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Exhibits 109-118

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COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

NORFOLK, SS.

SUPERIOR COURT  
NO. 1582CV00213

BOSTON EXECUTIVE HELICOPTERS, LLC;  
MII AVIATION SERVICES, LLC, AND  
HB HOLDINGS, INC.,  
Plaintiffs,

v.

FLIGHTLEVEL NORWOOD, LLC;  
EAC REALTY TRUST II; AND  
PETER EICHLEAY,  
Defendants.

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DEPOSITION OF MARK RYAN

TAKEN MARCH 23, 2018

AT THE LAW OFFICES OF

LeCLAIR RYAN

ONE INTERNATIONAL PLACE, 11TH FLOOR

BOSTON, MASSACHUSETTS

Reporter: Raymond F. Catuogno, Jr.

<p style="text-align: right;">2</p> <p>APPEARANCES:</p> <p>For the Plaintiffs:          PIERCE &amp; MANDELL, P.C.          11 Beacon Street, Suite 800          Boston, MA 02108          BY: MICHAEL C. FEE, ESQ.          617-720-2444          mfee@piercemandell.com</p> <p>For the Defendants:          LeCLAIR RYAN          One International Place, 11th Floor          Boston, MA 02110          BY: A. NEIL HARTZELL, ESQ.          617-502-8259          neilhartzell@leclairryan.com</p> <p>For the Norwood Airport Commission:          PIERCE, DAVIS &amp; PERRITANO, LLP          10 Post Office Square, Suite 1100N          Boston, MA 02109          BY: ADAM SIMMS, ESQ.          617-350-0950          asimms@piercedavis.com</p> <p>For FlightLevel Aviation:          FlightLevel Aviation          125 Access Road          Norwood, MA 02062          BY: NICHOLAS W. BURLINGHAM, ESQ.          781-769-8680          nburlingham@flightlevelaviation.com</p> <p>In Attendance:</p> <p>Christopher Donovan,          Boston Executive Helicopters, LLC          Peter Eichleay,          FlightLevel</p>	<p style="text-align: right;">4</p> <p>EXHIBITS: (continued)</p> <p>Exhibit 117, Letter dated          November 1, 2016 ..... 140</p> <p>Exhibit 118, Memo dated July 12, 2013 ..... 142</p> <p>Odstrchel Exhibit 95 ..... 144</p> <p>Shaughnessy Exhibit 107 ..... 152</p> <p>Odstrchel Exhibit 98 ..... 158</p>
<p style="text-align: right;">3</p> <p>INDEX:</p> <p>WITNESS: MARK RYAN                      PAGE</p> <p>Examination by Mr. Hartzell ..... 6</p> <p>EXHIBITS:</p> <p>Exhibit 109, Notice of Taking Deposition ... 30</p> <p>Exhibit 110, Letter dated June 24, 2013 .... 36</p> <p>Exhibit 111, Memo dated June 17, 2013 ..... 49</p> <p>Exhibit 112, Series of E-mails          and Attachment, Boston Executive          Helicopters Fuel Facility Operations ..... 54          (Draft)</p> <p>Odstrchel Exhibit 94 ..... 65</p> <p>Odstrchel Exhibit 75 ..... 68</p> <p>Odstrchel Exhibit 77 ..... 71</p> <p>Odstrchel Exhibit 78 ..... 73</p> <p>Odstrchel Exhibit 79 ..... 75</p> <p>Odstrchel Exhibit 80 ..... 90</p> <p>Odstrchel Exhibit 81 ..... 101</p> <p>Odstrchel Exhibit 82 ..... 104</p> <p>Odstrchel Exhibit 84 ..... 106</p> <p>Odstrchel Exhibit 85 ..... 107</p> <p>Odstrchel Exhibit 86 ..... 112</p> <p>Odstrchel Exhibit 87 ..... 114</p> <p>Odstrchel Exhibit 89 ..... 117</p> <p>Odstrchel Exhibit 91 ..... 121</p> <p>Odstrchel Exhibit 92 ..... 125</p> <p>Odstrchel Exhibit 93 ..... 126</p> <p>Exhibit 113, Letter dated          December 14, 2012 ..... 130</p> <p>Exhibit 114, E-mail ..... 133</p> <p>Exhibit 115, Letter dated March 6, 2015 ... 136</p> <p>Exhibit 116, Letter dated July 8, 2015 .... 137</p>	<p style="text-align: right;">5</p> <p>1        MARK RYAN, Deponent, having produced</p> <p>2        satisfactory identification by means of</p> <p>3        Massachusetts Driver's License, was duly sworn,</p> <p>4        deposes and states as follows:</p> <p>5                MR. HARTZELL: Before we</p> <p>6        begin, same stipulations as the last</p> <p>7        deposition, which I will read into the</p> <p>8        record. And correct me if I misstate</p> <p>9        anything.</p> <p>10               All objections, except to the</p> <p>11        form of the question, and all motions to</p> <p>12        strike are reserved until the time of</p> <p>13        trial. The witness may read and sign</p> <p>14        under the pains and penalties of perjury</p> <p>15        and does not need to have his signature</p> <p>16        notarized. Is there anything else,</p> <p>17        gentlemen?</p> <p>18               MR. SIMMS: Thirty days from</p> <p>19        receipt of the transcript?</p> <p>20               MR. HARTZELL: Sure.</p> <p>21               MR. SIMMS: Good by me.</p> <p>22               MR. FEE: That's fine.</p> <p>23        EXAMINATION BY MR. HARTZELL:</p> <p>24        Q.    Would you state your name for the</p>

<p style="text-align: right;">6</p> <p>1 record, sir?</p> <p>2 A. Yes. Mark Ryan.</p> <p>3 Q. Mr. Ryan, my name is Neil Hartzell.</p> <p>4 I represent FlightLevel Norwood, LLC, EAC Realty</p> <p>5 Trust II, and Peter Eichleay in connection with</p> <p>6 certain claims that have been brought against</p> <p>7 them by Boston Executive Helicopters, by MII</p> <p>8 Aviation Services, and HB Holdings, Inc. I</p> <p>9 think there's a related case that hasn't been</p> <p>10 consolidated. But in any event, I will be</p> <p>11 asking you a series of questions today. If you</p> <p>12 don't understand anything I say, please tell me</p> <p>13 and I will be happy to rephrase it. If you want</p> <p>14 to take a break at any time, please do so. I</p> <p>15 just ask that you answer whatever the question</p> <p>16 is that's pending before you take the break. If</p> <p>17 you feel like you need to talk to your lawyer</p> <p>18 about something, feel free to do that. You just</p> <p>19 don't want do it in here. You want to go</p> <p>20 outside.</p> <p>21 A. Okay.</p> <p>22 Q. So what is your occupation, sir?</p> <p>23 A. I'm the Director of Public Works</p> <p>24 and town engineer for the Town of Norwood.</p>	<p style="text-align: right;">8</p> <p>1 Q. What year did you get that?</p> <p>2 A. 2007.</p> <p>3 Q. And what year did you graduate from</p> <p>4 college?</p> <p>5 A. 1982.</p> <p>6 Q. What did you do after you got out</p> <p>7 of college?</p> <p>8 A. My first engineering job was with</p> <p>9 the Town of Walpole, Massachusetts Engineering</p> <p>10 Department.</p> <p>11 Q. And what sort of engineering did</p> <p>12 you do there?</p> <p>13 A. Public works-type engineering for</p> <p>14 the Town.</p> <p>15 Q. Review plans?</p> <p>16 A. Review plans.</p> <p>17 Q. And work with contractors that were</p> <p>18 hired to do projects for the Town?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And how long did you do</p> <p>21 that?</p> <p>22 A. Until 1988.</p> <p>23 Q. And then what did you do?</p> <p>24 A. I went to an engineering firm in</p>
<p style="text-align: right;">7</p> <p>1 Q. And how long have you had that</p> <p>2 position?</p> <p>3 A. Director of Public Works, since</p> <p>4 2009; town engineer, since 1999.</p> <p>5 Q. Briefly describe your education.</p> <p>6 You're a high school graduate, I assume?</p> <p>7 A. I am.</p> <p>8 Q. Which high school?</p> <p>9 A. Norwood High, Norwood,</p> <p>10 Massachusetts.</p> <p>11 Q. Did you go to college?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Where did you go?</p> <p>14 A. University of Hartford in West</p> <p>15 Hartford, Connecticut.</p> <p>16 Q. What was your degree in?</p> <p>17 A. Bachelor of science in civil</p> <p>18 engineering.</p> <p>19 Q. And do you have any education</p> <p>20 beyond that?</p> <p>21 A. I do.</p> <p>22 Q. What's your education beyond that?</p> <p>23 A. Master's in public administration</p> <p>24 from Bridgewater State University.</p>	<p style="text-align: right;">9</p> <p>1 Cambridge.</p> <p>2 Q. Do you remember the name of it?</p> <p>3 A. Yes, SEA Consultants.</p> <p>4 Q. How long were you there?</p> <p>5 A. I think it was a year and a half.</p> <p>6 Q. And then what did you do?</p> <p>7 A. I went to a private civil</p> <p>8 engineering land surveying firm in Walpole,</p> <p>9 Massachusetts.</p> <p>10 Q. What was the name of that one?</p> <p>11 A. Glossa Engineering.</p> <p>12 Q. How do you spell that?</p> <p>13 A. G-L-O-S-S-A.</p> <p>14 Q. How long were you there?</p> <p>15 A. Until 1998. It was either nine or</p> <p>16 ten years.</p> <p>17 Q. And then what did you do?</p> <p>18 A. Then I went to work for the Norfolk</p> <p>19 County -- I was the Norfolk County engineer.</p> <p>20 Q. When you did that, who was your</p> <p>21 employer?</p> <p>22 A. The county.</p> <p>23 Q. The county was?</p> <p>24 A. Correct.</p>

