you have no specific recollection that during
12 this teleconference in mid-March, that Delta representatives
13 said we agree, we will proceed with the psychiatric
14 examination?

15 A I can't remember.

16 Q Okay. But in any event, you recommended,
17 specifically, a psychiatric examination?

18 A And neuro-psychological testing.

19 Q Okay. And you have no specific recollection of
20 hearing from a Ms. Nabors on these teleconferences?

21 A No.

22 Q Okay. But you had some information about what she
23 reported, at the time you made your recommendation?

24 A I had already gotten -- right -- that was
25 forwarded. There was the e-mail where I received her report

1 and the first document, the one before the "Ethnographic
2 Study," those two came together.

3 Q Okay. Do you recall the participation of a Captain
4 Jim Graham on this teleconference?

5 A The name sounds familiar, but can I be absolutely
6 sure -- no.

7 Q Okay.

8 A I mean does that name sound familiar? Yes. But
9 can I be sure that that was it? No, I'm sorry.

10 Q And you have -- do you have any specific
11 recollection of a discussion on that telephone, concerning
12 what Ms. Nabors had reported?

13 A The totality of my recollection is that the issue
14 that -- there's the primary high level issue that she
15 reported that she was told that First Officer Petitt felt
16 that her life was in danger from people at Delta, and that
17 was mentioned. And my recommendation was for her to have
18 neuro-psychological testing and a psychiatric evaluation.

19 Q And that --

20 MR. SEHAM: Is he speaking loudly enough? Okay.
21 Because I barely --

22 BY MR. SEHAM:

23 Q That was the primary issue?

24 A That was raised, I know that it was raised.

25 Q Okay. And was there a secondary issue?

1 A I don't remember if the memory issue or other
2 things came up, I'm not sure.

3 Q Okay. Did you ever ask Ms. Petitt whether she had
4 said to anybody that she -- did you not hear what I've said
5 so far?

6 A No, I heard you.

7 Q Okay. Did you ever ask Ms. Petitt whether she had
8 communicated to anybody at Delta that she was fearful of
9 being subject to physical harm?

10 A Just please say it again? I'm sorry.

11 Q Did you ever ask Ms. Petitt whether she had
12 communicated to anyone at Delta that she was in fear of
13 specifically physical harm?

14 A She related to me that the -- okay -- let me put it
15 this way. Her position was that this was a complete
16 misunderstanding. That it was not at all her -- she didn't
17 have that fear, that she was calm, she was not distressed,
18 she was professional, that was her position. So, it followed
19 what you just said.

20 Q Okay. And did -- but you decided to discredit her
21 credibility with respect to that representation?

22 A Looking at the totality of Kelley Nabors' report,
23 it would have required her to create a complete work of
24 fiction to be -- in other words, that's only one of multiple
25 expressions of distress, anxiety and so on. So, here we have

1 a statement on the part of First Officer Petitt, that she's
2 completely calm, and that Kelley Nabors doesn't understand.
3 And then I have a whole series of quotes that involve clear
4 descriptions of distress. And the subsequent data fit more
5 with the latter.

6 Q If you could please turn to -- one second. Yes, if
7 you could turn to page 233 of your report?

8 A Okay.

9 Q So, you have a title at the top:

10 "Focus On The View That the Section
11 15 Is Retaliation On The Part of Flight
12 Operations For Her Raising Safety
13 Concerns."

14 So, you have a section of your report dedicated to
15 that theme, correct?

16 A Yes.

17 Q And Ms. Petitt's belief that the Section 15 --
18 well, let me back up.

19 A I'm sorry.

20 Q What did you understand Ms. Petitt to communicating
21 to you as to the company's motive for retaliating through a
22 Section 15?

23 A She expressed, over time, multiple different ideas
24 of what was occurring. In this case, sometimes it was
25 because she was raising safety concerns, others it was

1 because she violated the chain of command, at other times it
2 was because of the issue of her -- that she had the media
3 policy. There was not one source, it was different in -- in
4 other words, at some point it would be the same problem, but
5 it would have a different etiology.

6 In this case -- so -- I'm sorry -- hopefully, I've
7 answered your question.

8 Q Well, yes, you have.

9 A Okay.

10 Q And some of her communications, that were outside
11 of the chain of command, related directly to her safety
12 reports, correct?

13 A (No verbal response.)

14 Q In the preceding page --

15 A Yes.

16 Q -- 232 --

17 A Okay.

18 Q -- this was a document that you considered to be a
19 further violation of the chain of command, that involved her
20 communication of a safety report to CEO Ed Bastian, correct?

21 A Yes.

22 Q Okay. Did you ever -- were you aware that Dr.
23 Faulkner had interviewed Ms. Pettitt before she came to you?

24 A Yes. No -- yes, yes.

25 Q Okay. And isn't it true that Dr. Faulkner

1 determined that Ms. Pettitt had no indications of mental
2 health issues with respect to her appearance, demeanor and
3 conduct?

4 A You mean where I've got -- where his handwriting
5 is?

6 Q No. I meant -- well, I'm asking you -- no, I'm not
7 referring to that, in fact.

8 A I'm sorry. Then I'm -- because he interviewed this
9 -- his contemporaneous notes are before I see her. Is that
10 what you're referring to?

11 Q No, it's not what I'm referring to.

12 A I'm sorry, I'm sorry.

13 Q No, that's fine, that's fine. It's right there. I
14 understand. But I'm just asking you the question. Did you
15 talk live with Dr. Faulkner, through this examination
16 process?

17 A Yes.

18 Q Did you ever ask him what his impression of Ms.
19 Pettitt was?

20 A Yes.

21 Q You did?

22 A Yes. But we focused on this interview right after
23 she presented the Safety Culture report.

24 Q Well, I'm asking you, during your telephone calls
25 with him, did he ever tell you that when he met her there

1 were no indications of mental health issues, with respect to
2 her appearance, demeanor and conduct?

3 A What date are you talking about? I'm sorry.

4 Q During any of the telephone calls that you had?

5 A Oh, no, no. I meant -- you're saying -- did he
6 tell me -- oh, during any phone call, did he tell me that at
7 some point he said that?

8 Q Yes.

9 A He wrote that -- I'm sorry -- maybe he wrote it.

10 Q No, no. Did he ever communicate to you orally?
11 I'm not referring to the documents. I'm just saying --

12 A Okay. Start -- just take me through the top again,
13 please.

14 Q Yeah, let's start over. And I know it's not well
15 formed -- there are a lot of documents and it's confusing.
16 But I'm saying you had telephone calls with Dr. Faulkner?

17 A Correct.

18 Q On several occasions during this examination
19 process, correct?

20 A Yes.

21 Q All right. And I'm asking you, during those phone
22 calls, if he ever told you that during his face-to-face
23 meeting with Ms. Petitt that he saw no indications of mental
24 health issues with respect to her appearance, demeanor and
25 conduct?

1 A He never related that.

2 Q Did you rely on anything that Dr. Faulkner said to
3 you, in terms of -- said to you or wrote to you -- in terms
4 of reaching your final diagnosis?

5 A That -- well, one of the elements, which is in the
6 following pages --

7 Q Okay. And go ahead --

8 A I'm sorry -- one of the elements --

9 Q -- and refer to it, if you'd like?

10 A -- is the -- that if we move to page 237?

11 Q Okay.

12 A That on 4/28/16 he documented that the concern was
13 solely based on Kelley Nabors report. He had communicated
14 that to her. This interview and report were focused on the
15 EEO concerns regarding the 1/29/16 assessment of Delta Air
16 Lines Flight Operations Safety Culture. Okay, that's one.

17 And two, agrees with the need for the evaluation to
18 clear things up. That she agreed that it would be a good
19 idea.

20 Q Okay. So, you felt that -- you reached the
21 conclusion that at one point Ms. Pettitt was agreeable to
22 psychiatric examination and that later she changed her mind
23 and was resistant to psychiatric examination, correct?

24 A Well, what happens is that her report of what
25 transpired with Dr. Faulkner becomes -- does not -- disagrees

1 with this, ultimately.

2 Q Okay.

3 A In other words, here we have Dr. Faulkner saying at
4 this point she agreed, and then later it's like, no, there
5 was never a reason and so on.

6 Q Okay. So, to the extent to which you rely on
7 information from Dr. Faulkner, in reaching your diagnosis,
8 was on the issue of whether Ms. Petitt had changed her
9 opinion related to the acceptability of psychiatric
10 examination?

11 A No. I mean the major theme here has to do with the
12 -- there's also the \$39,000.00.

13 Q I'm talking -- that's an issue with Captain Graham,
14 correct?

15 A No. It's with -- she had the presentation, she met
16 with Captain Graham. Then she met with Dr. Faulkner. That's
17 the same arc. She had to leave. That interview was
18 continued by phone. In that phone call she told -- okay --
19 I'll just back up one piece. She -- according to the e-mails
20 from Jim Graham -- she presented him with an envelope that
21 was -- she told him it was a bill.

22 Q And that --

23 A Okay. Wait. Then -- then she goes across the
24 street, sees Dr. Faulkner. Then later, in the telephone call
25 with Dr. Faulkner, completing it, tells him that, indeed,

1 there was a \$39,000.00 bill. Then she proceeds to say -- so
2 then Jim Graham writes to her saying, you know, we don't --
3 paying -- basically there's a number of points -- and she
4 says, no, no, no, it was a joke, there wasn't any bill.

5 So, we have here -- the importance isn't whether
6 there was a bill or not, it's that the story keeps changing.

7 That's the point. It's like what is the stable story? In
8 other words, here's one story, then a little while later it's
9 another story. And remember I said that at the end there's
10 10 of them -- this is one of them.

11 Q Okay. What I'm trying to get to is what's the
12 totality of information from this one source, Dr. Faulkner,
13 that contributed to your diagnosis.

14 A Okay.

15 Q And I don't mean to over simplify, but I just want
16 to have it defined. So, my understanding is the totality of
17 Dr. Faulkner's information contribution towards your
18 diagnosis was the issue of whether -- of her allegedly
19 changing view as to the acceptability of psychiatric
20 examination, and that he contributed information to the issue
21 of whether there was an invoice for \$39,000.00 or not.

22 A Right. Now, the --

23 Q Is that --

24 A -- I'll just finish it --

25 MR. BISBEE: Objection, foundation.

1 THE WITNESS: The thing is, I was talking to all
2 three a great deal and I can't parse for you that's the limit
3 of what he told me.

4 JUDGE MORRIS: Who are the three?

5 THE WITNESS: Captain Davis, Chris Puckett and Dr.
6 Faulkner. They're the three people at Delta I spoke to. And
7 there were multiple phone calls. And what you're asking me
8 to do -- I say, okay, this was all he told me -- and I can't
9 do that, I'm sorry, I can't.

