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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

KARLENE PETITT,)
)
Plaintiff,)
)
VS.) No. 2018-AIR-00041
)
DELTA AIR LINES, INC.,)
)
Defendant.)

DEPOSITION
OF
STEPHEN DICKSON

OCTOBER 31, 2018

STIPULATIONS

The deposition of Stephen Dickson is taken on this, the 31st day of October, 2018, on behalf of the Complainant, pursuant to notice and consent of counsel, beginning at approximately 9:05 a.m. in the offices of Esquire Deposition Solutions, 101 Marietta Street, 2700 Centennial Tower. Atlanta, Georgia 30303.

The signature of the witness was reserved.

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E X A M I N A T I O N I N D E X

STEPHEN DICKSON, EXAMINATION BY MR. SEHAM	5
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E X H I B I T S

Exhibit No. 1	Responses to Interrogatories	49
Exhibit No. 2	Letter Dated 3-17-16	59
Exhibit No. 3	Assessment of Safety Culture	88
Exhibit No. 4	Email Chain	98

1 STEPHEN DICKSON,
2 having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. SEHAM:

6 Q Good morning. My name is Lee Seham. I'm
7 with the law firm of Seham, Meltz & Petersen. And
8 we represent Karlene Petitt in this matter.

9 Today I'm going to ask you questions
10 which you will be responding to under oath
11 concerning her AIR21 action against Delta Air Lines.
12 Do you understand that?

13 A Yes.

14 Q And by the way, I'm going to ask you a
15 series of introductory questions just to make sure
16 that you are prepared -- that you understand the
17 process you are going through.

18 Now, if you do not understand any of
19 my questions, please let me know so that I can
20 rephrase or repeat the question for you. Do you
21 understand?

22 A Yes.

23 Q Do you understand that the deposition
24 today is going to be transcribed by the court
25 reporter and that everything you say here today will

1 be recorded?

2 A Yes.

3 Q And please speak slowly and clearly so
4 that the court reporter can take down what you say.
5 Do you understand?

6 A Yes.

7 Q And you understand that your testimony
8 today is given under oath as if you were in a court
9 of law?

10 A I do.

11 Q All of your answers to my questions must
12 be given verbally. You cannot respond by nodding
13 your head or shrugging your shoulders since the
14 court reporter can't take down nonverbal answers.
15 Do you understand that?

16 A I do.

17 Q And one of the purposes of this deposition
18 is for our side to determine your knowledge of
19 certain facts and events. Do you understand that?

20 A Yes.

21 Q And if you subsequently testify in a
22 different manner before the court or tribunal, we
23 will use this deposition to impeach your testimony.
24 Do you understand that?

25 A Yes.

1 MR. BISBEE: Objection. And wait just a
2 moment before answering just in case I have an
3 objection. Thank you.

4 BY MR. SEHAM:

5 Q And if you don't know an answer to a
6 question, you should say that you do not know. I do
7 not expect you to guess or speculate. Do you
8 understand?

9 A Yes, I do.

10 Q Have you ever testified in court before?

11 A No.

12 Q Have you ever testified in an arbitration?

13 A Yes.

14 Q How many times have you testified in an
15 arbitration?

16 A I don't know for sure. A handful.

17 Q Fewer than ten?

18 A Yes.

19 Q Do you recall if there have been any
20 credibility assessments of your testimony by
21 arbitrators that were negative?

22 MR. BISBEE: Objection. Vague. Calls for
23 a legal conclusion.

24 THE WITNESS: I have no knowledge of that.

25

1 BY MR. SEHAM:

2 Q You don't read the arbitration decisions
3 at issue after you have participated in the
4 arbitration process?

5 MR. BISBEE: Objection. Overbroad.

6 THE WITNESS: Yes.

7 BY MR. SEHAM:

8 Q You do read them?

9 A Yes.

10 Q Have you ever been a party in a
11 litigation?

12 A No. No. Other than as an employee of
13 Delta Air Lines.

14 Q What litigation was that?

15 A Well, we had a case with a vendor, a
16 flight deck vendor, Innovative Solutions and
17 Support, a few years ago that was doing some -- that
18 had entered into a contract with Delta to modify MBA
19 cockpits. And I have also -- I'm also divorced as
20 well.

21 Q Was there litigation related to that?

22 A No.

23 Q Have you ever declared bankruptcy?

24 A No.

25 Q Do you understand that you have been sworn

1 to tell the truth and that, if you fail to tell the
2 truth, there could be adverse consequences?

3 A Yes.

4 Q Are you taking any medication or other
5 drugs that might impair your ability to testify
6 today?

7 A No.

8 Q Are you suffering from any kind of illness
9 that might affect your ability to testify today?

10 A No, I am not.

11 Q Are you currently under the care of any
12 type of medical doctor?

13 A No.

14 Q Do you understand everything that I have
15 said up until now?

16 A Yes.

17 Q Have you ever been treated for a mental
18 health issue?

19 A No.

20 Q Have you ever lost your temper at work?

21 MR. BISBEE: Objection.

22 THE WITNESS: No.

23 BY MR. SEHAM:

24 Q Ever yell at anyone at work?

25 A No.

1 Q Have you ever addressed a co-worker with
2 profanity?

3 A On occasion.

4 Q Can you recall any of those instances?

5 A No. Not specifically.

6 Q Have you ever cried at work?

7 A No. Well, I will rephrase that. I did --
8 I was emotional when I announced my retirement.

9 Q Are you familiar -- or have you heard of
10 the AIR21 statute?

11 A Yes.

12 Q What do you understand the AIR21 statute
13 to provide?

14 MR. BISBEE: Objection. Calls for legal
15 testimony.

16 THE WITNESS: I am not -- I'm not
17 intimately familiar with the statute. I know
18 that it is -- in general, it protects anyone
19 who is raising concerns from a whistleblower
20 standpoint.

21 BY MR. SEHAM:

22 Q And how long have you had that knowledge
23 that you just described?

24 A Ten years.

25 Q Could you state your current legal name.

1 A Stephen Marshal Dickson. Stephen with a
2 P-H.

3 Q Have you ever been known by any other
4 names?

5 A Only my nickname Steve.

6 Q And have you -- strike that.

7 Did you review any documents to
8 prepare for your deposition today?

9 A Yes. With counsel.

10 Q What documents did you review?

11 A Ms. Petitt's initial -- initial complaint,
12 cursory review of some of the documents associated
13 with this case.

14 I can't -- you know, there were a
15 number of them in the last couple of days with
16 counsel.

17 Q When you say Ms. Petitt's initial
18 complaint, are you referring to her AIR21 complaint?

19 A Yes.

20 Q And cursory -- you can't recall any of the
21 other documents that you --

22 A There were probably 10 or 15 documents.

23 Q My question is: Can you recall any of
24 them?

25 A Let me think.

1 Q Let me intercede and ask: When did you
2 review these documents with counsel?

3 A On Monday.

4 MR. BISBEE: Mr. Seham is not asking -- if
5 there is ever a time when an answer would call
6 for communications between you and counsel, I'm
7 going to instruct you not to answer because
8 those would be privileged.

9 THE WITNESS: Okay.

10 MR. BISBEE: I know that Mr. Seham is not
11 going to try to ask for that but just in case
12 it were to come up.

13 BY MR. SEHAM:

14 Q So can you recall any of these 10 or 15
15 documents that you -- when you say -- excuse me.

16 When you say Monday, you mean two
17 days ago?

18 A Yes.

19 Q Okay. Can you remember any of these 10 or
20 15 documents?

21 A There was Delta's response to the initial
22 complaint. There was the OSHA -- initial OSHA
23 ruling. And then there had been some additional --
24 I think, as part of this proceeding, some additional
25 protected activity that had been outlined. I also

1 went back -- the report that Karlene went over with
2 Captain Graham and myself.

3 Q Written safety report?

4 A Yes. Yes. Again, not in great detail but
5 just sort of -- I looked at the outline and other
6 documents to refresh my memory in terms of timeline
7 of how things occurred.

8 Q When you met with counsel, who else was
9 there?

10 A It was -- it was Mr. Bisbee, and
11 Mr. Rosenstein was on the phone.

12 Q Okay. Just the three --

13 A And also Kelley Jestina from Delta as well
14 was part of the meeting.

15 Q Kelley?

16 A Jestina from our legal department.

17 Q Did you talk to anyone else -- outside of
18 the meeting to which you just referred, did you talk
19 to anyone else about your deposition?

20 A No.

21 Q Am I correct in understanding that you
22 just recently retired?

23 A Yes. October 1st.

24 Q What was the position you held prior to
25 your retirement?

1 A Senior vice president of flight operations
2 at Delta Air Lines.

3 Q Senior vice president of --

4 A Flight operations.

5 Q -- flight operations.

6 All right. So in terms of -- well,
7 before I go into the hierarchy, could you give us
8 your career background in terms of your flight
9 experience?

10 A Of course. I started -- I graduated from
11 the United States Air Force Academy in 1979 and
12 spent the next 11 and a half years as an Air Force
13 pilot, T-38 instructor, flight examiner.

14 Q I am sorry. T-38 instructor?

15 A Yes. Instructor and flight examiner.

16 Q Okay.

17 A And then F-15, eventually qualifying as an
18 instructor and a flight examiner as well. And in
19 late 1990, I resigned from the Air Force,
20 interviewed with Delta, and began new hire training
21 as a 727 flight engineer in February of 1991.

22 Q Okay.

23 A And then flew the line as a 727 pilot,
24 first flight engineer and then first officer.

25 And in 1999, I was asked to take a

1 role in flight operations initially as the executive
2 assistant for the director of flight operations. I
3 continued to fly throughout.

4 I qualified as a 767 first officer in
5 January of 2002 and a 737 captain in 2004, a 757/767
6 captain in 2005, and an A320 captain -- I believe it
7 was 2013. But it was right around 2013, 2014.

8 That was my flying career.

9 Q How many -- so you never made it to
10 captain on the 727?

11 A No. I qualified on the 757/767, and my
12 first captain position was the 737.

13 Q How many total flight hours did you have
14 on the 767?

15 A I think -- I don't recall for sure. I
16 think about 1,200. I would have to go back and
17 look.

18 Q How many total flight hours on the 737?

19 A 600 or thereabouts.

20 Q And how many total hours on the 757,
21 slash, 67?

22 A I'm sorry. I thought you already asked me
23 that one.

24 Q I asked about the 737 and --

25 MR. BISBEE: You first asked the 767.

1 THE WITNESS: Yeah, which would include
2 the 757.

3 BY MR. SEHAM:

4 Q Oh, pardon me. Pardon me.

5 The way you described -- you know, I
6 see. You just moved up -- you described in 2002 you
7 got on the 767.

8 A Yes.

9 Q And then, when you talked about 2005, I
10 heard you say 757. But if you say 1,200 hours on
11 the 767, is that 1,200 hours total for the 757 and
12 767?

13 A Yes. Yes.

14 Q That would include both statuses as first
15 officer and captain?

16 A Yes.

17 Q And then on the A320, how many hours?

18 A About 400.

19 Q So is it fair to say that your total
20 flight hours at -- and then on the 727, do you
21 recall how many hours?

22 A I don't recall. I mean, my total flight
23 hours at Delta is about 7,500.

24 Q 7,500 total. But the total since 2002
25 would be under 2,500?

1 A Probably about. That's probably about
2 right. Most of that was in the first nine years of
3 my career.

4 Q Now, as senior VP of flight operations, I
5 want to get a sense of where that is in the
6 hierarchy. Who was -- to whom did you report?

7 A I reported to the chief operating officer.

8 Q Who was that?

9 A For the first portion of my tenure, it was
10 Steve Gorman.

11 Q Steve Gorman?

12 A Yeah. G-O-R-M-A-N. And for the last, I
13 think, four years -- probably four to five years --
14 it has been Gill West.

15 Q To whom do -- to whom does the COO report?

16 A The CEO.

17 Q And then below you as senior vice
18 president of flight operations, who would have been
19 below you?

20 A It would have --

21 MR. BISBEE: Objection. Vague. You are
22 asking his -- immediately below him, I'm
23 assume.

24 BY MR. SEHAM:

25 Q Yes, who is immediately below?

1 A Captain Jim Graham, the -- or it would
2 have been the vice president of flight operations
3 and chief pilot.

4 Q And then below Jim Graham?

5 A Well, then there was --

6 MR. BISBEE: I think he is still
7 answering.

8 THE WITNESS: Yeah. Then there --

9 BY MR. SEHAM:

10 Q Were you still answering?

11 A Yes. The managing director of flight
12 training.

13 Q Is under Jim Graham?

14 A No. Is under me.

15 Q Oh. And he is sort of parallel to Jim
16 Graham?

17 A Right.

18 Q So tell me again. Managing?

19 A Managing director of flight training, the
20 director of quality assurance and compliance,
21 managing director of crew resources and scheduling.

22 And then, as of about a year ago, we
23 added another officer position. The vice president
24 of -- I'm trying to remember what we were calling
25 it. Business operations.

1 Q Okay. Then who would be below Jim Graham?

2 A He has essentially three direct reports.
3 He would have the managing director of flying
4 operations, managing director of line operations.

5 Q Of what? Line operations?

6 A Line operations. Yes.

7 Q Okay.

8 A And the managing director of flight
9 standards.

10 Q Is there a -- does Delta observe a strict
11 chain of command that would prevent individuals
12 within this hierarchy from communicating with
13 persons above their immediate report?

14 MR. BISBEE: Objection. Vague.
15 Overbroad. Compound.

16 BY MR. SEHAM:

17 Q Did you understand the question?

18 A Yes. It is not a strict chain of command.

19 Q So, for example, would you ever have
20 direct communications with the managing director of
21 flight operations without him going through
22 Mr. Graham?

23 A Yes.

24 Q Okay. Would you ever have direct
25 communications with Ed Bastian or Steve Anderson,

1 the CEOs, without going through Norman or West?

2 A Yes. Richard Anderson and Ed Bastian -- I
3 would have on occasion direct contact with them.

4 Q In general, what would you communicate
5 with Richard Anderson and Ed Bastian about?

6 MR. BISBEE: Objection. Overbroad.

7 THE WITNESS: Anything that they wanted to
8 communicate about or anything that I felt I
9 needed.

10 Now, when I was doing that, I always made
11 sure that, you know, my boss knew what I was --
12 what was going on or what I was communicating
13 about.

14 BY MR. SEHAM:

15 Q Can you describe the types of
16 communications that you would take directly to Rich
17 Anderson or Ed Bastian?

18 MR. BISBEE: Objection. Assumes facts not
19 in evidence. Overbroad.

20 THE WITNESS: Can you be more specific?

21 BY MR. SEHAM:

22 Q I'm not sure I can. You say that you on
23 occasion would communicate directly with CEO
24 Anderson or CEO Bastian.

25 What would prompt you to communicate

1 directly with them?

2 MR. BISBEE: Same objection. Also
3 foundation.

4 THE WITNESS: Well, most frequently it
5 would be if they had a question about the
6 operation, if we had had a noteworthy event.

7 You know, it could have been something on
8 social media or something, an operational event
9 they had questions about. And, you know, I
10 would certainly provide that background.

11 So that was typically -- I would just be
12 responsive to whatever they were asking about
13 with respect to -- usually with respect to
14 flight ops but not entirely.

15 Other times when -- they would communicate
16 when they were -- if they were going out on the
17 road with employees.

18 Sometimes I would make sure that they were
19 informed on what the most current issues were
20 with the operation or with the division so they
21 would be equipped to be able to answer
22 questions from employees when they went out in
23 the field.

24 BY MR. SEHAM:

25 Q Can you recall any communications that you

1 had with either Ed Bastian or Richard Anderson over
2 the last three years?

3 A Yes.

4 Q Okay. To the best of your recollection,
5 recount them to me, if you will.

6 A Well, one example was the -- we would
7 typically go to the Air Line Pilots Association MEC
8 meetings. And I would spend time with the MEC, the
9 Master Executive Council.

10 And, you know, I would make sure that
11 he was conversant with the current issues with
12 respect to the union and flight operations, and that
13 was certainly typical. I don't remember when the
14 last meeting was.

15 I think it was in July or August, was
16 our last time in front of the group.

17 Q Did you ever have -- anything else that
18 you can recall? Any other topics that you would
19 communicate on in, say, the last three years with
20 either Anderson or Bastian?

21 A Well, certainly when I decided to retire,
22 you know, I spent some time with -- Ed was the first
23 one that I talked to about that decision and the
24 considerations for, you know, what I thought the
25 roadmap should look like going forward.

1 Q Okay. How about with respect to
2 Ms. Petitt? Did you ever have any conversations or
3 communications with either Mr. Anderson or
4 Mr. Bastian?

5 MR. BISBEE: Objection. Vague. Compound.

6 THE WITNESS: There were -- as I recall,
7 there were one or two occasions that came up
8 where Mr. Bastian had just referred issues back
9 to me.

10 I believe -- or as I recall, these were
11 emails from Karlene to him. And so he just
12 wanted to make sure that we had -- that we were
13 handling everything appropriately.

14 And it was not that -- anytime I would
15 ever hear from a line pilot directly to the
16 CEO, you know, he would make sure that I was
17 aware and that we were handling whatever the
18 issue was.

19 BY MR. SEHAM:

20 Q Did he ever communicate to you or
21 Mr. Graham a request that he be briefed about issues
22 that Ms. Petitt was raising?

23 A Yes.

24 Q Did you brief him on the issues related to
25 Ms. Petitt?

1 A In a very general way, yes.

2 Q When did that occur?

3 A I don't remember exactly. I don't
4 remember the date.

5 Q Do you remember the year?

6 A It was either -- it probably was in late
7 2016 as Karlene was undergoing the Section 15
8 evaluation. I think that is --

9 Q You don't have -- do you have any
10 recollection of briefing him on issues related to
11 Ms. Petitt prior to the Section 15 process?

12 A I don't recall.

13 Q And what did you say to him about the
14 Section 15 process?

15 MR. BISBEE: Objection. Foundation.

16 THE WITNESS: I didn't say anything
17 specifically about the Section 15 process to
18 him.

19 I just told him that we had -- we had --
20 we were working through an issue with one of
21 our pilots and that we were handling it in
22 accordance with the processes that we had in
23 the pilot contract and also, you know, making
24 sure that the operation was going to be -- to
25 be safe and that we were -- we were handling

1 the situation.

2 It was not -- I don't normally talk about
3 individual employee issues with the CEO.

4 BY MR. SEHAM:

5 Q But in this case you did?

6 A Just in response to his question.

7 Q So he asked you what is the status of
8 Ms. Petitt's Section 15 process?

9 MR. BISBEE: Objection. Foundation.

10 THE WITNESS: Not specifically. I think
11 he just asked -- his question was more general
12 than that.

13 BY MR. SEHAM:

14 Q What was his question?

15 MR. BISBEE: Objection.

16 THE WITNESS: It was -- it was just,
17 "Please, please brief me." That was pretty
18 much it.

19 BY MR. SEHAM:

20 Q But the time that this occurred -- it was
21 after she had been referred to the Section 15
22 process?

23 A I don't recall specifically.

24 Q But you are --

25 A My sense is that is when it was, but I

1 don't recall.

2 Q But your recollection of what your
3 response was related to a Section 15 process?

4 A No. Just that we were under -- we were
5 involved in a performance issue but not specifically
6 relative to, you know, Section 15 or a -- anything
7 else or training or anything else. I was not that
8 specific with him.

9 Q You told him that you had a performance
10 issue with Ms. Petitt?

11 A Just that we were working through an issue
12 with one of our pilots, which is a fairly routine
13 thing. We have issues coming up all the time.

14 And this was something that we were
15 handling within flight operations according to
16 normal protocol.

17 Q Are you testifying that the name Petitt
18 was not referred to in your discussion?

19 A I did not -- I did not -- I did not
20 mention a name. Now, obviously, he was, I believe,
21 in the email thread -- she had sent him a note. But
22 I did not specifically refer -- you know, use her
23 name in conjunction when I briefed him.

24 Q But the inquiry from Mr. Bastian -- was it
25 referring to her?

1 A Yes.

2 Q And your recollection is that this
3 occurred after she was referred to section -- the
4 Section 15 process?

5 MR. BISBEE: Objection. Asked and
6 answered.

7 THE WITNESS: I don't remember.

8 BY MR. SEHAM:

9 Q I'm getting a different answer.

10 A Not that precise.

11 Q You don't remember. Okay.

12 Have you ever been disciplined?

13 A No.

14 Q Have you ever received a written warning?

15 A No.

16 Q Now, was your -- was your retirement
17 prompted by any event in terms of your work life?

18 MR. BISBEE: Objection. Vague and
19 overbroad.

20 THE WITNESS: No. My retirement was
21 entirely my decision.

22 BY MR. SEHAM:

23 Q And do you know who O. C. Miller is?

24 A Yes.

25 Q What position did he most recently hold

1 with the company?

2 A He retired some time ago. But he was the
3 -- one of Captain Graham's direct reports. He was
4 the managing director of flying operations.

5 Q Was he terminated or retired?

6 A He retired.

7 Q Was there any incident that prompted him
8 to retire --

9 MR. BISBEE: Objection.

10 BY MR. SEHAM:

11 Q -- that you are aware of?

12 A No.

13 Q And Phil Davis. He is no longer with
14 Delta either. Correct?

15 MR. BISBEE: Objection. Foundation.

16 THE WITNESS: Phil is still with Delta.

17 BY MR. SEHAM:

18 Q Okay. But he has been demoted. Correct?

19 MR. BISBEE: Objection.

20 THE WITNESS: No.

21 BY MR. SEHAM:

22 Q Has his position changed?

23 A Yes.

24 Q What was it before?

25 A Phil was the regional director for our

1 west domiciles, which includes Los Angeles, Salt
2 Lake City, and Seattle.

3 Q And, now, what is his position?

4 A He is a -- he is flying the line as a
5 pilot. I believe -- I'm not sure what fleet he is
6 on.

7 Q And you know the circumstances which led
8 to his going from regional director of west
9 domiciles to flying the line?

10 A Yes.

11 Q What were the circumstances that led to
12 that?

13 A Normal course of business.

14 Q I'm not sure what you mean by that. Was
15 he -- was that his decision? Or did Delta prompt
16 that?

17 A No. Our normal practice is for career
18 broadening and for leadership progression, also to
19 make sure that we are continuously building a bench
20 and broadening the experience of our leadership
21 that -- our leadership positions are generally two
22 to three, in some cases, as much as four or five
23 years.

24 And the expectation is that then that
25 individual will move back into a line position to

1 continue their development.

2 Q When you -- Delta is the only commercial
3 airline you have worked for?

4 A Yes.

5 Q And before you started to fly for Delta,
6 you had no experience flying Boeing aircraft.

7 Correct?

8 A No. Unless you call the F-15 a Boeing
9 aircraft, which it originally was not.

10 Q And did you have any experience flying
11 Airbus aircraft prior --

12 A No.

13 Q And how did you get your position at
14 Delta?

15 A You know, I was -- I was asked to come in
16 and -- could you restate the question?

17 Q How did you get your job at Delta?

18 A I was -- initially, as I said, in 1999 I
19 was asked to come in as the executive assistant for
20 the director of flight operations and had never
21 planned to progress within the organization the way
22 that it turned out.

23 But I was offered various
24 opportunities to progress through positions of
25 increasing responsibility and, in 2005, became the

1 director of flight operations and then, in 2006, was
2 asked to become the senior vice president.