<p style="text-align: right;">10</p> <p>1 Q. And what were your duties for that?</p> <p>2 A. Norfolk County had an Engineering</p> <p>3 Department and we did surveying plans for</p> <p>4 different communities for the county, traffic</p> <p>5 counts.</p> <p>6 Q. Okay. Did you do anything in</p> <p>7 connection with the airport out at Norwood back</p> <p>8 in the 1998 time frame when you were working for</p> <p>9 the county, or any airport really?</p> <p>10 A. I don't recall that.</p> <p>11 Q. Okay. And how long were you with</p> <p>12 Norfolk County?</p> <p>13 A. Eleven months.</p> <p>14 Q. And then what did you do?</p> <p>15 A. I went to a construction firm,</p> <p>16 D. Clifford Construction, and I was a general</p> <p>17 manager of that firm.</p> <p>18 Q. What sort of projects?</p> <p>19 A. Roadway projects.</p> <p>20 Q. Anything connected with any</p> <p>21 airports at that time?</p> <p>22 A. We did quite a bit of paving for</p> <p>23 Massport.</p> <p>24 Q. And was some of that out of Logan</p>	<p style="text-align: right;">12</p> <p>1 A. I do.</p> <p>2 Q. What do you have?</p> <p>3 A. Professional engineer,</p> <p>4 Massachusetts; professional land surveyor,</p> <p>5 Massachusetts.</p> <p>6 Q. You have to take tests for those;</p> <p>7 is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Any other states or just</p> <p>10 Massachusetts?</p> <p>11 A. Just Massachusetts.</p> <p>12 Q. At some point in time did you</p> <p>13 become involved with the Norwood Airport</p> <p>14 Commission?</p> <p>15 A. I did.</p> <p>16 Q. Do you remember what year that was?</p> <p>17 A. I believe it was 2000.</p> <p>18 Q. And how did that happen?</p> <p>19 A. The present chairman back then,</p> <p>20 Paul Pazniokis (phonetic), kept hounding me to</p> <p>21 join the Airport Commission.</p> <p>22 Q. And you eventually relented to his</p> <p>23 hounding?</p> <p>24 A. I did.</p>
<p style="text-align: right;">11</p> <p>1 Airport?</p> <p>2 A. Yes.</p> <p>3 Q. How long were you with them?</p> <p>4 A. I believe it was fourteen months,</p> <p>5 until October of '99.</p> <p>6 Q. And then what did you do?</p> <p>7 A. I was appointed town engineer in</p> <p>8 Norwood.</p> <p>9 Q. Okay. And that's the position that</p> <p>10 you've held since then, is that right, until you</p> <p>11 became Director of Public Works?</p> <p>12 A. Yes. In 2009, they combined the</p> <p>13 positions.</p> <p>14 Q. Okay. And what are your duties?</p> <p>15 A. Presently?</p> <p>16 Q. Yes.</p> <p>17 A. Well, as Public Works Director, I'm</p> <p>18 in charge of the Public Works Department,</p> <p>19 highway parks, sewer drains, cemetery. And then</p> <p>20 as town engineer, I'm in charge of two other</p> <p>21 people in the Engineering Department, designing</p> <p>22 projects, review plans, making recommendations</p> <p>23 to the various town boards.</p> <p>24 Q. Do you have any certifications?</p>	<p style="text-align: right;">13</p> <p>1 Q. What did you know about the</p> <p>2 Commission before you joined it?</p> <p>3 A. Well, my father was in the Airport</p> <p>4 Commission growing up.</p> <p>5 Q. In Norwood?</p> <p>6 A. Yes.</p> <p>7 Q. I didn't know that. What was your</p> <p>8 dad's name?</p> <p>9 A. Walter Ryan.</p> <p>10 Q. What years was he on it?</p> <p>11 A. For many years. I know he was on</p> <p>12 it in the '60s. And I believe he was still on</p> <p>13 it when he passed away in '93.</p> <p>14 Q. Okay. So that's how you knew about</p> <p>15 the Commission?</p> <p>16 A. Yes.</p> <p>17 Q. What was the process by which you</p> <p>18 came on to the Commission?</p> <p>19 A. Just letting the Board of Selectmen</p> <p>20 know I was interested, and they appointed me.</p> <p>21 Q. Did you have to go through any sort</p> <p>22 of interview process?</p> <p>23 A. No.</p> <p>24 Q. Do you have to submit any documents</p>

<p style="text-align: right;">14</p> <p>1 to them?</p> <p>2 A. I believe there was a letter of</p> <p>3 interest that I had to submit to them.</p> <p>4 Q. So this is about 2000, you think?</p> <p>5 A. Mm-hmm.</p> <p>6 Q. And how many people were on the</p> <p>7 Commission at that time?</p> <p>8 A. Five.</p> <p>9 Q. Do you remember who they were?</p> <p>10 A. Tom Judge, Joe Barker -- geez, you</p> <p>11 think I'd remember. Paul Pazniokis. I think</p> <p>12 Less LeBlanc was there.</p> <p>13 Q. Is he still on the Commission,</p> <p>14 Mr. LeBlanc.</p> <p>15 A. He is.</p> <p>16 Q. Who was the chairman when you first</p> <p>17 joined?</p> <p>18 A. Paul Pazniokis.</p> <p>19 Q. So you gave me four names. You</p> <p>20 would have been the fifth?</p> <p>21 A. Correct.</p> <p>22 Q. And what did you understand the</p> <p>23 duties and responsibilities of the Norwood</p> <p>24 Airport Commission to have when you joined?</p>	<p style="text-align: right;">16</p> <p>1 position being on the Norwood Airport</p> <p>2 Commission?</p> <p>3 A. Yes.</p> <p>4 Q. And none of the members of the</p> <p>5 Airport Commission are compensated in any way by</p> <p>6 anyone?</p> <p>7 A. We are not.</p> <p>8 Q. Do you know why -- let me back up.</p> <p>9 How long was Mr. Wynne the</p> <p>10 chairman?</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you know what the circumstances</p> <p>13 were as to why he resigned?</p> <p>14 A. I do.</p> <p>15 Q. What were those?</p> <p>16 A. There was a -- Commissioner Hues,</p> <p>17 H-U-E-S, was appointed in the spring of '14.</p> <p>18 And there was an assault charge filed by</p> <p>19 Mr. Hues against Mr. Wynne, which was eventually</p> <p>20 settled at the courthouse steps.</p> <p>21 Q. That was a criminal charge?</p> <p>22 A. Yes.</p> <p>23 Q. Did that arise out of conduct at a</p> <p>24 certain meeting that Mr. Hues and Mr. Wynne were</p>
<p style="text-align: right;">15</p> <p>1 A. Basically, we were given the</p> <p>2 Airport Commission's -- the care and control and</p> <p>3 custody of Norwood Airport and ensuring that</p> <p>4 it's run properly and safely.</p> <p>5 Q. Okay. What about treatment of</p> <p>6 various companies or individuals operating out</p> <p>7 at the airport. Is part of your mission, so to</p> <p>8 speak, that you treat everybody equally?</p> <p>9 A. Yes.</p> <p>10 Q. Now, you're the chairman currently;</p> <p>11 is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. When did you become chairman?</p> <p>14 A. When Tom Wynne, former chairman,</p> <p>15 resigned.</p> <p>16 Q. Do you remember what year that was?</p> <p>17 A. It was '14. It was 2014.</p> <p>18 Q. So you had been on the Commission</p> <p>19 about fourteen years when he resigned; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Approximately.</p> <p>23 A. Mm-hmm.</p> <p>24 Q. And by the way, it's a volunteer</p>	<p style="text-align: right;">17</p> <p>1 at?</p> <p>2 A. It did.</p> <p>3 Q. And were you at that meeting?</p> <p>4 A. I was.</p> <p>5 Q. Mr. Hues's first name is Oulton,</p> <p>6 A-U-L-T-O-N or A-U-L-T-E-N or something like</p> <p>7 that?</p> <p>8 A. "O".</p> <p>9 Q. I'm sorry, it's "O". And so how</p> <p>10 long was he on the Board for?</p> <p>11 A. Less than a year. I would say from</p> <p>12 approximately March or April of '14 to November</p> <p>13 of '14.</p> <p>14 Q. And before he came on the Board,</p> <p>15 did you know him?</p> <p>16 A. No.</p> <p>17 Q. Do you know what he does for a</p> <p>18 living?</p> <p>19 A. I know he's a pilot, but I don't</p> <p>20 know what he does for a living.</p> <p>21 Q. Does he own a plane, do you know?</p> <p>22 A. That I don't know.</p> <p>23 Q. Does he store a plane at Norwood</p> <p>24 Airport?</p>

<p style="text-align: right;">18</p> <p>1 A. That I don't know.</p> <p>2 Q. Did you ever have any conversations</p> <p>3 with him as to why he chose to join the Norwood</p> <p>4 Airport Commission?</p> <p>5 A. Well, when he was first appointed,</p> <p>6 he came by my office to introduce himself to me.</p> <p>7 He said he looks forward to working together for</p> <p>8 the airport.</p> <p>9 Q. He never said why he joined the</p> <p>10 Commission?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did you ever learn why he joined</p> <p>13 the Commission?</p> <p>14 A. I know that he was appointed by the</p> <p>15 Selectmen. And the wording I heard was the</p> <p>16 Selectmen wanted to change the dynamics of the</p> <p>17 Norwood Airport Commission, so they added three</p> <p>18 members.</p> <p>19 Q. And that was Mr. Hues. And there</p> <p>20 was another gentleman called Paul Shaughnessy?</p> <p>21 A. Paul Shaughnessy.</p> <p>22 Q. And who was the other one?</p> <p>23 A. Hylie Hutchens.</p> <p>24 Q. By the way, what were the</p>	<p style="text-align: right;">20</p> <p>1 of us. And Mr. Wynne wanted to talk to Oulton</p> <p>2 about some of the things he was saying that was</p> <p>3 putting the Airport Commission in a bad light,</p> <p>4 and Mr. Wynne showed -- I'm sorry, Oulton Hues</p> <p>5 gave Mr. Wynne some document and it was very</p> <p>6 unprofessional and disrespectful to Mr. Wynne.</p> <p>7 And as Mr. Wynne tried to read it, finally he</p> <p>8 was frustrated and he just threw it back to</p> <p>9 Oulton Hues.</p> <p>10 MR. SIMMS: A piece of paper?</p> <p>11 A. A piece of paper, yes. Oulton Hues</p> <p>12 said it was an assault.</p> <p>13 Q. Okay. Did the -- who voted -- let</p> <p>14 me back up.</p> <p>15 Was there a vote to remove him from</p> <p>16 the Commission, Mr. Hues?</p> <p>17 A. Yes.</p> <p>18 Q. Was that the Commission that voted</p> <p>19 or was it the Board of Selectmen?</p> <p>20 A. The Board of Selectmen.</p> <p>21 Q. Was there a hearing of any kind</p> <p>22 before the Board of Selectmen?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember when that was?</p>
<p style="text-align: right;">19</p> <p>1 circumstances under which Mr. Hues left the</p> <p>2 Commission?</p> <p>3 A. He verbally abused me during an</p> <p>4 Airport Commission meeting.</p> <p>5 Q. There's a document that we'll come</p> <p>6 to at some point later, but was he yelling at</p> <p>7 you during meetings and behaving in a disruptive</p> <p>8 manner?</p> <p>9 A. Yes, he was.</p> <p>10 Q. Do you recall what the subject</p> <p>11 matter was that he was yelling at you about?</p> <p>12 A. We were heading into executive</p> <p>13 session. And the topic came up again of</p> <p>14 Mr. Hues' confrontation with Mr. Wynne, and I</p> <p>15 described how I saw it and he had an emotional</p> <p>16 outburst.</p> <p>17 Q. In the confrontation with</p> <p>18 Mr. Wynne, do you remember what you observed</p> <p>19 between Mr. Hues and Mr. Wynne?</p> <p>20 A. I do.</p> <p>21 Q. Tell me what that is, what your</p> <p>22 memory is, please.</p> <p>23 A. So we had sat down. Mr. Paul</p> <p>24 Shaughnessy was there as well. There were four</p>	<p style="text-align: right;">21</p> <p>1 A. Shortly after that outburst.</p> <p>2 Q. And this is approximately 2014?</p> <p>3 A. Yes.</p> <p>4 Q. So he was gone in November of 2014?</p> <p>5 A. It might have been the December</p> <p>6 meeting with the selectmen that it happened.</p> <p>7 Q. Okay. Did you speak at that</p> <p>8 meeting?</p> <p>9 A. No, I did not.</p> <p>10 Q. Do you know who did?</p> <p>11 A. No, I do not.</p> <p>12 Q. In any event, your memory is the</p> <p>13 selectmen issued some type of order removing him</p> <p>14 from the Commission?</p> <p>15 A. Yes.</p> <p>16 Q. Did you have any conversations with</p> <p>17 Mr. Hues about that?</p> <p>18 A. No.</p> <p>19 Q. Since that time, have you had any</p> <p>20 conversation with Mr. Hues? Let me back up.</p> <p>21 That's not very clear.</p> <p>22 Since the time that Mr. Hues left</p> <p>23 the Commission, have you had any conversations</p> <p>24 with him?</p>