10 MR. SEHAM: Okay.

11 MR. BISBEE: Can I, just for the record, I need to
12 make my foundation objection. Mr. Seham keeps referring to
13 information from Dr. Faulkner, I believe suggesting that
14 there's some oral communication, when the witness is
15 testifying about contemporaneous notes, and those are very
16 different things. And there's not a foundation laid as to
17 the questions.

18 MR. SEHAM: And it was not my intent to
19 distinguish, at this point in my questioning, between
20 telephone calls and written reports.

21 JUDGE MORRIS: The objection is noted.

22 BY MR. SEHAM:

23 Q And this is all prefaced to the best of your
24 recollection, right?

25 A Yeah.

1 JUDGE MORRIS: I've got a few questions here.

2 MR. SEHAM: Yeah.

3 JUDGE MORRIS: You mentioned this \$39,000.00 bill,
4 that was handed to Captain Graham. And you've never talked
5 with Captain Graham, is that correct?

6 THE WITNESS: Correct.

7 JUDGE MORRIS: Have you ever seen what was handed
8 to or allegedly handed to Captain Graham?

9 THE WITNESS: She took it with her.

10 JUDGE MORRIS: She took it with her?

11 THE WITNESS: Yes. He refused to -- in her
12 presentation she said Captain Graham did not want knowledge
13 -- there was a whole discussion of this in the first
14 interview -- Captain Graham didn't want to know, and it was
15 all a joke. Captain Graham didn't think it was a joke,
16 because I've got the e-mails from him about this. So, we've
17 got -- then I showed her, in the second interview, Dr.
18 Faulkner's note. And she said: "Well, I don't remember," and
19 so on. And so it becomes -- what is the basic question is
20 stories keep changing. It's like I don't know which --
21 frankly -- from my standpoint, it doesn't matter which one
22 was true, it's just it keeps changing.

23 JUDGE MORRIS: Continue, counsel.

24 BY MR. SEHAM:

25 Q Again, the point of my question is to define the

1 outer boundaries of the information Dr. Faulkner gave you,
2 that you relied upon in reaching your diagnosis. So, whether
3 he was the partial contributor of these information
4 components or not, is not what I'm looking for. I'm asking
5 if other than the issue of the acceptability or
6 non-acceptability of psychiatric examination, from Ms.
7 Petitt's perspective, or this issue of the \$39,000.00
8 invoice, do you have any recollection of other information
9 that came from Dr. Faulkner, that contributed to your
10 diagnosis?

11 A After the interview with First Officer Petitt, I
12 called Dr. Faulkner and asked him whether that note was
13 written contemporaneously. And he said yes. So, I now that
14 that's another piece, the note about the \$39,000.00, okay.
15 So, then -- so -- now to go to the rest of your question -- I
16 cannot say -- I can't draw a sharp boundary about whatever
17 else.

18 Q You have no recollection of anything else?

19 A I have no recollection, but I know we talked about
20 a lot of things. So, I don't remember.

21 Q Well, do you have --

22 A I talked about a lot of things with all three of my
23 sources at Delta, that were providing me with information.

24 Q Do you have any recollection of Dr. Faulkner
25 communicating to you anything positive, with respect to Ms.

1 Petitt's mental health?

2 A Both Dr. Faulkner -- my recollection is both Dr.
3 Faulkner and Captain Davis related to me that at times she
4 was absolutely fine. That, in fact, the trouble is I'm
5 groping -- this is not the word they used, all right, but
6 it's something like: "delightful to be involved with,"
7 "wonderful conversationalist," "very interesting to talk to."
8 That was the theme presented to me.

9 Q Okay. And then in terms of medical criteria
10 associated with Mental Health Evaluation --

11 A Right.

12 Q -- did Dr. Faulkner ever provide you any
13 information that militated in favor of a finding that she was
14 fit, in terms of mental health?

15 A Say it again? Your voice dropped, I didn't catch
16 the last two words.

17 Q I don't know if I can do it as well as I just did
18 it.

19 A I'm sorry.

20 MR. SEHAM: Would you be able to read that back?

21 COURT REPORTER: It's a tape.

22 MR. SEHAM: Oh, yeah, I keep forgetting. Let me
23 try, let me try.

24 THE WITNESS: Okay.

25 BY MR. SEHAM:

1 Q In terms of criteria that are associated with
2 Mental Health Evaluation, did Dr. Faulkner ever communicate
3 to you elements of his observations that militated in favor
4 of a finding of Ms. Petitt's mental health and her fitness to
5 fly?

6 A Oh, that she was fit?

7 Q Yes, correct.

8 A What I just described would. See, the difficulty
9 is there's subsequent data after the report is presented,
10 after the report is mailed off, where it would be the
11 opposite. And I don't know, you know, I don't want to --

12 JUDGE MORRIS: Would or should that subsequent data
13 have been available to doctors who conducted subsequent
14 evaluations?

15 THE WITNESS: I don't -- see I'm not -- I wouldn't
16 -- there are basically three evaluations that are followed,
17 okay. There's the Mayo Clinic evaluation, there's Dr. Huff's
18 evaluation, and then there's the FAA doctor's evaluation.

19 JUDGE MORRIS: So, my question is very
20 straightforward --

21 THE WITNESS: Right. It's very important. I did
22 not provide any of that information to any of the three.
23 That's all I can speak to, I didn't. Whether it was provided
24 by somebody else, I don't know.

25 JUDGE MORRIS: All right.

1 BY MR. SEHAM:

2 Q So, I'm confused about -- all right. Let's say
3 that Dr. Faulkner did make some positive comments about --

4 A Um-hum.

5 Q That's yes, he did -- about Ms. Petitt?

6 A That's what I said, that -- yes.

7 Q Are those embodied in your report?

8 A I don't think so.

9 Q Okay. And you say Captain Davis made positive
10 comments about Ms. Petitt?

11 A Yes.

12 Q And are those embodied your report?

13 A No.

14 Q And you referred to additional data that was
15 obtained subsequent to the evaluation or subsequent to your
16 interview -- I may be mis-recalling your recent --

17 A No, that's right.

18 Q Hum?

19 A Yes.

20 Q Okay. What data are you referring to?

21 A Okay. Well, there's -- subsequent to the report --
22 now, this is all -- subsequent to my -- I sent out the
23 report, the report went to Dr. Riccitello at AMAS, and to Dr.
24 Faulkner. Let me go back, because we've basically skipped
25 over a big hunk of the analysis of the report. One of the

1 symptoms of mania is irritability when thwarted, irritability
2 when somebody doesn't agree with your plans or your
3 viewpoint. And so what happened was, this exhibit where Dr.
4 Faulkner reported to me that this was happening, in his
5 dealings with her, it happened, he reported it happened with
6 the dealings with AMAS.

7 Then I can go back through my e-mails and go back
8 through how there were a set of e-mails -- well let's go with
9 this -- there's a set of e-mails where I received the release
10 -- a HIPPA release -- from the Mayo Clinic, and I sent the
11 data, I sent the disk with the data to the Mayo Clinic.

12 Then, subsequently, in an e-mail with First Officer
13 Petitt, she -- I mentioned about the Mayo Clinic, and then
14 she said -- I could -- hopefully we have the quote --
15 basically: "How could you have done that?" Even though she
16 -- and: "Who else are you releasing the information to?"
17 Again, this is this suspicion, so that's another piece of
18 data.

19 Q That was not in your report?

20 A No, it's after the report. I thought you were
21 asking what happened?

22 MR. BISBEE: Objection. I thought the question was
23 about subsequent events, and I think he answered it.

24 JUDGE MORRIS: He's answering to subsequent events.
25 I'm tracking. It would not be in the report.

1 THE WITNESS: No, it couldn't be.

2 JUDGE MORRIS: Keep going.

3 BY MR. SEHAM:

4 Q But Faulkner's handwritten notes were in your
5 report?

6 A Yes. See, I'm a little -- it would be helpful to
7 me, whether my complete report with everything is -- whether
8 you have it. I don't know if you have it.

9 Q Yes, we do. Yes, we do.

10 A Okay. Because I have a file of his handwritten
11 notes, everything he sent me.

12 Q Okay. No, it's -- I think it's the document we've
13 been referring to. I believe it's in --

14 A Right. In other words this is a subset of
15 everything he sent me. So, you have everything that he sent
16 me. I asked for his file. I'm sorry, maybe I didn't
17 understand what you're asking me.

18 Q Well, you referenced his handwritten notes. Is
19 that what is starting at page 234?

20 A No. There's a separate -- these are -- this is a
21 subset of his notes.

22 Q In his notes are communications to you --

23 A No. This is her -- basically -- her file with him.

24 Q Okay. Well, let me ask -- the question I'm leading
25 up to is --

1 A I'm sorry.

2 Q -- in any of his communications to you, did he ever
3 tell you that he -- that during his meeting with Ms. Petitt,
4 face-to-face, that he told her that the Section 15 referral
5 could very well end up being the result of a misunderstanding
6 between Ms. Petitt and Ms. Nabors?

7 A Okay. So --

8 Q Did he ever communicate that concept to you?

9 A That it was only a mis-communication, potentially?

10 Q Yes.

11 A That was one of the things he told me, yes.

12 Q Now, Mr. Puckett, at one point, shipped you a box
13 of documents related to A330 training?

14 A Yeah. I think he e-mailed me.

15 Q Okay. And those are documents that you requested?

16 A The general topic is yes. Did I -- in fact, yes,
17 in fact we were involved in this whole issue of training and
18 so on. So, yes.

19 Q Okay. And that was some time after the
20 face-to-face meeting in Chicago, that you made that request?

21 A Oh, everything is after that. I mean, in other
22 words, that face-to-face meeting provides me with the start
23 of many, many questions.

24 Q Okay. And you read those A330 training materials
25 you received?

1 A (No verbal response.)

2 Q Did you read what you received?

3 A I read -- well, there were some parts of it. I
4 contacted Captain Davis and asked him to tell me what the
5 pertinent things were to read, because there were parts of it
6 I didn't understand at all. So, he pointed out -- this is
7 within this volume of things, which I had no idea what it
8 meant -- this is the point, the critical point here. So, I
9 didn't read everything. I read enough to know there were
10 parts of it I didn't understand. So, I sought advice from
11 him as to what the pertinent point of these -- there were
12 some of them that were quite clear, some of them, but there
13 were some that I didn't understand, at all.

14 Q So, Captain Davis assisted you in the
15 interpretation of the A330 training document, is that
16 correct?

17 A Yes.

18 Q And you said that he identified the pertinent parts
19 or --

20 A In other words, it was sent to me -- it was sent to
21 me and what here is -- can you help me understand what the
22 pertinent parts of this large document are, for this case.

