

EXHIBIT B

1 MR. WILLIAMS: The government calls Brian Priddin.
2 THE COURTROOM DEPUTY: Stop there. Raise your right
3 hand.
4 (Oath was administered.)
5 THE WITNESS: I do.
6 THE COURTROOM DEPUTY: Thank you, have a seat.
7 Please state your name and spell your last name for the
8 record.
9 THE WITNESS: My name is Brian Priddin. My last
10 name is spelled P-r-i-d-d-i-n.
11 BRIAN PRIDDIN,
12 having been duly sworn,
13 testified as follows:
14 MR. WILLIAMS: May I proceed, Your Honor?
15 THE COURT: Yes.
16 DIRECT EXAMINATION
17 BY MR. WILLIAMS:
18 Q Thank you. Good afternoon, Mr. Priddin.
19 A Good afternoon.
20 Q Where do you work?
21 A I currently just finished a project up for my parents,
22 they're located to Kentucky. And so we bought a couple of
23 properties, so I was helping to renovate one of those, and
24 prior to that, I worked running work boats up in Alameda for a
25 company marine express.

1 Q What does that meaning running work boats?

2 A I was a captain of vessels, ranging in size from 65 feet
3 to 110 feet.

4 We would take supplies and people out to the large
5 container slips and tankers that you would see anchored.
6 Sometimes we would work with them when they are coming in and
7 out of the San Francisco Bay.

8 Q So I take it you have a captain's license?

9 A I do.

10 Q What license is that?

11 A So domestically I have a 200-ton master's, which is for
12 near coastal waters. I have a 200-ton mates license, which is
13 for oceans.

14 Internationally, I have a 500-ton master's license for
15 near coastal, and a 500-ton mates license for oceans.

16 For international licenses, its called officer in charge
17 of a navigational watch, OICNW. It requires nine classes in
18 order to obtain that, classes like advanced firefighting, watch
19 keeping, advanced radar and electronic chart data information
20 systems, global distress safety systems, things like that.

21 Q Before that, did you have 100-ton license as well?

22 A I did. I actually started with a 50-ton license and that
23 was upgraded to a 100 tons, and later it was upgraded to
24 200 tons.

25 Q Okay. You also have a master's degree?

1 A I have two master's degrees. I have a master -- MBA with
2 the concentration in MIS, which is information systems, and I
3 have a master's in theology with a concentration of biblical
4 studies.

5 Q Are you familiar with at company named Truth Aquatics?

6 A I am.

7 Q Did you briefly work there?

8 A I did, back in 2019.

9 Q And do you know somebody named Captain Jerry Boylan?

10 A I do.

11 Q How do you know him?

12 A He was the captain who was in charge of the vessel on all
13 of the voyages that I made on the *Conception*.

14 Q Before you were hired by Truth Aquatics, did you have to
15 take a trip with the defendant as a captain of that boat?

16 A I did.

17 Q Is there a name or a terminology for that type of a trip?

18 A Typically, we call that a check-out trip, so they are
19 checking out to see what my qualifications are, if I could
20 handle the boat, and you are kind of checking them out to see
21 if would you want to work there.

22 Q That check-out trip was with Captain Jerry Boylan?

23 A That's correct.

24 Q That is before you were formally hired with Truth
25 Aquatics?

1 MS. RIVERA: Objection. Leading.

2 THE COURT: It's foundational. I will allow leeway
3 here.

4 THE WITNESS: That is correct.

5 BY MR. WILLIAMS:

6 Q How many days did you work for Truth Aquatics?

7 A I worked for them, I believe, it was June 1st through
8 June 9th.

9 Q Of 2019?

10 A Of 2019.

11 Q During your check-out trip with Captain Boylan, did he
12 ever test you regarding emergency procedures?

13 A No, he did not.

14 Q Did he ever ask you about training you have had for
15 firefighting?

16 A No, he did not.

17 Q Did he ask you about your training you have had for other
18 emergency procedures?

19 A No, he did not.

20 Q And you said you had to do a check-out trip with Captain
21 Boylan before you were hired?

22 A Yes.

23 Q You were hired?

24 A I was hired, yes.

25 Q What boat did you work on while you worked for Truth

1 Aquatics?

2 A I only worked on the *Conception*.

3 Q Do you remember how many trips you took on it?

4 A Paid trips, I did three paid trips.

5 Q How many days were the trips?

6 A The first trip was a single day, so we left in the
7 morning, came back that night. It was a scuba diving trip.

8 The second trip was a two-day trip. We left in the
9 evening and we picked up a crew from a different vessel and
10 they slept on our ship.

11 Then the third trip was, I believe, three days scuba
12 driving trip, that was my last trip.

13 Q These are all in May and June of 2019?

14 A So all of my paid work was in June. The check-out trip
15 was the very end of May. It was, like, the 25th of May through
16 the 29th of May.