<p style="text-align: right;">22</p> <p>1 A. He said hi to me once at a little 2 league game. 3 Q. That was it? 4 A. That was it. 5 Q. To your knowledge, did Mr. Hues 6 have any relationship -- let me back up so the 7 record is clear. 8 Do you know who Mr. Christopher 9 Donovan is? 10 A. I do. 11 Q. Who is he? 12 A. The man at the end of the table. 13 Q. What does he do in connection with 14 the Norwood Airport? 15 A. He's president of Boston Executive 16 Helicopters. 17 Q. And to your knowledge, did Mr. Hues 18 and Mr. Donovan have any sort of relationship 19 during the time that Mr. Hues was on the Board? 20 A. It appeared so, yes. 21 Q. And what type of relationship do 22 you think they had? 23 MR. FEE: Objection. 24 Q. (By Mr. Hartzell) You can answer.</p>	<p style="text-align: right;">24</p> <p>1 were surrounding his -- or concerning his 2 resignation? 3 MR. FEE: Objection. 4 A. He was frustrated with what was 5 going on at the airport. And also, I understand 6 he was part of a lawsuit. His name was part of 7 it and he was not too happy about that either. 8 Q. When you say part of a lawsuit, is 9 that the lawsuit that Boston Executive 10 Helicopters brought? 11 A. Correct. 12 Q. And he was named as a Defendant? 13 A. Mm-hmm. 14 Q. Did he express his frustrations to 15 you? 16 A. The Commission. 17 Q. To the Commission. And did you 18 hear him say anything of these things? 19 A. Yes, on the lawsuit, that he was 20 not put on here to be privy to being a Defendant 21 in a lawsuit. 22 Q. Did Mr. Paul Shaughnessy have any 23 relationship with Mr. Donovan or Boston 24 Executive Helicopters?</p>
<p style="text-align: right;">23</p> <p>1 A. I think they were friendly in some 2 manner. Mr. Hues would be seen going in and out 3 of Boston Executive Helicopters' hangar. 4 Q. Is that something you yourself saw? 5 A. No. It was shown to me by 6 videotape by the airport manager. 7 Q. Is that Mr. Maguire? 8 A. Correct. 9 Q. Anything else you observed about 10 some sort of relationship between Mr. Donovan -- 11 or Boston Executive Helicopters and Mr. Hues? 12 A. None that I can think of. 13 Q. Did Mr. Hues store an airplane at 14 the Boston Executive Helicopters' hangar? 15 A. I was told that. 16 Q. Was that also from Mr. Maguire? 17 A. Yes. 18 Q. And Mr. Paul Shaughnessy, how long 19 was he on the Commission? 20 A. He was appointed at the same time, 21 March or April of '14. And I'm not sure when he 22 resigned, but it was -- I want to say it was 23 probably the fall of '15. 24 Q. Do you know what the circumstances</p>	<p style="text-align: right;">25</p> <p>1 MR. FEE: Objection. 2 A. I believe so. 3 Q. And what's that belief based on? 4 A. Observing him, again, being at the 5 Boston Executive Helicopters, particularly 6 before and after commission meetings. 7 Q. And were those observations you 8 made or observations told to you by Mr. Maguire? 9 A. Both. 10 Q. You saw him in Boston Executive 11 Helicopters' hangar space or building? 12 A. I saw his car parked out front. 13 Q. Okay. What did Mr. Paul 14 Shaughnessy do for a living, if you know? 15 A. Well, he told us he was a 747 pilot 16 for the CIA -- or a company working for the CIA. 17 He was not in the CIA. And the last I heard, he 18 was a bus driver. 19 Q. Did you ever observe him plowing 20 snow out at the airport? 21 A. No. 22 Q. Did you ever observe Mr. Hues 23 plowing snow out at the airport? 24 A. We had photographs of his truck</p>

<p style="text-align: right;">26</p> <p>1 plowing snow at the airport.  2 Q. But you didn't observe any of that  3 yourself?  4 A. Just pictures.  5 Q. Do you know who Mr. Hues was  6 plowing the snow for?  7 A. Again, I don't know who was in the  8 truck, but it was his truck and it was plowing  9 snow for Boston Executive Helicopters.  10 Q. Do you know if there's any sort of  11 business relationship between Mr. Hues and  12 Boston Executive Helicopters?  13 A. Business relationship? I don't. I  14 don't know that.  15 Q. Did you ever ask him why he was  16 plowing snow or why his truck was observed  17 plowing snow?  18 A. No.  19 Q. Do you remember -- so this would  20 have been in the winter of 2014? I'm talking  21 about Mr. Hues now.  22 A. Mm-hmm. There's many dates. It  23 was early. I believe it was '15.  24 Q. Getting back to Mr. Paul</p>	<p style="text-align: right;">28</p> <p>1 Mr. Shaughnessy, Mr. Hues, in March or April of  2 '14. And I'm fairly certain he resigned the  3 same time as Mr. Shaughnessy.  4 Q. Do you know what the circumstances  5 were concerning his resignation?  6 A. Similar as Mr. Shaughnessy,  7 frustration of what was going on at the airport  8 and being privy to -- or being part of --  9 identified as a Defendant in a lawsuit.  10 Q. That is the lawsuit that Boston  11 Executive Helicopters brought against the  12 Norwood Airport Commission?  13 A. Correct.  14 Q. When was the plane crash where he  15 died?  16 A. I don't recall the timing.  17 Q. I don't want you to guess.  18 A. I don't.  19 Q. After Mr. Hutchens resigned, did  20 you have any conversations with him?  21 A. No.  22 Q. One of the individuals that we just  23 talked about brought a Part 13 Complaint?  24 A. Correct.</p>
<p style="text-align: right;">27</p> <p>1 Shaughnessy for a minute, he said he was a pilot  2 for a company working for the CIA. Did he ever  3 show you any document that would verify that?  4 A. No.  5 Q. And you say he was working as a bus  6 driver. Was that in the Town of Norwood?  7 A. I don't believe it was in the Town  8 of Norwood, no.  9 Q. Have you had any conversation with  10 Mr. Paul Shaughnessy since he left the  11 Commission?  12 A. No.  13 Q. The other gentleman you mentioned  14 was Mr. Hutchens?  15 A. Correct.  16 Q. And I understand Mr. Hutchens  17 passed away in an airplane crash?  18 A. He did.  19 Q. Was he still on the Commission at  20 the time of the crash or had he resigned before  21 that?  22 A. He had resigned.  23 Q. How long was he on the Commission?  24 A. He came on the same time as</p>	<p style="text-align: right;">29</p> <p>1 Q. Was that Mr. Hues?  2 A. Yes.  3 Q. And what was your understanding of  4 what the circumstances were surrounding his  5 Complaint? Let me see if I could give you a  6 little more help here.  7 So I understand that there was a  8 so-called Part 13 Complaint filed by Boston  9 Executive Helicopters. I don't have the year  10 right in front of me. And then at some point in  11 time after Mr. Hues became the commissioner, he  12 filed a Part 13 Complaint. Is that consistent  13 with your memory?  14 A. Yes, it is.  15 Q. And shortly after that, Boston  16 Executive Helicopters withdrew it's Part 13  17 Complaint?  18 A. Yes.  19 Q. And you wrote a letter to -- or you  20 signed a letter on behalf of the Commission to  21 the FAA concerning that Part 13 Complaint that  22 Mr. Hues brought?  23 A. Yes.  24 Q. Did you ever discuss with Mr. Hues</p>



<p style="text-align: right;">30</p> <p>1 why he brought this Part 13 Complaint, what the 2 circumstances were? 3 A. I don't recall. 4 MR. HARTZELL: Okay. I have a 5 few -- I forgot to mark this, so we'll 6 mark this as the first exhibit, your 7 notice of deposition. 8 (Exhibit 109, Notice of Taking Deposition, 9 marked for identification) 10 Q. (By Mr. Hartzell) Mr. Ryan, I'm 11 showing you Exhibit 109, a copy of your Notice 12 of Taking Deposition. And we agreed to change 13 the date, but is that the Notice of Deposition 14 you received in this case? 15 A. Yes, it is. 16 Q. You can put that aside. I forgot 17 to ask you this. Did Mr. Hutchens, to your 18 knowledge, have any sort of relationship with 19 Boston Executive Helicopters or Mr. Donovan? 20 A. I believe he did. 21 Q. And what do you believe the 22 relationship was? 23 A. The relationship was he would be a 24 regular visitor to the BEH hangar.</p>	<p style="text-align: right;">32</p> <p>1 Norwood Airport when you first went on the 2 Commission? 3 A. Eastern Air Center. 4 Q. Did Eastern Air Center eventually 5 go out of business? 6 A. They sold. 7 Q. They sold to FlightLevel? 8 A. Correct. 9 Q. Was there another FBO that was 10 operating on the airport when you became a 11 commissioner at the same time as Eastern Air 12 Center? 13 A. No. 14 Q. So the only FBO at the time was 15 Eastern Air Center? 16 A. Correct. 17 Q. When did you first learn of Boston 18 Executive Helicopters? 19 A. It was around 2010 when they 20 applied to the Airport Commission to run a 21 charter service. 22 Q. Is that for helicopters? 23 A. Yes. 24 Q. And what do you remember was the</p>
<p style="text-align: right;">31</p> <p>1 Q. Before or after commission 2 meetings? 3 A. Correct. 4 Q. What did Mr. Hutchens do for a 5 living? I don't believe I asked you that. 6 A. I believe he was retired, but he 7 did referee football games. 8 Q. And he was a pilot also, wasn't he? 9 A. Yes. 10 Q. Did he own a plane? 11 A. That I don't know. 12 Q. Do you know if he stored a plane at 13 BEH's hangar? 14 A. I don't know that. 15 Q. So let's talk a little bit about -- 16 first of all, what is your understanding of what 17 a fixed-base operator is? 18 A. My understanding is it meets 19 certain criteria that are laid out in the 20 standards of the airport, which is basically 21 rules and regulations. A fixed-based operator 22 provides fueling services as well as some other 23 services listed in the rules and regulations. 24 Q. Who was the fixed-base operator at</p>	<p style="text-align: right;">33</p> <p>1 first time that they expressed an interest in 2 being able to self, S-e-l-f, fuel at Norwood 3 Airport? 4 A. Shortly after that, 2010, when they 5 were given their permit to be a charter 6 business, they started having interest in what 7 was called the Swift hangar, taking over that 8 lease and reconstructing a hangar there. 9 Q. Do you remember -- so Swift 10 Aviation operated a hangar -- or had a hangar 11 out of which it operated at Norwood Airport. 12 They had that when you started as a commissioner 13 in 2000? 14 A. Yes. 15 Q. And then at some point in time was 16 there a big snowstorm? 17 A. Yes. 18 Q. And do you remember approximately 19 when that was? And the snowstorm is when the 20 Swift hangar roof collapsed? 21 A. That's correct. 2011. 22 Q. Now, so before Boston Executive 23 Helicopters expressed its interests in operating 24 a charter service -- you said back in the 2010</p>