23 Q Okay. And this came up in the context of Ms.
24 Petitt's beliefs that the A330 training being conducted at
25 Delta was not adequate?

1 A It comes up in the context of what she wrote in the
2 blog, and that's one of the points she was making.

3 Q And in terms of seeking assistance from Captain
4 Davis, you were asking his assistance in determining whether
5 Ms. Pettitt was raising valid concerns about A330 training and
6 operations?

7 A No, it had to do with -- see there's -- it's more
8 complex. And I'll try to sketch it. The issue isn't whether
9 or not she was correct, it was the issue of the media policy.
10 And then it became the issue of was it accurate, in other
11 words was the information that she was providing, was that
12 consistent with the timeline of this information. But the
13 question had to do with -- the first question had to do with
14 the media policy, because her view was she never violated the
15 media policy. And the media -- I'm sorry --

16 Q I'm sorry -- no, no -- I didn't mean to interrupt.

17 A -- the media policy issue led to the letter in her
18 file, which then she said was completely unfounded.

19 Q Did Captain Davis assist you with any other
20 technical issues?

21 A Oh, the Excel spreadsheet I was trying to do, and
22 the graph, and the data in that is absolutely. I mean he was
23 providing me -- and there was also a question of when did she
24 start working, when did she start, when did she work on this
25 plane? That table you referred to earlier, in the beginning,

1 was she worked on this plane or that plane, and so on, that
2 all was with the assist of Captain Davis.

3 Q Okay. And can you identify any other technical
4 flight operation issues that Captain Davis assisted you, with
5 respect to coming to an understanding?

6 A Oh, with regard to what a trip buy was and the
7 different issues around that, the structure of the Chief
8 Pilot's Office, who's who, you know, and so on.

9 Q Why was the structure of the Chief Pilot's Office
10 relevant?

11 A Well, it's relevant because in the e-mails
12 different people are responding to her and their positions in
13 the Chief Pilot's Office changes over time in those e-mails,
14 and they wouldn't make any sense otherwise, in other words.
15 So, that's why that's significant.

16 Q Well, was it also part of your analysis as to
17 whether Ms. Petitt was complying with the chain of command
18 requirement, that you sought this?

19 A I present the whole chain of command -- I mean --
20 I'm sorry -- the organizational structure of Delta at the
21 beginning, so that anybody reading it can figure out, okay,
22 now who is who and where are they in this history. At least
23 it was very helpful to me. At the beginning there's an
24 enormous -- now it's sort of in the fog for me who was what,
25 but back then it was very helpful to me -- okay, this person

1 occupies that position in Training, or the Chief Pilot's
2 Office and so on.

3 Q And I'm not sure you're being responsive. My
4 question is more specific. You requested this information
5 from Captain Davis. Was the request, in part, in furtherance
6 of your analysis of the chain of command issues that you've
7 identified?

8 A Yeah, in part.

9 Q Okay. Did you explain that to Captain Davis, or
10 did you just ask for the information?

11 A See -- I'm sorry -- you're putting the emphasis on
12 the chain of command issue.

13 Q Yes.

14 A That's a small piece of all of this. And so when
15 you say in part, I agree, in part. But it's not a big part.

16 Q And frankly, I'm not concerned whether it's a big
17 part or a small part.

18 A Okay.

19 Q But it was a part?

20 A A part.

21 Q Okay. And you requested Captain Davis -- okay.
22 That's fine. I'll move on.

23 MR. BISBEE: Is this a good time for a comfort
24 break?

25 MR. SEHAM: Sure.

1 JUDGE MORRIS: I have one question before we take
2 the break, while we're taking about that. Because in the
3 beginning of your report there are this whole series of
4 charts. Did you actually create this or did you have someone
5 create that for you?

6 THE WITNESS: No, Delta sent it to me.

7 JUDGE MORRIS: Delta sent it to you?

8 THE WITNESS: Yes.

9 JUDGE MORRIS: And you incorporated that
10 information into your report?

11 THE WITNESS: Right. Because I believed that it
12 would be impossible to follow the report without it.

13 JUDGE MORRIS: All right. Thank you.

14 All right. Let's take 10 minutes. Meet back at a
15 quarter of the hour.

16 (Off the record at 2:37 o'clock p.m.)

17 JUDGE MORRIS: On the record.

18 All parties present when the hearing last recessed
19 are again present.

20 You may continue to cross, counsel.

21 CROSS-EXAMINATION RESUMED

22 BY MR. SEHAM:

23 Q I want to refer you to your report, JX-L-41. Do
24 you have that?

25 A (No verbal response.)

1 Q Yes. And if you could turn to page 41?

2 A Oh, I'm sorry.

3 Q No, that's quite all right.

4 A I'm sorry. Here we go. Okay.

5 Q Okay. So, I'm going to direct your attention to
6 the top of the page:

7 "3/15/16 Meeting at Seattle Chief
8 Pilot's Office, Captain Phil Davis
9 provided his recollection of this
10 meeting."

11 When you say he provides his recollection of this
12 meeting, is this a memorandum to the file that already
13 existed or was this something that he produced for you, what
14 follows?

15 MR. BISBEE: Objection, foundation, calls for
16 speculation.

17 JUDGE MORRIS: Overruled.

18 THE WITNESS: My opinion -- I don't have absolute
19 certainty.

20 BY MR. SEHAM:

21 Q Your best recollection?

22 A I don't have absolute certainty. I believe this
23 was contemporaneous with my evaluation, not a historical
24 document. But I could be wrong.

25 Q Okay. And so it's a long paragraph, but it's all

1 pertinent. I want to direct your attention to the last full
2 paragraph that begins with: "FO Petitt's second concern"?

3 A Okay.

4 JUDGE MORRIS: What page are you on?

5 MR. SEHAM: Page 41.

6 JUDGE MORRIS: Oh. I'm at 241 -- sorry.

7 MR. SEHAM: No problem.

8 JUDGE MORRIS: Go ahead.

9 THE WITNESS: I'm with you.

10 BY MR. SEHAM:

11 Q Okay. So, as a premise for my next question it
12 reads:

13 "FO Petitt's second area of concern
14 dealt with Flight Operations Policy
15 allowing pilots to deviate from scheduled
16 deadhead on the front end of rotations.
17 She expressed concern that some deviating
18 pilots would arrive at the station, from
19 where they would operate a flight without
20 having time to acquire sufficient rest
21 after their arrival. Her concerns were
22 that it presented a safety risk as well
23 as possibly representing a violation of
24 FAR regulations requiring a prescribed
25 rest period. We held a lengthy

1 discussion, during which I pointed out
2 that we cannot always determine or
3 dictate what a pilot does to acquire rest
4 prior to an initial report for work. I
5 suggested that some pilots may be able to
6 rest very well while on the deviating
7 deadhead flight. I suggested the same
8 logic is applied to commuting pilots. I
9 also pointed out that if for some reason
10 a pilot's rest plan does not work out,
11 there is a safety valve in place in the
12 form of a fatigue call. I was very clear
13 in pointing out that if a pilot ever
14 feels he or she is not adequately rested
15 for flight duties, he/she has not only a
16 right but a clear obligation to notify
17 Delta that he/she is fatigued and we will
18 absolutely remove him/her from those
19 duties until well rested."

20 Now, could you explain why you included this
21 memorandum in the report, in your psychiatric evaluation?

22 A Okay. If you go to page 356 -- and I can see a
23 typo here -- number eight. On 3/15, it should be 3/15/16, so
24 that's an error on my part.

25 Q Okay.

1 A "She had an informal meeting with
2 Captain Davis, in which they discussed
3 whether or not the lanyard she was
4 wearing fit with Delta standards and,
5 also, discussed her views about crews
6 rest. From Captain Davis' point of view,
7 this meeting represented a cordial and
8 pleasant interchange. Three months
9 later, at the pre-grievance hearing, she
10 informed Captain Davis, because of her
11 raising the crew rest issue on 3/15/16,
12 it had caused her to be harassed by
13 having a Section 15 assessment. Also,
14 she told him that she had submitted his
15 name to the FAA and if he wanted to
16 protect his career, he needed to stop the
17 Section 15 evaluation."
18 So, this is one of the 10 examples, that's why it's
19 included.

20 Q Ten examples of what?

21 A Okay. I'm sorry. If you go back to the preceding
22 page.

23 Q Oh -- "Evidence of Expansive Irritable Mood and
24 Paranoid Ideation"?

25 A "Ideation," it says:

1 "Inaccurate reporting serves to
2 support grandiose expansive views, one of
3 the many behaviors that characterize
4 mania."

5 There are 10 -- in this body of this report, there
6 are 10 times in which this is true, then it's not true, and
7 it just -- it's what --

8 Q And what was true and then not true with respect to
9 Item 8?

10 A Okay. In other words, that she's cordial with
11 regard to 3/15/16, this informal meeting, she's cordial with
12 regard to the crew rest. They have this interchange, a
13 cordial and pleasant interchange. And then she says that
14 because of her raising the crew rest issue, he caused her to
15 be harassed by a Section 15 assessment.

16 Q Well, sir, isn't it true that the discussion on
17 3/15/15 (sic), which is characterized as "cordial," was a
18 week before the Section 15 referral?

19 A Let's try again.

20 Q Could you answer that -- do you know?

21 A Wait a minute. Let me -- I'll just complete that
22 and then I'll look at the dates in the timeline.

23 Q I'm asking, do you know, one way or the other,
24 whether the conversation that you described as "cordial," was
25 before or after she had been told she had to submit to a

1 Mental Health Evaluation?

2 A The --

3 Q I'll withdraw the question.

4 A Okay. Actually, it's right on page 41.

5 Q Okay.

6 A It says this meeting is 3/15/16, and the letter
7 goes out 3/17/16, so it preceded it.

8 Q So, the cordial meeting was two days before she got
9 the Section 15 referral?

10 A Right. And she --

11 Q Okay. And the subsequent meeting, that was more
12 contentious --

13 MR. BISBEE: Objection. The witness was trying to
14 complete an answer and Mr. Seham -- I think inadvertently --
15 was asking a question over the answer.

16 MR. SEHAM: You don't have to raise your voice.
17 I'll defer to the Tribunal, but I thought I got the answer
18 and I was moving on to the next question.

19 MR. BISBEE: I don't think I raised my voice, just
20 so the record can reflect that.

21 JUDGE MORRIS: One, you did, but not in a hostile
22 manner. Two, he didn't get to finish, but it was not -- it's
23 fair comment that one would reasonably believe that he had
24 finished. But then as you started, he had continued, anyhow.

25 MR. SEHAM: Very good.

1 JUDGE MORRIS: Continue.

2 BY MR. SEHAM:

3 Q And the meeting that you characterized as more
4 contentious was after she had been directed to submit to a
5 mental health evaluation, correct?

