

DEPOSITION SUMMARY OF XXXX

April 11, YYYY

Venue: Remotely Via Zoom conference, XXXX, California

Appearances: XXXX, LLP and XXXX Law, P.C.

Also present: XXXX, Plaintiff

Court Reporter: XXXX

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Examination by Ms. XXXX		
4:6-9:6	XXXX, having been first duly placed under oath remotely by the XXXX reporter, examined and testified as follows: XXXX had never deposed before as a defendant in a lawsuit. He understood the formal litigation process. He was not under the influence of any drugs, alcohol, medication, or any substances. Also not experience any physical or mental condition to provide his complete and accurate testimony. He was testifying in his little dining room at home, which was located in XXXX, California. There was nobody with him in the room. He stated that he would notify her when she came home.	Rules of deposition were explained Place of testimony in home
9:7-11:25	Mr. XXXX was allowed to communicate with his attorney. He had a sheet of paper for taking notes. He had already taken notes when he met with Ms. XXXX. He explained that he had a Zoom call with Ms. XXXX two weeks ago for 2 hours. He didn't talk about the deposition case. Ms. XXXX shared three documents with Mr. XXXX that were related to his employment at XXXX. He has never seen a complaint filed in this case.	Zoom call with Ms. XXXX regarding three documents
12:1-16:24	Mr. XXXX was employed at the XXXX, which was referred to as XXXX, for 14-17 years. He worked as a Firefighter paramedic, and then he worked as a fire captain for 9 years. On November 18, YYYY, he became a battalion chief. He explained that the crew chief was a fire captain who worked on the helicopter. They must apply, interview, be accepted, and be trained before becoming a crew chief. Essentially, they were still the captain, working on the helicopter. He was a crew chief for 4 years. As a crew chief, he worked two and a half to three years full time in air operations at XXXX. His supervisor was XXXX for a short time; then, after a couple of weeks, there was XXXX and then XXXX. He explained that as a crew chief, he would report to the battalion chief, but he rarely had direct reports. He worked on two helicopters,	Discussion regarding Employment details and Occupational details

	<p>one on A, B, and C shifts and the other on the fire ship. The primary helicopter was staffed 24/7, while the fire ship had a pilot and crew chief. The shift schedule was the same as the rest of the fire department, except for a few months. During their time in air operations, he worked on the fire ship without reporting to the battalion chief. He worked alongside the pilot and had other supervisors. His majority of time was spent on the fire ship and with the pilot.</p>	
16:25–19:24	<p>When he was not on the fire ship, he was staffed on the primary aircraft, and the paramedic rescuer would report to him. He explained the job duties of the crew chief. He explained that his involvement in training new fire pilots involves not instructing or teaching flying but rather assisting with radio usage and aircraft readiness. Also included are scheduling flights, ensuring the crew was ready to go, double-checking equipment, and coordinating with other individuals involved in firefighting or rescue training. He worked closely with the pilot and crew chief to ensure safety, communication, and an understanding of objectives. During rescue training, he often works in the back of the helicopter, raising and lowering paramedics and coordinating pilot activities. He involved conning or talking the pilot into positions to get the helicopter where it needed to be. He also offers feedback on the flight, areas for improvement, and successes. The crew chief often leads after-action meetings with all involved, whether it was training or a call, to discuss what went well and what could be improved for the next flight. This collaborative effort ensures that the pilot and crew chief work together to ensure the safety and success of the aircraft.</p>	<p>Regarding his role as a crew chief</p>
19:25–22:24	<p>Mr. XXXX might offer feedback on flights, primarily related to hoist operations or rescue elements. Feedback would focus on better, safer, and more efficient ways for rescuers to enter and exit helicopters. He stated that clear communication, following standard training, and avoiding deviations from standard communication can help improve the overall experience. He didn't have any involvement in disciplining fire pilots, passing probation, or terminating fire pilots. Before becoming a crew chief, he worked for a truck company for four years, where he had four years of experience as a crew member on a helicopter.</p>	<p>His prior experience in helicopter</p>
22:25–27:19	<p>Mr. XXXX was not a licensed pilot. He didn't have aviation licenses, education, or training. He received training as a crew chief. He explained the syllabus covered in regards to aviation. In the syllabus, they didn't cover how to operate the aircraft as a pilot, train a pilot or evaluate a fire pilot. He had training experience and flight experience. XXXX, XXXX, XXXX, XXXX, XXXX, XXXX, XXXX, and XXXX, who worked with him in air operations. Ms. XXXX, XXXX, XXXX, and XXXX were on probation and worked as crew chief. He doesn't recall that he went on training flights with Mr. XXXX. There were approximately 30-40 training flights. He explained that he worked with XXXX when he was in air operations, and not when he was on probation.</p>	<p>Discussion regarding eight members as a crew chief</p>
27:20–31:23	<p>He went out for training flights with Mr. XXXX and took notes three to five times while he was on probation for 30 flights. He explained that during training flights, taking notes was an uncommon practice. A notepad strapped to the leg was used to capture positive and improvement points for discussion after the flight. Pilots recorded flight statistics, which were shared with others after the call log was completed. He stated that the pilot training program would record the number of evolutions they trained on during a flight. These statistics would be entered in the flight log, and accessible to the lead pilot.</p>	<p>Discussion regarding Mr. XXXX training and feedback</p>