<p style="text-align: right;">34</p> <p>1 area -- Swift Aviation was still operating out 2 of its hangar; is that right? 3 A. Yes. 4 Q. And where was Boston Executive 5 Helicopters operating out of? 6 A. I don't recall. 7 Q. Okay. But in any event, the roof 8 collapses at the Swift Aviation? 9 A. Yes. 10 Q. What was Swift Aviation doing out 11 of its hangar, do you know? Was it maintaining 12 planes? 13 A. I'm not real sure. 14 Q. Do you know if they were selling 15 aviation fuel? 16 A. They were not. 17 Q. In any event, sometime after Boston 18 Executive Helicopters says it wanted to get a -- 19 what was it a license to operate a charter 20 business? Is that what happened in early 2010? 21 A. Yes. 22 Q. And then after the Swift Aviation 23 roof collapses, they then express interest in 24 taking over that lease?</p>	<p style="text-align: right;">36</p> <p>1 Q. (By Mr. Hartzell) Did Boston 2 Executive Helicopters have to provide any 3 information to the Commission in connection with 4 that, do you remember? 5 A. I would think -- I don't recall 6 exactly, but typically some information about 7 their ability to assume that lease and build a 8 hangar there. 9 Q. At some point in time did Boston 10 Executive Helicopters express an interest -- I 11 think we just talked about this -- about 12 providing fuel for its helicopters? That was 13 being able to self, S-E-L-F, fuel its own 14 helicopters. 15 A. Yes. 16 Q. Do you recall when that was? 17 A. 2012. 18 Q. And in connection with that, did 19 Boston Executive Helicopters provide certain 20 plans and diagrams of its fuel tanks it wanted 21 to use at the Norwood Airport? 22 A. Yes. 23 Q. I'm going to start showing you some 24 documents.</p>
<p style="text-align: right;">35</p> <p>1 A. Yes. 2 Q. Was that something they had to get 3 Airport Commission approval for? 4 A. Yes. 5 Q. And did the Airport Commission give 6 them approval to do that? 7 A. Yes. 8 Q. And they entered into some sort of 9 transaction with Swift Aviation to purchase some 10 portion or all portions of Swift Aviation's 11 business; is that right? 12 A. That I don't know. 13 Q. The Commission would not be 14 involved with Norwood Airport. That's a private 15 transaction between the two parties; is that 16 correct? 17 A. Yes. 18 Q. But Boston Executive Helicopters 19 asked for approval of that and you gave it to 20 them? 21 A. We did. 22 MR. SIMMS: For the lease. 23 MR. HARTZELL: For the lease 24 on the space.</p>	<p style="text-align: right;">37</p> <p>1 MR. HARTZELL: And let's have 2 this marked as Exhibit 110. 3 (Exhibit 110, Letter dated June 24, 2013, 4 marked for identification) 5 Q. (By Mr. Hartzell) Mr. Ryan, I'm 6 going to show you a copy of a letter dated June 7 24, 2013. And I apologize. The copy on the 8 first page is not as clear as one would like, 9 but I think it's readable. And it's identified 10 with some Bates numbers in the bottom right-hand 11 corner, BEH 0002948 through BEH 0002949? 12 A. Mm-hmm. 13 Q. This is a copy of a letter dated 14 June 24, 2013, from Russ Maguire, manager of 15 Norwood Airport, to Boston Executive 16 Helicopters, Attention: Chris Donovan, 17 president. And it's copied to the Norwood 18 Airport Commission on the second page. Do you 19 see that? 20 A. Yes. 21 Q. Do you remember receiving a copy of 22 this letter? 23 A. Yes. 24 Q. And this letter references -- it</p>

<p style="text-align: right;">38</p> <p>1 says, "Following last week's Norwood Airport 2 Commission NAC meeting, the Board expressed 3 concern regarding the still unresolved Gate 3 4 taxilane object-free area (OFA), and your 5 proposed fuel farm within the OFA." Does 6 looking at this letter refresh your recollection 7 at all as to what the discussion was at the 8 Norwood Airport Commission meeting which 9 appeared to have occurred in June of 2013? 10 A. Yes. 11 Q. Tell me what you remember. 12 A. The TOFA restricted certain 13 above-ground activities to occur within it. 14 Q. Let me stop you there. If you 15 could just explain what your understanding of 16 the TOFA is? 17 A. It's the object-free area where FAA 18 has requirements that the taxiway center line -- 19 there should be no objects permanently or in 20 some cases temporarily within fifty-seven and a 21 half feet on each side of that center line. 22 Q. That's an FAA regulation? 23 A. Yes. 24 Q. All right. I didn't mean to</p>	<p style="text-align: right;">40</p> <p>1 Russ Maguire to BEH about it. 2 Q. Anything else you remember about 3 the -- I'm looking at the first sentence of what 4 has been marked as Exhibit 110, which says 5 following last week's meeting the Board 6 expressed concerns regarding the still 7 unresolved Gate 3 taxilane object-free area and 8 proposed fuel farm. Do you remember anything 9 else about the meeting? 10 A. Yes, I do. FAA engineer Cliff 11 Vacirca made it clear there would be no fueling 12 allowed in the TOFA or dispensing of fuel in the 13 TOFA. This was something that Russ had been 14 advising BEH about. And Cliff Vacirca of the 15 FAA confirmed it on-site to everyone that was 16 there. 17 Q. Were you there during that? 18 A. Yes. 19 Q. So in other words, outside the 20 Swift hangar area, there was a taxiway? 21 A. Correct. 22 Q. And the FAA said you couldn't do 23 any fueling in that taxiway, is that correct, 24 words to that effect?</p>
<p style="text-align: right;">39</p> <p>1 interrupt you. I was asking you what you 2 remembered about the discussions at the June 3 2013 meeting. 4 A. Mm-hmm. Well, from the very 5 beginning of the proposed hangar construction, 6 the airport manager, Russ Maguire, had been 7 advising Boston Executive Helicopters to be 8 aware of the TOFA. And we -- to make sure they 9 take every action to not encroach on that with 10 their construction or activities that might 11 occur on their property. And I believe it was 12 really falling on deaf ears and I think BEH felt 13 this was something being enforced by the airport 14 manager, and so Mr. Maguire brought the FAA and 15 MassDOT on-site so everyone could be in the same 16 place and understand the position of the FAA and 17 the FAA gave their opinion on what could and 18 could not be done there. 19 Q. You said there was advice given to 20 Boston Executive Helicopters about the TOFA and 21 that was falling on deaf ears. Were there 22 meetings you attended where that sort of advice 23 was given? 24 A. Not at meetings, but letters from</p>	<p style="text-align: right;">41</p> <p>1 MR. FEE: Objection. 2 A. Within the TOFA, correct. 3 Q. Now, in the area -- so there's the 4 taxiway and then sort of a "T" corner to the 5 taxiway. There's an area between buildings on 6 Lot F and Lot G, right? 7 A. Yes. 8 Q. Was there any discussion when the 9 FAA was out there about fueling in that area? 10 Do you remember anything about that? 11 A. It was discussed that as an 12 alternative fuel operations would occur on the 13 east side of the BEH hangar, which is the area 14 between the BEH hangar and the FlightLevel 15 hangar. 16 Q. And who was having those 17 discussions? 18 A. Cliff Vacirca, Lisa Lesperance, 19 both from FAA. Mr. Donovan was there as well as 20 his -- at least one attorney, Jim Hilliard. 21 Q. Do you remember what Mr. Donovan 22 said about the ability for BEH to fuel in that 23 area between the two buildings on Lot F and Lot 24 G?</p>