6 A Yes.

7 Q Okay. Now, if you could turn to page 192 --

8 JUDGE MORRIS: Again, that's Joint Exhibit 11.

9 MR. SEHAM: Yes, Joint Exhibit L.

10 JUDGE MORRIS: L, thank you.

11 MR. SEHAM: Yes. So --

12 THE WITNESS: I'm sorry, I haven't got there yet.

13 Okay.

14 BY MR. SEHAM:

15 Q It's -- I hope I said 192, did I?

16 A Yes.

17 Q So, I'm going to refer you to these three
18 paragraphs at the top:

19 "First Officer Petitt frequently
20 presents the statement, quote: 'Never
21 call in fatigued at Delta, that is the
22 F-word,' as a prime example of the flawed
23 Safety Culture at Delta. According to FO
24 Petitt, this statement was made during
25 her orientation meeting, when she became

1 a Delta employee in 2009. Delta has a
2 fatigue policy, the FAA mandates issues
3 regarding pilot fatigue. Based upon my
4 experience evaluating Delta pilots,
5 pilots at Delta do call in fatigued and
6 no retribution happens. This data does
7 not matter. A single statement on one
8 occasion means that Delta does not have a
9 functioning fatigue policy. The example
10 illuminates how problematic FO Petitt's
11 paleological thinking is."

12 A Paleological.

13 Q Thank you -- "paleological thinking is."

14 "The fact that she believed this,
15 quote 'F-word' comment was the actual
16 Delta policy, and that she violated the
17 fatigue policy and flew when she was
18 tired, her paleological thinking pattern
19 caused her to risk safety."

20 Now, did you ever ask Ms. Petitt if she had other
21 instances where she believed she was subject to coercion to
22 fly while she was fatigued?

23 A She believes that that is the policy.

24 Q Did you --

25 A She told me that.

1 Q I'm sorry.

2 A Basically, that yes, there's these policies, but
3 then the culture says: "Never call in fatigued." And see
4 this -- first let me explain what "paleologic" thinking is.

5 Q I ask that you not.

6 A No?

7 Q And that's not responsive, and I would like to move
8 on with the Tribunal --

9 A I'm sorry.

10 JUDGE MORRIS: Just answer the questions he's
11 asking.

12 THE WITNESS: I'm sorry. If you'll ask it again,
13 I'll try to answer it for you.

14 MR. SEHAM: Let me restructure the question, so we
15 can see if we can get a more direct answer.

16 MR. BISBEE: Objection, move to strike.

17 JUDGE MORRIS: Granted.

18 BY MR. SEHAM:

19 Q Could you -- did you ever ask her: "Have you had
20 instances where you were coerced to fly fatigued?"

21 A Did you have -- I don't remember I asked that,
22 specifically the way you phrased it.

23 Q I want to take you back to page 41 and Captain
24 Davis' memorandum. And direct you -- if we can parse it out
25 here, I'm trying to hone in on one sentence. Let me just --

1 before the question I was going to ask -- let me ask you, did
2 you ever ask Captain Davis whether he had knowledge of pilots
3 reporting that they had flown fatigued?

4 A No.

5 Q Okay. And then if I could direct you to this
6 sentence, it's about two-thirds down and it begins all the
7 way to the right, with the word: "I." Reading:

8 "I suggested that some pilots may be
9 able to rest very well, while on the
10 deviating deadhead flight."

11 Did you understand Captain Davis and Ms. Pettitt to
12 be having a dispute as to what the Federal Aviation
13 Regulations required, in terms of attributing deadhead hours
14 to maximum flight hours?

15 A No, that was not -- the focus of my including this
16 report is the last sentence.

17 Q Okay.

18 A And the flying -- the fatigue -- I'm sorry -- go
19 ahead.

20 Q My question is, did Captain Davis or any other
21 Delta representative ever advise you that as a result of Ms.
22 Pettitt's safety report the FAA had determined that Delta had
23 been violating 14 CFR Part 117?

24 A That information I don't remember. That
25 information I don't remember ever being discussed with me.

1 Q Okay. Well, to be less technical, did Delta ever
2 advise you that it had, in fact, engaged in pilot scheduling
3 practices that violated FAA mandated maximum flight duty
4 limits?

5 A No.

6 Q And if you could turn to CX-4?

7 A Okay.

8 Q CX-4 is a document dated September 8th, 2016, on
9 FAA letterhead. Did the company ever provide you with a copy
10 of CX-4?

11 A I'm sorry, just one -- I'm sorry -- I'm at the
12 right place, okay, CX-4. It's September 8th, is that the
13 correct?

14 Q Correct.

15 A Okay. I'm ready, I'm ready.

16 Q Did the company ever provide you with a copy of
17 that document?

18 A No, I've never seen this document.

19 Q Okay. And as of the date of this document --

20 MR. BISBEE: I'm going to object on foundation.
21 There's no evidence that the company has this document. It's
22 addressed to Ms. Petitt.

23 MR. SEHAM: Okay. That's fine.

24 JUDGE MORRIS: All right.

25 MR. SEHAM: The company will --

1 JUDGE MORRIS: Is that the company's position that
2 it doesn't have this document?

3 MR. BISBEE: This specific document? I'm not
4 stating what the company's position is, I'm just noting the
5 question hasn't laid any foundation. But I heard Ms. Pettitt
6 testify on direct that this was sent to her. I've not heard
7 anyone say it was sent to the company, yet. And I've not
8 heard him ask if Ms. Pettitt provided this document to the
9 witness, just that the company did. So, I think there's no
10 foundation laid at the moment.

11 MR. ROSENSTEIN: Your Honor, can I address the
12 issue on that document? I know I'm not the --

13 MR. SEHAM: I'm going to withdraw the question.

14 MR. ROSENSTEIN: -- it's not about the --

15 MR. SEHAM: I'm going to withdraw the question.

16 MR. ROSENSTEIN: -- witness, it's about the
17 question that you asked about this particular document,
18 which came up yesterday. Which I'm happy to address now or
19 wait until another time.

20 MR. SEHAM: I'd like to finish with the witness.
21 I'm pretty much --

22 JUDGE MORRIS: Yeah. We're going to deal with the
23 witness, and he's withdrawing the question.

24 BY MR. SEHAM:

25 Q Did the company representatives, Delta

1 representatives, ever communicate to you any violation of
2 Federal Aviation Standards that it has committed?

3 A No.

4 MR. SEHAM: No further questions.

5 JUDGE MORRIS: Redirect?

6 MR. BISBEE: Yes.

7 REDIRECT EXAMINATION

8 BY MR. BISBEE:

9 Q Dr. Altman, as an initial matter, both Mr. Seham
10 and Judge Morris asked you questions about your decision not
11 to speak with certain individuals implicated in some of the
12 incidents in this report -- Captain Graham, for example, or
13 Kelley Nabors. Could you explain to us why you chose not to
14 speak with those individuals?

15 A I think I've covered it. Basically, I was trying
16 to base my opinion based on what I considered to be the most
17 accurate data, that being -- my feeling is, if you're going
18 to make a diagnosis about a person, based on what the person
19 tells you, what the person wrote, and what other people did,
20 contemporaneous notes on what happened, that that's the best
21 data. And that's why calling in more people -- I have notes
22 from them, I have notes from the family, I have notes from
23 everybody else, but that I was going to base it on those
24 three general areas of information.

25 Q Which three general areas were those, again?

1 A The first is the interview.

2 Q The interview -- your interview with Ms. Pettitt?

3 A With her.

4 Q Okay.

5 A That's the most important. The second is what she
6 wrote. And third is people who had written something
7 contemporaneous to the events. Those were the three. And I
8 was much happier with documents, because what's happening,
9 what happens throughout the history is different things --
10 different statements keep changing. So, if I added more
11 people, then it would even make it more murky. That's what I
12 meant by the 10 at the end, let's just stay with what she
13 says about things and trace it through time, because the
14 reliability of what her statements are become critical. And
15 the people who have an elevated mood, their -- what they say,
16 what they feel determines what they say.

17 Q And you were appointed as the CME, that's in a
18 capacity to provide a psychiatric examination, is that
19 correct?

20 A Yes.

21 Q Did you view your role as investigatory in nature,
22 as part of that examination?

23 A Yes.

24 Q And the way that you chose to go about that was by
25 relying upon contemporaneous documents along with Ms.

1 Petitt's writings and your interviews with her?

2 MR. SEHAM: Asked and answered.

3 JUDGE MORRIS: Overruled.

4 THE WITNESS: Yes.

5 JUDGE MORRIS: His answer was yes.

6 BY MR. BISBEE:

7 Q There was some testimony early in your
8 cross-examination, some questions, I should say, about
9 documents provided to you by Mr. Puckett or Captain Davis, or
10 perhaps Dr. Faulkner. And you were providing categories of
11 documents that you requested. Did you ever request documents
12 seeking current communications or current actions more
13 broadly, involving Ms. Petitt?

14 A I'm sure I did at some point.

15 Q Mr. Seham, at various times, referenced instances
16 where Ms. Petitt raised concerns about safety, in one way or
17 another, in documents that made their way into your report.
18 Could you tell us whether the fact that safety was the
19 subject matter of those communications played any role, at
20 all, in your ultimate conclusions in your report?

21 A Basically, it was the vehicle to examine the
22 different processes and whether or not she had the
23 symptomatology of a person who would have mania. It was not
24 the content, it was the form.

25 Q So, if her communications had been about major

1 league baseball or industrial farming, instead of safety, but
2 the form of the communication was the same as what you saw,
3 what would have been the conclusions you reached in your
4 report?

5 MR. SEHAM: Objection to form.

6 JUDGE MORRIS: Overruled.

7 THE WITNESS: It would have been the same.

8 BY MR. BISBEE:

9 Q Why is that?

10 A Well, I'm looking -- again, if you look at page 60
11 in the report, these are symptoms. Does the person exhibit
12 the symptoms? If they exhibit the symptoms with a high
13 enough frequency, and enough symptoms, then they meet the
14 criteria.

15 Q And what was it in this case that caused Ms. Pettitt
16 to demonstrate those symptoms, in your view, was it the
17 content of her communications about safety or something else?

18 A It's the form of her communications and her
19 behavior.

20 Q And what do you mean by -- when you say the form,
21 could you give us some examples or just expand upon that for
22 us?

23 A Well, for example, one of the symptoms for making
24 the diagnosis is the question of a thought disorder. And so
25 a person with a thought disorder will -- there are various

1 forms of thought disorder, okay. And one of the kinds is
2 called a "flight of ideas," which is a nearly continuous flow
3 of accelerated speech with abrupt changes from topic to
4 topic, that are usually based on understandable associations.