17 Q That was just a couple of months before the *Conception*
18 fire happened?

19 A That is correct.

20 Q I want to talk to you about the first night on board the
21 *Conception*.

22 Did you ask Captain Boylan where the fire pumps were and
23 how to use them?

24 A Yes, I did.

25 Q What did he say?

1 A He said there was a button somewhere on the wheelhouse and
2 don't worry about it right now.

3 Q Did you ask him what time your night watch would be?

4 A I did. I asked him when I should report for my watch, and
5 he said, I will see you at 6:00 a.m.

6 Q Did you take that to mean, go to sleep, there is no night
7 watch?

8 MS. RIVERA: Objection. Leading.

9 THE COURT: Rephrase your question.

10 BY MR. WILLIAMS:

11 Q What was your understanding of what Captain Boylan meant
12 when he said, go downstairs, I will see you in the morning?

13 A That I did not have a night watch.

14 Q Did you hear him assign a night watch to anyone?

15 A I did not.

16 Q Is that unusual, in your experience?

17 A That is. I have never been on another vessel where we
18 were either at anchor or underway at night and not have
19 somebody awake, have an anchor watch, or roving night watch.

20 Q A roving night watch is important?

21 A Absolutely. Typically, you go around the ship at least
22 once every 20 minutes and you are making sure there is no signs
23 of a fire or anything else outside of the ordinary, so that way
24 you can alert and get everybody up in order to take whatever
25 emergency action is needed at that time.

1 Q Is that a pretty standard practice on boats?

2 MS. RIVERA: Objection. Lacks foundation.

3 THE COURT: I will sustain. Lay a foundation.

4 BY MR. WILLIAMS:

5 Q In your experience with a 50-ton, 100-ton, a 200-ton and
6 a 400-ton license, is that unusual -- pretty standard practice
7 on boats to have a roving patrol?

8 MS. RIVERA: Objection. Still lacks foundation.

9 THE COURT: Overruled, I will allow him to answer.

10 THE WITNESS: I have never -- like I said, I never
11 experienced another vessel that did not have a watch at night.

12 BY MR. WILLIAMS:

13 Q Did Captain Boylan provide any firefighting training on
14 board the *Conception*?

15 A We did not do any training, no.

16 Q Is that unusual?

17 A That is very unusual.

18 Typically, when you come aboard a ship, either the
19 captain of the ship or if it's a larger vessel, the second
20 mate, their duties will do indoctrination.

21 They will take you around the ship. They will show you
22 where all of the emergency equipment is, your master station,
23 what your responsibilities would be as a crew member in case of
24 an emergency, and that way they will have you sign off on what
25 you have seen and what you have looked at.

1 That is pretty standard from all of the other vessels I
2 have ever worked on or been apart on or volunteered on.

3 Q None of that happened on the *Conception*?

4 A None of that happened on the *Conception*. That is why I
5 asked, and how do I turn on the fire pumps, because no one had
6 showed me before we left the dock.

7 Q Is that a pretty standard practice for captains on their
8 boats to walk new crewmembers through that sort of thing?

9 MS. RIVERA: Objection. Foundation.

10 THE COURT: Lay a foundation.

11 BY MR. WILLIAMS:

12 Q In your experience as a 50-ton, 100-ton, 200-ton, 400-ton
13 master's, is it typical for captains to walk through emergency
14 procedures like that for new crewmembers on the boats?

15 A It is, absolutely.

16 Q Why is that important?

17 MS. RIVERA: Objection. Speculation. There is
18 still a foundation issue, Your Honor.

19 THE COURT: Overruled.

20 THE WITNESS: Because the crew doesn't know where
21 the equipment is or what the responsibilities are, they are not
22 going to be able to react properly in an emergency.

23 BY MR. WILLIAMS:

24 Q They panic?

25 MS. RIVERA: Objection. Speculation, foundation

1 argumentative and leading.

2 THE COURT: Sustained.

3 BY MR. WILLIAMS:

4 Q What do you mean by they wouldn't be able to react
5 properly in an emergency?

6 A If I don't know what my job is in case of a fire on a new
7 vessel that I have never been on, I can only go back to some
8 other vessel that I have been on.

9 I wouldn't be able to be effective, in my opinion, to do
10 what the captain is expecting me to do or what would need to be
11 done.

12 MS. RIVERA: Your Honor, I'm sorry to interrupt.
13 May I request a sidebar?

14 THE COURT: No.

15 MS. RIVERA: Okay.

16 BY MR. WILLIAMS:

17 Q Captain Priddin, after you boarded the *Conception*, how did
18 you first discover where the emergency exit was?

19 A So the only way I found it, was I had to look for it
20 myself.

21 The typical procedure for anybody coming on board was
22 there would be a clipboard, kind of, located when you first
23 walked to the double doors which would basically have people's
24 names and a bunk number. They would go downstairs and go to
25 sleep that first night.

1 Because of prior experience I had worked on -- I
2 volunteered on a large vessel that was a catamaran so it has
3 two pontoons that are physically separate, and being part of
4 the crew I was -- my stateroom was downstairs below the water
5 line, and so the second mate took me down there and forced me
6 to crawl through a crawl space from one pontoon on the other.

7 It was a large ship, so probably at least 100 feet, so
8 that way I would know where my escape route would be in case of
9 emergency, if I couldn't get out from my pontoon by going down
10 the normal stairwell.