3 My immediate predecessor had retired;
4 so I just ended up moving in his position.

5 Q Well, I'm asking a different question.

6 When you hired on at Delta, you
7 started flying -- your first job at Delta was to fly
8 a 727. Correct?

9 A That's correct.

10 Q Now, prior -- how did you get hired
11 initially by Delta?

12 A When I left the Air Force, I interviewed
13 at Delta and American and decided I had more family
14 here in the Atlanta area. My grandparents and
15 ancestors were from here. I was more familiar with
16 Delta; so I decided to take the job offer at Delta.

17 Q Did you have -- with your application, did
18 you submit recommendations?

19 A I'm sure I did.

20 Q Okay. Can you recall from whom you had
21 obtained recommendations?

22 A No.

23 Q Did you have any particular sponsor within
24 the Delta organization at that time?

25 A No.

1 Q What was your flight experience -- or how
2 many flight hours did you have when you got hired by
3 Delta?

4 A About 2,700. 2,700.

5 Q Now, in the Air Force, did you -- were you
6 a commanding officer of the flight group at some
7 time?

8 A I was a flight commander and -- yes, at a
9 couple of different points.

10 Q What were your commands?

11 A I was a flight commander in the Seventh
12 Tactical Fighter Squadron at Holloman Air Force Base
13 and a flight commander at Bitburg Air Base Germany
14 in the 22nd Tactical Fighter Squadron.

15 Q While you were holding any of the
16 commander positions, were you familiar with the
17 phrase and usage, quote, I can't make it longer, but
18 I can make it harder?

19 MR. BISBEE: Objection.

20 THE WITNESS: That was not -- I'm familiar
21 with that phrase. Yes. But it was not
22 associated with any of those positions.

23 BY MR. SEHAM:

24 Q What does phrase mean to you?

25 A That was a -- I was in the last all male

1 class at the Air Force academy. And there was a
2 group of cadets my senior year. There was a
3 controversy associated with our class ring on what
4 was -- what was going to be on our class ring.

5 And there was a group that was upset
6 by the decision of the commandant to mandate a
7 change in the design. And they put essentially a
8 poster up on the academy grounds, and they were
9 disciplined for that.

10 Q I understand that to be background, but
11 that phrase, "I can't make it longer, but I can make
12 it harder" -- does that refer to the flight training
13 experience or --

14 A No.

15 Q What does that refer to?

16 A That refers to -- that was a dig at the
17 commandant of cadets that -- the graduation date was
18 coming up, and it was already set. And, you know,
19 essentially, I can make your experience more
20 difficult. But the timeline is what it is.

21 We are all going to graduate and go
22 on after that. It was in very poor taste, but that
23 was what the message was about.

24 Q How would a position -- a person in that
25 position make it harder?

1 MR. BISBEE: Objection. Calls for
2 speculation.

3 THE WITNESS: There were many ways. You
4 know, restricting someone to the base, causing
5 them to have some sort of disciplinary
6 activity, you know, restrict them to their
7 room.

8 There were a lot of different ways that
9 their last few months -- or the last two or
10 three months of the undergraduate experience
11 could be made more difficult.

12 BY MR. SEHAM:

13 Q More difficult flight training --

14 A For those individuals.

15 Q More difficult flight training
16 requirements?

17 A No. No. This was not flight training.
18 This was undergraduate education.

19 Q During your service, were you familiar
20 with the acronym LCWB?

21 A Yes.

22 Q What did that mean?

23 A That means -- well, that was the design
24 that was on -- that had been on our class ring. And
25 it -- again, not in the -- not in the best taste.

1 But it stands for "last class with balls."

2 Q Is that a ring that you wore?

3 A No.

4 Q Can you -- there was a new director
5 position for flight operations created recently.
6 Correct?

7 A I don't remember. There is a new vice
8 president position. Yes. There was a new director
9 position about a year ago. That would be Phil
10 Lindsey, who is the managing director of business
11 operations and technology.

12 Q Wasn't there a new position of executive
13 vice president of flying air operations that was
14 created?

15 A No.

16 Q No. Do you know who William Lynch is?

17 A Oh, yes. That was not in flight
18 operations, though. Yes. I do know Bill Lynch.

19 Q Okay. What position does he hold?

20 A He -- I don't know what the -- exactly
21 what the title is. But I believe it is executive
22 vice president of air operations.

23 Q When was that position created?

24 A It was created within the last couple of
25 months. I believe it was created in August.

1 Q Okay. Do you know why it was created?

2 A Yes.

3 Q Why?

4 A This is -- it was created for Mr. Lynch's
5 development and essentially to potentially groom him
6 to be the next chief operating officer.

7 So it was to broaden his base of --
8 his base of experience so that -- because he had not
9 overseen flight operations at Delta. And he also
10 had not overseen inflight service.

11 So it was -- he had been involved in
12 the ground operations and in the maintenance
13 organization previously. This was to round out his
14 experience.

15 Q You said you had 2,700 hours when you
16 first got hired by Delta in terms of flight --

17 A Yes.

18 Q And would you agree that that is
19 significantly fewer hours than the pilots being
20 hired today at Delta?

21 A No.

22 MR. BISBEE: Objection.

23 BY MR. SEHAM:

24 Q Do you have any sense of the average
25 number of flight hours experience of newly hired

1 Delta pilots?

2 A I don't know the most recent statistics.
3 It depends on the individual's background.

4 Q You seem to very emphatically say that it
5 wasn't -- the 2,700 wasn't low in comparison.

6 But you don't have a sense of what
7 the average is of pilots hired today?

8 A For a tactical aviator, they will tend to
9 have fewer hours to begin with; so that is going to
10 be in the range of 2,000.

11 If you have someone who has regional
12 airline experience or larger airplane experience in
13 the military, they are going to be more in the range
14 of 3,500 to 4,500 hours.

15 Q Would you agree that your total number of
16 flight hours are substantially less than the average
17 Delta pilot of 10 years tenure with the airline?

18 MR. BISBEE: Objection. Asked and
19 answered.

20 THE WITNESS: My hours are certainly less
21 than if I had flown the line for my entire
22 career. Yes.

23 BY MR. SEHAM:

24 Q Would you agree that that makes you less
25 qualified to render opinions on flight operation

1 issues than pilots who have more hours than you?

2 A No.

3 Q Can you explain why the answer is no?

4 A Experience -- experience is important.

5 But, you know, beyond a certain
6 point, you know, I have always maintained my
7 qualifications and currency throughout my tenure and
8 have the benefit of benchmarking flight operations
9 and safety programs not only within the U.S. but
10 around the world.

11 So I think I offer a perspective that
12 more than compensates for the fact that I wasn't
13 flying a regular schedule.

14 Q Would you agree that someone with twice
15 your flight hours on a particular piece of equipment
16 would have more valid opinions about its operation
17 than you would have?

18 A Certainly. That is why we have fleet
19 captains and line check pilots, instructors on
20 individual fleet types. Those are the subject
21 matter experts within those narrow disciplines.

22 Q Would you agree with the proposition that
23 the more hours that somebody has the more valid his
24 opinions are about operational issues?

25 A No.

1 Q Why wouldn't you agree with that?

2 A Again, I will use the analogy in the
3 military. You know, not all hours are created
4 equal.

5 So the hours spent in transition or
6 in tactical operations where you have got a lot more
7 multitasking going on versus in crews flight -- you
8 know, you have just got different issues coming up.
9 Generally, the most challenging parts of a flight
10 commercially are in transition.

11 So you can make a case that a
12 domestic pilot, just as an example, who is operating
13 very high frequency, relatively short haul flights
14 actually is more proficient or could have a better
15 perspective than a pilot who is in long haul
16 international operations continuously and, in some
17 cases, having difficulty maintaining their landing
18 recency.

19 So, really, you have to look at each
20 individual situation a little bit different.

21 Q Now, if you could tell me -- again, your
22 position at the time you left the company was?

23 A Senior vice president of flight
24 operations.

25 Q Senior vice president of flight

1 operations.

2 How long had you held that position?

3 A Twelve years.

4 Q In that position, what were your job
5 responsibilities?

6 A I was responsible for, most importantly,
7 the safety of our daily operations, particularly as
8 they pertain to the flight deck but also the
9 interfaces with the other operating departments.

10 I was responsible for the training
11 and standardization of our pilots and the planning
12 and resources and scheduling of the flight crews to
13 execute the network schedule.

14 And then I was also the chief labor
15 negotiator with the Airline Pilots Association. So
16 I worked very closely with the labor relations
17 department to work with the pilots union on a whole
18 range of issues.

19 Q And you have -- in your position, do you
20 interface with the FAA?

21 A Yes.

22 Q With respect to what issues?

23 A A couple of -- several different ways. In
24 Washington, I interfaced with the FAA; at times, all
25 the way up to the administrator level on issues

1 about, you know, how Delta is doing with respect to
2 our daily operations in the air traffic control
3 system and the -- you know, any regulatory or
4 compliance matters that we had.

5 But on a day-to-day basis, I
6 generally worked with the Delta certificate
7 management office here in Atlanta.

8 Q And we will refer to that as the CMO.

9 A Yes.

10 Q What did you interface with the CMO about?

11 A A number of ways. We would have monthly
12 meetings with the CMO as a group to go over, you
13 know, training initiatives, safety metrics
14 performance, make sure that they knew about -- you
15 know, that we were very transparent about the
16 introduction of new fleet types or avionics upgrades
17 that were being made.

18 There were a whole host of issues
19 that we were talking about. Also, as we were
20 seeking approval for curriculum modifications or
21 bringing new tools, new technologies into play, we
22 would make sure that they had visibility and all of
23 that.

24 And then -- so that was sort of on a
25 systematic basis. Of course, there were

1 interactions within each fleet. You know, each
2 inspector within each fleet would have more
3 intersections at the more detailed level.

4 Any time we would have an event that,
5 you know, was an emergency or something that was
6 fairly high profile that might be reported in the
7 news media or might show up in a report somewhere,
8 we would make sure that we would call the FAA,
9 between myself and the safety department -- that
10 they knew, you know, what was going on and they were
11 brought in the loop as soon as possible.

12 Q When you talk about curriculum
13 modifications, are you talking about pilot training
14 curriculum?

15 A Yes.

16 Q Do those modifications -- is it required
17 that modifications to Delta's training program for
18 pilots be approved by the FAA?

19 A In general, yes. I mean, it depends on --
20 you have got several different -- you know, as we --
21 it is a culture of continuous improvement. So as
22 there are new -- new training vehicles, new
23 technologies, new ways of thinking about training,
24 we would certainly, you know, make sure that the FAA
25 was informed.

1 It didn't always require a formal
2 approval. It kind of -- it sort of depended upon
3 how that interfaced with the rest of the training
4 program.

5 Q And these discussions that you listed in
6 terms of -- discussions with the FAA in Washington
7 and with CMO office in Atlanta, did they frequently
8 concern compliance with federal aviation standards?

9 MR. BISBEE: Objection. Overbroad.
10 Foundation.

11 THE WITNESS: Yes. Absolutely.

12 BY MR. SEHAM:

13 Q So it would -- part of your job
14 responsibility was to be -- would be to be familiar
15 with federal regulation touching on flight
16 operations?

17 A Yes.

18 Q Now, as senior vice president of flight
19 operations, did you have responsibilities with
20 respect to pilot performance issues?

21 A Yes.

22 Q And could you describe what those
23 responsibilities were?

24 A Well, through the managing director of
25 training and the managing director of flight

1 standards, we were making sure that pilots were
2 current and qualified on the fleet, that they were
3 going to be operating in passenger operations.

4 So that was really accomplished
5 through the training department and through the
6 flight standards department.

7 More broadly, certainly from a people
8 perspective, we also were making sure that, you
9 know, pilots were following the company's, you know,
10 rules of the road and our -- you know, executing our
11 core values and also that the company was complying
12 with the pilot contract and that the pilots were
13 also living up to their obligations in the pilot
14 contract as well.

15 Q During the course of your work as senior
16 vice president of flight operations, were pilots who
17 were having performance issues, flight performance
18 issues brought to your attention?

19 A In most cases, no.

20 Q Was there a category of cases that you --
21 that were brought to your attention?

22 A The vast majority of times, if a pilot was
23 having difficulty -- and very few did -- that was
24 handled in the normal -- normal processes. An
25 additional day of training or an additional briefing

1 to get -- to get the individual up to the level of
2 performance.

3 If it got to the point where we had
4 someone who was facing what we would call a job ride
5 essentially where they were coming up on -- you
6 know, where they had exhausted their opportunity to
7 be able to qualify on the airplane, on occasion I
8 would be informed about that but not necessarily in
9 every case.

10 Q Would you be informed if a pilot's
11 inflight performance had been determined by its
12 fellow pilots to compromise safety?

13 MR. BISBEE: Objection.

14 THE WITNESS: Not necessarily.

15 BY MR. SEHAM:

16 Q To whom would that be reported?

17 MR. BISBEE: Objection.

18 THE WITNESS: It might be handled within
19 the ASAP event review committee.

20 Generally speaking, the chief line check
21 pilot would then follow up with that individual
22 if it was something that occurred in line
23 operations where they were operating out of --
24 out of normal standards.

25

1 BY MR. SEHAM:

2 Q Is there any obligation of cockpit crew
3 members -- if they have determined that a fellow
4 pilot is compromising inflight safety, do they have
5 an obligation to report that to management?

6 A They should. Yes.

7 Q You say they should. Is that codified
8 anywhere? Is that a written policy?

9 A Yes. I can't tell you exactly where it is
10 written, but we want to get feedback about -- about
11 performance issues from our flight crews.
12 Absolutely.

13 Q So if a pilot determined that a fellow
14 pilot was compromising safety during a flight, to
15 whom is he expected to report that occurrence?

16 A A couple of different ways. You talk to
17 the domicile chief pilot. You could talk to the
18 chief line check pilot on that fleet.

19 But the preferred method of handling
20 that would also be to submit an ASAP report because
21 then we can process it in accordance with our safety
22 processes.

23 And there is a certain -- there is a
24 protocol for handling those kinds of operational
25 performance issues.

1 Q Now, an ASAP -- that is an acronym. ASAP.
2 That -- the person who submits that retains his or
3 her anonymity. Is that correct?

4 A That's correct.

5 Q But you would expect in that ASAP report
6 that the person submitting it would specifically
7 identify the individual who is compromising safety?

8 A Yes. I mean, we -- the event review
9 committee would know which flight it pertained to,
10 and they could follow up with that individual.

11 Q And ASAP reports are not brought to your
12 attention?

13 A No. I mean, I have -- I have them
14 available to me. But I'm not -- I think we are
15 going to have something like 27,000 ASAP reports
16 this year.

17 So the -- I'm not reviewing every one
18 of those. We are mainly looking, at my level, for
19 trends and elevated areas of risk that we need to
20 mitigate.

21 Q Do you know a Delta employee by the name
22 of Kelley Nabors?

23 A I don't know her personally, but I -- I
24 know her name.

25 MR. BISBEE: I will just say we have been

1 going about an hour. If you are going to
2 switch to a whole new topic, it might be a good
3 time for a break.

4 MR. SEHAM: We are going to take a break
5 every hour? Okay. Maybe just two questions.

6 BY MR. SEHAM:

7 Q Did you know that Ms. Petitt, during her
8 psychiatric examination, was kept in a locked room
9 for over five hours without a break?

10 MR. BISBEE: Objection. Foundation.

11 THE WITNESS: No.

12 MR. SEHAM: You need a -- how long do you
13 need? You want a break?

14 MR. BISBEE: I would like to take a break.
15 Yes.

16 MR. SEHAM: Okay. How long is the break.

17 MR. BISBEE: Let's go off the record.
18 Thank you.

19 (A recess was taken, and the
20 deposition continued as
21 follows:)

22 BY MR. SEHAM:

23 Q Mr. Dickson, during the break did you
24 discuss your testimony with anybody?

25 A No.

1 Q Do you know a Delta employee by the name
2 of Kelley Nabors?

3 A I don't know her personally.

4 Q Have you ever met with her?

5 A No.

6 Q Have you had email communications with
7 her?

8 A No.

9 Q Do you know what her title is?

10 A I do not know her title.

11 Q Okay. Do you know what her title was at
12 the time of Ms. Petitt's Section 15 referral?

13 A No.

14 Q Did you ever get a copy of a report
15 concerning -- well, are you aware of the fact that
16 Ms. Nabors interviewed Ms. Petitt?

17 A Yes.

18 Q Did you ever get a copy of the report
19 prepared by Ms. Nabors concerning her interview of
20 Ms. Petitt?

21 A No.

22 (Whereupon, Exhibit No. 1 was
23 marked for identification and is
24 attached hereto.)
25

1 BY MR. SEHAM:

2 Q I have handed you a document that we are
3 going to identify as Dickson Exhibit 1. And it is
4 titled at the top "Respondent Delta Air Line, Inc.'s
5 Objections and Responses to Complainant's First
6 Combined Discovery Interrogatories, Requests for
7 Documents, and Requests for Admissions."

8 Have you ever seen this document
9 before?

10 A I don't recall seeing it.

11 Q At any time after August 31, 2018, did
12 anyone come to you and ask you whether you had any
13 documents in your possession related to Ms. Petitt?

14 MR. BISBEE: Objection. If that calls for
15 disclosure of attorney/client privileged
16 communications, you should not answer as to the
17 contents of those communications.

18 THE WITNESS: Can you rephrase the
19 question?

20 BY MR. SEHAM:

21 Q I'm asking -- well, I don't know if I can
22 rephrase it, but I will repeat it.

23 At any time after August 31, 2018,
24 did anyone come to you and ask whether you had any
25 documents in your possession related to Ms. Petitt?

1 A No.

2 Q Were you ever advised that Ms. Petitt had
3 made requests for admissions to Delta?

4 A No.

5 Q So to the best of your knowledge --

6 MR. BISBEE: I'm just going to object to
7 the line of questioning. When I instruct you
8 not to answer when it calls for attorney/client
9 privilege, that is -- what your response should
10 be is, "I cannot answer that because it calls
11 for privileged communications."

12 He is not -- let me ask Mr. Seham. Are
13 you asking him if he had any conversations
14 aside from those with counsel? Or are you
15 asking entirely?

16 MR. SEHAM: No. I asked what I asked.

17 MR. BISBEE: And are you -- are you not
18 able to answer those questions, Mr. Dickson,
19 because it would call for communication with
20 counsel? And were you answering just with
21 respect to non-attorneys?

22 MR. SEHAM: I think you are violating Rule
23 30 here.

24 MR. BISBEE: I'm trying to help you get
25 clarity.

1 MR. SEHAM: I got a very clear answer.
2 The answer was no. I -- in terms of my diction
3 and emphasis, I emphasized anyone. And the
4 answer came back "No."

5 MR. BISBEE: And my concern is that, in
6 the context of my objection and instruction to
7 the witness, he misunderstood your question in
8 that context, Mr. Seham.

9 And I am simply striving to have you have
10 the clarity for the record you are seeking to
11 get, which I think you would want.

12 MR. SEHAM: Are you saying that the
13 company counsel asked him whether he had any
14 documents in his possession related to
15 Ms. Petitt?

16 MR. BISBEE: Objection. You can't ask
17 him --

18 MR. SEHAM: No. I am asking you that.
19 I'm asking you.

20 MR. BISBEE: You can't ask for
21 communications between Delta lawyers and Delta
22 employees or represented parties.

23 MR. SEHAM: Yes, I can. If you want to
24 direct him not to answer, I consider that a
25 Rule 30 violation. I'm not asking what advice.

1 I'm not asking about communications to get
2 advice or give advice.

3 I am asking whether he was ever asked
4 whether he possessed documents and whether
5 Delta is violating the rules of discovery.

6 MR. BISBEE: The collection of documents
7 is work product activity. And it is in no way
8 a violation of any rule to assert both the
9 privilege and work product. Why don't you just
10 ask him: Did you search for documents?

11 MR. SEHAM: If you are directing him not
12 to answer -- this colloquy has gone on way too
13 long. It is taking away from time that I want
14 to pursue questions.

15 If you are directing him not to answer,
16 then direct him not to answer, and let's move
17 on.

18 MR. BISBEE: Is it your position that the
19 instruction --

20 MR. SEHAM: Please direct him not to
21 answer. I have stated my position. You are
22 taking up my time. Direct him not to answer my
23 questions as you will. Please do not coach him
24 because that is a violation of Rule 30.

25 MR. BISBEE: Mr. Dickson, is it possible

1 to answer the question of whether you were
2 instructed to search for documents without
3 revealing communications with attorneys?

4 THE WITNESS: Yes. Yes.

5 Can you restate -- because the timeframe
6 with which you are --

7 BY MR. SEHAM:

8 Q I'm asking: From August 31, 2018 to the
9 present, did anyone come and ask you whether you had
10 documents in your possession related to Ms. Petitt.

11 A The answer to that question is no. I was
12 -- we had already -- or I had already been
13 instructed to preserve any documents prior to that;
14 so that was already in place.

15 Q Who asked you to do that?

16 A It came from Ryan Linegale, I believe, in
17 an email. And there may have been other
18 communications from our legal department that I
19 don't recollect.

20 Q Okay.

21 A But I do know that there was a request
22 from him to make sure that we had preserved all
23 electronic and any other documentation.

24 Q So since August 31, 2018, have you
25 transmitted those documents that you preserved to

1 anyone?

2 A Have I transmitted them?

3 Q Yes.

4 A No.

5 Q Are you saying because they had already
6 been transmitted to Mr. Linegale?

7 A Yes.

8 Q Now, I forgot where we were frankly.

9 But were you advised that Ms. Petitt
10 had made requests for admissions to Delta?

11 MR. BISBEE: And, again, can you answer
12 that question without disclosing the contents
13 of correspondence with attorneys for Delta?

14 THE WITNESS: I don't recall being
15 specifically advised of that point.

16 BY MR. SEHAM:

17 Q Were you advised at any time that
18 Ms. Petitt had submitted interrogatories to Delta?

19 A I assumed that that was the case, but I
20 was not specifically told of that step in the
21 process.

22 Q Now, I'm going to ask you to look at the
23 -- take the document in front of you and turn to
24 Page 7.

25 I want you to focus on the response

1 to Interrogatory Number 11 towards the top, which
2 reads, quote, Captain Jim Graham's decision to refer
3 complainant for a Section 15 evaluation was based on
4 his conversations with Chris Puckett, Dr. Thomas
5 Faulkner, and Kelley Nabors.

6 These conversations occurred over a
7 period from March 9, 2016 through March 17, 2016.
8 Did I read that accurately?

9 A Yes.

10 Q Okay. Did you participate in any
11 discussions about Ms. Petitt from March 9 through
12 March 17, 2016?

13 A Only with Captain Graham.

14 Q What were the nature of those discussions?

15 A The nature of those discussions were the
16 concerns that had been expressed by Kelley Nabors in
17 her interview with Karlene.

18 Q So do I understand that Captain Graham
19 communicated to you that Ms. Nabors had certain
20 concerns about Ms. Petitt?

21 A Yes.

22 Q And what were those concerns as identified
23 by Captain Graham?

24 A They were concerns about whether -- they
25 were concerns about whether she should be flying a

1 Delta airplane at that particular point in time
2 because of various things that came up in her
3 interview.

4 Q Did Captain Graham give you any
5 particulars about what Ms. Petitt had reportedly
6 said to Ms. Nabors?

7 A He gave some detail. I don't recall
8 specifically what it was.

9 Q You can't recall any of the references
10 that Captain Graham made to Nabors's report in terms
11 of Ms. Petitt's statements?