	The notes were documented on a notepad. After the flight, notes would be used for discussion, recording statistics, and discarding. No notes were given to anyone else. Informally, opinions on Mr. XXXX's hovering proficiency were given in conversation. No feedback was provided on Mr. XXXX's proficiency with flying Instrument Flight Rating (IFR) due to a lack of training. He only knew the concept but lacked the skills to perform it. No feedback was given on Mr. XXXX's flying with night vision goggles, except for after-action discussions.	
31:24–35:19	Mr. XXXX flew on training flights one time with Mr. XXXX while he was on probation. He doesn't entirely recall the training. He also flew with Ms. XXXX on probation for 30 to 40 flights and went out on non-training flights for rescues or fires. Mr. XXXX was the lead pilot. He was asked to take notes after the flight; he typed his notes and stored them in the form of an email. XXXX asked for his notes on the call, so he drafted an email and sent it to XXXX. He provided feedback regarding how the flight went.	Introduction about Mr. XXXX Discussion regarding Ms. XXXX and Mr. XXXX
35:20–40:22	He didn't know Mr. XXXX before he started working at XXXX. Mr. XXXX worked in an air operation the whole time that he was there. They both worked on a flight with air operations. Ms. XXXX was hired at XXXX just before her start, but no information was available about her background. She was mentioned as a potential Cal Fire pilot. She had flown for Cal Fire. She was hired contingent on receiving her IFR during probation, Mr. XXXX learned about it sometime after starting. Ms. XXXX was hired contingent on completing IFR training and certification before probationary completion. He was aware that she had that contingency.	Discussion regarding Ms. XXXX
40:23–45:9	Mr. XXXX had a conversation with XXXX regarding flight hours, where he had flown, and things of that nature. He explained that in general, they talked about Mr. XXXX's qualifications. He explained that there were no contingencies mentioned for the pilots hired. Ms. XXXX's experience was learned through conversation, and she shared that she needed to complete the IFR. She was working on Ms. XXXX talked to Mr. XXXX daily regarding training at OCFA. Ms. XXXX stated that she was frustrated with her training. He agreed that it was important to speak with a trainee about their areas of deficiency in training to help them improve. He explained that OCFA pilots discussed Ms. XXXX's performance after training flights with crew chiefs and rescuers, and pilots received critiques on their performance.	Discussion regarding Ms. XXXX's frustration
45:10–50:12	Ms. XXXX and Mr. XXXX were partners, working the same shift and schedule. He explained that the pilot evaluates aspects like aircraft movement, hover holding, and pilot responsiveness without an official qualification. They rely on experiential learning and past experiences to assess if pilot actions align with their experiences. As an unlicensed pilot, he lacks the qualifications to evaluate a pilot's IFR skills. As a non-licensed pilot, he cannot evaluate a pilot's flying skills or learn a new aircraft due to his lack of official qualifications or approval. Exhibit 48 is referenced. He revealed that they never referred to Ms. XXXX as Des and did not write the comments.	Ms. XXXX and Mr. XXXX's work Exhibit 48 was marked for identification.
50:13–54:3	He remembered that Ms. XXXX on a flight got into some challenging situations, like Black Star Canyon, involving downdrafts and cable outs. His description was based on her training and evolution. The reference to Black Star was a canyon. Ms. XXXX's performance went well overall. He explained that rescuers were attached to a helicopter hoist and attempting to mimic	Discussion regarding challenging situations