5 The person starts on one topic, shifts to another, and you
6 can sort of follow how they do that. Then they shift to
7 another, then they move to another. And at some point it's
8 like they have oscillated among so many different topics,
9 they've moved from one thing to another. And for the
10 individual listening, you think you're having a problem
11 following, but in fact this is a form of thought disorder.

12 So, in here there's examples of a paragraph in
13 which she -- where it's written out the way she shifts from
14 topic to topic. And it certainly was present in the
15 interview. So, that would give you an example.

16 Q And when you talk about the form of the
17 communications being sort of the driving thing and not the
18 content, is the example you gave. Is another example your
19 findings about grandiosity?

20 A Yes. And I could give you examples about that.

21 Q Could you speak to that for us?

22 A Okay. There's a -- in, I believe, the first --
23 this is not my report -- in the first document -- the one
24 that's not "Ethnographic Study."

25 Q Is that the January 2016, report?

1 A Right.

2 Q Okay. There's a description of -- sorry -- that's
3 not it either. There's a description of a book that she
4 wrote, and the fact that Delta wouldn't allow her to put the
5 picture of a Delta -- with the Delta colors and so on -- on
6 the plane -- on the cover. And she proceeds to describe how
7 great a negative impact this could -- I'm sorry -- how great
8 a positive impact this could have had for Delta in the
9 Seattle area. So, now you have think, how this one book is
10 going to have that much effect.

11 There's another one in which she requests to have a
12 position in marketing -- this is at the time of the merger --
13 and she's rejected. And she talks about how negative this
14 impact was on everybody. So, in other words, she is that
15 important that she could make a critical difference in all
16 these areas, all simultaneously. That seems to me to be a
17 grandiose stance.

18 Q And is that grandiosity in any way related to the
19 substance of her communications, for example whether or not
20 they talk about safety versus some other topic?

21 A Well, I've just given topics that really don't have
22 anything to do with safety, marketing a book and so son.

23 Q If one exhibit grandiosity while talking about
24 safety, however, would it be the safety that resulted in your
25 conclusion or the grandiosity?

1 A It's the -- it's not the content, the specific
2 content, it's how it is presented, the form.

3 Q In one area you said -- on cross, but it was sort
4 of skipped over on direct, and I apologize if that was due to
5 me -- as you indicated there was: "irritability when
6 thwarted." What do you mean by that?

7 A Okay. Well, a person with mania -- first of all,
8 they don't think they have a problem, at all. The lack of
9 insight is one of the symptoms. And what happens, when
10 they're interrupted, when you -- when they find that their
11 beliefs are not being supported, they become angry, they
12 become irritable and it can escalate up from there. So, I
13 put here:

14 "Irritable mood, often associated with
15 an expansive mood: When a person's
16 expansive sense of importance is
17 thwarted, ignored or disregarded, a range
18 of anger from irritation to an outburst
19 can occur."

20 Q And does the subject matter of the irritable
21 commentary play any role at all in your ultimate conclusion?

22 A No. It has to do with -- so, what you have, in
23 Kelley Nabors' presentation --

24 JUDGE MORRIS: Doctor, you're going to -- maybe I
25 shouldn't even ask this -- but what you're describing is, I

1 see in every hearing. If I issue a ruling that's not
2 favorable to a party, they're irritable and it can escalate.

3 So, can you explain to me what's the differentiation?

4 THE WITNESS: Right. Looking through all of these
5 documents, where she's refused the job, she applies and is
6 refused, she then turns on the person and describes them as
7 not interested in safety and finds fault with them. And
8 you'd say, okay, one time, but it's consistent. So, if a
9 person doesn't get a job, that doesn't -- from my standpoint,
10 there's lots of reason that you didn't get the job, it's not
11 you. And then for you to continue to go after a person --
12 what happened with Captain Albain is really the -- is the
13 prototypic example. She came to the training, she said --
14 according to -- again, this is based on a reasonable degree
15 of medical certainty, I have two reports to her report --
16 that she came, she expressed that she really was not fully
17 ready, and so on. She had the simulator trial. And Captain
18 Albain passed her, but said: "You need extra training," which
19 is exactly what she presented when she came. So, in other
20 words, I gave you -- not only did I pass you, but we're going
21 to give you some supplemental training. She became angry.
22 And she has been angry at this man ever since. She has
23 viewed that he filed false reports. She believes that he
24 changed the switches in the simulator. Now, she didn't see
25 him do it, but the fact that the switches were changed, she

1 says must have been done by him.

2 Years later, she is -- he's going to come into a
3 check ride on a captain -- the check rides are only on the
4 captain, really -- and she tells the captain he's here out to
5 get us. And the report from Captain Albain and the captain,
6 are that she was so volatile they elected not to have her fly
7 while he was there. So, this is a degree of irritability
8 that stretches for years. In other words, that's -- of
9 course, you know, you get -- but I mean here, with your
10 rulings, I think it's very high stakes, and people have
11 invested a great deal -- but in this case she got what she
12 wanted, but it wasn't perfect. She was not told that she was
13 the best, and that was a black mark.

14 There's the issue of she gets a letter in her file,
15 the mildest letter there is -- according to Delta this is the
16 mildest letter -- because she has said to have violated the
17 Media Policy. That she never accepts, even though it,
18 contemporaneously, when she writes her response, she said: "I
19 inadvertently went against the Media Policy." Later she
20 said: "I never did it." And she's angry about that for
21 years.

22 So, this is an order of magnitude or two greater
23 than what I'm talking about.

24 BY MR. BISBEE:

25 Q Judge Morris' question leads me to ask you two

1 quick follow-up questions -- well, I should say two follow-up
2 questions, one is short and one is long. So, I'll start with
3 the shorter one. The shorter one is, obviously, in this case
4 there's been some disagreement about your diagnosis, because
5 we know, for example, Dr. Huff and the Mayo Clinic disagreed.

6 And certainly, Ms. Petitt is expressing disagreement, also.

7 I'm curious, if someone were to think that you did something
8 wrong, in the way that you conducted yourself, you didn't
9 interview someone properly or you didn't ask Ms. Petitt for a
10 certain document, or you reached an improper medical
11 conclusion, would any of that -- was anything that you did,
12 when preparing this report or doing your analysis, was any of
13 it based upon any report of a safety violation by Ms. Petitt
14 in any way?

15 A No. I'm sorry, no.

16 Q When you were going about preparing your report,
17 doing your analysis, what were you basing your decision
18 making upon?

19 A In this -- I was basing -- I told you this -- it's
20 does the person have a medically disqualifying condition?
21 During the interview, she says: "Well, this is about safety."

22 No, it's about do you have a medically disqualifying
23 condition? And a person has a medically disqualifying
24 condition based on the FAA standards, and then it works down
25 from there. And it comes down to symptoms and do they have

1 the symptoms. If they have enough of the symptoms, then all
2 the things fall into place. And if they don't, they don't.

3 Q Then from a 10,000 foot perspective -- no pun
4 intended -- could you explain to us what the symptoms were
5 that caused you to conclude that Ms. Petitt had a medically
6 disqualified condition -- just sort of give us the broad
7 overview of how you reached that conclusion?

8 A Well --

9 Q What were the symptoms you saw, for example?

10 A Well, there are two ways to look at it. There's
11 two -- the micro viewpoint, where I'm totaling up each one.
12 And then the major ones, which were very prominent. One was
13 -- let me talk about the two major ones. Those two major
14 ones were not enough to make the diagnosis, though, you
15 needed everything. The major one was that she, in her essay
16 and in the Kelley Nabors' interview, talked about that she
17 had applied to be an assistant chief pilot in Seattle and had
18 been turned down. I said to her -- so in the midst of the
19 interview, I said to her:

20 "Well, do you think you could have worked with
21 the people there, given your negative
22 feelings about them?"

23 And she said: "Serious, "I could be the CEO of the
24 airline." And he proceeds to describe: "I could be the head
25 of Training. I could do anything at the airline."

1 Now, then I returned to it again, after a
2 discussion, to say: "Okay, you know, tell me more about
3 this?" And she gives more details of how she can do it.
4 This sounds grandiose to me. It sounds grandiose to me. And
5 it's also the word -- earlier in the interview -- earlier --
6 she makes the point that I used the word "worry," when she
7 really was "concerned." So, she's very particular about
8 words. And she was, by the way, absolutely right. I misused
9 the word. She's absolutely right, it was and should have
10 been "concern," and not "worry." But the point is, she's
11 very particular about -- and she said: "Seriously." And if a
12 person says: "Seriously, I can be the CEO of the airline,"
13 that sounds like "I believe it." So, that's one.

14 The second has to do with the idea that to have
15 mania you have to have elevated energy. You have to be able
16 to do -- you have the energy to stay up, you have the energy
17 to engage in activities which are well beyond normal. And
18 the question is what's normal? So, during the interview she
19 talked about that she and her husband decided to have three
20 children under three. Okay. And she also, simultaneously,
21 went to night school and got a 3.7. And she also worked at
22 her husband's business. And I asked her: "Did you get any
23 help?" "No, not really." I don't know any woman who could
24 do that. I don't know any woman with three under three that
25 isn't exhausted, let alone going to school. So, this, to me,

1 was -- oh, I asked her -- and she was nursing -- I asked her
2 -- and she was very upset about this -- I asked: "Did you
3 express the milk," because that's going to take more time.
4 So, basically, she's doing all of this -- I think that's well
5 beyond what any woman I've ever met could do. And she
6 acknowledged that in the transcript. She acknowledges: "I
7 don't recommend that, I don't really know how I did it." It
8 was sort of a puzzle. But she doesn't close the loop and
9 say, there's something unusual about this.

10 So, there are these four elements, back then three
11 under three, going to night school, getting a 3.7, working at
12 her husband's business, some, and no help. I don't think
13 that that's within the normal range of a person's energy.

14 JUDGE MORRIS: Could it equally be just a
15 determination that she's gifted?

16 THE WITNESS: Again, if you -- oh --

17 JUDGE MORRIS: Do you know her IQ, for example?

18 THE WITNESS: Wait. I don't know if IQ matters
19 with three under three. Three under three is exhausting.
20 Nursing means you're up every four hours. No help means no
21 help. In other words, this is a clinical judgment. If you
22 can show me a large cohort of women -- or ever talk to a
23 woman who was able to do that and not be wiped out -- then we
24 have different cultural experiences. That's -- so you base
25 it on because -- what was talked about in the book is exactly

1 the theme -- the pilots are defensive. So, if you're going
2 to make the diagnosis and you just ask them -- you want to
3 just ask them the symptoms, it's easy -- it's "No, no, I
4 don't have it." "Did you -- your speech?" "No." Okay.