<p style="text-align: right;">42</p> <p>1 A. That they would abide by the FAA 2 and not fuel in the TOFA and they would go to 3 the east side of their hangar. 4 Q. Did Mr. Donovan say anything about 5 whether they had -- that BEH had the right to 6 fuel in between the two buildings or conduct 7 fueling operations between the two buildings? 8 A. I don't remember him saying that. 9 Q. Do you remember anything else he 10 said at that meeting? 11 A. No, I don't. 12 Q. Was anybody from FlightLevel at 13 that meeting? 14 A. I don't recall. 15 Q. There's a number of other 16 statements in this letter. I'm sorry, if you go 17 to the second page -- 18 A. Mm-hmm. 19 Q. -- the meeting you just described, 20 it looks like that's referenced on the top of 21 the page, June 27th? 22 A. Correct. 23 Q. Gate 3 at 3:00 p.m.? 24 A. Mm-hmm.</p>	<p style="text-align: right;">44</p> <p>1 "In a conversation with FAA earlier today, the 2 agency did confirm that it has not yet received 3 your company FAA Form 7460 (Notice of Proposed 4 Construction or Alteration) specific to the fuel 5 farm." Do you know what that form is? 6 A. It's a notice to the FAA of any 7 construction activities within the airport. 8 Q. Okay. And do you know if Boston 9 Executive Helicopters provided that form, Form 10 7460? 11 A. Well, they did for the hangar, but 12 I'm not sure for the fuel farm itself. 13 Q. Okay. But in June of 2013 and at 14 the time of this meeting, was it your 15 understanding that BEH simply wanted to conduct 16 self, S-E-L-F, fueling operations? 17 A. Yes. 18 Q. At that time BEH had not said it 19 wanted to be able to sell, S-E-L-L, fuel, 20 correct? 21 A. I don't recall that. 22 Q. And then the last paragraph of this 23 letter says, "Finally, as soon as possible, and 24 as mentioned during previous meetings, the NAC</p>
<p style="text-align: right;">43</p> <p>1 Q. Was there anybody else from the 2 Airport Commission there beside you? 3 A. I believe Tom Wynne was there. 4 Q. Is Mr. Wynne still on the 5 Commission? 6 A. No, he's not. 7 Q. Did he resign? 8 A. He did. 9 Q. When did he resign? 10 A. Sometime in the fall of 2014. 11 Q. Does he still live in Norwood? 12 A. Yes, he does. 13 Q. Do you know what he does? 14 A. Real estate agent. 15 Q. Do you remember if anybody was 16 there from the Norwood Fire Department? 17 A. I believe Chief Greeley was there, 18 Tony Greeley. 19 Q. And you mentioned DOT. Is that 20 Massachusetts Department of Transportation 21 you're referring to? 22 A. Yes. 23 Q. Now, the second paragraph of the 24 second page of Exhibit 110, BEH0002949, says,</p>	<p style="text-align: right;">45</p> <p>1 would like to see some type of written fueling 2 plan from your company." Do you see that? 3 A. Yes, I do. 4 Q. Do you remember what discussions 5 occurred before the date of this letter, June 6 24, 2013, concerning a request for some type of 7 fueling -- written fueling plan from BEH? 8 A. We were looking for a site plan 9 that showed the fueling operations of either the 10 fuel deliveries or fueling any planes or 11 helicopters. 12 Q. Again, this was for self-fueling? 13 A. Self. 14 Q. S-E-L-F. And when we're talking 15 about self-fueling, we're talking about BEH 16 providing fuel to the planes or helicopters that 17 it operated? 18 A. That it owned, yes. 19 Q. Was BEH only running helicopters at 20 this time or did they also have planes that they 21 wanted to fuel? 22 A. I'm not sure if they had planes. 23 Q. And there's reference in here to 24 the Gate 3 taxilane. The Gate 3 taxilane is the</p>

<p style="text-align: right;">46</p> <p>1 taxiway that abuts the Lot F property, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. One other question about</p> <p>4 this. If you look at the bottom under the</p> <p>5 cc's --</p> <p>6 A. Mm-hmm.</p> <p>7 Q. -- there's a copy to Jeff Adler,</p> <p>8 DuBois &amp; King. Do you know who he is and what</p> <p>9 that firm is?</p> <p>10 A. DuBois &amp; King are the airport</p> <p>11 engineering firm and Jeff Adler was their</p> <p>12 representing engineer.</p> <p>13 Q. Okay. Do you know if he had any</p> <p>14 discussions with Boston Executive Helicopters</p> <p>15 about their proposed fuel farm back in June of</p> <p>16 2013?</p> <p>17 MR. FEE: Objection.</p> <p>18 A. I believe there were conversations</p> <p>19 between the two, yes.</p> <p>20 Q. And what do you know about those</p> <p>21 conversations?</p> <p>22 A. That Mr. Donovan wasn't too pleased</p> <p>23 with Mr. Adler's interpretation of the TOFA and</p> <p>24 what could go on.</p>	<p style="text-align: right;">48</p> <p>1 meeting or did you have any conversation with</p> <p>2 Mr. Donovan about the size of the building that</p> <p>3 Boston Executive Helicopters was putting on the</p> <p>4 former Swift Aviation site?</p> <p>5 A. Could you rephrase that?</p> <p>6 Q. Yes. In order for Boston Executive</p> <p>7 Helicopters to conduct fueling operations, even</p> <p>8 if it was fueling its own planes or aircraft, it</p> <p>9 had to have the fuel farm in a location that</p> <p>10 would allow sufficient setbacks from the center</p> <p>11 line of the taxiway under the TOFA regulations?</p> <p>12 MR. FEE: Objection.</p> <p>13 Q. (By Mr. Hartzell) Correct?</p> <p>14 A. Correct.</p> <p>15 Q. Were you ever present in any</p> <p>16 meeting or have a conversation with Mr. Donovan</p> <p>17 about whether the size of his building would</p> <p>18 prohibit Boston Executive Helicopters from</p> <p>19 fueling planes because of the TOFA regulations?</p> <p>20 A. Not the size of the building, no.</p> <p>21 Q. Were you ever present during any</p> <p>22 conversations about the location of the fuel</p> <p>23 farm that Boston Executive Helicopters wanted to</p> <p>24 put in?</p>
<p style="text-align: right;">47</p> <p>1 Q. How do you know that?</p> <p>2 A. Speaking to Jeff Adler.</p> <p>3 Q. Anything else that you learned from</p> <p>4 Mr. Adler about that?</p> <p>5 A. It wasn't a pleasant ending to that</p> <p>6 conversation.</p> <p>7 MR. FEE: I'm going to object</p> <p>8 and move to strike.</p> <p>9 Q. (By Mr. Hartzell) When you say</p> <p>10 "not a pleasant ending," what do you mean?</p> <p>11 A. Mr. Donovan did not speak</p> <p>12 professionally towards Mr. Adler.</p> <p>13 Q. And this is a conversation that</p> <p>14 Mr. Adler related to you that he had with</p> <p>15 Mr. Donovan about the TOFA regulations?</p> <p>16 A. Yes.</p> <p>17 MR. FEE: Same objection.</p> <p>18 Q. (By Mr. Hartzell) At that point in</p> <p>19 time Boston Executive Helicopters had not</p> <p>20 constructed its building on the former Swift</p> <p>21 hangar; is that right?</p> <p>22 A. I believe construction was going</p> <p>23 on, but it wasn't completed.</p> <p>24 Q. Were you ever present at any</p>	<p style="text-align: right;">49</p> <p>1 A. Well, we approved the fuel farm --</p> <p>2 Q. Right.</p> <p>3 A. -- the site plan that was submitted</p> <p>4 to us. As far as the building, we didn't say it</p> <p>5 should be smaller or larger. We were assured</p> <p>6 that everything was going to be done to the</p> <p>7 present codes of FAA, MassDOT, and the airport</p> <p>8 and we were confident Mr. Donovan was -- knew</p> <p>9 what was going on and how to build this</p> <p>10 structure and the fuel facility. And at the</p> <p>11 same time Russ Maguire did keep advising him to</p> <p>12 be aware of the TOFA restrictions.</p> <p>13 Q. I'm going to show you another</p> <p>14 document, which we'll mark as the next exhibit.</p> <p>15 MR. HARTZELL: Can I have this</p> <p>16 marked as the next exhibit?</p> <p>17 (Exhibit 111, Memo dated June 17, 2013,</p> <p>18 marked for identification)</p> <p>19 Q. (By Mr. Hartzell) Sir, I show you</p> <p>20 a document that's been marked as Exhibit 111,</p> <p>21 which is a memo dated June 17, 2013, from Russ</p> <p>22 Maguire to Norwood Airport Commission. The "re"</p> <p>23 is Gate 3 TOFA, fueling setbacks. And the</p> <p>24 bottom is a little bit cut off. There's a Bates</p>



<p style="text-align: right;">50</p> <p>1 number. It looks like BEH 0002947. And this is 2 addressed to the Commission from Russ Maguire, 3 June 17, 2013, Gate 3 TOFA, fueling setbacks. 4 Have you ever seen this document before? 5 A. Yes. 6 Q. In this document is it fair to say 7 that Mr. Maguire was pointing out some of the 8 concerns he had about location of the proposed 9 fuel farm? 10 MR. FEE: Objection. 11 A. Yes. 12 Q. And there is a highlighted 13 paragraph at the bottom where it says, "In 14 summary, looking at the two standards (fueling 15 setbacks and TOFA), my concern is that the 16 availability of space BEH to establish and 17 conduct fueling operations at, or beyond, the 18 aircraft fueling setbacks, while also remaining 19 outside the Gate 3 TOFA. Simply put, there's 20 not enough real estate available to currently 21 comply with both standards." Do you see that? 22 A. I do. 23 Q. Do you remember what you did after 24 receiving this memorandum from Mr. Maguire?</p>	<p style="text-align: right;">52</p> <p>1 Q. But at the time this memo was 2 written -- if you look in the second paragraph, 3 it says, "As noted in Attachment G." And I'll 4 just note I don't think we have the attachments 5 to this document. It says, "...the aircraft 6 fueling setbacks for Norwood Airport are in the 7 process of being updated to reflect federal 8 standards." Do you see that? 9 A. Yes, I do. 10 Q. "The minimum distance away from 11 BEH's proposed hangar that fuel can be dispensed 12 is twenty-five feet." Do you see that? 13 A. Yes. 14 Q. And is that your understanding of 15 what the federal standards were? 16 A. Yes. 17 Q. So when Mr. Maguire was talking 18 about the two standards, is it your 19 understanding that he's talking about the 20 twenty-five-foot minimum distance of where fuel 21 can be disbursed as well as -- the other 22 standard is the TOFA restriction, correct? 23 A. Correct. 24 Q. Do you remember any conversations</p>
<p style="text-align: right;">51</p> <p>1 A. I do not. 2 Q. So in this memorandum Mr. Maguire 3 is referencing the fueling setbacks and TOFA. 4 What is your understanding of the, quote, 5 "fueling setbacks," what that is? 6 A. The fueling setbacks? My 7 understanding is, the nozzle that goes into an 8 aircraft or a fuel truck that you're filling up, 9 that can't be any closer than twenty-five feet 10 to a building. 11 Q. Now, at some point in time did 12 that -- do you know what -- let me back up. 13 Are you aware that at some point in 14 time the Norwood Airport had some sort of 15 distance regulations for that and somehow that 16 got corrected? Does any of that ring a bell 17 with you? 18 A. Yes, it does. 19 Q. Tell me what you remember about 20 that. 21 A. The regulations for the airport 22 were fifty feet for the fueling setbacks so that 23 number wasn't current with the actual National 24 Fire Protection Standards of twenty-five feet.</p>	<p style="text-align: right;">53</p> <p>1 with Boston Executive Helicopters and 2 Mr. Donovan concerning the apparent lack of 3 space for him to comply with -- for BEH to 4 comply with both standards if it was conducting 5 self-fueling back in June of 2013? 6 A. Well, this memo, June 17, was the 7 Airport Commission. And the airport -- you 8 know, Mr. Maguire was advising the Airport 9 Commission and the Airport Commission then 10 advised Mr. Maguire to set up a meeting with FAA 11 officials and MassDOT and Boston Executive 12 Helicopters to try to handle the concerns 13 expressed by Mr. Maguire regarding the setbacks 14 and TOFA and -- 15 Q. And so if I remember your testimony 16 correctly, at that meeting there was discussion 17 by BEH that it would run the fueling operations 18 in between Lot F and Lot G and not on the 19 taxiway? 20 A. That was at the meeting with FAA 21 and MassDOT on the 27th of June. 22 Q. And again, I think we covered this. 23 But just so the record is clear, do you remember 24 any discussion in that June -- I think it was</p>