12 A The one thing that I -- that I do remember
13 was there was a concern expressed by Ms. Nabors that
14 her interview was kind of uncharted territory for
15 her.

16 And she felt that some of the
17 concerns that Karlene had expressed about Delta and
18 about some of the interactions that she had had --
19 there was a statement made to the effect of, you
20 know, she feels like someone is out to get her.

21 And I think Ms. Nabors -- well, I
22 will leave it at that.

23 Q Aside from this reference to "she feels
24 like someone is out to get her," did Captain Graham
25 make any further reference to statements by

1 Ms. Petitt as reported by Nabors?

2 MR. BISBEE: Objection. Asked and
3 answered.

4 THE WITNESS: I don't recall.

5 BY MR. SEHAM:

6 Q And what did you say in response to
7 Mr. Graham's communication to you?

8 A I told him that I was -- certainly shared
9 his concern based on this feedback and that we
10 needed to make sure that we were getting the
11 necessary support from the subject matter experts
12 outside of flight operations in the company such as
13 HR so that -- and we also needed to make sure that
14 we follow the process.

15 And that was my guidance to him, was
16 just make sure that we are fair and we follow the
17 process.

18 Q What process?

19 A In terms of reviewing what the next steps
20 might be.

21 Q Well, did he raise the prospect of a
22 Section 15 referral?

23 A That prospect was raised. I don't know if
24 it was in this initial conversation or not.

25 Q You did discuss the Section 15 referral

1 with Captain Graham sometime before he issued his
2 letter -- before the letter -- well, let me pause
3 here.

4 (Whereupon, Exhibit No. 2 was
5 marked for identification and is
6 attached hereto.)

7 BY MR. SEHAM:

8 Q So I'm handing you a letter of March 17,
9 2016, which we are marking as Dickson Document 2.
10 This would be the letter that referred Ms. Petitt to
11 the Section 15 process. Correct?

12 A Yes.

13 Q So the letter is dated March 17th. At any
14 time prior to March 17th, did you have any
15 discussions with Captain Graham about the
16 possibility of Ms. Petitt being referred to a
17 Section 15 process?

18 A Yes.

19 Q Okay. So when did that discussion take
20 place?

21 A It would have been a day or two prior to
22 this communication.

23 Q What did he say to you?

24 Well, let me actually back up. Why
25 was he talking to you about it?

1 A Because he wanted to make sure that I was
2 aware of the steps that he -- that he and the team
3 were taking to follow up on Kelley Nabors's
4 interview.

5 Q Why would he want to make sure that you
6 knew what the steps being taken were?

7 MR. BISBEE: Objection. Calls for
8 speculation.

9 THE WITNESS: Well, I am ultimately
10 responsible for everything that happens in
11 flight operations, and he knew that I wanted to
12 make sure that the process was a fair process
13 from an individual perspective but also that we
14 ensured the safety of our flight deck
15 operations.

16 BY MR. SEHAM:

17 Q So what did he say to you? You said this
18 is about a day or two before March 17th. Correct?

19 A Yes.

20 Q And what did he say to you?

21 A He said that he had consulted with the
22 stakeholders from HR, labor relations, and legal and
23 that, although ultimately it was going to be a
24 flight operations decision, it was going to be based
25 on the input and advice from those areas.

1 Q But had he -- had he told you that he had
2 already made a decision?

3 A No. I want to make sure I have got the
4 timing correct. So in the earlier -- you know,
5 before he had consulted, he had not made any
6 decision.

7 It was a potential outcome, but it
8 was not a decision. After he had the consultations,
9 he made the decision, and he informed me of the
10 decision.

11 Q Did you have the authority at that point
12 to veto his decision?

13 A Yes.

14 Q Did you have the authority at that point
15 to ask him to conduct further investigation of the
16 matter before he made his decision?

17 A Yes.

18 Q And at that point, the only information
19 that you had with respect to suspect statements made
20 by Ms. Petitt was that she felt that someone was out
21 to get her. Is that correct?

22 MR. BISBEE: Objection.

23 THE WITNESS: No. That is what I -- that
24 is what I can -- that is the only -- the only
25 item I can specifically recall.

1 BY MR. SEHAM:

2 Q Do you have any -- but you made a
3 determination at that point when you spoke to
4 Mr. Graham that it was appropriate for the Section
5 15 referral to proceed. Correct?

6 MR. BISBEE: Objection. Foundation.
7 Misstates his prior testimony.

8 THE WITNESS: Yes. I made the decision
9 that it was a sound course of action based on
10 the diligence that had been performed.

11 BY MR. SEHAM:

12 Q What diligence are you referring to?

13 A The internal consultations that I spoke
14 about earlier with EEO, HR, and labor relations.

15 Q Do you know upon what facts -- let me hear
16 that again. EEO, HR, and what other --

17 A And labor relations.

18 Q Do you know upon what facts -- well, let
19 me back up.

20 Was it your understanding at that
21 time that EEO, HR, and labor relations were
22 recommending a Section 15 referral?

23 MR. BISBEE: Objection.

24 THE WITNESS: I don't know. I assume that
25 was one of the items that was discussed. I

1 think that -- that was my understanding from
2 Captain Graham at the time.

3 BY MR. SEHAM:

4 Q Okay. Do you know upon what facts EEO,
5 HR, and labor relations were basing their
6 recommendation?

7 A Not specifically.

8 Q So when you refer to diligence on the part
9 of Mr. Graham, you are just referring to the fact
10 that he was being -- he was doing what he was told
11 to do by EEO, HR, and labor relations. Correct?

12 MR. BISBEE: Objection. Foundation.
13 Calls for speculation.

14 THE WITNESS: No.

15 BY MR. SEHAM:

16 Q Well, what other -- what other diligence
17 on the part of Mr. Graham were you aware of other
18 than seeking advice from those three departments?

19 A He was also concerned about if we have a
20 pilot who is not in a state where, either through
21 distraction or whatever other physical or mental
22 situation, able to safely execute flight deck
23 operations.

24 The safety of the operation had to be
25 a primary consideration in his mind.

1 Q Did he give you any facts upon which he
2 based his concern about flight operations safety?

3 MR. BISBEE: Objection. Asked and
4 answered.

5 THE WITNESS: Only the general context of
6 the interview that had led to the
7 consultations.

8 BY MR. SEHAM:

9 Q So do I understand correctly that you had
10 two separate discussions with Captain Graham about
11 the Section 15 referral? Is that correct? Prior to
12 March 17th.

13 A I think that is -- I think that is
14 correct.

15 Q And in the second conversation, he advised
16 you that subject to your approval that he was going
17 forward with the Section 15 referral. Correct?

18 MR. BISBEE: Objection. Foundation.
19 Misstates prior testimony.

20 THE WITNESS: Yes.

21 BY MR. SEHAM:

22 Q Did you have any email communications with
23 him concerning his decisional process prior to the
24 issuance of the March 17th letter?

25 A I don't recall an email exchange. There

1 probably was one. But during this timeframe, I
2 don't believe so. Between the early March and the
3 17th of March, I don't recall any email exchange
4 during that timeframe.

5 Q Other than these two -- and both of the
6 conversations that you refer to occurred in March?

7 A Yes. They would have -- or subsequent to
8 -- the timeframe I am referring to is subsequent to
9 Ms. Nabors's interview with Ms. Petitt and the day
10 of this notification.

11 Q Okay. Other than those two discussions in
12 March of 2016, did you ever have any email
13 discussion -- email communication or discussion with
14 Captain Graham about the possibility of referring
15 Ms. Petitt to a Section 15 process?

16 MR. BISBEE: Objection. Asked and
17 answered.

18 THE WITNESS: Prior to Ms. Nabors's
19 interview?

20 BY MR. SEHAM:

21 Q Yes.

22 A I did not have any discussion with him via
23 email. He may have raised it in an interview, but I
24 don't recall specifically.

25 Q That is not something you would remember,

1 one of your -- if your -- Captain Graham -- let me
2 strike that.

3 Captain Graham -- what is his
4 position?

5 A He is the vice president of flying --
6 well, he is currently the senior vice president of
7 flight operations. But at the time, he was the vice
8 president of flying operations and the chief pilot.

9 Q And if he had, prior to March of 2016,
10 raised the possibility of referring Ms. Petitt to a
11 Section 15 process, that is not something you would
12 remember?

13 MR. BISBEE: Objection. Asked and
14 answered. You are badgering the witness.

15 THE WITNESS: No. It was so long ago I
16 just don't -- I don't remember what the exact
17 sequence of events was.

18 MR. SEHAM: I would like to note I think
19 you are creating an incorrect record there.

20 I want the record to note that my tone of
21 voice is very moderate. And at worst, there
22 was an asked and answered issue.

23 I really reject and frankly resent the
24 characterization of badgering.

25 MR. BISBEE: For the sake of the record, I

1 agree that your tone was modest. It was the
2 substance of your question that I considered to
3 be badgering.

4 MR. SEHAM: I appreciate that.

5 BY MR. SEHAM:

6 Q Do you know what Dr. Faulkner's role was
7 in the Section 15 determination process leading up
8 to the March 17th letter?

9 A I know his role as the director of health
10 services, and he has a role in the Section 15
11 process.

12 Q But do you know what participation he
13 engaged in prior to March 17th?

14 A No.

15 Q Do you know whether Phil Davis had any
16 role in the Section 15 determination reflected in
17 Dickson Document 2?

18 A The chief pilot always has a role. So,
19 yes, he certainly was involved in communication to
20 Ms. Petitt. I don't know if he was in the
21 consultations with Captain Graham or not.

22 Q I'm going to refer you, again, to our
23 first exhibit -- Dickson 1 -- and ask you to turn to
24 Page 8 and the response to Interrogatory Number 16.

25 And reading from the second sentence,

1 it says, "Subject to the foregoing and without
2 waiving the same, the decision to refer complainant
3 for Section 15" --

4 A I'm sorry. Where are you?

5 Q Oh, it is Interrogatory Number 16.

6 A 16. Okay. I am sorry.

7 Q And I'm starting at the second line
8 towards the end beginning with "Subject to."

9 So it reads, quote, Subject to the
10 forgoing and without waiving the same, the decision
11 to refer complainant for a Section 15 evaluation was
12 a result of complainant's behavior during her
13 meeting with Kelley Nabors on March 8, 2016.

14 My question is: Does that response
15 that I just read to you -- does that -- is that
16 consistent with your understanding as to why
17 Ms. Petitt was referred for a Section 15 process?

18 A Yes.

19 Q Were you aware of anything in March of
20 2016 in terms of Ms. Petitt's flight performance
21 that would have warranted a Section 15 referral?

22 A No.

23 Q Were you aware of anything in terms of her
24 overall conduct at work that would have warranted a
25 Section 15 referral?

1 A No.

2 Q Could you describe your overall
3 understanding of the Section 15 process?

4 A It has been a long time since I have
5 referred to the specific contractual provisions.
6 But it essentially provides for a medical review of
7 a pilot to ensure that they are able to hold a first
8 class medical certificate.

9 In the contract, there is a provision
10 for a company medical examiner to be appointed and
11 then a pilot medical examiner and then a neutral if
12 it gets to that point.

13 Q And you refer to the fact that this is --
14 in terms of the final determination, it is a flight
15 department decision?

16 A The decision to conduct the Section 15
17 ultimately lies with flight operations.

18 Q And in terms of -- in terms of mental
19 health issues, have you been involved in any prior
20 decisions prior to that of Ms. Petitt to refer
21 someone to a Section 15 --

22 A It is -- I mean, have been other cases.
23 Yes.

24 Q Can you give me an estimate of how many
25 cases?

1 MR. BISBEE: Objection. Calls for
2 speculation.

3 THE WITNESS: I don't remember. It is,
4 again, probably a handful.

5 BY MR. SEHAM:

6 Q Can you -- without naming names, can you
7 describe the circumstances relating to any of these
8 Section 15 referrals?

9 A I don't remember any other particulars.

10 Q Can you identify any person at the company
11 who might have better knowledge of prior Section 15
12 cases?

13 MR. BISBEE: Objection. Calls for
14 speculation.

15 THE WITNESS: I mean, certainly Captain
16 Graham, Chris Puckett, O. C. Miller
17 potentially.

18 BY MR. SEHAM:

19 Q Are you familiar with the aviation
20 rulemaking committee on mental health?

21 A Not -- I'm not familiar with that
22 particular arc.

23 Q Okay. What is the initial role of the DHS
24 in the Section 15 process as you understand it?

25 A The DHS in Section 15 -- again, I would

1 have to refer to the contractual provisions.

2 But, in general, the DHS is
3 responsible for providing advice to the decision
4 maker -- in this case, Captain Graham -- about, you
5 know, any relevant medical information that might be
6 germane to making the decision.

7 And once the process kicks off, the
8 DHS needs to select the company medical examiner --

9 Q Okay.

10 A -- to actually execute that portion of the
11 Section 15 --

12 Q Is the DHS supposed to make a threshold
13 determination on his own as to whether there is a
14 mental health issue?

15 A I don't recall. I would have to refer to
16 the contract.

17 Q And are there any limitations on the -- in
18 the mental health context, are there any limitations
19 on what the CME can investigate?

20 A Not that I'm aware of. If it is -- if it
21 is germane to -- if the CME says that he or she
22 needs it to complete a full evaluation, then I
23 believe that we would provide that.

24 Q Okay. I want to make sure I got a
25 complete answer to a prior question.

1 I had asked you were you aware of
2 anything in Ms. Petitt's work performance -- work
3 performance or conduct at -- I'm sorry. Strike
4 that.

5 Were you aware of anything in terms
6 of Ms. Petitt's conduct at work that warranted a
7 Section 15 referral in your mind?

8 A No.

9 MR. BISBEE: Objection. Overbroad. Asked
10 and answered.

11 BY MR. SEHAM:

12 Q Then the reason I wanted to bring that up
13 again is to be more specific.

14 You were at a meeting with her face
15 to face in January concerning some safety issues
16 that she raised. Correct?

17 A Yes.

18 Q Was there anything in her comportment
19 during that meeting that in your determination
20 warranted a Section 15 referral?

21 A No.

22 Q Now, are there any -- in terms of the
23 initiation of a Section 15 mental health evaluation,
24 are there any contractual safeguards that you recall
25 that are supposed to be observed?

1 A None that I recall.

2 Q Okay. But would you agree with me that
3 this -- a Section 15 referral is a referral of some
4 concern to the pilot in terms of the potential
5 threat to his or her career?

6 MR. BISBEE: Objection. Calls for
7 speculation. Lacks foundation.

8 THE WITNESS: Yes. I would agree with
9 that.

10 BY MR. SEHAM:

11 Q So would you agree with me that -- well,
12 strike that.

13 I want to refer you again to Document
14 1. And I think I'm going to ask you to turn to Page
15 9, Interrogatory Number 20 at the bottom. Tell me
16 when you have caught up to me.

17 A Okay. Got it.

18 Q It reads -- Interrogatory Number 20,
19 "Identify all persons involved in Respondent's
20 decision to have Kelley Nabors interview the
21 complainant in March 2016."

22 Response to Interrogatory Number 20,
23 "The decision to refer Complainant's equal
24 opportunity concerns to Delta's human resources
25 department was made by Captain Jim Graham in

1 consultation with Jim Puckett. Ms. Nabors was
2 selected as the individual to interview Complainant
3 by her supervisor."

4 And did I read that correctly?

5 A Yes.

6 Q Did you have any role in the -- well, you
7 know what. Strike that.

8 Let me ask: Is that your
9 understanding, that the purpose of Ms. Nabors's
10 interview of Ms. Petitt was to investigate
11 Ms. Petitt's equal opportunity concerns?

12 A Yes.

13 Q Did Ms. Petitt -- isn't it true that
14 Ms. Petitt never requested an equal opportunity
15 investigation?

16 MR. BISBEE: Objection. Lacks foundation.
17 Calls for speculation.

18 THE WITNESS: Not to my knowledge.

19 BY MR. SEHAM:

20 Q Okay. Can you explain, if Ms. Petitt did
21 not request an EEO investigation, why would the
22 company have initiated one?

23 A Because we could not ignore her report and
24 the discussion in my office with respect to some
25 events that she described in training. And I

1 believe she used the word "harassment" at one point.

2 And so we had to -- we had a line of
3 followup activity that was associated with
4 investigating those allegations. And so that is why
5 we had to bring in the HR experts.

6 Q So were you part of that determination
7 process that EEO should be involved?

8 A I had delegated the followup from the
9 meeting to Captain Graham, and we came back -- and
10 he came back with a proposal to divide the followup
11 activity into the safety issues that Karlene had
12 raised and then the matters that we just discussed
13 with respect to harassment and unequal treatment.

14 And then there was a third line of
15 activity that was associated with Delta policies and
16 procedures.

17 Q Okay. What were the issues that she
18 raised with respect to harassment and unequal
19 treatment?

20 A The one I remember specifically related to
21 an instructor and his -- the way that he had
22 conducted some training and then his -- you know,
23 his interactions with her in the training
24 environment.

25 Q What was the name of the instructor?

1 A I believe it -- well, Tom Albain is the
2 one name that I remember. There may have been
3 others.

4 Q And what were the other harassment or
5 unequal treatment issues that you recall?

6 A I don't recall.

7 Q With respect to any issues related to Tom
8 Albain, what was Delta's ultimate conclusion?

9 MR. BISBEE: Objection. Calls for
10 speculation. Lacks foundation.

11 THE WITNESS: I don't recall.

12 BY MR. SEHAM:

13 Q But your feeling at the time was that they
14 were significant enough that they warranted
15 investigation?

16 A Absolutely. She brought them forward, and
17 we took them very seriously.

18 Q Okay. And what were the -- what were the
19 safety issues that she raised?

20 A There was -- it was difficult to -- we had
21 to spend some time unpacking what all the safety
22 issues were. One of the most important that I do
23 remember was around reporting culture and being able
24 to bring safety issues forward.

25 And there were other concerns about

1 how Delta was developing its safety management
2 system.

3 Q Okay. Was it -- was it your understanding
4 at the time of your meeting with Karlene Petitt that
5 having a reporting culture was a requirement of --
6 under federal aviation standards?

7 A Yes.

8 Q So you recall reporting culture issues and
9 SMS system issues. And as you sit here right now,
10 you can't recall any of the other safety issues that
11 she raised?

12 A There were issues with respect to flight
13 -- flight scheduling concerns that were raised and
14 whether we were compliant with federal aviation
15 regulations.

16 I'm sure there were some other issues
17 raised, but those are the ones that I remember.

18 Q And did those flight scheduling issues
19 also concern whether Delta was complying with
20 federal aviation regulations that were --

21 A Yes.

22 Q Now, who was charged with following up on
23 Ms. Petitt's -- the safety issues that she raised?

24 A Well, again, Captain Graham -- I charged
25 him with taking the results or the -- Karlene's

1 report and the meeting in my office -- following up
2 with her directly to make sure that we understood
3 the issues because we weren't able to get into all
4 of them in a tremendous amount of detail in a
5 90-meeting in my office.

6 So he was charged with following up
7 and basically categorizing the issues for followup,
8 also, subsequently, on the safety issues consulted
9 with our corporate safety and compliance department,
10 which has overall responsibility for SMS at Delta.

11 Q Do you recall whether there were any final
12 determinations by Delta as to the validity of the
13 concerns that Ms. Petitt had raised?

14 MR. BISBEE: Objection. Overbroad.

15 THE WITNESS: Yes. Yes.

16 BY MR. SEHAM:

17 Q What was the determination?

18 A Well, the determination was that, you
19 know, we have a culture of continuous improvement.
20 But there are always opportunities to improve your
21 performance.

22 And so we eventually -- we sought the
23 assistance of an outside auditor. We felt that
24 would be a healthy process for us to go through at
25 that point in time. And the catalyst for that --

1 frankly, I think we would have done it anyway.

2 But certainly a catalyst for it was
3 the meeting with Karlene.

4 Q Did you at any time reach a determination
5 that any of the compliance issues that she had
6 raised during her meeting with you or in her safety
7 report had been raised by her in bad faith?

8 A No.

9 Q Did you make a determination at any time
10 that any of the compliance concerns that she raised
11 during her meeting with you were without any
12 validity?

13 A No.

14 Q Who is -- and she also gave you a -- part
15 of the presentation was that she gave you a written
16 safety report. Correct?

17 A Yes.

18 Q All right. And did you throw that out, or
19 did you read it?

20 A No. I read it.

21 Q Did you read the entire document?

22 A Yes.

23 Q Who was employed first at Delta? You or
24 Captain Graham?

25 A Captain Graham.

1 Q Would you describe your relationship as
2 that of being friends?

3 A Yes.

4 Q Did you play some role in putting --
5 placing Mr. Graham in his management position?

6 A Yes.

7 Q Does Delta have work rules that govern how
8 a pilot is supposed to conduct him or herself at
9 work?

10 A Yes.

11 Q And is a pilot subject to discipline if he
12 violates those rules?

13 A After a certain point, yes.

14 Q Are you familiar with the concept of
15 progressive discipline?

16 A Yes.

17 Q And what is that? Is that a concept
18 applied by Delta in the context of its relationships
19 with its individual pilots?

20 A Yes.

21 Q And what does the term "progressive
22 discipline" mean to you?

23 A It means that, if a pilot violates, you
24 know, a norm -- it may or may not involve something
25 that is specifically enumerated in the pilot

1 contract.

2 But, generally, we will -- you know,
3 unless it is something egregious like lying,
4 cheating, stealing, falsifying records, something
5 like that, then you would start off with perhaps
6 maybe a verbal counseling or a written letter of
7 counsel and then a letter of warning and
8 potentially, you know, unpaid time off from work.

9 And then you could get eventually all
10 the way up to termination.

11 Q Now, a pilot is entitled to grieve acts of
12 discipline pursuant to the -- pursuant to the
13 processes of the collective bargaining agreement?

14 A Yes.

15 Q And is there a certain threshold
16 requirement in terms of the severity of the
17 discipline?

18 A I don't recall. I think that is correct,
19 but I just don't recall.

20 Q Well, to be more specific, can you grieve
21 under a warning if you are a pilot?

22 A I mean, I don't see why not.

23 Q But you don't know --

24 A I don't know for sure. That doesn't
25 happen very often. Or that doesn't -- I don't

1 recall that ever occurring.

2 Q Okay.

3 A It is not to say that it couldn't.

4 Q You used the term "letter of counsel." Is
5 a letter of counsel considered a disciplinary act?

6 A In the strict definition of the contract,
7 it is not considered discipline. There is -- and
8 that has evolved over time.

9 And I'm not sure that the Airline
10 Pilots Association and the company would necessarily
11 agree in every case on where that line is.

12 Q If a pilot complains that there is a
13 co-worker at Delta who is trying to harm him or her,
14 is it Delta's procedure to investigate and interview
15 the person who committed the alleged harm?

16 A Yes.

17 Q And are you familiar with Delta's policies
18 -- well, does Delta ever perform a look-back of
19 pilot records to check on their use of flight
20 privileges and sick leave and things of that nature?

21 A From time to time.

22 Q Under what circumstances would the
23 company -- Delta -- perform such a look-back?

24 A It would usually be associated with
25 something that has come to light, maybe if they were

1 not available for a trip or not available for
2 reserve duty, looking at what their practice had
3 been prior to that.