5 So, you have to look in the history to see are the
6 symptoms there, manifest, in a way other than the direct
7 examination. And that's what I believe I did. Now, others
8 can have another opinion, that's perfectly legitimate. The
9 data is there, I tried to give all the data based on
10 everything, so that it could be determined. And others found
11 it not convincing. Well, I can accept that, because others
12 have opinions that are not the same as mine.

13 MR. BISBEE: I'm going to move along, Dr. Altman.

14 BY MR. BISBEE:

15 Q One other thing that came up on your cross was the
16 idea that you, I think, used the phrase or prefaced -- "mined
17 for information to support a conclusion," what do you mean by
18 that phrase, "mined"?

19 A Could you just say it again?

20 Q Sure. There was some testimony and some
21 questioning about the phrase: "mined for information."

22 A "Mining."

23 Q Yeah, "mining for information."

24 A In other words -- in other words, asking --
25 continuing after the first -- in other words after the first

1 mine -- whether I've used -- my thinking of what this means
2 is you get the first batch of information and then you look
3 at it and you pursue it. And you pursue it until you can
4 find -- can't find anymore, or until you've come to a
5 conclusion.

6 The example is that she sent Kelley Nabors an
7 e-mail and in the e-mail was an old e-mail that said that she
8 took down -- immediately upon learning that Delta didn't like
9 what she wrote about the Air France crash -- she took down
10 the fact that she was a Delta pilot. And this is exactly
11 what she stressed that she never did, that she never had that
12 on her website. So, this was the contemporaneous -- and
13 that's what I would call: "mining," that you keep looking to
14 find out is this -- is it -- what's happening here -- because
15 it won't be -- if you just ask the superficial question, it's
16 not worth doing, I already know the answer.

17 Q And if there was testimony that you had, for
18 example, "mined" Ms. Petitt's "Ethnographic Study," does that
19 suggest you had a preset conclusion and you were just going
20 to find data that supported it?

21 A I was looking for symptoms, if they were there.

22 Q Were you approaching your role as the CME with an
23 open mind, or did you go in with a preset conclusion you were
24 trying to support?

25 A My view was I just want all the facts, I'll look at

1 it, I'll apply these principles, and then we'll see what the
2 answer is.

3 Q There was some testimony about Complainant's
4 Exhibit 98, which is just -- that's the Table of Contents to
5 the binder or the notebook that Mr. Puckett sent to you. Do
6 you know whether the documents that were contained in that
7 notebook or that binder were also things referenced in Ms.
8 Petitt's January 2016 report?

9 A Would you say that again? I'm sorry.

10 Q Sure.

11 A You mean the first report, the first one?

12 Q Yes. Do you know whether the materials that Mr.
13 Puckett provided to you, in that -- we'll call it a notebook,
14 I think is Mr. Seham's term, and that's fine with me --

15 A Yes.

16 Q -- were those materials things that were referenced
17 in Ms. Petitt's first report, the January 2016 report?

18 A Yes.

19 Q If we could look, briefly, at JX-L, page -- I
20 believe it's 233, if I can read my handwriting correctly. I
21 can, which is good. There was some testimony and some
22 questioning about the section of your report focused on Ms.
23 Petitt's concerns about retaliation for raising safety
24 complaints. Would your analysis have been different or the
25 same, if Ms. Petitt had raised concerns about retaliation for

1 something else entirely, residence in Seattle, Washington,
2 people that wear magenta sport coats, anything else?

3 A Okay. It has to do with the fact that the topic
4 changes, that she's being retaliated for. So, that's the
5 form, not the specific item.

6 Q If you could look, briefly, at JX-L-236 -- I think
7 it actually starts on 234 -- I'm sorry. I just want to make
8 -- it's a little unclear to me, at least. There are some
9 handwritten notes from Dr. Faulkner on pages, I believe, 234,
10 235, 236 and 237. Are those all Dr. Faulkner's notes, in
11 your understanding?

12 A They are.

13 Q And when those were referred to as "contemporaneous
14 notes," does that mean contemporaneous to you preparing this
15 report or contemporaneous to his meeting with Ms. Petitt,
16 preceding your appointment as the CME?

17 A The latter.

18 Q There was some testimony about the incident of Ms.
19 Petitt presenting or offering to present a \$39,000.00 invoice
20 for time that she spent preparing her "Ethnographic Study."
21 Could you just briefly -- because it was a little bit
22 disjointed, because multiple subjects were being covered at
23 once -- could you just explain to us what happened in that
24 incident and how it became part of your report?

25 A Okay. There's a whole section in here, which I

1 give all of the data for everything having to do with the
2 \$39,000.00. I can't find it right now. I'll try it from
3 memory, but it won't be as secure.

4 Captain Graham --

5 Q I believe it may be on page 212, Dr. Altman?

6 A Okay. Ah, there it is. "Focusing on Invoice and
7 Bill Issue."

8 Q Am I correct in understanding that following Ms.
9 Petitt's presentation to Captain Graham, and other safety
10 leaders, she handed him or tried to hand him an envelope and
11 said there was an invoice for time she spent preparing it, as
12 if she was a consulting service?

13 A It's close.

14 Q Then tell me --

15 A It's close.

16 Q Yeah, can you describe it for us?

17 A Why don't we use what he said, because the document
18 -- the strength of documents is like by the time it goes
19 through 15 hands it ends up being sort of muddled.

20 "When Karlene handed me the document,
21 it had an envelope with it that she said
22 contained a bill for her services as a
23 consultant."

24 She said:

25 "I could just pay the bill to give

1 Delta pay for her work. I immediately
2 clarified that I did not hire her as a
3 consultant and she brought it in as a
4 Delta pilot who had concerns about safety
5 within Flight Operations, and comparable
6 between Flight Operations and Delta
7 Corporate. I was very specific her
8 presentation today was as a Delta pilot."
9 Okay. So, this is the bill. She doesn't -- he
10 refuses to accept the bill, okay. Then --

11 Q And Dr. Faulkner's contemporaneous notes here, on
12 page 213, what do they indicate?

13 A They indicate --

14 Q I'm interested in the second bullet point, in
15 particular?

16 A Second bullet: "Met with Jim Graham and advised."

17 "She met with Jim Graham and advised
18 -- handed him an invoice for the work,
19 for 300 plus hours, and cost \$39,000.00
20 for her expense."

21 Q And that's what Ms. Petitt told Dr. Faulkner?

22 A Yes. And that's what Dr. Faulkner told me she told
23 him, and he said that he wrote this while she was telling
24 him.

25 Q And so continue?

1 attachment, which was in that envelope.'" "

2 And here's the attachment:

3 "Jim, thank you for allowing me to
4 present to your team, despite the
5 retaliation on the other end. I am
6 hopeful that change will be underway.
7 Sincerely, Karlene. 4/27/16."

8 So, now she's saying she -- this is what was in the
9 envelope. She's telling Dr. Faulkner there's a bill for
10 \$39,000.00. It's like -- so I raised this in our interview
11 and at the first interview she doesn't want -- he doesn't
12 want knowledge. And then in the second interview, which is
13 the interview where I'm going over these different areas,
14 which just don't fit together, she says: "Okay. So, I said
15 he called me." And this was the next day we had this
16 conversation, okay:

17 "First Officer Petitt: What was the
18 first page of this?"

19 I said: "On that part, this is the
20 part of the invoice."

21 Okay. Quote:

22 "Met with Jim Graham about handing him
23 an invoice for work of 300 hours and cost
24 \$39,000.00 for the experience attendance,
25 that's what I'm trying to do."

1 She said: "I didn't."

2 "Did you tell him it was 39?"

3 "I don't remember actually telling him that,
4 because actually, I don't know how many hours, probably I
5 spent 150 hours. What did he put there?

6 "Three hundred hours."

7 "Three hundred, yeah."

8 Q And how did all of this factual background play
9 into your ultimate conclusion?

10 A My ultimate conclusion is that if a person has
11 mania, their view of what's happened and what's happening is
12 colored by their mood. So, the story will change as their
13 mood changes. So, for her to have, at one point -- so
14 there's no stability in what the history is, it changes, and
15 that's what I said the 10 examples, the 10 examples of where
16 it's one thing and then it changes. And either one would
17 have been fine, it's not that one is bad. It's this
18 instability that leads to -- in somebody who is unstable in
19 what they're reporting, that's a cause of concern. That has
20 a medical risk attached to it. Because the history you're
21 getting now will be different the next time, you can't be
22 sure what's going to happen.

23 So, the view is mood controls the story. And moods
24 are fluctuating.

25 Q The final thing I wanted to ask you about, you had

1 asked to provide some discussion of paleologic thinking, and
2 I think Mr. Seham turned down your invitation. Could you
3 just briefly let us know what the term "paleologic" thinking
4 refers to, and how that's relevant in this report?

5 A Okay. So, on page 60, again, you have a -- whether
6 or not this becomes important diagnostically, because if the
7 person has a thought disorder, a thinkingness (sic) disorder,
8 then that causes it to be mania versus hypo-mania. So --

9 Q What does the term "paleologic thinking" refer to?

10 A Okay. So, paleologic thinking is the idea that you
11 have -- you're using a form of more primitive thinking.
12 Normal Aristotelian thinking is a major premise, a minor
13 premise within it, and then a conclusion. So, it would be
14 this room has wall-to-wall carpeting. We're in this room.
15 We're in a room with wall-to-wall carpeting. Major premise,
16 minor premise, conclusion.

17 Paleologic thinking says, if one element of the two
18 premises are -- if there's one element that connects the two
19 premises, well then both premises are true. An example is
20 that I -- there's the ARC report -- okay -- let me back it
21 up. She stated that cognitive testing --

22 Q She being Ms. Petitt? She's Ms. Petitt?

23 A I'm sorry. First Officer Petitt said that
24 cognitive testing is -- that the FAA has determined that
25 cognitive testing has no value in the assessment of pilots.

1 That was her statement. And that that decision came out of a
2 committee, which I was part of, at the FAA. So, I said to
3 her, that's not correct. That committee was talking about
4 cognitive testing in screening and have questionnaires for
5 the AME to do, not something like this, a major assessment.
6 She said, no, I'm wrong. So, what you have is a belief
7 that's fixed, in other words I'm raising -- I put on the
8 report -- the report of the -- the report right out of the
9 ARC report, which says exactly what I said, it's not. So,
10 she has one idea -- it's true that for -- the determination
11 was for the AME, no form of forms or cognitive testing is
12 really going to be worthwhile. But that doesn't mean it's
13 for everybody under all circumstances. But that's what she
14 believed.