	maneuvers with a weighted bag before a live load on the hook. They were challenging due to the steep hillside and the difficulty of capturing them. He disagrees with comparing weighted bags to real people for certain maneuvers. A person gave real-time feedback, so he was not getting real-time communication or feedback from a bag.	
54:4–60:4	There was an Email sent to XXXX. They took notes after the flight. Mr. XXXX testified that he didn't take written notes on flights with other probationary pilots. Mr. XXXX asked him to take notes regarding his overall observations and thoughts. He doesn't recall that Mr. XXXX asked for notes, impressions of the flight, and a comment on Ms. XXXX's performance. On June 24, an email was sent reviewing training notes from June 23. Ms. XXXX was a probationary pilot with him for about a year, and there was a team. She was hired in YYYY, but he doesn't remember the exact date. He explained that six months ago, Ms. XXXX's performance during a flight was impacted by challenges with aircraft steadiness and altitude loss. She had experience in firefighting and rescues, with a strong background in the Huey. However, when the team moved to the Bell 412, she had to adapt to the new helicopter. The most challenging task was nighttime rescue hoisting under NVG, which was deemed the most challenging task for an aircrew in a helicopter.	Ms. XXXX's performance in a flight
60:5–65:23	He stated that the issues revolve around nighttime hoisting with night-vision goggles. He explained that hoisting was typically for rescue. As of June YYYY, there were no cardings or evaluations for Ms. XXXX with the OCFA, as she was a probationary pilot. Ms. XXXX did not pass any carding while at OCFA, as authorized entities like the Forest Service or Cal Fire would card pilots for specific fire-related tasks. No information was provided on her not passing a check flight. There was training for XXXX, a helicopter paramedic rescuer; XXXX, also a helicopter paramedic rescuer; and Irby, a paramedic rescuer, but he had already been working in air operations. Ms. XXXX was unfamiliar with changing channels on 9100 radios, but later worked with her to ensure she was up to speed. Mr. XXXX also trained with her on those radios. XXXX is where 50% of remote calls originate, but it's important to know its location. He explained that there was a certain place where they had permission to train. Some common training locations include Irvine Lake and Black Star.	Discussion regarding radios
65:24–69:23	Mr. XXXX would give constructive feedback to Ms. XXXX on the issues during the flight and send an email to XXXX. Mr. XXXX identifies OCFA 2454 as an email narrative of a flight taken by XXXX, Desiree, and Mr. XXXX. The email was accurate and prompted by XXXX request. Mr. XXXX asked him to take notes during a flight on 06/29/YYYY, but he only recalled them afterward. It was likely in the Bell 412. The Hueys were decommissioned at one point, and training took place on them. At one point, training primarily involved the Bell 412.	Discussion regarding Ms. XXXX issues
69:24–75:25	He explained that OCFA transitioned from XXXX to Bell 412s, possibly within three to four months after Ms. XXXX started working at OCFA. Most of the flying was done in the 412s. It would be in the logbook. He explained that Ms. XXXX's performance during a training flight in XXXX, where she performed hovering operations in a narrow and steep drainage. The details were unclear, but the flight involved cloud coverage and a hole in the clouds before heading to Black Star Canyon. He explained about the hoist insertions. The red training bag simulates inserting and extracting a person or equipment	Discussion regarding OCFA transitioned