4 But it is not something that we are
5 doing on a systematic basis. It would generally be
6 as maybe one of these issues has come to light.

7 Q Did Delta ever conduct a look-back of
8 Ms. Petitt's work history?

9 MR. BISBEE: Objection. Foundation.

10 THE WITNESS: I don't know.

11 BY MR. SEHAM:

12 Q Was Ms. Petitt ever disciplined by Delta?

13 MR. BISBEE: Objection. Foundation.

14 THE WITNESS: I don't know.

15 BY MR. SEHAM:

16 Q Prior to -- okay. Are you familiar with
17 Delta's ethics policy?

18 A Yes.

19 Q What does that consist of?

20 A Essentially consists of, you know, we
21 can't -- when we are representing the company, we
22 have got to make sure that we are, you know,
23 comporting ourselves as a representative of the
24 company, not a representative of ourselves.

25 We have got to make sure that our

1 relationships with vendors are aboveboard, not
2 accepting gifts above a certain monetary value.
3 Things like that.

4 Q And does Delta have an open door policy?

5 A Yes.

6 Q How would you -- what is your
7 understanding of Delta's open door policy?

8 A The open door policy is that all the
9 executives, leadership is available to our front
10 line employees, that we want to hear from our front
11 line people.

12 Q Is there -- and that includes pilots, that
13 they are welcome to report to management?

14 A Yes. Yes.

15 Q Are they -- is it mandatory that they
16 report to a certain level of management?

17 A No.

18 Q So a rank and file pilot could send an
19 email directly to you?

20 A Yes. And often do.

21 Q There is nothing wrong with a pilot doing
22 that?

23 A There is nothing wrong with it. No.

24 Q Okay. Could a pilot -- similarly could a
25 pilot send an email to Ed Bastian?

1 A Yes.

2 Q Is there anything wrong with that?

3 A Nothing wrong with it.

4 Q Do you refer to Ed Bastian in your --
5 well, I don't -- in your conversations or emails
6 with him, do you refer to him as Mr. Bastian or Ed?

7 A I normally refer to him as Ed.

8 Q Is that common usage to your knowledge,
9 that subordinates -- Mr. Bastian -- refer to him as
10 Ed?

11 A At the headquarters, yes. Among the front
12 line, typically, they will use a more formal term of
13 address using Mr. Bastian. But it certainly varies.

14 Q Now, on January -- on January 28, 2016,
15 you and Captain Graham and Captain Davis had a
16 meeting with Ms. Petitt. Correct?

17 A On January 28, 2016?

18 Q Correct.

19 MR. BISBEE: And you were saying Davis,
20 Graham --

21 MR. SEHAM: You know, strike that.

22 MR. BISBEE: I had the same thought at the
23 same time.

24 BY MR. SEHAM:

25 Q Did you, Captain Graham and -- yeah. You,

1 Captain Graham, and Ms. Petitt have a meeting on
2 January 28, 2016?

3 A Yes.

4 Q What was the purpose of that meeting?

5 A The purpose was to review Karlene's report
6 that she had prepared and, you know, to hear her
7 concerns.

8 Q Okay. Would you agree that she had been
9 trying to set up this meeting for a few months?

10 A I don't know how long it was, but I do
11 know it was -- the preparations go back to at least
12 to November of the previous year. Yes.

13 Q Do you know what her combined Delta and
14 Northwest seniority date is?

15 A I don't remember.

16 Q Would it surprise you to hear that she has
17 over 20 years of seniority?

18 A No.

19 Q Were you aware at the time of your meeting
20 that she had been a director of training at another
21 airline in her previous career?

22 A I don't recall.

23 Q Do you know what her background is in
24 terms of her career?

25 A I know that she had been instructor in the

1 training department. I know she has written some
2 books. I know that she has spoken at industry
3 forums on various issues.

4 Q You knew all of these things that you just
5 listed at the time of your meeting?

6 A Yes.

7 Q Was this meeting something you were doing
8 out of obligation, or did you expect to obtain
9 valuable input from Ms. Petitt?

10 A I expected to obtain valuable input.

11 Q Did you at that time understand her to be
12 a competent pilot?

13 A Yes.

14 Q You knew at that time -- correct? -- that
15 she took a special interest in aviation safety
16 issues?

17 A Yes.

18 Q And you knew at the time she was actually
19 seeking a PhD in aviation safety at Embry-Riddle?

20 A I don't recall that detail.

21 Q So you say you did read Ms. Petitt's
22 safety report. Correct?

23 A Yes.

24 Q Now, did you make any notes on it?

25 A No.

1 Q Would you agree that she raised some
2 serious compliance issues?

3 MR. BISBEE: Objection. Vague.
4 Overbroad.

5 THE WITNESS: She raised some important
6 issues.

7 BY MR. SEHAM:

8 Q And important issues relating to
9 compliance with federal aviation standards.
10 Correct?

11 MR. BISBEE: Same objection. It calls for
12 a legal conclusion.

13 THE WITNESS: I think most of the issues
14 centered around culture and execution. Again,
15 primarily reporting culture.

16 (Whereupon, Exhibit No. 3 was
17 marked for identification and is
18 attached hereto.)

19 BY MR. SEHAM:

20 Q I've just handed you a document that is
21 titled at the top "Assessment of Delta Air Lines
22 Flight Operations Safety Culture." And it is --
23 when I say Bates stamped, that is the numbers with
24 the C at the beginning.

25 It is Bates stamped C00178 to C00220.

1 And once you have had a chance to look at it --

2 MR. BISBEE: This is the version that you
3 produced to us. Right?

4 MR. SEHAM: Correct.

5 MR. BISBEE: Okay. Was it Bates -- and it
6 may have been. Was it Bates numbered in the
7 production that we received?

8 MR. SEHAM: Maybe not because we were --
9 we have to deliver you a stick basically.

10 MR. BISBEE: This document is in our
11 production, just a non-Bates numbered version
12 of it?

13 MR. SEHAM: I don't know if we produced
14 unnumbered documents. I think we were going to
15 deliver the documents once they had all been
16 Bates stamped.

17 MR. BISBEE: Okay.

18 MR. SEHAM: And I have been out of the
19 office for three days.

20 MR. BISBEE: So this particular document
21 we don't have yet until now?

22 MR. SEHAM: With the numbers -- you have
23 this document. It is just that you don't have
24 it with the numbers at the bottom.

25 MR. BISBEE: That is what I was trying to

1 ask. Okay.

2 MR. SEHAM: Yeah. Correct.

3 BY MR. SEHAM:

4 Q Would you agree with me that this is the
5 safety report that Ms. Petitt gave to you on
6 January 28th?

7 A Yes.

8 MR. BISBEE: You have had a chance to look
9 through the whole document?

10 THE WITNESS: Well, I am not -- I don't
11 recall this -- certainly the first portion is.
12 I'm not sure -- let's see. And it has been a
13 long time since I have looked at this.

14 I don't remember the appendices. But,
15 yes, certainly the material up front here
16 appears to be the report that we discussed.

17 BY MR. SEHAM:

18 Q Would you agree me that in aviation a
19 large portion of incidents and accidents are
20 attributable to pilot fatigue?

21 MR. BISBEE: Objection. Overbroad.

22 THE WITNESS: No. I would not agree with
23 that.

24 BY MR. SEHAM:

25 Q Would you agree with me that pilot fatigue

1 is an issue of significant operational concern?

2 MR. BISBEE: Same objection. It is also
3 vague.

4 THE WITNESS: Yes. It is a risk that has
5 to be continuously mitigated.

6 BY MR. SEHAM:

7 Q And under the federal regulation, a pilot
8 who is excessively fatigued has an obligation to
9 remove himself from his assigned flight. Correct?

10 A Yes.

11 Q Would you agree that there is a certain
12 tension between preventing flying -- preventing
13 pilots from flying while fatigued and maintaining
14 Delta's schedule?

15 MR. BISBEE: Objection.

16 THE WITNESS: Safety has always got to
17 take top priority. So if a pilot calls in
18 fatigued, that is dispositive. We deal with
19 the -- we deal with everything else afterwards.

20 BY MR. SEHAM:

21 Q Are pilots ever pressured to disregard
22 their fatigue -- strike that.

23 Are pilots ever pressured by Delta
24 management or Delta scheduling to continue with a
25 flight notwithstanding the fact that they have

1 expressed that they are fatigued?

2 MR. BISBEE: Objection.

3 THE WITNESS: No. The pilots tend to put
4 much more pressure on themselves. If anything,
5 we have to make sure that they are not leaning
6 too far forward.

7 So in any particular case -- you know, can
8 you point to a case where there may have been a
9 conversation about the impact of the schedule?
10 I'm sure that that happens. You are dealing
11 with human beings. Systemically, absolutely
12 not.

13 BY MR. SEHAM:

14 Q When you say there might have been a
15 discussion, you mean a discussion along the lines of
16 a scheduler saying, "If you call in fatigued, we
17 have to cancel a flight and lose a million dollars"?

18 A Well, probably wouldn't say that. Or a
19 gate agent or anyone whose job is made more
20 difficult by the circumstance -- that is something
21 we have to continuously manage on an enterprise of
22 our size.

23 Q Has Delta ever disciplined a pilot for
24 calling in fatigued?

25 A No.

1 Q Has Delta ever warned a pilot -- given an
2 oral warning for calling in fatigued?

3 MR. BISBEE: Objection. Vague and
4 overbroad. You are asking if any Delta
5 employee has ever issued a nonwritten document?

6 BY MR. SEHAM:

7 Q To your knowledge, has a --

8 A To my knowledge, no.

9 Q Are representations that a pilot makes
10 concerning his fatigue ever subject to challenge by
11 Delta?

12 A No.

13 Q Are you familiar with the federal aviation
14 regulations that pertain to a carrier's obligations
15 as they relate to pilot fatigue?

16 A Yes.

17 Q What are those obligations?

18 A We have a fatigue risk management program
19 that we have set up. We continue to develop it and
20 improve it. And it is coordinated and approved by
21 the FAA.

22 Q Once it is approved by the FAA, then you
23 have an obligation to the FAA to comply with your
24 program. Correct?

25 A Yes.

1 Q Delta is required under the federal
2 aviation regulations to have a fatigue training
3 program. Correct?

4 A Yes.

5 Q Does Delta have such a program?

6 A Yes.

7 Q Could you describe what that program
8 consists of?

9 A You know, at various points in -- both in
10 our new hire training and also in our quarterly
11 recurrent training, we will review the topics and
12 the human factors issues associated with how to
13 manage your own rest and how to make sure that we
14 are fit and ready to fly.

15 It is not something that is done
16 every cycle, but it is done periodically in support.

17 Q So Delta has an education and awareness
18 program relating to fatigue. Correct?

19 A Yes. And we also work very closely with
20 the central air safety committee at the Airline
21 Pilots Association because they will also deliver
22 some of this messaging as well.

23 Q And part of that -- and that education and
24 awareness training program is required to be
25 implemented by the FAA?

1 A Yes.

2 Q Okay. It actually has to update that
3 program every two years. Correct?

4 A I don't recall what the timeframe is.

5 Q To the extent that there are updates,
6 every update has to be approved by the FAA.

7 Correct?

8 A I don't know.

9 Q And part of the program is to increase the
10 pilots' awareness of the dangers of fatigue?

11 A Yes.

12 Q And to also do -- educate a pilot that he
13 is encouraged to withdraw from flight operations if
14 he feels fatigued?

15 A Yes.

16 Q I'm going to ask you to turn to Dickson
17 Exhibit 3 and Page 17 of the report, which would be
18 Bates stamped C00194.

19 MR. BISBEE: This the nicest paper I have
20 ever seen an exhibit --

21 MR. SEHAM: Yeah.

22 MR. BISBEE: It feels like my resume.
23 Lovely.

24 BY MR. SEHAM:

25 Q I'm going to refer you back to the section

1 where it says "Fatigue." I'm going to read just the
2 first paragraph.

3 Quote, Inverse assignment. Said
4 pilot was called at 11:00 p.m. on the east coast and
5 given an inverse assignment where a scheduler booked
6 a positive space, two-leg connection from Florida to
7 Seattle on said pilot's personal time with 45
8 minutes to report for a Hong Kong flight on company
9 time.

10 The wake up call was five hours after
11 scheduling called with the assignment. Said pilot
12 was afraid to turn it down for reason of
13 retaliation; as said pilot sat in class where the
14 manager said, quote, Never call in fatigued at
15 Delta. That is the other F-word and said pilot had
16 already experienced numerous forms of harassment.
17 Closed quote.

18 My question -- well, let's avoid the
19 profanity perhaps. For a pilot manager to tell a
20 pilot, "Never call in fatigued at Delta. That is
21 the other F-word" -- would you agree with me that
22 that would be noncompliance with Delta's
23 FAA-approved training program related to fatigue?

24 A Yes.

25 Q Do you recall who the pilot was who was

1 subject to that comment by the manager?

2 A No.

3 Q So you have no recollection of ever having
4 anyone interview this pilot?

5 A Not personally.

6 Q Did you ask Ms. Petitt during the meeting,
7 "Who is this pilot?"

8 A I don't recall.

9 Q So you don't have any knowledge of Delta
10 investigating this reported violation of its
11 training program?

12 MR. BISBEE: Objection. Foundation.
13 Misstates witness's testimony.

14 THE WITNESS: With respect to this
15 particular phrase, no. But that is not
16 consistent with -- certainly with my direction
17 and the way we want to run --

18 BY MR. SEHAM:

19 Q Well, would you agree -- I'm sorry. I
20 didn't mean to interrupt. Were you finished?

21 A Yes.

22 Q Would you agree that a manager making
23 these statements to a pilot would be a violation of
24 Delta's training program related to fatigue?

25 A On its face, yes.

1 Q Did you at that time have any reason to
2 believe that Ms. Petitt was reporting this incident
3 in bad faith?

4 A No.

5 Q Have you since this time -- since the time
6 of your meeting ever come to the conclusion that
7 Ms. Petitt made this report in bad faith?

8 A No.

9 Q Do you know a pilot named Jerry Harrott?

10 A No.

11 (Whereupon, Exhibit No. 4 was
12 marked for identification and is
13 attached hereto.)

14 BY MR. SEHAM:

15 Q I'm handing you a document we have marked
16 as Dickson Exhibit 4, and it is an email thread, it
17 states, from Jerry Harrott to Stephen Dickson.

18 MR. BISBEE: I will just note this is not
19 Bates numbered. Has this been produced?

20 MR. SEHAM: No. As I say, we have not
21 delivered these documents yet.

22 BY MR. SEHAM:

23 Q Take your time to review the email thread.

24 MR. BISBEE: This looks like this reads
25 front to back -- is that correct? -- for his

1 review purposes.

2 MR. SEHAM: Yeah. The only thing I'm
3 asking him with respect -- I'm not going to go
4 into the details of it.

5 I am just asking him whether this is -- if
6 he recognizes this is as an email exchange he
7 had with the referenced pilot just to confirm
8 its authenticity.

9 MR. BISBEE: So you are providing an email
10 that has not been produced and asking for
11 authenticity to be inquired about in this
12 deposition?

13 MR. SEHAM: See, we had -- the date for
14 our document production was Monday. We emailed
15 you a response just as you had -- well,
16 actually you all got a two-week extension.

17 We gave you our response saying, as you
18 all stated, we will be producing these
19 documents because we didn't get anything. Even
20 with the two-week extension, we didn't get
21 anything.

22 MR. BISBEE: Well, we produced 25,000
23 pages of material.

24 MR. SEHAM: No, no. We didn't get
25 anything even after the two-week extension; so

1 we produced the document response with an email
2 to you explaining that we were still Bates
3 stamping.

4 And as soon as the Bates stamps were done,
5 because that was the order of the tribunal, we
6 would be providing the documents. We haven't
7 produced -- we haven't physically delivered to
8 you any documents yet.

9 MR. BISBEE: I'm just saying you could
10 have provided us with exhibits that had not
11 been exchanged in this case prior to the
12 deposition. But I appreciate the explanation.

13 Can you explain where the document came
14 from? I don't see your client's name on it.
15 It has not been produced by Delta.

16 MR. SEHAM: No, I can't. I'm asking this
17 witness to authenticate this exchange.

18 MR. BISBEE: This doesn't have
19 Mr. Dickson's --

20 MR. SEHAM: I'm asking this -- and we are
21 getting very close to a Rule 30 coaching here.
22 I'm asking Mr. Dickson this question, whether
23 he can authenticate this email exchange.

24 MR. BISBEE: I'm trying to understand what
25 this document is.

1 It is entirely permissible given that it
2 has never been sent to Delta in this case for
3 your representation. I am in no way trying to
4 coach the witness and nor will I ever do so.

5 But I will represent my client especially
6 under circumstances like this.

7 MR. SEHAM: May we proceed with the
8 questioning of the client?

9 MR. BISBEE: Have you had a chance to
10 review the email, Mr. Dickson?

11 THE WITNESS: Yes.

12 MR. BISBEE: Then, yes, you may.

13 BY MR. SEHAM:

14 Q Can you authenticate that this is an
15 actual email exchange you had with a Mr. Harrott, a
16 pilot at Delta Air Lines?

17 A Yes.

18 Q What does SMS stand for in the context of
19 flight operations?

20 A Safety management system.

21 Q What does SMS consist of?

22 A Well, it is a way to manage safety risk
23 systematically in terms of -- rather than in a
24 prescriptive way. In other words, more performance
25 based rather than rules based.

1 And it has got four components:

2 Safety policy, safety promotion, safety risk
3 management, and safety assurance.

4 Q At the time of your meeting with
5 Ms. Petitt, the company had already adopted an SMS
6 program?

7 A Yes.

8 Q And that SMS program that existed at that
9 time in January of 2016 had been approved by the
10 FAA?

11 A Yes.

12 Q Would you agree with me that, pursuant to
13 federal aviation standards, that Delta had an
14 obligation to conform and comply with the terms of
15 the SMS program that the FAA had approved?

16 A Yes.

17 Q Now, I would like you to turn to Page 19.

18 MR. BISBEE: You are back on Exhibit 3?

19 BY MR. SEHAM:

20 Q Of Dickson Exhibit 3, which is Bates
21 stamped C00196.

22 A Okay.

23 Q You will see there is a bolded quote at
24 the top that reads, quote, The FAA also cautions
25 that the SRM process should be embedded in the

1 organization's operational processes that are used
2 to provide -- provided product and services and not
3 separate or distinct -- I'm sorry. You know what?
4 I'm going to start from scratch here.

5 Quote, The FAA also cautions that the
6 SRM process should be embedded in the organization's
7 operational processes that are used to provided --
8 with a D at the end -- product and services and not
9 separate or distinct process. FAA 2009. Closed
10 quote.

11 My question is: What is SRM? What
12 does that refer to?

13 A Safety risk management.

14 Q Does Delta have a safety risk management
15 process?

16 A Yes.

17 Q Did it have such a process in January of
18 2016?

19 A Yes.

20 Q Can you describe it?

21 A Well, in terms of executing safety risk
22 management, we are taking all of our safety data
23 that is coming in, whether it is FOQA data or --

24 COURT REPORTER: FOQA data?

25 THE WITNESS: I am sorry. FOQA.

1 MR. BISBEE: All capital?

2 THE WITNESS: Yes.

3 Or pilot ASAP reports or FAA reports,
4 audit information, training information --
5 taking that -- and it goes into our data
6 analysis group with flight safety and flight
7 operations together.

8 And we track and trim that information,
9 identify what the emerging threats are. And
10 then that goes to our threat management group,
11 which is comprised of leaders across
12 disciplines within flight operations to
13 determine what policy or procedure changes may
14 need to be put in place to mitigate that threat
15 or to make sure that we continue to have a
16 positive trend.

17 And then the final -- those
18 recommendations are developed out of the threat
19 management group for the -- and presented to
20 the flight ops directors. And actions come out
21 of that, whether it is training communications,
22 policy changes/adjustments to be able to make
23 sure that we -- that we manage that risk.

24 And it may or may not involve departments
25 outside of flight operations, depending on, you

1 know, what the interfaces with a particular
2 issue are.

3 BY MR. SEHAM:

4 Q Now, are you aware that Delta sets forth
5 six reasons at a minimum that mandate that an SRM
6 process should be performed?

7 A I don't remember the number of reasons,
8 but there are certainly some criteria.

9 Q Okay. And to give you a concrete example,
10 would open access to the flight deck such that an
11 unstable person was unable to enter the flight
12 deck -- would that be a hazard requiring the
13 initiation of an SRM process?

14 A Yes.

15 Q Is it true that the FAA directs that all
16 levels of management must actively promote and
17 provide leadership to foster a positive safety
18 culture?

19 A Yes.

20 Q And is it true that managers at your -- so
21 are all levels of managers at Delta actively engaged
22 in promoting and fostering a positive safety
23 culture?

24 A Yes.

25 Q So, for example, what do you -- in the two

1 years leading up to your retirement, what were you
2 doing --

3 MR. BISBEE: Objection.

4 BY MR. SEHAM:

5 Q -- with respect to the promotion of a
6 positive safety culture?

7 MR. BISBEE: Objection. Overbroad.

8 THE WITNESS: Well, I was, you know,
9 ultimately responsible for the safety of our
10 flight operations.

11 I was making sure that we were managing
12 change effectively, you know, improving the
13 technology, the tools on the flight deck,
14 making sure we continue to improve our training
15 programs, benchmarking around the industry to
16 see what manufacturers -- other operators were
17 doing and ensuring that we were measuring and
18 continuing to see improving trends in our core
19 safety metrics.

20 BY MR. SEHAM:

21 Q Does the CEO Ed Bastian have any role in
22 the promotion of flight operation safety culture?

23 A Yes.

24 Q What is his role?

25 A His role is -- he is on our board of

1 directors. We have a board of directors safety and
2 security committee.

3 And, you know, we review our safety
4 performance on a regular basis with the safety and
5 security committee. And as we have events show up,
6 we are showing them our historical trends.

7 But ultimately, you know, in his role
8 as a CEO, Ed is the safety leader of the company.

9 Q Does Delta examine data gathered from
10 everyday operations?

11 A Yes.

12 Q Do you attempt to isolate trends that
13 might be precursors to incidents and accidents and
14 then take steps to mitigate the risk?

15 A Yes.

16 Q I'm going to ask you to turn to Page 4 of
17 the Document 3, Bates stamped 00181.

18 Okay. I'm starting from the Alaska
19 pilot reference. It says Alaska pilot, in
20 parenthesis, 2015. Quote, They told us they --

21 MR. BISBEE: Do you see where he is?

22 THE WITNESS: Yeah.

23 MR. BISBEE: Okay.

24 BY MR. SEHAM:

25 Q Quote, They told us they valued our

1 opinion and, if we saw anything -- in italics --
2 that could be improved or were doing wrong, to
3 please let them know. Closed quote. Alaska
4 encourages new hire employees to bring forward
5 issues.

6 Then it goes on to say, quote,
7 Statements from Delta senior flight operations
8 management indicating essence of Delta culture
9 include, quote, If there is a better way, Delta
10 would already be doing it.

11 Quote, Stop writing emails. There is
12 nothing you can say that they don't know already.

13 Quote --

14 MR. BISBEE: I think you read that one
15 slightly wrong.

16 MR. SEHAM: I will read it again.

17 BY MR. SEHAM:

18 Q Quote, Stop writing emails. There is
19 nothing you can say that they don't already know.

20 Closed quote.

21 Quote, You should stop all this
22 writing and drink more beer. Closed quote.

23 Quote, At Delta we have the power to
24 do what we want. Closed quote.

25 Quote, You are not the first person

1 who gets multiple retaliatory line checks. Closed
2 quote.