15 Q And does your --

16 A Well, wait -- so that's paleologic thought where
17 you think, okay, this one thing determines everything.
18 There's examples in her reports where one captain says that
19 people are not able to -- that pilots don't feel confident in
20 flying the plane. That's it, that's the data, one person.
21 Well, if one person says it, then that's -- and then she
22 moves on to the next point. That's not normal logic. You'd
23 have to base -- an assertion like that would have to be based
24 on something much bigger.

25 Q Do your conclusions about paleologic thinking

1 depend, in any way, on the subject matter of the
2 communication?

3 A (No verbal response.)

4 Q In other words, does it matter if its paleologic
5 thinking about safety or about baseball or about farm
6 equipment --

7 A It's -- I can show you where it's --

8 Q -- don't ask me why I'm picking those examples?

9 A -- in different places, not having anything to do
10 with safety or, tangentially, it has to do with using one
11 item to make a conclusion. There's -- I mean I could give
12 you more examples, if you want them.

13 Q So, just as a final question, if safety was never
14 mentioned a single time in this report, would you have
15 reached the same conclusions?

16 A If safety --

17 Q If Ms. Petitt's communications are about something
18 else, same communication form existed, but the subject matter
19 was different, would your results have been the same?

20 A Yes.

21 MR. ROSENSTEIN: No further questions.

22 JUDGE MORRIS: Recross?

23 MR. SEHAM: Yes. Just on a couple of topic areas,
24 but don't hold me to the number of questions.

25 REXCROSS-EXAMINATION

1 BY MR. SEHAM:

2 Q Did you say an example of her paleological --

3 A -- thinking.

4 Q -- thinking -- thank you -- was that she only had
5 one example of a pilot not feeling competent to fly?

6 A In the report, there's a place at which a single
7 person's comment is used as proof of an assumption.

8 Q But didn't, in her safety report -- you have no
9 recollection that she was providing multiple examples of
10 pilots feeling uncomfortable in flight operations -- you
11 don't recall that?

12 A There are multiple -- there are different places --
13 you have a good point -- you have a good point.

14 Q Okay.

15 A Okay.

16 Q Now, if you could turn to CX-98 -- and I think you
17 gave some testimony about --

18 MR. BISBEE: Just one moment. I'm sorry. I've got
19 to get there. I'm looking for CX-98.

20 MR. SEHAM: Oh, sure. I'm sorry. I'm sorry. I
21 thought you were asking for a bathroom break.

22 MR. BISBEE: No, no. It's my fault. I'm not
23 objecting or anything else, just trying to find the answers.

24 MR. SEHAM: No, no, no, take your time.

25 THE WITNESS: Okay. I'm ready.

1 MR. SEHAM: I'm waiting for counsel. I'll be
2 ready, as well.

3 MR. BISBEE: Yeah, it's mean, I've got to find the
4 right binder, I apologize.

5 Thank you. Go right ahead.

6 BY MR. SEHAM:

7 Q Well, actually keep that open.

8 A Okay.

9 Q Just keep it open -- and maybe we can do this from
10 recollection and make it go a little more quickly, but you
11 received Ms. Pettitt's January 29th, 2016, Safety Culture
12 report, you received that on or about March 15th, 2016,
13 correct?

14 A Okay. Yes.

15 Q Yes?

16 A I'll go with before, let's say before.

17 Q Right. And you received the entire 45-page report,
18 at that time?

19 A Yes.

20 Q Okay. And when you received this in '98, this
21 binder --

22 A 98?

23 JUDGE MORRIS: CX-98.

24 BY MR. SEHAM:

25 Q CX-98.

1 A I'm sorry.

2 Q Excuse me. And I'm referring to this Table of
3 Contents as a reference for the binder --

4 A Right.

5 Q -- but that binder had several hundred pages of
6 documents, correct?

7 A Yes.

8 Q Okay. So, it wasn't just the January 28th, 2016,
9 report?

10 A Yes.

11 Q Okay. And you agree with that?

12 A Yes, definitely.

13 Q Okay. And it included multiple documents that were
14 not even referenced in the January 29th, 2016, report,
15 correct?

16 MR. BISBEE: Objection, foundation.

17 JUDGE MORRIS: Overruled.

18 THE WITNESS: If you could just please repeat it?
19 I'm sorry. In other words, you're asking whether there were
20 documents that didn't -- were not referenced in her first
21 document. Is that what I (sic) mean?

22 MR. SEHAM: Yeah, well, let me try another.

23 BY MR. SEHAM:

24 Q I thought I heard you testify, on redirect, that
25 everything in this binder pertained to her January 29th,

1 2016, report?

2 A No. If I did, I mis-spoke.

3 Q Okay.

4 A I'm sorry. In other words, that elements of this
5 binder -- remember, I asked for -- okay -- we go way back to
6 the beginning where I say they mentioned there were memory
7 issues.

8 Q Correct.

9 A Where there's incidents where she seems to
10 understand something, and then comes back and it doesn't
11 appear that she understood it. And there's confusion about
12 that. That's definitely in here. So, that didn't have -- so
13 there were times when things in her essay were mentioned
14 about this, that's true. And you know, I never really worked
15 at trying to tease that every -- I never went back and said
16 each document and each e-mail was in the other one. If I
17 gave that impression, I'm sorry, it's incorrect.

18 Q No, that's all right. And Tab M, is that a
19 reference to the "Ethnographic" report of April 2016?

20 A Yes.

21 Q Okay. And if you could go back to your -- the
22 expert witness -- JX-L, your examination report, and look at
23 pages 231 and 232?

24 A 231?

25 Q And 232?

1 A Okay. Just a second.

2 Q Yeah, sure.

3 A I'll be right there. 231.

4 Q And 232.

5 A Okay.

6 Q Now, you know one is an e-mail of March 5th,
7 another -- to Ed Bastian -- and the next page is a cover note
8 on her "Ethnographic Study," to Mr. Bastian. Were those
9 included under the Tab G: "Communications From FO Petitt
10 Directly to Delta CEOs, Richard Anderson and Ed Bastian"?

11 MR. BISBEE: Objection, foundation. Again, these
12 documents were chosen not to be put into the record by the
13 Complainant. Then we put in the Table of Contents. And so I
14 think not having the documents means there's now foundation
15 to some of these questions.

16 MR. SEHAM: I'm not going to get excited about it,
17 but I'm only asking these questions, because on redirect he
18 asked him what was in this.

19 JUDGE MORRIS: You opened the door. It's
20 overruled.

21 BY MR. SEHAM:

22 Q To the best of your recollection, were those
23 Bastian communications included under Tab G of the binder?

24 A I don't remember.

25 Q You don't remember?

1 Q Is your primary clients in this realm that for the
2 company or for the pilots, who refers -- do the pilots refer
3 themselves or does the company refer them to you?

4 A And the union refers.

5 Q Or the union?

6 A All three.

7 Q All three.

8 A Oh, and the FAA refers.

9 Q Okay. How many pilots have you evaluated, as I
10 understand, since 1983, ballpark?

11 A Well, it's about -- probably starting in about
12 1988, two or three a month -- two or three to four a month.

13 Q And of those per month, how many were non-drug and
14 alcohol related?

15 A This is -- first of all, I have a low level of
16 certainty of the answer I'm going to give you, but it's about
17 20 percent.

18 Q Okay. And how many times have you diagnosed a
19 pilot with a bipolar disorder?

20 A I would guess four.

21 Q Four times?

22 A Four or more -- at least four.

23 Q Okay. And how many, of those four times, was a
24 result of conduct that occurred outside the cockpit as
25 opposed to inside the cockpit?

1 A None of them were in the cockpit.

2 Q So, none of their behavior --

3 A In other words -- well, let me try this -- the
4 impetus -- the referral -- the reason -- the sources of the
5 referral was always outside.

6 Q Was always outside?

7 A Right. Then you could find things that were off,
8 but not -- it wasn't --

9 Q What I mean is, were any of these -- in these four
10 cases -- were any of these related to their performance while
11 acting as a pilot in a cockpit? In other words, there was
12 something odd that was going on in the cockpit?

13 A Well, later we found that out. But I mean later,
14 when you went back and got the data, there were suggestions
15 of trouble, but it was not -- it didn't reach the level of
16 where that was the source of the referral. Rather, it as
17 something bizarre that was occurring outside that alerted
18 people.

19 Q During the telephone, the initial telephone
20 conversation that you had back in March of 2016, with, I
21 believe that you said it was Chris Puckett and --

22 A Yes. Well, there's the initial one that's saying
23 we're going to set up an appointment.

24 Q Okay.

25 A Then there's the second one in which there are two

1 attorneys.

2 Q What happened or what was stated during that call
3 that caused you to believe the psychiatric evaluation was
4 warranted?

5 A The real difficulty is this is so long ago, I can't
6 really retrieve all of it. That she -- they basically --
7 there's the quote from the report about her belief that
8 people -- that Delta is, you know, there are people at Delta
9 that are going to harm her, and that she's given all of her
10 information to her mother, so that that won't -- so if
11 something happens to her, her husband wouldn't be able to
12 handle it and, therefore, she would need -- that the
13 information would get out to the media about how Delta
14 doesn't care about safety.

15 Q Okay.

16 A That's the big headline. But then, as they started
17 to read me more -- we read more parts of that about how she
18 -- her thinking hopped from one thing to another, and those
19 kind of things -- I'm hearing more symptoms. And so it's
20 like, no, this is -- you just can't ignore this.

21 Q If you want to refer to RX-57, but I noticed it in
22 subsequent -- I noticed both you and Dr. Faulkner's e-mail
23 addresses are "Hushmail.com." Why "Hushmail," what is this?

24 A Okay. I got this from the psychologists. The --
25 you want to send encrypted mail. You don't want to send

1 information -- well, if you put something on the internet,
2 you might as well just publish it. So, this is encrypted
3 mail. So, it's one of the encryption -- it was one of the
4 earlier encryption services, now there are a whole bunch of
5 them. And so the psychologist told me -- see, formally, when
6 I would be dealing with the psychologist, you have to wait
7 for the Fed Ex to come back and forth, and they said, no, no,
8 no, use Hushmail, I'll show you how to do it. And it really
9 -- it speeds up the process, because you can just send it
10 back and forth right away. But it's encrypted mail, that's
11 what Hushmail is.

12 Q You testified that the way you proceeded in this
13 case was the standard approach. Is it standard for your
14 psychiatric reports to be 300 plus pages?

15 A My reports can be very long. There was a point at
16 which I went to visit the AMAS headquarters -- and this was
17 before everything got digitalized -- and they had all the
18 reports in vertical files, and long things. And I said --
19 that's mine, that's mine, that's mine -- I could tell mine,
20 because mine were that thick. To me, it's a deficiency in
21 psychiatric reporting not to provide the details, because you
22 can never get it back. The next person that looks at it
23 can't figure out what were the nos and what were the yeses.
24 Wherein, in psychological testing, if you ever get the
25 psychological testing, they have an enormous file of raw

1 data. So, I decided that I was going to go the way of the
2 psychologist, as much as I could.