11 That is kind of the thing -- what a normal thing would
12 be.

13 Q So would you know where to go, where to start, and go
14 through in an event of emergency?

15 A Right. So that way I would have also gone through it if
16 things were happening. I would have already known, okay, it
17 should take me this long to get there, and what to expect as
18 I'm going through it, because it was a small three by three or
19 very small compartment that you had to go through and crawl
20 100 feet.

21 So because of that, I was -- well, I want to know when I
22 got on to this vessel, the *Conception*, okay, where is my escape
23 if I had to get out from down below.

24 Q You found the emergency escape yourself on the *Conception*?

25 MS. RIVERA: Objection. Leading.

1 THE COURT: Overruled.

2 THE WITNESS: Yes, I did.

3 BY MR. WILLIAMS:

4 Q You were ever told what to do if there was a fire on board
5 the *Conception*?

6 A No, there was no discussion.

7 Q Any fire drills?

8 A There were no fire drills.

9 Q Ever shown how to use the fire hoses?

10 A No.

11 Q And based on your experience on boats, is fire a
12 significant danger?

13 MS. RIVERA: Objection. Improper expert opinion,
14 testimony, and leading.

15 THE COURT: I will sustain the objection.

16 BY MR. WILLIAMS:

17 Q Based on your experience as captain, do you have any
18 understanding at all if fire is a danger at sea?

19 MS. RIVERA: Same objection, Your Honor.

20 THE COURT: Let me have you on sidebar for a moment.

21 MR. WILLIAMS: Yes, Your Honor.

22 (Sidebar begins.)

23 THE COURT: Is he your expert on marine --

24 MR. WILLIAMS: Just a percipient witness.

25 THE COURT: If he's percipient witness, why are you

1 asking him on expert stuff?

2 MR. WILLIAMS: They just said it is not
3 controversial that fire is a danger at sea.

4 THE COURT: They haven't conceded the fact you are
5 making him an expert, just because you could see a point --

6 MR. WILLIAMS: Your Honor just said fire is an
7 obvious danger. I don't think that is a controversial fact.

8 THE COURT: Then why are you asking this question?

9 MR. WILLIAMS: Well, it is not an expert opinion.

10 THE COURT: Again, he isn't a designated expert. If
11 you want to use him or something like that, if you are not
12 going to call your designated expert, that's fine.

13 MR. WILLIAMS: I will move on.

14 MS. RIVERA: Just to make the record, my
15 understanding is that this is actually not even based on his
16 experience.

17 This is based on his licensure. That what I was
18 objecting to with respect to foundation because there are
19 different progressive licenses, and he's --

20 THE COURT: He's explaining insofar as his licenses
21 are concerned. He did have 50 and 100, then it went to 200, et
22 cetera. He said this was on all them, it is required. He can
23 give testimony as to that.

24 MR. WILLIAMS: I will move on.

25 MS. RIVERA: All right. Thank you, Your Honor.

1 (Sidebar ends.)

2 BY MR. WILLIAMS:

3 Q And you testified you worked for captains -- let me
4 rephrase that.

5 You testified you worked aboard the *Conception* with
6 Captain Boylan for about ten total days; is that right?

7 A Yes.

8 MS. RIVERA: Objection. Misstates the testimony.

9 BY MR. WILLIAMS:

10 Q How many days did you work for Captain Boylan?

11 A Worked would have been -- yeah, ten days, the 1st through
12 the 9th.

13 Q And at some point you quit?

14 A Yes.

15 Q Why did you quit?

16 A I felt that I was -- two things, really.

17 When was that -- I felt I was putting my captain's
18 license in jeopardy?

19 There were times when the defendant had stated to me, I
20 know that is what the Coast Guard would want you to do.

21 MS. RIVERA: Objection. Hearsay, calls for a
22 narrative.

23 THE WITNESS: That's what he told me.

24 THE COURT: I know, he can testify as to what he was
25 told.

1 THE WITNESS: So the defendant told me directly, I
2 know that's what the Coast Guard would want you to do, but I
3 want you to do this.

4 And I felt that the things that he was asking me to do
5 could cost me my captain's license.

6 MS. RIVERA: Your Honor, may I request a sidebar?

7 THE COURT: No.

8 THE WITNESS: The second thing was, I did not feel
9 safe.

10 MR. WILLIAMS: No further questions.

11 THE COURT: Why don't we take our break at this
12 point in time.

13 We will start again tomorrow -- we will start again on
14 Monday at 9:45.

15 Remember, when you are on these breaks, please do not
16 discuss this case with anyone. Please do not do any
17 independent research.

18 Have a very, very safe weekend, and get plenty of sleep.

19 (Jury exits the courtroom at 5:10 p.m.)

20 THE COURT: Let me have you guys come in at 9:30.
21 Let me say, when you have something you want to do, don't bring
22 it up in the middle of the day, bring it up early on.

23 That is the reason I have you come in early, because we
24 can address things. So don't save it for midday and stuff of
25 that sort. All right?

1 MR. WILLIAMS: Yes, Your Honor. Thank you.

2 THE COURT: Have a nice weekend.

3 (The proceedings concluded at 5:11 p.m.)

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