<p style="text-align: right;">54</p> <p>1 the 27th meeting with the FAA about whether --  2 if BEH was going to conduct fueling between Lot  3 F and Lot G, whether it had the right or ability  4 to do so concerning Lot G?  5 A. The FAA -- Mr. Donovan told the FAA  6 and MassDOT he was going to relocate any fueling  7 operations to the east side and there was no  8 discussion of Lot F and G.  9 Q. Okay. Now, you remember we had  10 some discussions about the fueling plan that the  11 Commission was asking for. Again, this is in  12 connection with the self, S-E-L-F, fueling. I'm  13 going to show you another document, which, I  14 guess, will be Exhibit 112.  15 MR. HARTZELL: Can I have this  16 marked as Exhibit 112?  17 (Exhibit 112, Series of E-mails and  18 Attachment, Boston Executive Helicopters  19 Fuel Facility Operations (Draft), marked  20 for identification)  21 Q. (By Mr. Hartzell) Showing you what  22 has been marked as Exhibit 112, which is a  23 series of e-mails and an attachment -- and the  24 Bates numbers are BEH 001 through 0592 -- I'm</p>	<p style="text-align: right;">56</p> <p>1 appears to show you as cc'd where it says Mark  2 Ryan in quotes. Do you see that?  3 A. Yes.  4 MR. FEE: I'm not sure what  5 you're referring to. You said this is  6 another e-mail. What are you talking  7 about?  8 MR. HARTZELL: The June 28,  9 2013, e-mail that's referenced on --  10 MR. FEE: Page 4 of 112?  11 MR. HARTZELL: Appears to be  12 Page 4, yes.  13 MR. FEE: Thank you.  14 Q. (By Mr. Hartzell) Now, it says --  15 the e-mail says -- let me -- I'll come back to  16 this in a minute.  17 And then on the next page, which is  18 page BEH0010596, it looks like there is another  19 e-mail dated July 10, 2013, from you to Chris  20 Donovan. Do you see that?  21 A. Mm-hmm, yes.  22 Q. And you have to answer yes or no  23 for the court reporter. That's one thing I  24 forgot to tell you. You have to verbalize all</p>
<p style="text-align: right;">55</p> <p>1 sorry, 0010592 through BEH0010602. The first  2 e-mail -- we're going to identify these and I  3 will come back and ask you some questions.  4 The e-mail on the first page of  5 what has been marked as Exhibit 112 appears to  6 be an e-mail to you from Mr. Donovan dated July  7 12, 2013. Do you see that?  8 A. I do.  9 Q. Do you remember receiving this  10 e-mail?  11 A. I'd have to read it to refresh my  12 memory --  13 Q. Okay.  14 A. -- but it looks familiar.  15 Q. All right. And then if you go to  16 Page BEH0010595, that appears to be a copy of an  17 e-mail from Mr. Donovan -- well, let me ask you  18 this: Do you recognize the e-mail address where  19 it says, "chris@bostonexecutivehelicopters.com?"  20 A. Yes.  21 Q. And whose e-mail do you recognize  22 that to be?  23 A. Chris Donovan.  24 Q. Now, this is another e-mail and it</p>	<p style="text-align: right;">57</p> <p>1 of your answers, in other words.  2 And then underneath that, there's  3 another e-mail dated July 10, 2013, that appears  4 to be from you to Mr. Donovan copying  5 Mr. Hilliard. Do you see that?  6 A. Yes.  7 Q. Who is Mr. Hilliard?  8 A. Attorney for BEH.  9 Q. And then if you look at the next  10 page, which is -- I'll just shorten it. Bates  11 numbers that ends in 10597, it appears to be  12 another e-mail dated July 8, 2013 from Chris  13 Donovan to Russ Maguire. I don't think you're  14 copied on this one. It doesn't look like it.  15 But in any event, do you remember if you have  16 ever seen this before?  17 MR. FEE: I'm sorry, are you  18 referring to the July 8?  19 MR. HARTZELL: Yes.  20 MR. FEE: Okay.  21 A. I don't recall.  22 Q. Okay. And then if you turn to Page  23 BEH 00010599, this appears to be a FAA form --  24 let me ask you if you have ever seen this</p>

<p style="text-align: right;">58</p> <p>1 before?</p> <p>2 A. This particular one?</p> <p>3 Q. Yes.</p> <p>4 A. I don't recall.</p> <p>5 Q. Okay. And if you look behind it,</p> <p>6 the next page, BEH0010600, this appears to be</p> <p>7 some sort of sketch or outline of the Boston</p> <p>8 Executive Helicopters' proposed hangar and fuel</p> <p>9 cabinet?</p> <p>10 A. Correct.</p> <p>11 Q. Do you remember if you have ever</p> <p>12 seen this before?</p> <p>13 A. I have.</p> <p>14 Q. And then looking at the page after</p> <p>15 that, it's a two-page document with BEH -- I</p> <p>16 will say the numbers end with 10601 through</p> <p>17 10602. It's Boston Executive Helicopters' fuel</p> <p>18 facility operations. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Have you seen this before?</p> <p>21 A. I don't recall.</p> <p>22 Q. Okay. If you look at the document</p> <p>23 on BEH page -- it's the sketch, if you will,</p> <p>24 which I think you have it opened to, BEH 10600?</p>	<p style="text-align: right;">60</p> <p>1 A. Yes.</p> <p>2 Q. So do you believe this document was</p> <p>3 given to the FAA at the time that -- before the</p> <p>4 hangar was built?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And it's got a reference</p> <p>7 next to it. And there's a smaller rectangular</p> <p>8 box that says, "Fuel truck loading/unloading</p> <p>9 area." Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Given where this lot is, that fuel</p> <p>12 loading and unloading area would be to the east</p> <p>13 of the hangar, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And not in the taxiway area?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And then it's got the fuel</p> <p>18 cabinet on the -- I don't know which direction</p> <p>19 it is -- on the other side around the corner, if</p> <p>20 you will?</p> <p>21 MR. FEE: North. There's an</p> <p>22 arrow in the top left-hand corner.</p> <p>23 MR. HARTZELL: Thank you.</p> <p>24 MR. FEE: You're welcome.</p>
<p style="text-align: right;">59</p> <p>1 A. Yes.</p> <p>2 Q. You're an engineer. Could you tell</p> <p>3 me what a scale drawing is?</p> <p>4 A. A scale drawing is a plan that</p> <p>5 shows sizes of buildings, any property lines,</p> <p>6 any features, and everything is distanced</p> <p>7 accordingly. It's to scale. So if something is</p> <p>8 small, it's small on the plan. If it's larger,</p> <p>9 it becomes larger on the plan.</p> <p>10 Q. Is a scale drawing something that</p> <p>11 is typically done by a professional engineer?</p> <p>12 A. Yes.</p> <p>13 Q. Does this document which ends with</p> <p>14 BEH10600 done by -- stamped with an engineer</p> <p>15 stamp?</p> <p>16 A. It is not.</p> <p>17 Q. Do you know who prepared this?</p> <p>18 A. I do not.</p> <p>19 Q. Do you believe this was done -- let</p> <p>20 me back up.</p> <p>21 If you look at the large quasi</p> <p>22 rectangular shape on the right-hand side of the</p> <p>23 drawing, it says, "Boston Executive Helicopters</p> <p>24 (proposed hangar)?"</p>	<p style="text-align: right;">61</p> <p>1 Q. (By Mr. Hartzell) The fuel cabinet</p> <p>2 is to the north of the Boston Executive</p> <p>3 Helicopters' proposed hangar. Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Now, in looking at this drawing, do</p> <p>6 you know if the references to aircraft parking</p> <p>7 and where it says fuel truck loading and</p> <p>8 unloading area are on Lot F or Lot G?</p> <p>9 A. I can't tell by this plan.</p> <p>10 Q. All right. But in any event,</p> <p>11 there's no reference to Lot F?</p> <p>12 A. There's not.</p> <p>13 Q. There's no reference to Lot G</p> <p>14 either?</p> <p>15 A. There is not.</p> <p>16 Q. And there's no reference to the</p> <p>17 boundary between the two lots, is there?</p> <p>18 A. It is not there.</p> <p>19 Q. Okay. Now, if you look at the page</p> <p>20 that ends with 10597, there's an e-mail that</p> <p>21 says, "Russ, as you're aware, the FAA approved</p> <p>22 the 7460 we submitted. Lisa stated that she</p> <p>23 notified you directly." Do you see that?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">62</p> <p>1 Q. Do you know if the 7460 that is</p> <p>2 referenced as being submitted is the same</p> <p>3 document as 10599 and 10600 that we just looked</p> <p>4 at?</p> <p>5 A. I believe so.</p> <p>6 Q. Okay. Are you aware of any forms</p> <p>7 submitted or any drawings submitted or sketches</p> <p>8 submitted by Boston Executive Helicopters to the</p> <p>9 FAA that delineated the boundary between Lot F</p> <p>10 and Lot G at Norwood Airport?</p> <p>11 A. I'm not aware of any plan.</p> <p>12 Q. So if you go to page with the last</p> <p>13 Bates numbers 10596, there's an e-mail on the</p> <p>14 top portion of the page dated July 10, 2013. Do</p> <p>15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And that's from you to Mr. Donovan?</p> <p>18 A. Yes.</p> <p>19 Q. And with a copy to Mr. Hilliard?</p> <p>20 A. Yes.</p> <p>21 Q. And forgive me, you may have said</p> <p>22 this earlier, was Mr. Hilliard acting at that</p> <p>23 time as an attorney for Boston Executive</p> <p>24 Helicopters?</p>	<p style="text-align: right;">64</p> <p>1 come from Mr. Donovan dated June 28, 2013?</p> <p>2 A. Yes.</p> <p>3 Q. And he's referencing the attached</p> <p>4 FAA Form 7460. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And that's the form, 7460, I think</p> <p>7 we were talking about earlier at Pages 10599 and</p> <p>8 10600?</p> <p>9 A. Yes.</p> <p>10 Q. So if we look now, there's another</p> <p>11 e-mail from Mr. Donovan dated July 12, 2013. Do</p> <p>12 you see that? That starts on Page 10592?</p> <p>13 A. Yes.</p> <p>14 Q. And he raises a number of</p> <p>15 questions. This appears to be in response to</p> <p>16 your e-mail of July 10, 2013, which is on Page</p> <p>17 10596. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember receiving this</p> <p>20 e-mail?</p> <p>21 A. Vaguely.</p> <p>22 Q. Did Mr. Donovan ever provide you</p> <p>23 with a -- provide the Commission with the</p> <p>24 information you requested in your e-mail of July</p>
<p style="text-align: right;">63</p> <p>1 A. Yes.</p> <p>2 Q. And if you look at the second</p> <p>3 paragraph, it says, "From the NAC point of view,</p> <p>4 we still need to understand how you were</p> <p>5 unloading the fuel delivery trucks and fueling</p> <p>6 your company delivery truck and, if applicable,</p> <p>7 planes. Basically, an operations plan. This is</p> <p>8 not a stall tactic but a necessary request to</p> <p>9 make sure we do not create problems (i.e. planes</p> <p>10 encroaching on Gate 3 while fueling, delivery</p> <p>11 truck encroaching onto Gate 3, etc.). The</p> <p>12 sooner we get this to review, the sooner you can</p> <p>13 get back to work." Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know what the circumstances</p> <p>16 were as to why you wrote this e-mail to</p> <p>17 Mr. Donovan in July of 2013?</p> <p>18 A. I'm still reminding Chris, as the</p> <p>19 airport manager, Russ Maguire, has, we still</p> <p>20 need a plan showing how fueling is going to be</p> <p>21 performed without encroaching on the Gate 3</p> <p>22 taxiway.</p> <p>23 Q. If you look at page that ends in</p> <p>24 numbers 10595, this is an e-mail that appears to</p>	<p style="text-align: right;">65</p> <p>1 10, 2013, where you ask how they are unloading</p> <p>2 the fuel delivery trucks and fueling your</p> <p>3 company trucks and, if applicable, planes,</p> <p>4 basically an operations plan? Do you see that?</p> <p>5 MR. FEE: Can you read the</p> <p>6 question back, please?</p> <p>7 (Question read by reporter)</p> <p>8 A. Yes, I do.</p> <p>9 Q. Did he ever provide that</p> <p>10 information to you?</p> <p>11 A. No.</p> <p>12 Q. To this day, has he ever provided</p> <p>13 that information?</p> <p>14 A. No.</p> <p>15 Q. I'm going to show you another</p> <p>16 document that was marked as Exhibit 94 at</p> <p>17 Mr. Odstrchel's deposition.</p> <p>18 MR. HARTZELL: Let's take a</p> <p>19 two-minute break. Off the record.</p> <p>20 (A recess was taken)</p> <p>21 MR. HARTZELL: Back on the</p> <p>22 record.</p> <p>23 Q. (By Mr. Hartzell) Mr. Ryan, I'm</p> <p>24 showing you what was marked as Exhibit 94 at</p>