3 Q So, in layman's terms, thicker is better?

4 A No. Well, sometimes less is more, too. I mean --
5 in other words -- do you provide the data so that you could
6 later say what did the person say? Because in psychiatry
7 it's all about what they said. And so how do you do that?
8 Well, you record it and then you get a transcript. And then
9 you can look at it. I have believed that a person has said
10 something, I have it in my little notes, and gone back and
11 found out, no, I got it wrong. So, after that I really felt
12 that having an audio file and transcribing it and reading it,
13 again, and working it out, was better for everyone. Because
14 these decisions are very important.

15 Q Did you consider, in your analysis, what literature
16 -- what the literature says about when bipolar manifests
17 itself age-wise?

18 A Right. In other words, so when she had -- when she
19 described, at 21, having all of this energy, she was early,
20 it's usually later.

21 Q Okay.

22 A But it does happen. I mean --

23 Q Does bipolar manifest itself as adolescence?

24 A Oh, it can be in childhood. I mean -- I'll say
25 something about psychiatry. Once a diagnosis is made and

1 everybody agrees on it, it tends to expand. So, in other
2 words, originally attention deficit disorder was a very rare
3 thing, now it's not rare at all. So, you have an expansion.

4 But childhood bipolar now is -- that exists, and so on.
5 Before, when it was first -- it was an adult problem.

6 Q The manifestation of bipolar, does it make a
7 difference, depending on one's gender?

8 A Not in my experience. I mean the symptoms are the
9 same.

10 Q Okay. Let me see if I --

11 A And the --

12 Q Let's see what I'm trying to reference in my notes
13 here. Would you agree that various colloquialisms can be
14 interpreted different ways by different people?

15 A Oh, absolutely.

16 Q For example, if I have a target on my back, that,
17 to one entity, that could mean literally someone is going to
18 shoot at me and, on another occasion, it could also mean that
19 someone is, quote/unquote: "gunning for me in the world of
20 business," to take me out, whether it's a job or something of
21 that nature. Do you recognize that as -- that there could be
22 a mis-communication that way?

23 A Yes. Yes. And in fact, that's actually one of the
24 reasons that in psychological testing they'll give proverbs,
25 because a person will say: "What does the proverb: People in

1 glass houses shouldn't throw stones," and they'll give you,
2 "Well, they don't want the glass to break." That would be
3 the concrete versus the abstract.

4 Q You administered an MMPI, correct?

5 A No.

6 Q You did not administer --

7 A No, no. She -- it was administered by the neuro --

8 Q Doctor, did you interpret the MMPI?

9 A No. She interpreted it.

10 Q Would you agree that if a person acquires their
11 doctoral dissertation in a specific area, they would normally
12 be considered a subject matter expert in that area?

13 A That's a good question. In general, I would agree
14 that that's a mark of new knowledge and so on. I mean there
15 are online schools where I'm not so sure, you know, where
16 they grant degrees. But from a reputable school, yes, I
17 would say yeah.

18 Q Did you consider -- you looked at what happened
19 back in 2011, with this incident with the Hawaii party and
20 the quote/unquote "lack of protocol," of not going up through
21 the chain of command, as an incident. And then you looked at
22 the interaction with the CEO in 2015, I believe it was 2015,
23 four years later. Did you, at all, consider or ask whether
24 or not there had been -- I mean you obviously know that there
25 had been a change of CEOs -- but had you also asked or

1 considered whether or not there had been changes in policy,
2 as far as access or the concept of chain of command?

3 A No, I did not.

4 Q Did you interview anyone in this case, other than
5 Ms. Petitt?

6 A No.

7 Q Prior to the March 17th telephone call, did you
8 receive any other documents other than what's in CX -- I
9 believe it's CX-3?

10 A With her first presentation and the Kelley Nabors
11 report.

12 Q Yes.

13 A Yes. I'm sorry. I didn't receive any other
14 documents.

15 MR. BISBEE: Well, Your Honor, if I may? What he
16 just testified to is actually different than what's just in
17 CX-3, though.

18 JUDGE MORRIS: Okay.

19 MR. BISBEE: So, it creates a little bit of a
20 disconnect.

21 BY JUDGE MORRIS:

22 Q So, say again what you had?

23 A Okay. In other words, before I received -- what
24 are the documents I received from Delta? I received her
25 first presentation and Kelley Nabors' report.

1 Q Okay.

2 A Then, when we had the -- they come and they give
3 the binder, then there's a large number of additional
4 documents.

5 Q Okay. I'm following you. You also testified that
6 you had a meeting with, I believe it was, Captain Davis and
7 another individual -- I forget who it was -- in Chicago.

8 A This is the meeting where the binder is discussed.

9 Q Where the binder is discussed.

10 A They fly in -- not Memorial Day -- they offered for
11 me to see them on Memorial Day and I said no -- but after
12 that, the Tuesday after that. And the meeting started at
13 8:00 o'clock a.m. and I think it ended about 6:00 o'clock
14 p.m., something, it was a long day.

15 Q So, again, the company thought it was so complex
16 that they had to send two people to come talk to you about
17 this. So, besides the documents, what did they tell you?

18 A Wow. They took me through the documents, because
19 they had to explain to me this -- about -- it begins --
20 there's this issue about what's called the "Trip Buy." So,
21 and I'll just do the arc of this took a long time for them to
22 try to -- how people do trip buys, which basically is that
23 the company agrees to pay somebody -- to pay another -- in
24 this case another first officer to not work, so you can fly
25 and get those hours. So --

1 Q Well, wait a minute. How does any of that, at all,
2 relate to the issue you were told, at the time, was this
3 threat that she felt she was being subjected to by Delta?

4 A It doesn't. It has to do with the memory issue.
5 That was -- in other words, it appears that she understands
6 something, then later it comes back changed. That's what it
7 has to do with. In other words, this inconsistency of --

8 Q So, what they were telling you had really nothing
9 to do with Ms. Nabors' memo?

10 A Well, no I didn't mean -- I'm saying that trip --
11 in other words, you -- that which I'm talking about doesn't
12 have anything to do with her, except I'm trying now to
13 remember Kelley Nabors' report, because it may have mentioned
14 this whole trip buy thing in it. I think it did. So, the
15 issue with the trip buy and so on, and Albain's, Captain
16 Albain's testing, giving her that extra training, all of that
17 continues to reappear in the documents.

18 Q At this meeting, did you take any notes about what
19 they told you?

20 A I wrote them in the binder. And then that got sent
21 to you -- in other words --

22 Q It didn't get sent to me, but that's okay.

23 A Sorry. In other words, when, you know, so those
24 notes are -- anyway -- yes.

25 Q Okay.

1 A In other words, as they were telling me things, I
2 wrote things on the margins, trying to say, okay, this means
3 this and so on.

4 Q What did you use to prepare for your testimony
5 today? What did you look at to prepare?

6 A Oh, here, I've got --

7 Q I don't want to see it. I just want you to tell me
8 what you looked at?

9 A Okay. What I did is I printed out my -- see,
10 what's interesting is the way that this is viewed as my
11 report. I don't think of it as that. I printed out the
12 initial section, I printed out her two essays, I printed out
13 the -- I don't know -- about the "News Max" videos, where she
14 is interviewed with a forensic psychiatrist after the
15 Germanwings, so I printed those out. I printed out all --
16 the three -- interviews that I had with her. I printed out
17 my progress notes afterwards. In other words, I started to
18 allude to the other elements that happened later, I printed
19 out all of the e-mails between myself, her, the Mayo Clinic
20 and so on, so I would have -- be able to respond to that.

21 Let's see, what else did I do? I printed out the
22 -- I wrote down the dates and the spelling of people's names,
23 so that I'd be able to respond to questions, in other words.

24 There's been all the questions about what was the date of
25 that meeting, what was the date, for example, where I got the

1 binder -- I got that written down on that yellow pad, so that
2 I'd be able to just look at it and be able to give you the
3 correct date. And in fact, I was so confident I had it, I
4 didn't bother to memorize it. So, that was what happened.
5 So, I didn't -- so when you ask -- when I was asked -- I
6 don't know, because I had prepared that sort of for myself.
7 I didn't realize I would need to know it spontaneously.

8 Q Okay.

9 JUDGE MORRIS: Questions based on mine?

10 MR. BISBEE: Nothing, Your Honor.

11 MR. SEHAM: No, Your Honor.

12 JUDGE MORRIS: All right. Thank you, Doctor, you
13 are excused. Please, do not discuss your testimony with
14 anyone until the end of this hearing, which hopefully will be
15 by Friday. I won't make any promises. Or you can stay and
16 watch the rest of the proceedings, it's up to you.

17 THE WITNESS: Well, thank you very much.

18 (Witness excused.)

19 JUDGE MORRIS: Do you want to take a break before
20 we go to the next witness?

21 MR. ROSENSTEIN: Your Honor, what's the end time
22 for today?

23 JUDGE MORRIS: Well, 5:00 o'clock p.m., if we can.

24 MR. ROSENSTEIN: Well, so it's 4:20 o'clock p.m.
25 If we resume again at 4:30 o'clock p.m., we'll have -- the

1 next witness or the witness on the stand is Complainant for
2 cross, I think at this point.

3 MR. SEHAM: I'm sorry, I didn't hear that last --

4 MR. ROSENSTEIN: Complainant for cross, I think is
5 the witness, right?

6 MR. SEHAM: Correct.

7 MR. ROSENSTEIN: So, the question is, do we do a
8 half hour of cross and then resume in the morning? Do we --
9 and I'm not suggesting this, but it's an option to end early
10 and not start the cross, so it's not truncated. Or so we put
11 off Complainant's cross further and call other Respondent
12 witnesses who have traveled here and get them accomplished in
13 the same way that we did with Dr. Altman. And again, I'm not
14 sure what Respondent's (sic) position is on any of those
15 three, I'm just positing it as options for the room.

16 JUDGE MORRIS: All right. What we're going do is
17 -- because this is procedural stuff and doesn't need to be on
18 the record -- we're going to go off the record for at least
19 five minutes. Counsel, stay and we'll talk about that. So,
20 anybody else can go and get their comfort break, all right.

21 We're off the record.

22 (Whereupon, the proceedings adjourned at 4:22
23 o'clock p.m.)

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REPORTER'S CERTIFICATE

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TITLE: Petitt vs. DELTA AIR LINES, INC.,
CASE NUMBER: 2018-AIR-00041
OWCP NUMBER: n/a
DATE: March 27, 2019
LOCATION: Des Moines, WA

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