3 With respect to these quotes, do any
4 of them give you concern in terms of compliance with
5 SMS safety culture?

6 A Yes. But I have never heard any of this.
7 This is not a message that we convey.

8 Q But if -- you said you read Ms. Petitt's
9 safety report. Correct?

10 A Yes.

11 Q So you did read her report that Delta
12 senior flight operations management were making
13 these statements. Correct?

14 A Yes.

15 Q Okay. Would you agree with me that these
16 statements are not in compliance with the Delta SMS
17 program?

18 A Yes. Yes.

19 Q Did you conclude at any time that
20 Ms. Petitt was reporting these statements in bad
21 faith?

22 A No.

23 Q Did you ask her at any time who were the
24 sources of these statements?

25 A I don't recall.

1 Q Do you recall whether there was any
2 investigation by Delta into the sources of these
3 statements?

4 A There was definitely recalibration on --
5 among -- to make sure that we were delivering a very
6 supportive message, which I believe we have. But
7 there may have been some anecdotes that we had to
8 address.

9 Q My question was more specific, though.

10 Are you aware whether Delta made any
11 effort to track down the identity of the individuals
12 who made the quoted statements?

13 A Yes.

14 Q They did make an effort?

15 A Yes.

16 Q Do you know who conducted that
17 investigation?

18 A I don't recall. Well, it would have been
19 Captain Graham.

20 Q Okay. Do you know whether Captain Graham
21 ever asked Ms. Petitt who made these statements?

22 A I don't recall.

23 Q Do you recall Captain Graham's conclusions
24 as to whether these statements had been made or not?

25 A I don't recall.

1 Q This last comment, "You are not the first
2 person who gets multiple retaliatory line checks" --
3 have you ever heard that, that concept of a
4 retaliatory line check?

5 A No.

6 Q Do you recall whether any disciplinary
7 action was taken against any of the persons who made
8 these statements -- this statement?

9 A I don't recall.

10 Q I would like you to turn to Page 5.

11 MR. BISBEE: Before we move on, Mr. Seham,
12 what time do you want to take lunch? Because,
13 if not, I'm going to suggest a break if you
14 want to go, like, another hour or something.
15 It is 11:45 right now. If you want to have
16 lunch at 12:00, I can --

17 MR. SEHAM: We can have lunch at 12:00.

18 MR. BISBEE: Does that work for you,
19 Mr. Dickson?

20 THE WITNESS: Yeah. I'm fine.

21 BY MR. SEHAM:

22 Q Okay. I'm going to ask you -- I've
23 already asked you to turn to Page 5.

24 If you go about a third down the
25 page, it starts with the bold print, "A330 pilots

1 are not confident on the aircraft."

2 Open quote, A senior check airman
3 determined that pilots did not hand fly their
4 aircraft because they lacked understanding and
5 confidence; thus were fearful to engage -- to
6 disengage the automation.

7 Open parenthesis, A330 check airman,
8 personal communication February 12, 2015. Closed
9 quote.

10 Do you know who this check airman
11 was?

12 A No.

13 Q Did you ever ask Ms. Petitt who the check
14 airman was?

15 A No.

16 Q Did you ever draw a conclusion that
17 Ms. Petitt was making this report in bad faith?

18 A No.

19 Q Would you agree with me that this
20 statement, if accurate, reflects a failure in
21 Delta's training program?

22 A No.

23 Q You don't agree with that?

24 A No.

25 Q So it is acceptable from Delta's

1 perspective that they avoid hand flying because they
2 lack understanding and confidence?

3 A So your question -- you are asking me if I
4 think that is acceptable?

5 Q Yeah. If it is acceptable.

6 A No. I think this is one individual's
7 opinion.

8 Q I'm asking you, if that is the fact,
9 assuming as a factual premise that Delta pilots are,
10 in fact, not flying -- not engaging in hand flying
11 because they lack understanding and confidence -- if
12 that is a fact, would you agree with me that that
13 would reflect a failure in Delta's training program?

14 A If that is a fact, that is an area
15 particularly with newer, more automated aircraft
16 where we would want to make sure they had that
17 confidence. Absolutely.

18 Q Okay. But, of course, you would like it.
19 But if they come out of training and they don't have
20 the understanding and confidence to engage in hand
21 flying, would you agree with me that that is a
22 failure of Delta's FAA-approved training program?

23 A I would say it is an opportunity for
24 improvement. Certainly. No, I would not --

25 Q That is not my question. Are you saying

1 that would be acceptable in --

2 A No.

3 Q Okay. So then you would agree with me
4 that that would reflect noncompliance with
5 FAA-approved training programs, that pilots don't
6 have the confidence to engage in hand flying.

7 A It is a higher level than compliance. It
8 is an undesirable outcome. So we hold ourselves --
9 we are talking about managing safety risk as a
10 higher bar than simple compliance.

11 Q Would you agree with me that, under your
12 training programs that are approved by the FAA --
13 Delta has an obligation to train their pilots on how
14 to operate the aircraft via --

15 A To have basic proficiency of the airplane.
16 Absolutely.

17 Q Okay. Thank you. I'm going to refer you
18 to the next paragraph, which reads, "The author --
19 lack of information sharing.

20 "The author, said pilot, continually
21 receives questions from other airline pilots as to
22 how to operate the aircraft, procedural questions,
23 line questions, et cetera.

24 "Why don't these pilots know? And
25 better yet, why is there not a formal system with

1 processes in place to answer these questions?"

2 Do you see that reference?

3 A Yes.

4 Q Now, I think it has been established Delta
5 has an obligation under federal aviation regulations
6 to adequately train its pilots for flight
7 operations. Correct?

8 A Yes.

9 Q And would you agree with me that
10 Ms. Petitt in this report is communicating to Delta
11 that Delta's pilots are not adequately trained?

12 A As far as information sharing? Is that
13 what --

14 Q Yes. Yes.

15 A Yes. I think she is alluding to the fact
16 that we can improve our processes for making sure
17 that our pilots are informed about emerging safety
18 risks in the operation and actually events that are
19 going on in the line.

20 Q Let's look at bullet points that follow.
21 The first bullet point reads, quote, At 300 degrees
22 ILS 16L, thrust went to idle at 300 degrees. A/S 7K
23 below ref period.

24 I'm sorry. 300 degrees should be
25 300 feet.

1 A Right.

2 Q Excuse me.

3 Engaged TOGA, T-O-G-A, momentarily,
4 landed in T/D zone but with full aft stick to
5 achieve normal T/D attitude. We didn't know why and
6 lucked out. Any idea?

7 MR. BISBEE: When you are saying "TD," it
8 is T, slash, D?

9 MR. SEHAM: Touchdown zone. Yeah.

10 BY MR. SEHAM:

11 Q Closed quote.

12 Now, what is ILS?

13 A Instrument landing system.

14 Q What does 16L refer to?

15 A That is runway 16 left.

16 Q Can you explain the reference to A/S 7K
17 below ref?

18 A Airspeed seven knots below your normal
19 final approach speed.

20 Q What is TOGA?

21 A That is takeoff/go-around mode. It is
22 essentially maximum throttle position.

23 Q And why would a pilot engage TOGA
24 momentarily?

25 A Usually if they were going to abandon the

1 approach and take the airplane around.

2 Q Now, the pilot states, quote, Landed in
3 T/D zone with full aft stick to achieve normal T/D
4 attitude. Closed quote.

5 Is that a source of concern for you
6 as described?

7 A Yes.

8 Q Why would that be a source of --

9 A Well, it indicates that the airplane was
10 -- because it was below the final approach airspeed
11 that -- in order to arrest the descent for the
12 landing, that they were at -- they were at maximum
13 control authority.

14 Q The pilot concludes, quote, We didn't know
15 why and lucked out. Any idea? Closed quote.

16 Would you agree that that
17 communication conveys a degree of helplessness?

18 A Yes.

19 Q And --

20 A I mean, I don't know what was in the
21 author's mind exactly, but I can surmise that.

22 Q It conveys a sense of a lack of
23 operational control. Correct?

24 A Yes.

25 Q And are you comfortable with a pilot

1 expressing these sentiments about his own flight
2 competency?

3 A Yeah. We would want to know -- I mean, I
4 don't know -- this particular event -- you know, I
5 would want to know if we had an event like this
6 happened. I would hope that the pilot would have
7 reported it and that we would have followed up on it
8 with our normal process.

9 Q Why would you want to follow up on it?

10 A Because we would want to see if there is
11 any technical issues with the airplane. We would
12 want to see if there is any -- anything that could
13 be addressed through systems awareness communication
14 or, you know -- and then also to make sure that the
15 other pilot was also monitoring the flight path of
16 the airplane in an active way.

17 Q Okay. Did you ask Ms. Petitt to identify
18 the pilot involved?

19 A No.

20 Q Did you follow up in any way in terms of
21 investigating --

22 A I did not personally follow up.

23 Q Did anyone else follow up in terms of
24 investigating the facts of that bullet point?

25 MR. BISBEE: Objection. Foundation.

1 THE WITNESS: I don't know.

2 BY MR. SEHAM:

3 Q The next bullet point states, quote, On
4 T/O, got hook up to A/S in 30 degree right bank when
5 accelerating at 3,500 feet. Thrust lock observed.
6 Alpha floor suspected but not observed.

7 Hook may have just been on the side.
8 PNF captain, in parenthesis. Not sure what
9 happened.

10 Do you see that reference?

11 A Yeah.

12 Q T/O means take off?

13 A Yes.

14 Q Would you agree me that takeoffs and
15 landings are generally considered the most
16 vulnerable part of flight operation?

17 A Yes.

18 Q And A/S is air speed. Correct?

19 A Yes.

20 Q Does the hookup described here present an
21 operational concern?

22 A Yes.

23 Q And here it means -- the hookup signifies
24 here that the airspeed is too slow. Correct?

25 A Yes. With a bank angle that is on the

1 airplane, yes.

2 Q In the aircraft, there is a depiction of a
3 hook on the airspeed indicator that comes up to the
4 airspeed when the aircraft is operating too slowly.

5 A Yes.

6 Q And then the thrust locks. Correct?

7 A Yes.

8 Q And then the effective of the alpha floor
9 is that the plane then goes to max power?

10 A That's correct.

11 Q And that is something that happens
12 automatically without -- beyond the pilot exercising
13 control.

14 A Right. Correct.

15 Q Now, when the pilot reports that the alpha
16 floor is suspect, does that present a concern for
17 you?

18 A Yeah. Alpha floor is not a desirable
19 situation to be in, but it is an automated recovery
20 mode that is in the Airbus flight deck architecture.

21 Q When alpha floor is suspected but not
22 observed, is there any potential for having an
23 aircraft stall?

24 A There is a potential for either a stall or
25 an overspeed, depending on how the recovery is done.

1 So it is something that is -- that is
2 very unique to the Airbus and can -- you know, a lot
3 of times, when it comes up, it can startle the
4 pilot. So it is hard for them to go back and
5 reconstruct exactly what happened.

6 Q When a pilot says, "Alpha floor suspected
7 but not observed," does that present a concern for
8 you?

9 A Yes.

10 Q What concern is that?

11 A Well, you might execute an inappropriate
12 recovery procedure if you don't recognize that you
13 are in an alpha floor condition.

14 Q Is it possible here, with respect to this
15 incident, that these facts reflect inadequate
16 training of that pilot?

17 A More likely a momentary loss of
18 situational awareness. But certainly -- I mean,
19 these things you don't see very often. They can
20 surprise you.

21 So if you were trained on something,
22 you know, a year or two earlier and you encounter a
23 situation, sometimes there can be a momentary loss
24 of awareness there. And they might not notice right
25 away what the indications were.

1 Q In this case, perhaps the pilot might have
2 needed refresher training?

3 A Possibly. And I presume that would have
4 happened if the -- if this had been reported through
5 the ASAP process.

6 Q Did you ask Ms. Petitt to identify the
7 pilot?

8 A No.

9 Q Did you follow up in any way?

10 A I did not personally follow up.

11 Q Do you know if anyone else followed up in
12 any way in terms of --

13 A In terms of these overall safety concerns,
14 this is part of Captain Graham's followup on that
15 aspect of the report.

16 Q Okay. All right.

17 MR. SEHAM: Off the record.

18 (A recess was taken, and the
19 deposition continued as
20 follows:)

21 BY MR. SEHAM:

22 Q Before I resume with the safety report, I
23 think -- and tell me if I recollect incorrectly.
24 But you testified that Captain Graham went to EO,
25 human resources, labor relations, and legal for

1 guidance.

2 A I know, at some point, consulted with
3 legal as we would on a lot of issues like this. And
4 then I neglected to mention the director of health
5 services was also -- Dr. Faulkner was also involved.

6 Q With respect to these different
7 organizations, can you name persons at all? Can you
8 name a person in -- the persons in EO with whom he
9 consulted?

10 A Well, I know Kelley Nabors for sure. I
11 don't know if her superiors were involved. And I
12 know in labor relations it was Chris Puckett. And
13 legal -- I don't know the precise individuals.

14 Q In HR?

15 A I don't remember. It would have been our
16 HR generalist, I believe, at the time. Topically,
17 when you have something like this where there has
18 been, you know, some sort of harassment or, you
19 know, an interaction like that, they would be
20 involved.

21 But they may have already referred it
22 to EO. I'm just not sure.

23 Q So you don't really have a name for --
24 within HR?

25 A No. No.

1 Q And how is it --

2 A I know it is not our current team. I just
3 don't remember who it was at the time.

4 Q So is it fair to say that the only -- the
5 only names you can give me in terms of with whom
6 Graham consulted would be Nabors, Puckett, and
7 Faulkner?

8 A Yes.

9 Q Okay.

10 A I know for a fact they were involved.

11 Q And you can't recall anyone else by name?

12 A No.

13 Q I'm going back to the safety report.

14 MR. BISBEE: You are still on Page 5?

15 MR. SEHAM: Yeah.

16 MR. BISBEE: Okay.

17 BY MR. SEHAM:

18 Q I want to refer you to that third bullet
19 point that reads, quote, Do you know any good check
20 airmen out there on the Bus that are open to ideas?
21 I ran into a problem a couple of days ago and would
22 like to bounce an idea for a change off somebody.
23 Thoughts?

24 Now, did I read that correctly?

25 A Yes.

1 Q And then is check airmen a management
2 position at Delta?

3 A It is an extension of the leadership team.
4 But they are line pilots who are doing the flight
5 standardization, line checks, and operating
6 experience on the airplane. Not a formal management
7 position.

8 Q Do you have a person on each -- for each
9 fleet type or equipment type accessible to provide
10 information to pilots about operations?

11 A Yes.

12 Q Does it present any concern to you that
13 the -- this pilot is putting his message out to the
14 general public as opposed to going within
15 management?

16 A It is -- it would be better to go to the
17 subject matter experts on the fleet, whether it was
18 an instructor or a line check pilot. But this is
19 not -- I mean, pilots are always communicating with
20 each other on issues. This is not particularly
21 unusual.

22 Q Did you have any concerns with that third
23 bullet point, the reference to running into a
24 problem a couple of days ago and wanting to bounce
25 an idea for change off somebody? Did that present

1 any concerns for you?

2 A Not specifically. Again, pilots are
3 always talking about, you know, conferring with each
4 other on best practices and, you know, overcoming
5 operational, you know, issues.

6 So there are certainly -- you know,
7 it is impossible to know everything about the
8 systems on the airplane. And there are some check
9 airmen and some technical pilots who may have
10 particular focused areas of expertise where you
11 might be able to get a question answered.

12 Q And the next -- did you follow up with
13 Ms. Petitt and ask her who that pilot was?

14 A I did not. This would have been part of
15 the safety followup.

16 Q And the next bullet point reads, quote, I
17 have got an Airbus question for you. This came up
18 on a SID out of AMS. And I am not sure if the
19 autopilot was just being sloppy or not. The
20 situation is -- dot, dot, dot. That is where the
21 quote ends.

22 Now, what does SID stand for?

23 A Standard instrument departure.

24 Q And then AMS would be Amsterdam?

25 A Yes.

1 Q What does it mean for an autopilot to be
2 sloppy?

3 A Well, I mean, I don't think -- well, maybe
4 it was not controlling air speed very well, or maybe
5 there were excursions in pitch. You know, something
6 that seemed out of the norm to a particular
7 individual.

8 It may have been due to the way that
9 that particular departure was designed, or it may
10 have been a technical issue on the airplane. It is
11 hard to say from looking at this.

12 Q It is potentially suggestive of flight
13 operation problems?

14 A It is something that we would want to look
15 into. Yes.

16 Q And did you ask Ms. Petitt for the name of
17 this individual?

18 A I did not.

19 Q And did you ever -- with respect to both
20 the third and fourth bullet points, did you ever
21 have a basis for concluding that these
22 communications were being passed on in bad faith by
23 Ms. Petitt?

24 A No.

25 Q The last bullet point reads, "During OE,

1 the wheels fell off when, on my first leg, Albain
2 told me to go vertical speed on the descent into
3 DTW. I was high and fast, and that just made it
4 worse. WTF."

5 And OE is -- would that be operating
6 experience?

7 A Yes.

8 Q And DTW would be Detroit?

9 A Yes.

10 Q And WTF, based on your life experience
11 which I share, would that -- would you understand
12 that to mean "what the fuck"?

13 A Yes.

14 Q And OE is a training event. Correct?

15 A Yes.

16 Q And OEs are typically conducted on live
17 revenue flights?

18 A Correct.

19 Q So more likely than not there were
20 passengers onboard the flight that is referenced
21 here?

22 A Yes.

23 Q And in your experience in the airline
24 industry, what does it mean -- the expression, the
25 wheels fell off?

1 A I can't speculate as to what this
2 individual -- I mean, I don't know what -- what he
3 or she meant.

4 Q Well, when you read it, was your
5 understanding that things operationally went off
6 track?

7 MR. BISBEE: Objection.

8 THE WITNESS: Not -- it may have been the
9 individual got task saturated. It could have
10 been a lot of things meant by that.

11 BY MR. SEHAM:

12 Q Well, reading it in the context of the
13 entire bullet point, which refers to going in high
14 and fast into Detroit, did this communicate -- this
15 bullet point -- that there was an operational safety
16 issue on this flight?

17 A It could have been. I don't know to what
18 degree. There certainly were some work -- appear to
19 be some workload management challenges.

20 Q What does it mean to go vertical speed or
21 -- what does it mean to go vertical speed on
22 descent?

23 A It is the vertical navigation mode of the
24 aircraft for -- not typically a mode that you would
25 be in.

1 Q When would you invoke that as a strategy?

2 A Well, sometimes -- I believe this probably
3 was an Airbus; although I'm not a hundred percent
4 sure.

5 But if you are not in the lateral
6 navigation mode, you will be in -- you know, you
7 won't be in a -- you would either be in an open
8 descent or vertical speed.

9 So it is something where the
10 primary -- it is not going to control the airspeed
11 of the aircraft except within limits. And it is
12 just going to try to climb or descend the airplane
13 at a certain rate, whatever that maybe.

14 And it could cause you to -- a
15 distraction. It could cause you to miss an altitude
16 speed restriction or an airspeed restriction.

17 Q When descent is high and fast, that
18 creates a potential for overshooting the runway.
19 Correct?

20 A Well, it depends on what phase of flight.
21 But, yeah, overshooting the runway or missing an
22 altitude restriction -- you know, it can definitely
23 cause some workload issues.

24 And managing your energy approaching
25 the airport is always something that is a very high

1 emphasis item.

2 Q And you have never flown the A330.

3 Correct?

4 A No.

5 Q Are you knowledgeable of the best
6 practices for flying the A330?

7 A I have flown the A320 series, and it is
8 very similar. So I would say, in general, yes.

9 Q Are there -- to your knowledge, on the
10 A330 are there altitude protections and vertical
11 speed on that aircraft?

12 A Yes.

13 Q Okay. So coming in -- so coming in high
14 and fast using vertical speed could lead to an
15 unstable approach?

16 A Yes.

17 Q And the pilot could inadvertently fly
18 through an assigned altitude. Correct?

19 A Yes.

20 Q Now, do you know who Tom Albain is?

21 A I know -- I mean, I don't know him
22 personally. But as a result of Karlene's report, I
23 am familiar with the name.

24 Q Okay. You have never spoken to him
25 personally?

1 A No.

2 Q Have you ever emailed or otherwise
3 communicated with him?

4 A No.

5 Q Have you ever read any reports submitted
6 by him?

7 A No.

8 Q But he is a -- I'm not sure if you said --
9 he is a line check airman and simulator instructor.
10 Correct?

11 A Well, I'm not sure what his current status
12 is. I know he had been an instructor at one time.
13 I don't know if he still is or not.

14 Q Reading that bullet point, did it present
15 any concern to you that Mr. Albain might have been
16 giving the pilot faulty procedural instructions?

17 MR. BISBEE: Objection.

18 THE WITNESS: No. It may have been a poor
19 instructional technique or an ill-timed
20 directive that may have increased the situation
21 awareness of the pilot.

22 But it is not -- you know, per se, going
23 into vertical speed is not necessarily a bad
24 thing. It depends on the circumstances.

25

1 BY MR. SEHAM:

2 Q Do you know whether or not Mr. Albain's
3 instruction was consistent with the applicable
4 training manual for the A330?

5 A I don't know.

6 Q Was that something that anyone on the
7 management side was tasked with investigating?

8 A I don't know.

9 Q Would you agree with me that Ms. Petitt,
10 in conveying that last bullet point concerning the
11 OE during which the wheels fell off -- did you
12 understand her to be communicating her concern that
13 faulty instructions were being given to the pilot
14 involved by Mr. Albain?

15 MR. BISBEE: Objection. Calls for
16 speculation.

17 THE WITNESS: I took the statement at face
18 value. You know, there could be a lot of
19 reasons why something like this -- and, you
20 know, the results of what actually occurred
21 here are not stated. But it was something that
22 we needed to look into.

23 BY MR. SEHAM:

24 Q Well, in terms of understanding what
25 Ms. Petitt was -- you read this report, and you had

1 a long meeting with her.

2 Did you understand Ms. Petitt's
3 intent was to bring to your attention a problem with
4 flight instruction?

5 MR. BISBEE: Objection. Calls for
6 speculation.

7 THE WITNESS: Again, I took this at face
8 value, and I don't recall specifically
9 discussing this particular bullet point.

10 BY MR. SEHAM:

11 Q Did it present a situation that merited
12 further investigation?

13 A All the safety -- all the issues brought
14 up we needed to follow up on. Yes.

15 Q All the safety issues brought up by
16 Ms. Petitt?

17 A Yes.

18 Q And this was -- this is a safety issue,
19 this last bullet point?

20 A Could be.

21 Q Do you have any basis either then or now
22 for concluding that Ms. Petitt brought this to your
23 attention in bad faith?

24 A No.

25 Q Now, check airmen and simulator

1 instructors -- they have to perform their
2 instruction duties pursuant to an instructor
3 training manual. Correct?

4 A Yes.

5 Q And that instructor training manual has to
6 be approved by the FAA. Correct?

7 A Yes.

8 Q And a carrier is not permitted to deviate
9 from its training and instruction manuals without
10 permission from the FAA. Correct?