<p style="text-align: right;">66</p> <p>1 Mr. Odstrchel's deposition, which is document  2 Bates numbers NORWOO1318 through NORWOO1319.  3 And this appears to be some e-mails between  4 Mr. Maguire and Mr. Butters at the bottom. Do  5 you know who Mr. Butters is?  6 A. Lieutenant Butters is a member of  7 the Norwood Fire Department, or captain.  8 Q. And Mr. Wynne, was he the chairman  9 at the time --  10 A. I believe so.  11 Q. -- of the Commission? I'm sorry if  12 I wasn't clear. And it's copied to you, do you  13 see that, Mark Ryan?  14 A. Yes.  15 Q. And the date of this is February  16 12, 2014?  17 A. Yes.  18 Q. And now, at this point in time, in  19 2014, had Boston Executive Helicopters expressed  20 an interest to receive a fuel -- I'm sorry, a  21 full service commercial permit from the Board?  22 Do you see that?  23 A. Yes.  24 Q. And it says, "As you know, this</p>	<p style="text-align: right;">68</p> <p>1 is referring to?  2 A. I believe it's the actual  3 construction plan for the fuel tanks and fuel  4 dispenser.  5 Q. But not an actual plan that shows  6 how the aircraft is going to be fueled?  7 A. No.  8 Q. All right. We're going to move to  9 some other time periods here. Forgive me for  10 doing this a little bit out of order.  11 I'm going to show you what was  12 marked as Exhibit 75 at Mr. Odstrchel's  13 deposition. I'm going show you a document.  14 We're going back in time a little bit. This is  15 October of 2012 and this is talking about --  16 this is an e-mail. Let me ask you this: Do you  17 remember if you have ever seen this e-mail  18 before, and attachment?  19 A. I don't recall.  20 Q. But just so the record is clear,  21 the Bates numbers at the bottom are BEH0000869  22 through 0000872. Do you see that?  23 A. Yes.  24 Q. And this is talking about -- the</p>
<p style="text-align: right;">67</p> <p>1 would include the ability of this company to  2 store and dispense both aviation gas (100 low  3 lead) and jet fuel on the airport." Do you see  4 that?  5 A. Yes.  6 Q. So that would have been in  7 connection with the application of Boston  8 Executive Helicopters to become a full-service  9 FBO that could also sell aviation gas and jet  10 fuel to airplanes and other aircraft operators?  11 A. Yes.  12 Q. And it says -- the next paragraph  13 says, "As part of the NAC's permit process,  14 under the airport minimum standards, the Board  15 requires that the applicant's fueling plan be  16 approved by both my office and Norwood Fire  17 Department." Do you see that?  18 A. I do.  19 Q. And then it says, "So my first  20 question: Has BEH provided you with a copy of  21 their plan yet? BEH has already provided me  22 with a copy." Do you see that?  23 A. I do.  24 Q. Do you know what plan this e-mail</p>	<p style="text-align: right;">69</p> <p>1 e-mail at the top appears to be from Chris  2 Donovan to Mr. Maguire. And it says, "Attached  3 are the design engineering for our proposed fuel  4 system at Norwood Airport." Do you see that?  5 A. Yes.  6 Q. And it references an Engineer Halim  7 Choubah. Do you see that?  8 A. Yes.  9 Q. Did you ever have any conversations  10 with Mr. Choubah?  11 A. Regarding his site plan, some  12 conversations, yes.  13 Q. When did those take place?  14 A. Oh, I don't recall.  15 Q. When you say regarding the site  16 plan, you mean the plan for the building and the  17 fuel farm?  18 A. Yes.  19 Q. Do you know if Mr. Choubah was an  20 engineer for BEH for both the proposed fuel farm  21 and the layout of the building that BEH was  22 constructing on the former Swift hangar, Swift  23 Aviation?  24 A. Yes, he was.</p>

<p style="text-align: right;">70</p> <p>1 Q. And by the way, I think I forgot to 2 ask you this: At the time that Boston Executive 3 Helicopters wanted to purchase or assume the 4 lease from Swift Aviation, was Swift Aviation 5 still in business? 6 A. That I don't know. 7 Q. In any event, what can you tell me 8 about the conversations that you had with 9 Mr. Choubah? I understand you can't remember 10 exactly when those occurred, but I'd like to 11 know. 12 A. Well, there was a site plan 13 submitted to the Commission for the hangar and 14 the fuel farm, and I reviewed the plans and 15 asked for some minor revisions. 16 Q. Did this conversation take place 17 during Norwood Airport Commission meetings? 18 A. Yes. 19 Q. Anything else you can remember 20 about conversations with Mr. Choubah? 21 A. That is the only conversation I can 22 recall. 23 Q. And if you look back at Exhibit 75 24 from Mr. Odstrchel's deposition -- and you can</p>	<p style="text-align: right;">72</p> <p>1 Q. And do you recognize this document? 2 A. I do. 3 Q. And what is it, please? 4 A. It's the Commercial Permit 5 Application Fiscal Year 2013 made by Boston 6 Executive Helicopters. 7 Q. And it's got a list of different 8 services or categories, I guess. And if you 9 look under Category Number 4, it says, "Ground 10 operations." Do you see that? 11 A. Yes. 12 Q. And it's checked off. It says, 13 "Hangar space rental," right? 14 A. Correct. 15 Q. Then next line is crossed out for 16 aircraft and avionics maintenance. And then the 17 next entry is line services, but that line is 18 not checked. Do you see that? 19 A. I do. 20 Q. What are line services? Is that 21 fueling of aircraft? 22 A. That I don't know. 23 Q. But in any event, this application 24 doesn't have anything on here that suggests that</p>
<p style="text-align: right;">71</p> <p>1 look at the attachments to that, which are 2 BEH0000870 through 872? 3 A. Mm-hmm. 4 Q. -- can you tell us what those are? 5 And I apologize. Some of it is a little small, 6 but I think you can read it. 7 A. It's details of the construction of 8 the fuel tank and the dispensing unit and 9 associated piping. 10 Q. Nothing in what we're looking at on 11 Exhibit 75 has anything to do with the actual 12 fueling operations itself, correct? It doesn't 13 show where the trucks would be to fill up the 14 tanks or it doesn't show how the fuel would be 15 dispensed from the tanks to the aircraft or any 16 of the trucks, correct? 17 A. It does not. 18 Q. I'm going to show you what was 19 marked as Exhibit 77 at Mr. Odstrchel's 20 deposition. And this is a Norwood Memorial 21 Airport Fiscal Year 2013 Commercial Permit 22 Application. And that's Bates BEH0007905 23 through BEH 0007906. Do you see that? 24 A. I do.</p>	<p style="text-align: right;">73</p> <p>1 Boston Executive Helicopters, as of the time 2 this application was submitted, was interested 3 in conducting sales of fuel, correct? 4 A. Well, we had fuel storage and 5 dispensing. I don't know why there's -- it 6 looks like there's two Number 4s and that's not 7 checked off. 8 Q. There's nothing where it says, 9 "Office space area," correct? 10 A. Correct. 11 Q. But would you agree with me that as 12 of the time this was submitted, Boston Executive 13 Helicopters had not applied for a permit to 14 conduct fuel sales, S-A-L-E-S, at Norwood 15 Airport? 16 A. Correct. 17 Q. Okay. You can put that away. I'm 18 going to show you what was marked as Exhibit 78 19 at Mr. Odstrchel's deposition. This is the 20 document with Bates numbers BEH0002962 through 21 BEH0002964. And it appears to be Norwood 22 Airport Commission meeting minutes dated 23 February 12, 2014. Do you see that? 24 A. I do.</p>