	<p>during training, as it was used on calls for paramedic rescues. He agreed that the evolution begins when individuals in the aircraft collectively decide on the appropriate maneuver. The specific number was usually around 150 feet, but it should be decided and clarified among the crew before the evolution begins. 150 feet of cable were used. He described the sort of loss of elevation, the pilot brought the aircraft into a static hover, ensuring the plan was in place and everyone understood the plan. The aircraft moves slowly, steadily, and consistently to reach the target. From there, no forward, or lateral movement occurs. The crew chief then lowers the load, potentially causing an unintentional loss of elevation. This process occurs from the set-up point to being over the target. The goal was to prevent it, but it occasionally occurs on flights.</p>	
76:1–80:17	<p>He explained that the searchlight was operated by the pilot. It was attached to the bathroom of the helicopter, and the pilot could control it with a little joystick where it was pointed. The pilot should use the joystick to position the searchlight, but communication with the crew chief is usually sufficient. The pilot sets the light for their needs, and it doesn't affect their vision. He explained that in general, pilots don't normally communicate about light position, but in some cases, they set it where they like, which doesn't affect the pilot's actions. He would recall the training flight with Ms. XXXX and capture the evolution of that flight and the quality of Ms. XXXX's flying. He doesn't recall discussions with anyone else at OCFA.</p>	<p>Discussion regarding searchlight</p>
80:18–84:22	<p>He recalled an incident where there was an incident where there was a delay in HC3. He explained the incident, which was a response to a vegetation fire in Camp Pendleton. Exhibit 56 was marked for identification. An Email was sent to XXXX, XXXX, XXXX, and XXXX regarding the Goodrich hoist, helicopter hoist specifications; a manual was found and forwarded. An email was prompted by a discussion about specifics during training, such as weight limitations, cable length, and hoist speed. The content suggested that the group was prompted to ask questions about these aspects. He explained that questions were asked during a training flight, as they were discussed in a training tower with a helicopter airframe and hoist attached. The mock training was conducted in a non-flying situation, as per the email content. The tower was a training set for real aircraft, sitting on a flat form about 20 feet above the ground. It was used for hoist practice and was not a negative or bad thing. However, if it was something that someone should know or was already covered, it might be relevant.</p>	<p>Exhibit 56 was marked for identification.</p> <p>Discussion regarding delay in HC3</p>
84:23–87:21	<p>He didn't have objective measurements. Exhibit 57 was marked for identification. An email was sent to XXXX and Ms. XXXX. An email was written by the individual who handled staffing entries for crew chiefs and pilots in air operations. They were assigned to handle various positions within the OCFA, which required specific qualifications. For example, helicopter paramedic rescuers must have real-time qualifications to work in the system. Ms. XXXX was qualified for day work, but there was a technical oversight in the computer system that needed to be corrected. The email suggested that being hired does not mean being hired by the OCFA, but rather in the staffing system for a shift. He explained that the issue involved a technical fix in the computer system for Ms. XXXX 's staffing. The payroll timekeeping section handles these issues and updates the system accurately. The duration of the issue was unclear, but it could have been weeks.</p>	<p>Exhibit 57 was marked for identification.</p> <p>Discussion regarding objective measurements</p>

87:22–92:25	Staffing access was shared between Mr. XXXX and XXXX within the air operations section, along with XXXX, who was retired. Ms. XXXX was not on the hire list for the 4th shift, indicating that she had been working there since July 2020. She was scheduled for her regular assigned shifts. The system can be used to query the system for eligible workers, either voluntarily or through a forced hire. A rotating list was used to find available and voluntarily willing workers, and if not, the force list was used to find the first candidate for a given shift. There was something in the staffing system, the computer system that needed to be fixed to get her on the hiring list. Exhibit 40 was referenced. He recognized a memo from the Orange County Fire Authority, dated June 3rd, requesting a probation extension for Ms. XXXX, subject to copying on the bottom. Ms. XXXX's probation was extended due to shared shifts, and he was aware of it, but he doesn't recall receiving the memo.	Exhibit 40 was referenced Discussion regarding Ms. XXXX's probation
93:1–97:25	He doesn't recall Mr. XXXX discussing Ms. XXXX's probation extension with him, and Ms. XXXX discussed it with him, but nothing specific. He explained that the decision to extend Ms. XXXX's probation was based on her instrument flight rating, but no specific information was provided. She requested the extension due to her IFR school being closed due to COVID. The decision was not explained to the interviewee, who lived there at the time. The pilots in the station had a conversation around the fire station. Ms. XXXX's probation was extended, but conversations around the fire station with crew members were not specific to her. He recalled multiple night flights with Ms. XXXX and Mr. XXXX. The estimate was five to seven flights with XXXX and Ms. XXXX for night training. He recalled flying night flights, training on night hoists with Ms. XXXX and XXXX before probation release. He recalled Ms. XXXX's satisfactory night hover during the five-night training on hoisting with Mr. XXXX and Ms. XXXX.	Mr. XXXX discussing Ms. XXXX's probation
98:1–99:9	Mr. XXXX felt comfortable with her hoisting at night. He explained that she was fuel qualified and signed off to hoist live loads during the day, and he felt comfortable doing that. At night, there were times when it went okay, but it wasn't, he doesn't think, to the point where it was consistently good. He doesn't recall ever discussing serving as a live load for Ms. XXXX, nor did he discuss feeling comfortable with Mr. XXXX.	Discussion regarding hoisting at night
99:10–101:25	Discussion between the attorneys.	
102:1–106:21	He didn't recall Mr. XXXX raising his voice at Ms. XXXX after a flight, raising his voice with other pilots, Mr. XXXX ever using profanity when flying with Ms. XXXX, Mr. XXXX using profanity with other pilots, or Mr. XXXX appearing hostile with Ms. XXXX. Ms. XXXX and Mr. XXXX always participated in every after-action after a flight with Ms. XXXX and Mr. XXXX. If XXXX and Ms. XXXX had an after-action, he wouldn't have been present, but he wasn't aware of them. The testimony revealed that XXXX was not involved in after-actions with Ms. XXXX, as he exited the aircraft and returned to the aircraft after training flights. Mr. XXXX hasn't seen Mr. XXXX criticize Ms. XXXX in a constructive way. He explained about the skid, which was the thing the helicopter landed on. Crew chiefs often experienced skids on flights, which was a routine occurrence for rescue training. During Ms. XXXX's probation, they were worried about Mr. XXXX's failure but were not worried.	Mr. XXXX raising his voice at Ms. XXXX