11 A Yes. We would want -- we would want to
12 follow whatever we have committed to the FAA.

13 Q Are you aware -- prior to receiving this
14 report, were you aware of any prior complaints about
15 Mr. Albain's job performance at Delta?

16 A No.

17 Q What is the -- what is the required amount
18 of time for the oral portion of an -- actually,
19 strike that.

20 What is an LOE?

21 A It is a line oriented evaluation.

22 Q And is there an oral portion of an LOE?

23 A Yes.

24 Q And what is the required amount of time
25 for the oral portion of an LOE?

1 A I don't remember. I don't think it is
2 specifically defined. I don't remember.

3 Q What is the required amount of time for
4 the -- they use the term -- use the term "brief" as
5 it applies to an LOE. Correct?

6 A Yes.

7 Q Is there a required time component for the
8 brief?

9 A Yes.

10 Q What is that?

11 A Usually, for an LOE, it is a one-hour
12 brief.

13 Q And is an instructor allowed to decrease
14 that allotment of time without authorization from
15 the FAA or upper management?

16 A Should not.

17 Q What is the process that flight operations
18 would follow if someone was alleged to have
19 falsified training records?

20 A We would need to investigate that.

21 Q Now, who would be responsible for
22 investigating that?

23 A Well, we would -- I mean, ultimately, the
24 managing director of flight training and the
25 individual fleet that was involved -- are we talking

1 about training records?

2 Q Yes.

3 A Yes. They would need to investigate it,
4 and we would also have our quality assurance and
5 compliance group look into it as well.

6 Q I would like to refer you to Dickson
7 Document 3, the safety report, bottom of Page 5,
8 Bates stamp 182. And starting with the reference to
9 training standards, it reads, "Training standards.
10 A training check airmen left a message for the two
11 pilots to show up to a recurrent training session 10
12 minutes prior to that event.

13 "Both students were new to the
14 aircraft. Both had been on the aircraft less than a
15 year. The captain had failed day one and required
16 additional training prior to this event. One of the
17 pilots showed up at the prescribed time and waited
18 for an hour and a half for the instructor."

19 Does that present any concerns to
20 you?

21 A If true, yes, it does.

22 Q Would that indicate noncompliance with
23 Delta's training instructor manuals?

24 A Yes.

25 Q Now, it goes on to say, quote, The same

1 instructor did not give the required oral or the
2 walk-around training presentation. FAA-approved, 90
3 minutes scheduled.

4 Does that also present a concern for
5 you?

6 A Yes, if true.

7 Q Okay.

8 A Yes.

9 Q Would that also constitute a noncompliance
10 with Delta's FAA-approved training manuals?

11 A Yes, it would.

12 Q Do you know who the instructor was
13 involved in this situation?

14 A I do not.

15 Q Did you ask Ms. Petitt who the instructor
16 was?

17 A I don't remember. We may have discussed
18 it. I don't remember.

19 Q Do you have any basis even then at the
20 time of the meeting or now to assert that Ms. Petitt
21 was communicating this information in bad faith?

22 A No.

23 Q Going down to the fourth line of that
24 second paragraph on Page 6, it reads, quote, The
25 instructor sat in the back of the simulator and

1 texted the entire session and did not observe the
2 pilots.

3 Does that present a concern for you?

4 A If true, yes.

5 Q Would that also be a violation of Delta's
6 training manual?

7 A Yes.

8 Q Do you have any basis for concluding that
9 either then or now that Ms. Petitt was communicating
10 this fact in bad faith?

11 A No.

12 Q Is the failure to debrief after a training
13 event of this nature also noncompliant?

14 A If it occurred, yes, it is a concern.

15 Q What does it mean to be -- in the context
16 of training, what does it mean to be special
17 tracked?

18 A Normally -- well, that verbiage would
19 indicate that there had been some performance issue
20 and training normally -- you know, it could be a
21 check ride failure.

22 It could be some other performance
23 issue that would then lead to a more frequent
24 training cycle to make sure that they were still
25 maintaining their qualifications and proficiency at

1 desired levels.

2 Q So there would be additional training?

3 A Not necessarily. It could be greater
4 frequency, not a -- you know, inside the normal
5 recurrent cycle.

6 Additional training within the
7 context of a training program, not necessarily
8 something that would generate special tracking
9 because the curriculum allows for a certain amount
10 of additional training days.

11 So it depends on where it happens and
12 whether it is a continuation training event or
13 initial training event.

14 Q So I guess I am not sure I follow that.

15 So special tracking would add -- add
16 additional training to that individual pilot's
17 curriculum?

18 A In a broad sense, yes.

19 Q In your career, in your long career as a
20 pilot, have you ever felt anxious going into a
21 training event?

22 A Yes.

23 Q Why would you feel anxious?

24 A It is like a sporting event. You know,
25 you want to have a certain amount of -- you want to

1 be on your game, and you want to do your best.

2 And so it is, you know, a certain
3 amount of anxiety, not tension. But anxiety is
4 generally -- you know, it can lead to a little bit
5 better performance.

6 Q I think of the analogy. I have a lot of
7 family in theater. They say acting is easy. It is
8 just the audition that is hard.

9 A Yeah.

10 Q Does training bring, in your experience,
11 an additional source of pressure because there is a
12 sense you have to really ring the bell, really do it
13 just right because someone is observing?

14 MR. BISBEE: Objection.

15 BY MR. SEHAM:

16 Q I am sorry. Your answer was?

17 A Well, no, my answer is of course. You
18 want to do everything -- you want to be perfect
19 every time. Having said that, we realize there is
20 no perfect notice. We all make mistakes.

21 The important thing is do we act in a
22 timely fashion to mitigate the mistakes. So things
23 can go well even though there are a few errors as
24 you are completing the check ride.

25 Q What are the consequences of failing the

1 training event?

2 A It depends. There can be additional
3 training provided. Again, that is defined in our --
4 in our various programs.

5 And then up to a point, you can have
6 a recheck to get over that particular gate. And
7 then ultimately we hope that that additional
8 training is going to put the pilot in a position so
9 that, when they have their final qualification
10 event, that they will successfully complete the
11 program.

12 If they are not able to, you know,
13 then we have a process that we go through. We
14 conduct a flight operations review board and
15 determine what the best prescription and course of
16 action is from that point going forward.

17 Q Well, can failure to satisfactorily
18 complete training ultimately lead to the pilot
19 losing his or her job?

20 A It could in an extreme case.

21 Q How frequently does that happen, that a
22 pilot loses his or her job because of training
23 issues?

24 A Very infrequent.

25 Q Has that happened during your tenure at

1 Delta?

2 A Yes.

3 Q Less than five? More than ten? Can you
4 give me an estimate?

5 MR. BISBEE: Objection. Calls for
6 speculation.

7 THE WITNESS: It is not -- it is not a
8 large number. You know, the -- and it tends to
9 be associated with certain points in a pilot's
10 career. But it is a very small number.

11 BY MR. SEHAM:

12 Q I would like to draw your attention to the
13 last sentence above Appendix A on Page 6, Bates
14 stamp 183. It reads, "When a pilot questioned what
15 they had done wrong, he stated, 'Nothing.'"

16 I am sorry. Let me go back a little
17 earlier.

18 A I am sorry. Where are you?

19 Q Yeah. I'm a little lost too. I'm going
20 to look at the second paragraph on the page.

21 A So down here at two?

22 Q No. The second paragraph at the top of
23 the page.

24 A Oh, okay. Got you.

25 Q It says -- I'm going to read from where it

1 says, "The instructor sat," a little less than
2 halfway through.

3 It says, "The instructor sat in the
4 back of the simulator and texted the entire session
5 and did not observe the pilots. He did not debrief
6 the pilots but stated both pilots were to be special
7 tracked.

8 "The captain was already required due
9 to his earlier failure. When a pilot questioned
10 what they had done wrong, he stated, 'Nothing. But
11 at Delta, we have the power to do what we want.'"
12 Closed quote.

13 It goes on to say, "Note: A pilot
14 reported this change of events, and the response
15 will follow in this report."

16 Are you troubled by that reference --
17 when a pilot questioned -- raised a question about
18 being special tracked, are you troubled by the
19 response, "Nothing" -- in other words, you have done
20 nothing wrong. "But at Delta, we have the power to
21 do what we want."

22 A Again, if this, in fact, occurred, I would
23 be troubled by any one of our leaders saying
24 something like that.

25 Q Why would you be troubled by that?

1 A Because it seems -- because it seems
2 arbitrary. It is not following our normal training
3 protocols. And I think most importantly it is not
4 serving the pilot well.

5 Q Could a pilot in that circumstance reach
6 the conclusion that they were being targeted in some
7 manner?

8 MR. BISBEE: Objection. Calls for
9 speculation. Lacks foundation.

10 THE WITNESS: I think you could conclude a
11 lot of different things. It is not where I
12 would want one of our instructors to be.

13 BY MR. SEHAM:

14 Q And the pilot who was being told,
15 "Nothing, but at Delta we have the power to do what
16 we want" -- that was Ms. Petitt. Correct?

17 A I'm sorry. Say that again.

18 Q The pilot involved in this incident was
19 told, quote, When a pilot -- or to whom this phrase
20 or part of the paragraph refers.

21 When a pilot questioned what they had
22 done, he stated, "Nothing, but at Delta we have the
23 power to do what we want" -- but the affected pilot
24 here was Ms. Petitt. Correct?

25 MR. BISBEE: Objection. Lacks foundation.

1 THE WITNESS: I don't know.

2 BY MR. SEHAM:

3 Q Did you ask Ms. Petitt who this pilot was?

4 A I don't remember.

5 Q And was someone tasked with tracking down
6 who this pilot was?

7 A Yes.

8 Q Who was that?

9 A It would have been part of the -- part of
10 Captain Graham's followup.

11 Q If a pilot identifies himself as not
12 having been adequately trained, what is Delta's
13 obligation?

14 A We have to -- well, we need to meet with
15 that pilot and see what the issues are and determine
16 an appropriate remedy to make sure that they are
17 comfortable in the airplane. It may be -- there are
18 a lot of different outcomes potentially that are
19 possible there.

20 Q But would you agree that inaction is not
21 an acceptable response?

22 A That's correct.

23 Q That is an obligation that arises under
24 the federal aviation regulations -- correct? -- to
25 ensure that pilots are adequately trained.

1 A It is our responsibility to ensure pilots
2 are adequately trained. Yes.

3 Q Do you know the name Mike Doyle?

4 A Yes.

5 Q What position does he hold at Delta?

6 A He is currently the chief line check pilot
7 on the A350.

8 Q What other positions has he held with the
9 company -- or what was his position in 2016?

10 A I don't remember.

11 Q Okay. Is he -- to your knowledge, is he
12 sometimes referred to as Popeye?

13 A Yes.

14 Q Why is he referred to as Popeye?

15 A From the cartoon.

16 Q Does he have large forearms, or he smokes
17 a pipe or --

18 A No. He was just a Marine. That was just
19 his call sign in the Marines.

20 Q Okay. It could be the French connection.

21 A He might say he has large forearms. I
22 don't know.

23 Q Okay. I'm going to refer you to the
24 paragraph on Page 8, Bates stamp 185, which reads,
25 "Report checking event. Said pilot reported the

1 above training event concerning the falsifying of
2 records and texting to three employees, scheduler,
3 manager, and ended up speaking to the fleet training
4 captain, who asked said pilot what pilot wanted in
5 light of this event.

6 "Said pilot stated, quote, To return
7 to training immediately to know that I'm safe.
8 Closed quote.

9 "The fleet training captain's
10 response was, quote, We don't have time for that.
11 We will bring you back in three months, and you can
12 do whatever you want. Text me to remind me. Closed
13 quote.

14 Now, does this -- assuming the
15 factual accuracy of this paragraph, does that
16 present a concern for you?

17 MR. BISBEE: I'm going to object to this
18 as being vague and lacking foundation in
19 particular because it is talking about the
20 above training event.

21 There is no context to know what that is
22 referring to here.

23 BY MR. SEHAM:

24 Q Assuming that it is what we have been
25 discussing before --

1 MR. BISBEE: Assuming it is the one from
2 two pages prior?

3 MR. SEHAM: Correct.

4 BY MR. SEHAM:

5 Q Does this paragraph present a concern to
6 you?

7 A Yes.

8 Q Can you express why it presents a concern?

9 A I would expect more diligent followup and
10 support of the pilot.

11 Q And do you know who the fleet training
12 captain for the A330 was at this time?

13 A I don't remember.

14 Q So you don't remember ever speaking to him
15 about this incident?

16 A No.

17 Q This is also something that Mr. Graham
18 would have been charged with investigating?

19 A Yes. Yes.

20 Q Did you ever have any basis for concluding
21 that Ms. Petitt had brought this up in bad faith?

22 A No.

23 Q What does AQP stand for?

24 A Advanced qualification program.

25 Q And under Delta's AQP, it is required that

1 there be instructor training. Correct?

2 A Yes.

3 Q Are you aware whether there was followup
4 training for the instructor referenced in the
5 paragraph that we just reviewed?

6 A Not specifically aware in this case.

7 Q But would you agree there should have been
8 if the facts were established?

9 A If these -- if this is factual, there
10 should have been some -- some followup with the
11 instructor certainly, whether it was -- rise to the
12 level of training or counseling or, you know,
13 something moving him into a different role, you
14 know, all of those things certainly could have been
15 a consideration.

16 Q The fleet training captain in that
17 reported incident -- should he have reported that
18 incident to his superior?

19 A Yes.

20 MR. BISBEE: Objection. Vague. What
21 incident are you referring to? Specify what
22 incident you are talking about for the witness.

23 MR. SEHAM: The one that the witness and I
24 have been discussing.

25 THE WITNESS: So you are asking me if the

1 fleet training captain should have reported
2 that to the managing director of flight
3 training.

4 BY MR. SEHAM:

5 Q That a pilot was saying that he or she
6 didn't think that he or she was safe.

7 A The fleet captain has the authority to
8 handle that within his or her fleet; so it would not
9 necessarily have required consultation.

10 Q And how about the issue of an instructor
11 not conducting an oral and texting during a --
12 during a simulator check? If the fleet training
13 captain became aware of that, should he have
14 reported to his superior?

15 A Yes.

16 Q Have you ever -- are you familiar with the
17 term "self-disclosure" as it relates to Delta's
18 relationship with the FAA?

19 A Yes. Voluntary disclosure.

20 Q Voluntary disclosure?

21 A Uh-huh.

22 Q What does that term refer to?

23 A It just refers to, if we have a systemic
24 violation or even if we think we do within a 24-hour
25 period, we will disclose that to the FAA.

1 They will consider that in their --
2 in any enforcement action or follow up with us. And
3 then we have a requirement to put a corrective
4 action in place to correct that deficiency.

5 Q As a result of Ms. Petitt's safety report,
6 were there any voluntary disclosures to the FAA?

7 A I don't recall. I don't believe there
8 were.

9 Q We referenced the term "stall." What is a
10 stall in terms of aircraft operations?

11 A Just loss of sufficient flying air speed
12 for the airplane to continue to fly. It can't
13 generate enough lift.

14 Q So the plane -- as a result of a stall,
15 the plane can start falling out of the sky?

16 A If it is not the properly dealt with, yes.

17 Q So a stall could have fatal consequences?

18 A Yes.

19 Q Is there training given to pilots on how
20 to handle a stall as a component of Delta's
21 FAA-approved training program?

22 A There is -- there is developing training.
23 The current existence of the flight -- or the
24 current flight simulator technology across the
25 industry does not allow that.

1 We have been in a multiple-year
2 program to address that. So it depends on the fleet
3 that you are on right now.

4 Q Right. So, in other words, there are
5 stall procedures that are equipment specific?

6 A Yes. And, again, traditionally it has
7 been not stall. It has been approach to stall
8 because the flight simulators can't -- have not
9 historically been able to replicate an actual stall.

10 Q Well, whether it is in a stimulator or
11 not, there -- strike that.

12 Irrespective of whether the simulator
13 can recreate a stall, Delta has training on how to
14 address a stall?

15 A Yes. Yes.

16 Q And they have training that is specific to
17 each aircraft type?

18 A Correct.

19 Q And that would have been true in 2015 and
20 2016?

21 A Yes.

22 Q If Delta's training department had failed
23 to provide one of its pilots stall training for the
24 aircraft that he was operating, that would be
25 noncompliant with its FAA-approved training manual.

1 Correct?

2 A Yes. We would need to correct that.

3 Q If you can turn to Page 9 of Exhibit 3,
4 Bates stamped 186. The first bullet point reads,
5 "Pilot writes a blog post how to perform a stall
6 recovery to educate other pilots after AF477" -- in
7 parenthesis, BEA2012, closed parenthesis" -- was
8 pulled from the ocean due to the fact this pilot
9 never received stall training on the A330 aircraft."

10 Did I read that correctly?

11 A Yes.

12 Q Do you know what this reference is to
13 AF477?

14 A Yes.

15 Q What is that?

16 A It is the Air France 447 accident over the
17 Atlantic, which resulted in a complete loss of the
18 airplane and everyone on onboard.

19 Q I am sorry? And everybody onboard?

20 A Yes.

21 Q Did that relate to a stall? That
22 accident?

23 A Yes.

24 Q And here there is a reference, "Due to the
25 fact that this pilot never received stall training

1 on the A330 aircraft."

2 Is that a source of concern to you,
3 that a pilot didn't receive stall training for her
4 A330 aircraft?

5 A If that, in fact, occurred, yes.

6 Q Did you conduct any further investigation
7 into that issue?

8 A I did not.

9 Q And you -- Mr. Graham was appointed to
10 conduct --

11 A Yes.

12 Q With respect to that bullet point, did you
13 have any basis then or now for asserting that
14 Ms. Petitt brought that issue up in bad faith?

15 A No.

16 Q Now, are you familiar with the blog
17 post -- or were you familiar with a blog post that
18 Ms. Petitt posted with respect to stall recovery
19 after AF447?

20 A No.

21 Q Are you aware of Ms. Petitt getting a
22 counseling letter in her file as a result of a blog
23 post related to stall recovery?

24 A No.

25 Q If you could turn to Page 12.

1 If you are on Page 12, Bates stamp
2 189, I want to bring your attention to the reference
3 here.

4 Quote, Training manuals are in error
5 and continue to be so. The A330 manual, despite
6 notification, stated how to identify a stall on the
7 A330 was through the stick shaker. Even after
8 notification, this error remained in the manuals for
9 well over a year. Closed quote.

10 Now, do you have any knowledge about
11 the A330 and the appropriateness of using a stick --
12 stick shaker to identify a stall?

13 A Yes.

14 Q Is that the appropriate meaning, to use --

15 A No.

16 Q No. Okay.

17 So this reference is correctly
18 identifying a deficiency in the training manual used
19 at Delta at that time?

20 A Again, if it was -- I haven't seen that
21 exact provision. But if that was in there, it was
22 incorrect.

23 Q And you didn't personally follow up on
24 this issue?

25 A No.

1 Q And that would be Captain Graham, again,
2 who was to follow up?

3 A Yeah.

4 Q Do you know whether there are any changes
5 in the A330 manual with respect to stall issues
6 after your meeting with Ms. Petitt?

7 A I know there have been changes just
8 because the state of the industry has changed since
9 then. In other words, the -- all the training
10 around unusual altitudes and stalls have been
11 updated and improved.

12 Q Would you agree, if that had been the
13 case, that the stick shaker approach was -- had been
14 identified in the Delta manual for the A330 as a
15 means to identify a stall, that that would be
16 noncompliant with Delta's obligations under the
17 federal aviation regulations?

18 MR. BISBEE: Objection. Vague. You are
19 talking about at the time. Right? Because
20 here it suggests, after some period of time,
21 that was fixed. So do you mean looking
22 backward whether it would be?

23 MR. SEHAM: Yes.

24 BY MR. SEHAM:

25 Q At that time.

1 A Yes. That would be something that would
2 need to be corrected.

3 Q Do you have any basis either now or then
4 for concluding that this issue was raised by
5 Ms. Petitt in bad faith?

6 A No.

7 Q I'm going to draw your attention to Page
8 13, Bates stamp 190. There is a reference after --
9 under "Process of training pilots. 2010. Training
10 processes" -- excuse me. "Training process failures
11 from one particular pilot exemplifies process
12 failures through the entire program. Appendix J."

13 The first bullet point reads, "Not
14 providing training materials until the final hour
15 prior to training."

16 Is that a source of concern for you
17 if that -- if that was -- had been the practice?

18 A Yes. If it had been the practice, that
19 would be a --

20 Q And that would be noncompliant with
21 Delta's training manuals. Correct?

22 A Yes.

23 Q And, again, you did not investigate that
24 yourself personally?

25 A No.

1 Q That would have been Captain Graham?

2 A Yes.

3 Q Did you have any basis then or now for
4 concluding that Ms. Petitt brought that issue up in
5 bad faith?

6 A No. I mean, I don't know if it is
7 helpful, but I don't think any -- I didn't view any
8 of this as it was brought forward as it being in bad
9 faith.

10 Q Okay.

11 A It all required investigation and followup
12 to determine, you know, the factual nature and to
13 put any corrective actions in place.

14 Q And since that time -- you said all of
15 this. You are indicating Document 3, the safety
16 report.

17 So even today, as you sit here, would
18 you agree that there is no basis for concluding that
19 any of her reports were based on bad faith?

20 A I have never concluded that.

21 Q Okay. If I could direct your attention to
22 the second to the last paragraph that begins
23 "December 2015."

24 A Okay.

25 Q "December 2015. Five years later, a

1 17-year Airbus pilot upgraded to a captain position
2 on the Boeing. This was a first-time captain
3 checkout. This particular pilot learned the plane
4 on a flash drive at home. There is nobody to ask
5 questions. Then a training instructor reviewed the
6 tests so all pilots would be assured to pass it
7 electronically."

8 Is that last sentence that I read,
9 that a training instructor reviewed the test so all
10 pilots would be assured to pass it electronically --
11 is that consistent with Delta's training manual?

12 MR. BISBEE: I would object to that as
13 being vague. It may be my lack of
14 understanding. I am not sure what that is
15 referring to, review a test so that it would be
16 assured to pass it electronically.

17 MR. SEHAM: That was a violation of Rule
18 30. You have to be more concise, raise the
19 objection that it is vague but not coach this
20 witness, which is what you just did.

21 MR. BISBEE: I'm in no way coaching the
22 witness. I'm stating a valid objection to the
23 use of a document, Counsel.

24 BY MR. SEHAM:

25 Q Do you understand that last sentence?

1 A That a training instructor reviewed the
2 test? Is that the sentence you are referring to?

3 Q Yes. Correct.

4 A I understand the words on the page. I'm
5 not sure -- I can't say what it means.

6 Q If an instructor, prior to an examination
7 that is required as part of Delta's training manual,
8 goes through the questions before the examination is
9 provided to the pilots and tells them the answers
10 before the examination, would you agree that that is
11 a violation of Delta's training manual?

12 A If that occurred in that fashion, yes.

13 Q This would also be something that Captain
14 Graham was charged with following up?

15 A Yes.

16 Q If you could turn the page and go to Bates
17 stamp number 191. I'm going to draw your attention
18 to halfway down the page where it starts with the
19 bold lettering, "From simulator to flight line. The
20 instructor pilot mentioned falsifying training
21 records for an event he did not conduct in addition
22 to disregarding his duty as an evaluator, was
23 subsequently removed from simulator training during
24 the transition to Atlanta.

25 "However, that same instructor is now

1 a line check airman and has carried his behavior to
2 the flight line."

3 Do you know -- did I read that
4 correctly, first of all?

5 A Yes.

6 Q Do you know to whom that is referring?
7 Which instructor pilot?

8 A I'm not certain.

9 Q Okay. Do you know -- you did not
10 investigate this issue either personally?

11 A Not personally.

12 Q Captain Graham was charged --

13 A Yes.

14 Q If I could direct your attention to Page
15 16, Bates stamp number 193, specifically less than
16 halfway down that begins with "Captain emergency."
17 No. Hold on.

18 Yes. The two paragraphs beginning
19 with the subtitle "Captain emergency," which reads,
20 "Captain emergency. Shortly after departure, a
21 flight lost their auto flight system. The captain
22 continued to fly to Atlanta.

23 "He requested a block altitude and
24 flew in RVSM airspace. Then upon arrival, not when
25 the issue began, he declared an emergency because

1 ATC would not provide a block altitude for the
2 arrival phase.

3 "The training department used this as
4 an example of workload management and created a
5 video. The problems with this video were many, and
6 the author can only suspect the lack of SMEs
7 involved, did not understand the ramifications of
8 what happened, and how the video created a liability
9 for Delta.

10 "An FAA advisory, FAA 2013, and Delta
11 have encouraged hand flying due to loss of hand
12 flying skills. However, this training video stated
13 that hand flying is an emergency procedure.

14 "Secondly, the pilot flew in RVSM
15 airspace without required equipment, thinking that
16 requesting a block altitude would alter that
17 requirement. Legally, it did not."

18 So did I read that much correctly?

19 A Yes.

20 Q And then ATC stands for what?

21 A Air traffic control.

22 Q And SME -- is that a subject matter
23 expert?

24 A Yes.

25 Q And RVSM -- what does that refer to?

1 A Restricted vertical separation minimums, I
2 believe.

3 Q As read to you, and assuming the facts are
4 accurate, do these facts -- are they a source of
5 concern?

6 A Yes. They would be.

7 Q Why would they be a source of concern?

8 A Well, because an airplane flying in RVSM
9 airspace would need to maintain a very precise
10 altitude.

11 So, again, it gives the impression
12 that we are going to place operational requirements
13 above safety requirements. It probably would have
14 been a better decision to turn the airplane around
15 and get it repaired.

16 Q A better decision. But also would you
17 agree that providing that there was no problem at
18 that originating airport --

19 A As far as we know.

20 Q Yeah. Assuming that is the case, that, in
21 fact, is the requirement, that you return to that
22 airport or the closest airport rather than traveling
23 several hours to a destination. Correct?

24 A Yes.

25 Q That is the source of your concern, that

1 this could reflect elevating completion of the
2 schedule over safety.

3 A So I don't know the context behind this
4 one. I don't remember this particular event. But
5 that is something that we would have needed to look
6 at.

7 Q And would you agree with me that, for the
8 A330, hand flying is not an emergency procedure?

9 A I would agree with that.

10 MR. BISBEE: Before we go on to the next
11 one, it might be a good time for a short break.

12 MR. SEHAM: Sure.

13 (A recess was taken, and the
14 deposition continued as
15 follows:)

16 BY MR. SEHAM:

17 Q Okay. Sir, is there a master training
18 disk that is distributed to all pilots for review on
19 a quarterly basis?

20 MR. BISBEE: Objection. Vague.

21 THE WITNESS: There is quarterly
22 continuing qualification training. Yes. It is
23 not always a disk.

24 BY MR. SEHAM:

25 Q Okay. But there is a fairly standardized

1 -- a training product that goes to all pilots?

2 A Yes.

3 Q And that is -- that is common -- or
4 material common to all types of equipment with
5 subcomponents that are particular to particular
6 equipment?

7 A That's correct.

8 Q And during the period of the first quarter
9 of January, would you have at some point reviewed
10 this quarterly disk as part of your own currency
11 requirements?

12 A Yes.

13 Q Do you recall during that time that the
14 disks would have extended material presented by
15 Steve Dempsey?

16 A We have had Captain Dempsey on there from
17 time to time. I don't remember if it was -- if it
18 comports with that timeframe or not.

19 Q But you recall -- you recall reviewing
20 master disks that had -- in, say, 2015 that would
21 have had Steve Dempsey as a presenter?

22 A Yes.

23 MR. BISBEE: Objection.

24 BY MR. SEHAM:

25 Q Do you retain those disks after you have

1 done your training?

2 A I typically did.

3 Q All right. So you could have -- if it
4 were Steve Dempsey making these references that --
5 using -- treating hand flying as an emergency
6 procedure in a video during this time, you could
7 have looked back and reviewed his presentation in
8 that regard. Correct?

9 A Yes.

10 Q Do the FARs, federal aviation regulations,
11 provide for flight duty maximums for pilots?

12 A Yes.

13 Q What are they?

14 A Well, under the current regulations, they
15 vary depending on what the start of the duty day is
16 and the acclimated time zone of the pilot.

17 Q Okay. What hours count towards those
18 maximums?

19 A Are you referring to duty days or flight
20 hours.

21 Q Flight hours?

22 A The block time that the pilot flies are
23 part of that -- part of that flight hour
24 calculation.

25 Q Okay. For duty time, what are the

1 different time -- hours that add up to total duty
2 time?

3 A The duty time is when the pilot reports
4 for flight duty and then when they are released
5 after the last flight.

6 Q So if a pilot is deadheading to an
7 assigned flight, that deadheading would count
8 towards his duty time?

9 A If the pilot is deadheading, yes.

10 Q That deadheading that is at the conclusion
11 of all flight assignment and just taking him home --
12 that would not count towards duty time?

13 A Not in most cases, no.

14 Q But duty time taking you to the first
15 assignment would count?

16 A Yes. And a deadhead would count.

17 Q And those requirements for treating duty
18 -- treating duty time as including that deadhead to
19 your flight assignment -- that is a federal aviation
20 regulatory requirement. Correct?

21 A That's correct.

22 Q And that is designed to promote the
23 operational safety of the aircraft?

24 A That's correct.

25 Q And Delta has engaged in scheduling that

1 violates the requirement that deadheading be treated
2 as duty time. Correct?

3 A Not that I'm aware of.

4 Q Isn't it true that the complainant advised
5 you on January 28th that Delta was failing to treat
6 deadheading time as duty time for the purposes of
7 computing daily and weekly flight time limits?

8 A Yes. Yes. That was in here, and that was
9 something that we would have investigated.

10 Q You don't know what the result of that
11 investigation was?

12 A I don't remember.

13 Q What is a green slip?

14 A A green slip is a way where a pilot can
15 volunteer for overtime flying.

16 Q If a pilot does not meet -- in other
17 words, would you agree that the part of the FARs
18 that address these duty limits would be FAR117?

19 A Yes.

20 Q And would you agree with the statement
21 that, if a pilot does not meet FAR117 on a regular
22 trip, they should be allowed to fly a trip on a
23 green slip?

24 A I'm not sure I understand your question.

25 Q In other words, if you would be -- and

1 here I am a little diffident.

2 Is it appropriate to use the term
3 "illegal" for the pilot -- that once he hits his
4 duty limit, that he would be considered illegal to
5 continue flying?

6 A If you are -- well, are you asking whether
7 it is a green slip or a normal --

8 Q Yeah. I am backing away from that
9 question and taking a different approach. Let's
10 see. I'm going to fumble here a little bit; so be
11 patient with me.

12 If a pilot -- if a proposed flight
13 assignment would take a pilot beyond his 117 limit,
14 it would be illegal for the pilot to accept that
15 flight assignment. Correct?

16 A It would be illegal for us to award it to
17 the pilot. It would be illegal for him or her to
18 accept it.

19 Q And that illegality would not change,
20 whether this was an assigned flight or a green slip.
21 Correct?

22 A No.

23 Q It would be a violation either way?

24 A Yes.

25 Q I want you to turn, please, to Page 18 of

1 the safety report. Exhibit 3, Bates stamp 195. And
2 look at the second paragraph, if you would.

3 It says, quote, One example of many.
4 A captain met a pilot on an aircraft late one night
5 with inclement weather and multiple aircraft
6 malfunctions after he commuted to Narita the same
7 day of flight to get that green slip. He had
8 traveled six hours to make that commuter flight to
9 fly to Narita for the same day trip that night."

10 Does that present any concern for
11 you?

12 MR. BISBEE: Objection. Vague.

13 THE WITNESS: You know, the pilots are
14 responsible for managing their rest on their
15 own time. And, you know, this is not something
16 that we actively track.

17 But if we become aware of it, it is
18 something that we would want to -- we would
19 want to make sure they are well rested and plan
20 accordingly.

21 BY MR. SEHAM:

22 Q Assuming the truth of these stated facts,
23 would you agree that Delta would not want its pilots
24 to be engaged in that practice?

25 A You know, it depends on -- it is very

1 situationally dependent. I can't opine one way or
2 the other.

3 Q Did you share or transmit Ms. Petitt's
4 report -- Exhibit 3 -- to anyone?

5 A I did not. I know -- well, I did not.

6 Q Well, with whom did you have any
7 communications related to Ms. Petitt and the safety
8 issues she raised in the period of January through
9 the end of March 2016?

10 MR. BISBEE: You are asking other than the
11 lawyers in relation to this case obviously.

12 MR. SEHAM: I'm including lawyers. If you
13 want to direct him not to answer that portion
14 because -- but I am --

15 MR. BISBEE: I'm not sure why you have to
16 include lawyers in your question. I'm going to
17 instruct you not to answer to the extent that
18 you had conversations with attorneys related to
19 this issue.

20 MR. SEHAM: I just want to make it clear.
21 I think we got another Rule 30 issue here. I'm
22 not asking about the content of discussions.
23 I'm asking about the persons. And whether the
24 fact that he had a discussion with an attorney
25 is not --

1 MR. BISBEE: About this litigation, I'm
2 saying, because it is work product also.

3 MR. SEHAM: I'm not talking about the
4 litigation. I'm talking about the safety
5 issues that she raised January through
6 March 2016.

7 And my position is -- I'm kind of
8 astonished. But we are not going to -- any
9 dispute between us --

10 MR. BISBEE: I don't think you heard my
11 objection. I said I assume you are not asking
12 about communications with lawyers in connection
13 with this litigation.

14 MR. SEHAM: Okay. Well, I misunderstood
15 that -- well, I understood that to mean that
16 the witness was being told not to reference
17 whether he had had meetings or discussions with
18 attorneys. I'm not going to content.

19 I'm going to whether -- to the identity of
20 persons with whom he spoke.

21 MR. BISBEE: As you have just phrased it,
22 I'm not instructing him not to answer.

23 MR. SEHAM: Okay. Thank you. So that was
24 just a misunderstanding. A mutual
25 misunderstanding. Okay. Great.

1 BY MR. SEHAM:

2 Q The question, again: With whom did you
3 have any communications -- I'm not asking about
4 content. Just persons relating to Ms. Petitt and
5 the safety issues she raised in the period of
6 January 1 through the end of March 2016.

7 A The safety issues would have been Captain
8 Graham. What was the timeframe?

9 Q The first quarter of 2016. So January 1,
10 2016 to March 31, 2016.

11 A I personally discussed it with Captain
12 Graham, and he was the only one that I talked to
13 during that time period.

14 Q But Mr. Bastian also made inquiries about
15 Ms. Petitt and the safety issues she was raising
16 during this period. Correct?

17 MR. BISBEE: Objection. Lacks foundation.
18 Misstates prior testimony.

19 THE WITNESS: I don't remember.

20 BY MR. SEHAM:

21 Q Now, is it your testimony that harassment
22 issues reported by Ms. Petitt in her safety report
23 were not investigated by you?

24 A Not by me personally. No.

25 Q And were they investigated by Captain

1 Graham?

2 A Captain Graham categorized those
3 separately. The safety issues were followed up on.
4 And then the other issues with respect to events in
5 training and other things that were more of a HR
6 nature -- he handled with HR and he --

7 Q And the statements that you said were --
8 you characterized it as being arbitrary statements
9 by the instructor pilot. Is that a flight
10 operations concern, or is it a harassment concern or
11 both?

12 A Both.

13 Q So would that have been investigated by
14 flight operations?

15 A In terms of helping to establish the facts
16 and then the followup with that particular
17 individual, yes.

18 Q So you believe Captain Graham would have
19 investigated that?

20 A Yes.

21 Q Can you tell me what an inverse assignment
22 is?

23 A An inverse assignment is the --
24 essentially the last step in trip coverage where the
25 pay is similar to a green slip, but it is not a

1 voluntary. It is an involuntary assignment in
2 reversing the order for the pilot.

3 Q And normal FAR117 duty time crediting
4 would apply to an inverse assignment?

5 A Yes.

6 Q How about the reference to management
7 representatives telling pilot trainees that fatigue
8 was an F word? Is that something that was
9 investigated by EO, or was that a flight safety
10 issue?

11 A I think that would have been part of the
12 -- part of Captain Graham's safety investigation.

13 Q And any form of retaliation against pilots
14 for reporting safety concerns would be noncompliant
15 with Delta's SMS program. Correct?

16 A Absolutely correct.

17 Q I think, before, you described
18 Ms. Petitt's report as a catalyst for obtaining an
19 outside review of Delta's practices.

20 A Yes.

21 Q In the aftermath of receiving Ms. Petitt's
22 safety report, did Delta make any changes in its
23 policies or training materials?

24 A Yes.

25 Q What changes were made?

1 A We put a number of process improvements in
2 place, invested in -- and some of this was already
3 in process. But we invested in new analytic
4 technology.

5 We were able to hire resources within
6 our flight safety department from MITRE with some
7 expertise that we were lacking in-house to help with
8 analyzing and being even more proactive about
9 transfers, all in the interest of continuous
10 improvement.

11 But that -- those were outcomes that
12 came out of that external safety audit.

13 Q Where were these new analytic -- I don't
14 know if they are techniques or processes.

15 A One of them is Vistair, which has just
16 recently been implemented.

17 Q How would you spell that?

18 A V-I-S-T-A-I-R. It is a corporate safety
19 reporting system.

20 We also -- I don't remember exactly
21 what the timeframe was. We made upgrades to our
22 ASAP reporting platform to make it more user
23 friendly as well.

24 Q So the Vistair and the ASAP
25 improvements -- is that in furtherance of SMS

1 compliance?

2 A SMS and -- yes. Certainly. Among other
3 things.

4 Q Were those changes, in part, promoted by
5 Ms. Petitt's report of SMS issues?

6 A Yes.

7 Q You also refer to hiring new resources and
8 new expertise. Could you elaborate on that?

9 A We had -- we had identified a need for --
10 the airline had gotten so large and so complex, so
11 many different fleet types, so many different
12 theaters of operation that we knew we needed to --
13 and also, with newer aircraft, we were getting much
14 more -- and we were upgrading the fleet, getting
15 much more data off -- the airplane pilots were
16 putting in many thousands of more reports.

17 So we had the reports and the data
18 coming in, but our ability to be able to synthesize
19 all of that information and be able to track and
20 trend it to make sure that we were focusing on the
21 right safety risks had -- needed to be improved.

22 So this was -- this helped us move
23 along in that direction. And it continues to this
24 day.

25 Q What were the subject matters that you

1 were focusing on in terms of this new expertise? I
2 understand what you described. The complexities,
3 large airline, lots of fleet flight types, lots of
4 theaters of operation.

5 But were there specific subject
6 matter goals in terms of adding these new human
7 resources?

8 A Well, we start with our highest level
9 safety metrics that are reported to the board, and
10 we have several categories of flight safety
11 instances that we will -- that feed that.

12 And then underlying that are the
13 issues that we were working on in flight operations
14 to mitigate. And they vary by fleet type and by the
15 nature of the kind of flying that the pilots were
16 doing and, frankly, the experience level of the
17 pilots.

18 The risks that we see on the 717 or
19 the MD-88 are not the same that we see on the 777 or
20 the A330. So what this does is -- you know, the
21 unstable approach, for example. You know, you tend
22 to see certain types of performance on certain fleet
23 types because of the nature of the operating
24 environment and the experience level of the pilots
25 and the architecture of the aircraft.

1 So what it did was it helped us focus
2 those fleet teams on the issues where they could
3 devote their attention to be able to make sure that
4 we continue to improve our safety performance year
5 after year.

6 Q And to some extent, were these new
7 resources dedicated to improving training?

8 A Of course. Yes.

9 Q And was that the impetus in that
10 direction -- was that contributed to by Ms. Petitt's
11 reports related to training issues?

12 A It certainly didn't hurt.

13 Q I had asked you previously -- or issued
14 questions about Section 15. It appears you didn't
15 have in-depth knowledge about it. But let me just
16 ask one question.

17 You are familiar, within the Section
18 15 review process, that there is a role for a person
19 referred to as an NME?

20 A Yes.

21 Q What is an NME? What does that stand for?

22 A Neutral medical examiner.

23 Q And how is that NME selected?

24 A The NME is -- again, I would have to refer
25 to Section 15 to be able to tell you with certainty.

1 But at a high level, the NME is
2 agreed upon between the CME, who does the initial
3 assessment, and the PME, who the pilot will bring
4 in.

5 Q That is what I was looking for.

6 Do you know -- has that ever been a
7 situation in the past that you are aware of when the
8 CME and the PME could not reach an agreement on who
9 would be the NME?

10 A I'm not aware. I wouldn't say that it
11 hasn't happened, but I'm not aware of it.

12 Q How would that be resolved if there was an
13 impasse between the CME and PME?

14 A I mean, we would ultimately have to work
15 through the process to be able to get a neutral
16 medical examiner because the process has to have
17 some sort of resolution at some point.

18 If the medical people were not able
19 to get together, then we would want to sit down and
20 work through that issue with ALPA.

21 MR. BISBEE: Do you want me to grab you a
22 bottle of water?

23 THE WITNESS: Uh-huh.

24 (A recess was taken, and the
25 deposition continued as

1 follows:)

2 BY MR. SEHAM:

3 Q Are you aware of any Delta policy or
4 provision in the collective bargaining agreement
5 that would provide that, if the CME and PME were in
6 disagreement, that the pilot would lose their right
7 to have an NME review?

8 MR. BISBEE: Objection.

9 THE WITNESS: I'm not aware, but I haven't
10 researched it.

11 BY MR. SEHAM:

12 Q Are you aware of any provision in terms of
13 Delta policy or collective bargaining agreement that
14 would provide that, in the event of an impasse
15 between the CME and the PME with respect to NME
16 selection, that the CME report would become the
17 default report?

18 A I don't recall. It has been a long time
19 since I have looked at those provisions.

20 Q Do you know an aviation consultant named
21 Peter Morgan?

22 A I have met Peter before. Yes.

23 Q Have you ever had any conversations with
24 him about Karlene Petitt?

25 A No.

1 Q Are you -- there are people with whom you
2 are acquainted at Embry-Riddle? Professors or
3 staff?

4 A Yes.

5 Q Have you ever had any discussions with any
6 of them relating to Ms. Petitt?

7 A No.

8 Q You are aware, at least today as we sit
9 here, that she is pursuing a PhD in aviation safety
10 at Embry-Riddle?

11 A Yes.

12 Q Do you have within the Delta legal system
13 -- within the in-house Delta legal department, is
14 there someone who is specifically dedicated as your
15 point of contact?

16 A I mean, if I have any, you know, issues,
17 you know, obviously, we would talk to the general
18 counsel.

19 Q Who is that?

20 A Peter Carter.

21 Q And how frequently do talk to Chris
22 Puckett?

23 A Well, Chris is not in our legal
24 department. Chris is in labor relations.

25 Q I see.

1 A So if you are talking about labor
2 relations, that is Brendan Brannon. And Chris
3 Puckett works for him. I see Chris, you know, every
4 couple of weeks, maybe ten days or every two weeks
5 in passing. But I don't have regular formal
6 meetings with him or anything.

7 Q Is he someone that you go to for legal
8 advice?

9 A No.

10 MR. BISBEE: Objection. Overbroad.

11 BY MR. SEHAM:

12 Q Is he someone that Captain Graham goes to
13 for legal advice?

14 MR. BISBEE: Objection. Lacks foundation.
15 Also overbroad. Calls for a legal conclusion.

16 THE WITNESS: Chris is our -- is involved
17 with our contract administration portion of
18 labor relations. So he is at the working level
19 with the ALPA contract administration group.

20 So he is certainly a liaison and part of
21 the process that Captain Graham presides over.

22 BY MR. SEHAM:

23 Q Have you had any communications over the
24 last few years with Dr. Faulkner?

25 A Dr. Faulkner gave me my last couple of

1 flight physicals.

2 Q Do you ever talk to him -- aside from your
3 own personal medical evaluation, do you ever discuss
4 employment issues or other pilots with Dr. --

5 A No.

6 Q No. Is there some other -- is
7 Dr. Faulkner an employee of Delta, or is he --

8 A No.

9 MR. BISBEE: Objection. Calls for a legal
10 conclusion.

11 BY MR. SEHAM:

12 Q To the best of your knowledge, he is an
13 independent contractor?

14 A Yes.

15 Q Do you know whether he has business
16 dealings with other entities other than Delta?

17 A I do not.

18 MR. BISBEE: Objection.

19 BY MR. SEHAM:

20 Q You don't know.

21 Are there different levels of
22 security threat recognized in Delta's operations?

23 A Yes.

24 Q Is there sort of an enumeration? Level 1,
25 2, 3, 4?

1 A Yes.

2 Q Is there a -- is there some level of
3 security threat -- well, actually, let me -- to the
4 extent you can, can you give me some background,
5 including -- what is the hierarchy?

6 Is zero the worse threat? Is four
7 the worse threat? If you could just give me your
8 understanding of the hierarchy.

9 A Level one is the most significant and
10 would imply an immediate potential breach of the
11 cockpit. The cockpit has already been breached.
12 Level two is -- essentially the flight deck gets
13 locked down.

14 Level three would be there is some
15 kind of disturbance in the back of the airplane.
16 That is generally how it would run.

17 Q Okay. In the position that you had over
18 the last -- was it 12 years?

19 A (The witness nodded.)

20 Q Is there some numerical trigger that you
21 would always be advised of? Would you always be
22 advised of a level one? Always be advised of a
23 level two? I'm kind of fading a little bit, but do
24 you understand my question?

25 A Yes. Typically, a level one would be a

1 significant event that would -- you would get a
2 notification across the whole corporation to all the
3 key responders.

4 So I would get a page from the ops
5 center on that. I don't recall specifically. But
6 that's not the case with the lower levels. Those
7 would generally be handled within the -- on the
8 bridge of the ops center with all the departments.

9 Q So even if it was flight -- a flight
10 operations issue, if something fell into category
11 two or three, you may not be --

12 A Not necessarily, not in real-time. I
13 mean, at some point --

14 Q At some point.

15 A -- it would be in the incident followup.
16 But in real-time, it would be handled within the
17 line operations portion -- the current operations
18 portion of Captain Graham's area. They would be the
19 ones who would initially respond.

20 Q Actually, I was less -- I was not
21 intending to focus on real-time notification.

22 A Okay.

23 Q So let me rephrase it.

24 Whether it is level one, two, or
25 three, if it is a -- if it is a flight operations

1 safety issue, would you be notified at some point?