106:22–110:13	He explained that no formal evaluation flights were mentioned, but Ms. XXXX and XXXX were on informal evaluation flights. The focus was on training and evaluation, in equal parts. The flights often felt like training and evaluation. He witnessed Mr. XXXX giving negative feedback to Ms. XXXX. Mr. XXXX is aware that Ms. XXXX filed a grievance to appeal her release from probation. He stated that there were no conversations about Ms. XXXX filing a grievance, and no interviews were conducted with Mr. XXXX or Mr. XXXX. He explained to Ms. XXXX that he felt comfortable serving as a live load for Ms. XXXX for day and night hoists, but didn't specify day or nighttime.	Discussion regarding feedbacks
Examination by Ms. XXXX		
110:16–114: 19	Mr. XXXX discussed training flights with Ms. XXXX and without XXXX. He spent more time doing training flights without XXXX. Mr. XXXX and Ms. XXXX had access to the aircraft for training, as they considered each other partners. They expressed their support and understanding, ensuring they could work together without restraining factors affecting their abilities. He explained that after action reports (AAR) were meetings conducted after every flight to discuss the plan, what went well, and areas for improvement. These meetings were informal, where everyone gathered to discuss the flight, its success, and areas for improvement. The purpose was to capture positive aspects of the flight and identify areas for improvement. In training flights with Ms. XXXX, the after-action included both. They encouraged honesty and value-added experiences, allowing everyone to express their strengths and weaknesses. Ms. XXXX's deficiencies were not known at the time of her probation release, but she likely was aware. Ms. XXXX and XXXX were partnered, working most shifts together, with Josh starting after Ms. XXXX left. He explained that XXXX expressed a lot of the same frustrations that Ms. XXXX did through his probationary period.	Discussion regarding training flights with Ms. XXXX
114:20–118:21	In the discussion about command presence, Ms. XXXX mentioned a grasp of situations and problems with a focus on mission goals and objectives. She mentioned that there were times when direction seemed more like a question when faced with decision-making situations. He is aware that OCFA's air operation division uses the term all risk used in the fire service to describe various emergencies, including hazardous materials spills, remote rescue calls, technical rescue calls, medical calls, drownings, EMS interfacility hospital transfers, and all other risks. He explained that in air operations, pilots were required to handle all mission types, with no distinguishing class between fire and rescue duties. Both helicopters were qualified to do both, carrying the same equipment and crew. Pilots were expected to have the same training qualifications. However, some pilots initially focus on fighting fire, while others focus on developing their rescue skills. Ms. XXXX had no problems with fire aspects, but struggled with night hoisting using NVG. Pilots signed off on rescues during the day, allowing live loads and performing rescues without training. Nighttime rescues were the most difficult. He was aware of several incidents that occurred while she was pilot in command on a daytime rescue mission.	Discussion regarding all risks
118:22–121:21	Ms. XXXX is normally paired with him. He explained that there were no issues with Ms. XXXX working with Bucho as a new crew chief because the training was very specific to the verbiage and language that they use, especially during rescue and hoisting scenarios, so that it was standardized so that the discrepancy or deviation from the standard verbiage and	Discussion regarding Ms. XXXX frustration

	<p>communication could be quickly identified. Mr. XXXX interacted every day when he worked with Ms. XXXX. He only recalled that Ms. XXXX expressed frustration. XXXX often cleaned the refrigerator, but the specifics of the incident remain unclear. Ms. XXXX was hired in June YYYY, and during the COVID-19 closures, she struggled to obtain her IFR rating. The process seemed delayed, especially considering her employment and condition. The COVID started in March, and she was still on probation, which made it difficult to progress.</p>	
122:1	The deposition concluded at 12:30 p.m.	

Sample Deposition Summary - Medico Legal Request