2 A Yes. It would be in the incident -- in
3 the daily incident report that comes from the OCC
4 duty pilot. And I would get a regular feed on that
5 every morning.

6 Q Did you ever see a reference to Ms. Petitt
7 in any of these --

8 A No.

9 Q If there were a pilot reported to be
10 interfering in a live flight being insubordinate
11 with the senior pilot, what category would that fall
12 under?

13 MR. BISBEE: Objection. Vague.

14 Overbroad. Calls for speculation.

15 THE WITNESS: Are you talking about the
16 crew members actually in the control positions
17 on the aircraft?

18 BY MR. SEHAM:

19 Q Correct.

20 A Again, that -- I don't know if you can be
21 more -- can you be more specific? You used the term
22 "insubordination."

23 Q Someone acting irrationally and not
24 following directives from a more senior pilot.

25 MR. BISBEE: Same objections.

1 THE WITNESS: It depends. It depends on
2 the degree. You know, if you had someone who
3 was blatantly disregarding standard procedures
4 or putting the flight at risk to the point
5 where the other pilot had to assume control --
6 those types of things would show up.

7 And we would -- presumably, the pilots
8 would fill out an ASAP report. And that would
9 be handled through that -- through that
10 process.

11 BY MR. SEHAM:

12 Q Well, if the facts involved a pilot
13 reporting that another pilot had posed a threat to
14 the safety of operation during a live flight.

15 MR. BISBEE: Same objections.

16 THE WITNESS: Again, if true -- if it is
17 being alleged that we have a pilot who is
18 operating unsafely, then that is -- you know,
19 that is something I would want to know about
20 that we would need to address.

21 BY MR. SEHAM:

22 Q If the report from the other cockpit crew
23 members had been this pilot, because of her
24 irrational behavior, posed a threat to flight
25 operations, that would have fallen -- that should

1 fall under either one, two, or three of security
2 risks?

3 MR. BISBEE: Objection.

4 THE WITNESS: I don't think it would --
5 well, now, I understand your previous question.

6 I don't think that would fall into
7 security risks, per se, because that is usually
8 a passenger or somebody in the cabin who is
9 trying to penetrate the flight deck.

10 Now, if you had someone who was trying to
11 crash the airplane or -- you know, you got this
12 whole hierarchy of the action. So without
13 knowing the particular circumstances, it would
14 be very difficult to say whether you would get
15 into that kind of situation or not.

16 BY MR. SEHAM:

17 Q Well, let me try to be more specific about
18 my hypothetical. If a check airman was on a flight
19 conducting a line check and identified one of the
20 pilots to be a threat to the safety of the
21 operation, would you -- would you expect to be
22 notified of that incident?

23 MR. BISBEE: Same objection. Vague and
24 overbroad and continues to call for
25 speculation.

1 THE WITNESS: Not necessarily.

2 BY MR. SEHAM:

3 Q Who would be notified of that?

4 MR. BISBEE: Objection. Foundation.

5 THE WITNESS: Well, again, it depends on
6 the circumstances.

7 BY MR. SEHAM:

8 Q Are you aware that First Officer Petitt
9 was required by Captain Phil Davis to report her off
10 duty activities to him?

11 MR. BISBEE: Objection. Foundation.

12 THE WITNESS: I don't recall.

13 BY MR. SEHAM:

14 Q Is that a common practice for chief
15 pilots, to instruct their subordinate pilots that
16 they must report their off duty activities?

17 MR. BISBEE: Objection.

18 THE WITNESS: No. It is not a common
19 practice.

20 BY MR. SEHAM:

21 Q When you met -- was it January 18th?

22 When you met with Ms. Petitt on
23 January 28th, it was scheduled for 90 minutes, I
24 think you said?

25 A I don't recall. I seem to -- I think it

1 was scheduled for an hour. It may have been
2 scheduled for two hours, but I believe the meeting
3 was about 90 minutes long.

4 Q Do you recall that there was a change in
5 the time allocated for the meeting?

6 A No.

7 Q Do you know who Kathy Abbots is?

8 A Yes.

9 Q Who is she?

10 A She is the -- I don't know her job title,
11 but I have known her for a number of years. She is
12 a human factors person at the FAA.

13 Q Do you recall Captain Graham saying at the
14 meeting with Ms. Petitt that, "We work very closely
15 with Kathy Abbots"?

16 A I don't recall that.

17 Q Have you ever used the term or are you
18 familiar with the term "carve out" as applied to
19 compliance with Delta policies?

20 MR. BISBEE: Objection. Compound.

21 THE WITNESS: I don't remember using that
22 term.

23 BY MR. SEHAM:

24 Q Have you ever heard it used?

25 A I am familiar with the term, in general,

1 carve out. Yes.

2 Q Have you ever heard it as applied to Delta
3 policies?

4 A No.

5 Q Since the time of Ms. Petitt's safety
6 report, are you aware of any changes in Delta's
7 policy related to the treatment of deadheading under
8 FAR117?

9 A No.

10 Q Do you remember the -- do you have any
11 recollection of the company coming to a conclusion
12 as to whether deadheads were not -- were improperly
13 not being credited towards 117 calculations?

14 MR. BISBEE: Objection.

15 THE WITNESS: I don't remember a specific
16 finding to that effect. But it certainly -- we
17 are always looking at our systems and how we
18 are capturing that information.

19 BY MR. SEHAM:

20 Q Do you recall any determinations by the
21 FAA with respect to whether Delta had violated
22 FAR117 with respect to its treatment of deadheading?

23 A I don't recall.

24 Q When you met with Ms. Petitt, was there
25 any representation by either you or Mr. Graham that

1 you would get back to her about her presentation?

2 A Yes.

3 Q What was that representation?

4 A When we concluded the meeting, I wanted to
5 come out of it with a specific action plan. And we
6 were unable to do that because of the -- just how
7 the meeting played out.

8 So I asked Captain Graham to follow
9 up with Karlene so that we could make sure that we
10 had the issues identified and categorized for
11 appropriate followup within the organization.

12 Q Did you follow up with Captain Graham to
13 see if he had followed up with Ms. Petitt in that
14 regard?

15 A Yes. Yes.

16 Q And had he?

17 A Yes.

18 Q What did he tell you about his followup
19 with Ms. Petitt?

20 A Just that it occurred.

21 Q Your meeting with Ms. Petitt -- was it
22 recorded?

23 A No.

24 Q At the end of the meeting with Ms. Petitt,
25 you stated to Captain Graham that we should make --

1 I'm sorry.

2 You stated to Ms. Petitt, "We should
3 make you an instructor." Do you recall stating that
4 to Ms. Petitt?

5 A I don't recall saying that.

6 Q Is it possible you might have said that?

7 MR. BISBEE: Objection. Calls for
8 speculation.

9 THE WITNESS: I just don't remember.

10 BY MR. SEHAM:

11 Q Okay. Mr. Graham, Captain Graham, said,
12 "We should make her part of the ambassador program."
13 Do you recall him making that statement?

14 A I don't recall it.

15 Q What is the ambassador program?

16 A It is just a program by which we will --
17 we have pilots that go out on marketing events. And
18 they are in the community doing various -- various
19 activities. Sometimes with schools. Sometimes
20 with, you know -- again, associated with other
21 marketing events.

22 Q Do you recall saying to Ms. Petitt at the
23 outset of your meeting with her on January 28th
24 that, "Some people like to sit in the back of the
25 room and throw spit wads"?

1 A I don't recall that, but that is something
2 I have said before.

3 Q Were you referring to her?

4 A No.

5 Q When you -- did you read the report before
6 the meeting or sometime after the meeting?

7 A I don't believe we received the report
8 before the meeting.

9 Q Okay.

10 A So we were -- we were digesting most of
11 the content -- or a lot of the content afterwards.

12 Q And what was your overall view of the
13 report after you completed reading it?

14 A My overall view was there was a lot of
15 information here. We had to go back and organize it
16 in a way that it would be -- that we would be able
17 to have the appropriate focus and follow up on the
18 areas that had been brought forward.

19 But we had -- you know, we had to
20 take it very seriously and methodically work through
21 at each point because there were anecdotes mixed in
22 with -- you know, with other material that we had to
23 parse out.

24 Q Who organized the meeting, the
25 January 28th meeting?

1 MR. BISBEE: Objection. Vague.

2 MR. SEHAM: I'm sorry. You know, strike
3 that.

4 BY MR. SEHAM:

5 Q In terms of organizing the elements of the
6 report, who did that?

7 MR. BISBEE: Objection.

8 THE WITNESS: Are you talking about in
9 terms of the followup afterwards?

10 BY MR. SEHAM:

11 Q Yeah. Yeah.

12 A I tasked Captain Graham with the followup.
13 And he came back within a few days, maybe a week
14 with -- and had organized everything into the safety
15 concerns, the people concerns, and the procedural
16 and policy issues.

17 Q So there was a document created with that
18 breakdown?

19 A I don't remember a document.

20 Q So that -- in terms of organization, is it
21 your testimony that he just orally presented these
22 divided categories?

23 A We have a huddle every couple of weeks; so
24 he told me how he was going to identify all the
25 issues, but I didn't see a level of detail behind

1 that.

2 Q So it was just oral communication?

3 A Yes.

4 Q Did you ever speak to O. C. Miller about
5 the report?

6 A Did I speak to O. C.?

7 Q Yes.

8 A I don't recall.

9 Q Were you aware that Ms. Petitt was
10 attempting to schedule a meeting with Richard
11 Anderson to discuss her report?

12 A I don't recall.

13 Q Would that have been a problem from your
14 perspective?

15 MR. BISBEE: Objection.

16 THE WITNESS: It is not a problem, per se.
17 It is not the most effective way to proceed,
18 but it is not a problem.

19 BY MR. SEHAM:

20 Q Okay. Forgive me if I asked this, but did
21 you -- you never got a copy of Ms. Nabors's report.
22 Correct?

23 A No.

24 Q Do you know how long after the drafting of
25 the March 17th Section 15 letter -- how long it took

1 Delta to remove Ms. Petitt from duty?

2 A No.

3 Q Should that removal from duty have been
4 immediate once it was determined that she should be
5 referred to a Section 15 --

6 MR. BISBEE: Objection.

7 THE WITNESS: It should have been in close
8 proximity. Yes.

9 BY MR. SEHAM:

10 Q Are you aware that several weeks after
11 Ms. Petitt received the Section 15 letter that she
12 was asked to give a safety presentation to
13 divisional leaders?

14 A She was asked to give a presentation.
15 Yes.

16 Q Who asked her to give that presentation?

17 A Captain Graham.

18 Q Were you consulted with respect to that
19 decision to --

20 A Yes.

21 Q And why did you -- why was that decision
22 made?

23 A Because we were taking the report
24 seriously. We wanted to follow up on all of the
25 issues that had been raised.

1 Q Is it fair to say you considered
2 Ms. Petitt a valuable source of information
3 concerning compliance issues?

4 A I consider any pilot a valuable source of
5 information.

6 Q Who were the divisional leaders to whom
7 she was assigned to talk?

8 A I can't say. Well, let's see. It would
9 be certainly the managing director of flight
10 training, the managing director of flight standards,
11 and the managing director of -- more than likely the
12 managing director of line operations.

13 There may have been -- I don't know
14 how large the meeting was. There may have been
15 fleet representatives as well.

16 Q Given that she had already been referred
17 for a Section 15 evaluation based on mental health
18 concerns, did you have any reluctance to authorize
19 her meeting with the divisional leaders?

20 A I did not.

21 Q Why did you not?

22 A I felt that in that -- in that
23 environment, she was perfectly capable of making the
24 points that needed to be made.

25 And in any case, you know, we didn't

1 know what the -- we didn't want to wait for the
2 whole process to run its course. We felt that she
3 could play a valuable role in continuing to help us
4 improve the performance of the division.

5 But I would say that about any pilot
6 who had raised concerns.

7 Q Who is the manager of the SMS program?

8 A It would have been Bunty Ramakrishna, who
9 works for Chuck Schramek within our -- he is the
10 director of quality assurance and compliance.

11 Q Did you attend the meeting with the
12 divisional leaders?

13 A No.

14 Q Why did you not?

15 A Because I didn't want to -- I didn't want
16 the debate or the discussion to be chilled by my
17 presence. I don't think it would have been. But
18 that has been my normal practice, is to let the team
19 come up with their ideas.

20 Q And the SMS manager did not attend that
21 meeting with the divisional leaders. Correct?

22 A I don't know if he was there or not, he or
23 she were there or not. I don't remember. I believe
24 flight safety was there, but I -- again, I don't
25 know for sure.

1 Q As you sit here today, do you have any
2 concerns with respect to Ms. Petitt's continued
3 flight operations for Delta?

4 A No.

5 Q Do you know if anyone in the company ever
6 apologized to her for charting her through this
7 process, the Section 15 process?

8 A I don't know.

9 Q I think you testified before you have
10 never had any dealings with Dr. Albain.

11 A No.

12 Q You don't know how many pilots have been
13 sent to Dr. Albain?

14 A No.

15 Q Have you been involved in other AIR21
16 complaints?

17 A No.

18 Q Do you know what Section 18 of the
19 collective bargaining agreement between ALPA and
20 Delta provides?

21 A Speaking off the cuff, I think that is our
22 termination process, I believe. I'm not sure.

23 Q You are not sure?

24 A I'm not sure. I don't remember.

25 Q I referenced the NME before. Did you have

1 any involvement with the issue of NME selection in
2 the context of Ms. Petitt's Section 15 process?

3 A No.

4 Q Okay. Do you agree with me that the FAA
5 has final authority over a pilot's medical
6 certification?

7 MR. BISBEE: Objection. Calls for a legal
8 conclusion.

9 THE WITNESS: I will say that the -- I
10 mean, certainly a pilot needs to have a valid
11 FAA medical to be able to fly. Beyond that --

12 BY MR. SEHAM:

13 Q Well, I'm talking about first class
14 medical. And I don't know what the collective
15 bargaining agreement provides.

16 But in the abstract, presumably Delta
17 could have a higher standard than the FAA. But in
18 terms of whether a pilot retains his or her first
19 class medical certificate, that would be an FAA
20 determination?

21 A Yes.

22 Q Is it Delta's policy to weigh in with the
23 FAA as to whether a pilot should retain his or her
24 first class medical --

25 MR. BISBEE: Objection.

1 THE WITNESS: Not that I'm aware of.

2 MR. BISBEE: If you are going to go
3 through exhibits, it might be a good time to
4 take a short break.

5 MR. SEHAM: Sure.

6 (A recess was taken, and the
7 deposition continued as
8 follows:)

9 BY MR. SEHAM:

10 Q So up until your retirement, you worked
11 fairly frequently with the FAA's Atlanta CMO office?

12 A Yes.

13 Q Are there any former Delta employees
14 employed there?

15 A Yes. I don't pretend to know all their
16 names. But, yes, there are some.

17 Q Rough estimate of how many?

18 MR. BISBEE: Objection.

19 THE WITNESS: No idea. I can tell you
20 among the principal inspectors that we deal
21 with on -- you know, each fleet there are
22 probably, you know, a handful or so. Maybe
23 five. Four or five.

24 BY MR. SEHAM:

25 Q Have you ever had any discussions with the

1 -- with representatives of ALPA -- the Air Line
2 Pilots Association -- regarding Ms. Petitt?

3 A No.

4 Q Other than the -- putting to one side
5 Ms. Petitt's grounding arising from the Section 15
6 process, has Ms. Petitt to your knowledge ever been
7 suspended from flight duties?

8 A Not that I'm aware of.

9 Q I'm not sure if I asked this or not.

10 Are you aware of Ms. Petitt having
11 any flight performance problems during her tenure
12 with the company?

13 A No.

14 Q And if you could -- are you aware of
15 Delta's social media policy?

16 A At a high level. I have not reviewed it
17 in a while.

18 Q Do you know if there is anything in that
19 social media policy that prohibits an employee from
20 identifying themselves as a Delta employee?

21 MR. BISBEE: Objection.

22 THE WITNESS: I believe that all of our
23 external representations have to be cleared if
24 we are representing ourselves as employees.

25

1 BY MR. SEHAM:

2 Q Would you agree that the grounding of
3 Ms. Petitt pursuant to the March 17, 2016 Section 15
4 letter would have resulted in the loss of her
5 proficiency?

6 MR. BISBEE: Objection.

7 THE WITNESS: Are you asking if -- I will
8 just say any pilot who is off of flying for a
9 while is going to have to rebuild their
10 proficiency.

11 BY MR. SEHAM:

12 Q The placement of the complainant in
13 Section 15 status pursuant to the March 17, 2016
14 letter resulted in the complainant's loss of known
15 crewmember access. Correct?

16 A Yes.

17 Q Do you know whether -- to the best of your
18 knowledge, has Ms. Petitt ever had a training
19 failure?

20 A I don't know. I have not gone through her
21 training records.

22 Q I just want to clarify. The complainant
23 was requested by Delta to give a safety presentation
24 to five divisional leaders after she was removed
25 from service pursuant to the March 17, 2016 Section

1 15 letter. Correct?

2 MR. BISBEE: Objection.

3 THE WITNESS: Yes.

4 BY MR. SEHAM:

5 Q Delta's SMS requires a positive safety
6 culture and mandates an anonymous reporting system
7 to be in place. Correct?

8 A Yes.

9 Q And safety culture as mandated by SMS
10 requires the following cultures: Reporting, just,
11 flexible, informed, and learning. Correct?

12 A Yes.

13 Q Delta has conducted three safety culture
14 surveys since 2016. Correct?

15 MR. BISBEE: Objection. Foundation.

16 THE WITNESS: We have conducted safety
17 culture surveys. I don't remember how many.

18 BY MR. SEHAM:

19 Q Would you agree that the results
20 identified that flight operations management may be
21 lacking in safety culture?

22 MR. BISBEE: Objection. Foundation.

23 THE WITNESS: No.

24 BY MR. SEHAM:

25 Q The question relates to pay practices. A

1 reserve pilot receiving a trip -- sort of a trip by
2 process would be paid the reserve line rather than
3 the value of the reserve line in addition to the
4 trip that is flown. Correct?

5 MR. BISBEE: Objection. Vague. Lacks
6 foundation.

7 THE WITNESS: That is correct. Unless the
8 flying exceeds the reserve guarantee.

9 BY MR. SEHAM:

10 Q Is Delta required to self-disclose any
11 falsification of FAA documents by an instructor
12 pilot in its employ?

13 MR. BISBEE: Objection. Calls for legal
14 conclusion.

15 THE WITNESS: Depends on the
16 circumstances.

17 MR. SEHAM: I'm going to ask for another
18 10 minutes. It may be -- it may be that, after
19 that 10 minutes, I will say we are done.

20 MR. BISBEE: No problem.

21 (Whereupon, Exhibit No. 4 was
22 marked for identification and is
23 attached hereto.)

24 BY MR. SEHAM:

25 Q Are you going to be returning to flight

1 operations for some other airline? Do you have
2 plans to --

3 A No. I will not.

4 Q Is that an age restriction issue?

5 A No.

6 Q If you don't mind, what is your current
7 age?

8 A Sixty-one.

9 Q I'm 56. All right.

10 MR. SEHAM: I have no other questions
11 other than I want to thank you because I got a
12 real education from you today. So I appreciate
13 it.

14 Unless you have questions --

15 MR. BISBEE: No redirect. We are going to
16 mark the transcript confidential pursuant to
17 the protective order.

18 I will just note that the protective order
19 states that confidential information, quote,
20 shall be used solely for purposes directly
21 related to the prosecution or defense of this
22 proceeding and shall not be used for any other
23 purpose whatsoever and shall not be used in any
24 manner in connection with any other claim,
25 demand, suit, action, or proceeding.

1 I just want to have the record clear on
2 that. Otherwise, the witness will read and
3 sign.

4 MR. SEHAM: Then I would like to make some
5 comment. I think the order is directed towards
6 designating appropriate portions of the
7 deposition. I think we just used a couple of
8 documents that related to confidential issues.

9 We would take as noncompliant with the
10 tribunal's order if, as with the documents we
11 received, there is an indiscriminate
12 classification of this entire deposition as
13 confidential.

14 MR. BISBEE: And we disagree. We believe
15 the entirety of the deposition will be
16 confidential. Among other things, it covers
17 policies, procedures, confidential business
18 information, safety practices, succession,
19 planning, and a most of other issues that can
20 be dealt with later.

21 We would note, if there is a challenge to
22 the confidential designation, there is a
23 procedure in the order itself. And no sort of
24 publication or otherwise bringing to public any
25 of the information from the deposition can be

1 done unless that procedure is followed.

2 But I think that can be dealt with at a
3 later time, but there are consequences for
4 violating the protective order.

5 MR. SEHAM: I understand. I understand
6 what you have told us you are going to do. Our
7 request is that, in order to avoid an undue
8 burden on the tribunal, that the respondent
9 identify those portions of the deposition which
10 are properly classified as confidential and
11 provide its rationale.

12 That is our request. If the respondent --
13 and we think conforming to that request is
14 required by the tribunal's order. I understand
15 that -- and it appears to be the intent of the
16 respondent not to honor that request and to
17 classify the whole deposition as --

18 MR. BISBEE: For right now --

19 MR. SEHAM: I wish you wouldn't interrupt
20 me.

21 MR. BISBEE: I thought you were done. I
22 apologize.

23 MR. SEHAM: And I don't know what --
24 actually, could you read back the last thing?

25 (Whereupon, the court reporter

1 read back as requested.)

2 MR. SEHAM: As I was about to complete --
3 to designate the entire deposition as
4 confidential, that that was the last word. And
5 I think that is probably enough said, that we
6 don't think that is in compliance with the
7 tribunal's order.

8 MR. BISBEE: And I apologize for
9 interrupting you. If the explanations provides
10 an undue burden on the tribunal, we disagree.
11 There is no undue burden with confidential
12 designations.

13 For right now, we are designating the
14 entire transcript as confidential. We have not
15 refused to heed your request. We can look at
16 the transcript if you consider it necessary to
17 do so.

18 But in the interim, any disclosure of
19 testimony from this designation we believe
20 would be a violation of the protective order,
21 and we would seek remedies consistent with
22 that. I think there is nothing more on our end
23 for right now.

24 * * * * *

25 (The deposition was adjourned at 3:43 p.m.)

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing Pages 1 through 212 represent a true and correct transcript of the evidence given upon said hearing.

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in any ways interested in the result of said case. The witness reserved the right to read and sign the transcript.

This, the 13th day of November 2018.



Takiyah Sanders, RPR
License No. 6500-8326-1480-9600
Certified Court Reporter

1 Reference No.: 2957534

2

3 Case: PETITT vs DELTA AIR LINES

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DECLARATION UNDER PENALTY OF PERJURY

5

6 I declare under penalty of perjury that
7 I have read the entire transcript of my Depo-
8 sition taken in the captioned matter or the
9 same has been read to me, and the same is
10 true and accurate, save and except for
11 changes and/or corrections, if any, as indi-
12 cated by me on the DEPOSITION ERRATA SHEET
13 hereof, with the understanding that I offer
14 these changes as if still under oath.

10

11

Stephen M. Dickson

12

13

NOTARIZATION OF CHANGES

14

(If Required)

15

16

17 Subscribed and sworn to on the _____ day of

18

19 _____, 20____ before me,

20

21 (Notary Sign)_____

22

23 (Print Name) _____ Notary Public,

24

25 in and for the State of _____

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Stephen M. Dickson

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Stephen M. Dickson