<p style="text-align: right;">74</p> <p>1 Q. Could you just briefly tell us what 2 the process is for creating minutes from 3 meetings at the Norwood Airport Commission? 4 A. So every commission meeting we have 5 a recording secretary that takes notes. And 6 then the following Airport Commission meeting, 7 typically those minutes are in print and the 8 Airport Commission reviews them and approves 9 them as is or with any changes or revisions that 10 might be required. 11 Q. What is the date of these? 12 A. February 12, 2014. 13 Q. And it shows you were in 14 attendance? 15 A. Yes. 16 Q. If you look at the second page, 17 under new business, which is about three 18 quarters -- almost three quarters of the way 19 down the page -- do you see that? 20 A. I do. 21 Q. -- It says, "Boston Executive 22 Helicopters full-service, fixed-base operator 23 interest." Do you see that? 24 A. I do.</p>	<p style="text-align: right;">76</p> <p>1 little light. But if you look at the second 2 page, it appears to be a draft of a lease? 3 A. Yes. 4 Q. Just so the record is clear, this 5 runs from BEH0000915 through BEH 0000927. So 6 there's four zeros in there. If you look at the 7 second -- I'm sorry, the second page of this 8 document, which is the first page of the 9 proposed lease, it references 6,889 square feet. 10 Do you see that? 11 A. Yes. 12 Q. Was this lease ever accepted by 13 Boston Executive Helicopters? 14 A. No. 15 Q. Do you know -- did Boston Executive 16 Helicopters ever say why it did not accept this 17 lease? 18 A. Mr. Donovan said they needed the 19 entire west apron and this space was not enough. 20 Q. How big is the entire west apron? 21 A. Between 80 and 90,000 square feet. 22 Q. And at the time -- when did he tell 23 you that this was not enough space, this 6,889 24 square feet?</p>
<p style="text-align: right;">75</p> <p>1 Q. And does this refresh your 2 recollection as to when Boston Executive 3 Helicopters first expressed an interest in 4 becoming a full-service, fixed-base operator? 5 A. It does. 6 Q. And when was that? 7 A. February 2014. 8 Q. You can put that down. We're 9 finished with that. 10 Mr. Ryan, you're aware, are you 11 not, that at certain points in time Boston 12 Executive Helicopters requested additional lease 13 space out at the airport, correct? 14 A. Yes. 15 Q. And do you remember what the first 16 lease was that was offered to Boston Executive 17 Helicopters? 18 A. First lease offered by the 19 Commission to Boston Executive Helicopters -- 20 I'm not sure of the date, but it was around 21 6,800 square feet on the west apron. 22 Q. Here's what was marked as 23 Exhibit 79 at Mr. Odstrchel's deposition. And I 24 apologize that the type on the first page is a</p>	<p style="text-align: right;">77</p> <p>1 A. It was either March or April of 2 2014. 3 Q. Was that in a meeting that you had 4 with Mr. Donovan? 5 A. At the Airport Commission meeting. 6 Q. At the NAC? 7 A. Yes. 8 Q. Was there other space available on 9 the west apron at that time for potential lease 10 space? 11 A. Well, we -- there are tie-downs on 12 the west apron. And I'm not sure if there was 13 other available space because there were some 14 vacancies there. 15 Q. When you say tie-downs, tie-downs 16 are for what, aircraft to park their planes? 17 A. Correct. 18 Q. And those are sometimes individual 19 aircraft owners, correct? 20 A. Correct. 21 Q. And they have leases in order for 22 them to do that? 23 A. Yes, they do. 24 Q. How long are those leases or do</p>



<p style="text-align: right;">78</p> <p>1 they vary?</p> <p>2 A. Annually, one year.</p> <p>3 Q. But in any event, there were</p> <p>4 portions of the west apron that were leased for</p> <p>5 tie-down purposes for individual aircraft</p> <p>6 operators?</p> <p>7 A. Correct.</p> <p>8 Q. And that's why 80 to 90,000 square</p> <p>9 feet, which Mr. Donovan had requested, was not</p> <p>10 available?</p> <p>11 A. Yes.</p> <p>12 Q. I'm going to show you another</p> <p>13 exhibit. By the way, we'll come to some other</p> <p>14 documents in a few minutes. There were other</p> <p>15 lease offers made to Boston Executive</p> <p>16 Helicopters, were there not?</p> <p>17 A. There were.</p> <p>18 Q. Do you remember what the second one</p> <p>19 was?</p> <p>20 A. On approximately 11,000 square</p> <p>21 feet.</p> <p>22 Q. And do you remember when that was?</p> <p>23 And by the way, if you don't remember, that's</p> <p>24 okay. I have a document that we'll come to in a</p>	<p style="text-align: right;">80</p> <p>1 that space?</p> <p>2 A. Kept getting pushed back from</p> <p>3 Boston Executive Helicopters, that they weren't</p> <p>4 going to provide a personal guarantee. And</p> <p>5 really that was the -- I believe the final</p> <p>6 sticking point. And eventually, after probably</p> <p>7 multiple months of waiting, the Commission voted</p> <p>8 to rescind the offer of the lease.</p> <p>9 Q. Did the Commission later make</p> <p>10 another offer to Boston Executive Helicopters?</p> <p>11 A. Yes.</p> <p>12 Q. For additional space?</p> <p>13 A. Yes.</p> <p>14 Q. And this is all on the west apron?</p> <p>15 A. Yes.</p> <p>16 Q. And do you remember what the third</p> <p>17 offer was?</p> <p>18 A. A little over 23,000 square feet.</p> <p>19 Q. And did Boston Executive</p> <p>20 Helicopters take that -- accept that offer?</p> <p>21 A. No.</p> <p>22 Q. Do you know why?</p> <p>23 A. They wanted the whole west apron.</p> <p>24 Q. At the time the 23,000-square-foot</p>
<p style="text-align: right;">79</p> <p>1 few minutes.</p> <p>2 A. I do not know the date.</p> <p>3 Q. Did Boston Executive Helicopters</p> <p>4 accept that lease?</p> <p>5 A. Yes.</p> <p>6 Q. For 11,000 square feet?</p> <p>7 A. Yes.</p> <p>8 Q. When did they accept that?</p> <p>9 A. When we made the offer.</p> <p>10 Q. Was a lease signed?</p> <p>11 A. No.</p> <p>12 Q. Why wasn't a lease signed?</p> <p>13 A. Because part of the conditions were</p> <p>14 they had to provide financial documentation and</p> <p>15 other items, including a personal guarantee to</p> <p>16 lease the property.</p> <p>17 Q. And did you have a time frame for</p> <p>18 those other conditions?</p> <p>19 A. It was not set immediately, but --</p> <p>20 no, we didn't.</p> <p>21 Q. Okay. But ultimately that lease</p> <p>22 was not signed?</p> <p>23 A. It was not.</p> <p>24 Q. What happened to the offer to lease</p>	<p style="text-align: right;">81</p> <p>1 offer was made to Boston Executive Helicopters,</p> <p>2 was the whole west apron available?</p> <p>3 A. No.</p> <p>4 Q. Was that because of the tie-down</p> <p>5 leases?</p> <p>6 A. Correct.</p> <p>7 Q. Was there a fourth offer made to</p> <p>8 Boston Executive Helicopters about additional</p> <p>9 space to lease at the airport? We have</p> <p>10 identified three. Was there another one?</p> <p>11 A. Not an offer, but they were able to</p> <p>12 submit a -- an RFP was put out for the D.C. 3</p> <p>13 apron and they were allowed to bid on that.</p> <p>14 Q. How big is the D.C. 3 apron,</p> <p>15 approximately?</p> <p>16 A. 15,000 square feet.</p> <p>17 Q. Did they submit a bid?</p> <p>18 A. No.</p> <p>19 Q. Did Mr. Donovan or anybody from BEH</p> <p>20 say why they didn't submit a bid for the D.C.</p> <p>21 apron?</p> <p>22 A. Prior to the bid opening, less than</p> <p>23 forty-eight hours, they submitted a long list of</p> <p>24 questions to the purchasing agent about the RFP</p>

<p style="text-align: right;">82</p> <p>1 and I don't believe they felt comfortable 2 bidding on it. 3 Q. By the way, for any of these leases 4 that were offered to Boston Executive 5 Helicopters, did FlightLevel do or say anything 6 to try to prevent the NAC from offering this 7 lease space to Boston Executive Helicopters? 8 A. No. 9 Q. Has FlightLevel done anything to 10 try and prevent the NAC from offering any lease 11 space to Boston Executive Helicopters or prevent 12 BEH from obtaining a fuel -- I'm sorry, an FBO 13 license? 14 A. No. 15 Q. Have you ever had individual 16 meetings or separate meetings outside the NAC 17 meetings with Mr. Donovan? 18 A. Yes. 19 Q. How many meetings have you had with 20 him? 21 A. I believe there were four of them. 22 Q. When was the last one? 23 A. It was the fall of '15. 24 Q. And do you remember where that took</p>	<p style="text-align: right;">84</p> <p>1 Q. Let me back up. Was it just you 2 and Mr. Donovan at that meeting? 3 A. Three of them, and then the fourth 4 one Mr. Donovan and Mr. Moshe Yanai was there. 5 Q. Mr. Yanai was there? 6 A. Yes. 7 Q. We haven't talked about him in your 8 deposition. Do you know who he is? 9 A. Yes. 10 Q. Who is he? 11 A. The principal owner of BEH. 12 Q. And in 2015, at this meeting that 13 we're talking about, was that the first time you 14 had met Mr. Yanai? 15 A. Yes. 16 Q. How did he introduce himself to 17 you? 18 A. It was a cordial introduction and 19 it was a very good meeting. He expressed his 20 interest in getting things squared away so he 21 could move forward with his business at Norwood 22 Airport. 23 Q. But in terms of the introductions, 24 did he say anything about what his ownership</p>
<p style="text-align: right;">83</p> <p>1 place? 2 A. At a law firm in Walpole. 3 Q. Was that his lawyer -- was that the 4 law firm of BEH's lawyer? 5 A. No. 6 Q. What law firm was it? 7 A. Ryan &amp; DeFazio. 8 Q. Were they representing somebody at 9 that point? 10 A. No. Jim Hilliard, attorney for 11 BEH, called me and asked me if I would be 12 interested in sitting down with Chris Donovan to 13 negotiate. And I said yes, and so Mr. Hilliard, 14 who is based in Walpole, had another law firm 15 provide office space for us. 16 Q. Did anybody else from the NAC 17 attend that meeting besides you? 18 A. No. 19 Q. Did any lawyer on behalf of the NAC 20 attend that meeting? 21 A. No. 22 Q. Do you remember what you and 23 Mr. Donovan discussed in that meeting? 24 A. Yes.</p>	<p style="text-align: right;">85</p> <p>1 interest was in Boston Executive Helicopters -- 2 or -- 3 A. I don't recall. 4 Q. Okay. -- or MII Aviation Services? 5 Did he say anything about that at all? 6 A. I don't recall. 7 Q. Just so I'm clear, you were there, 8 Mr. Donovan was there, Mr. Yanai was there. Was 9 there anybody else there? 10 A. No. 11 Q. Tell me what else you remember was 12 being discussed at this meeting. 13 A. Well, Mr. Donovan or BEH were 14 asking for a number of things, lease area, 15 pedestrian gates for -- at the Gate 3 taxiway, a 16 clicker to operate the gate remotely, the 17 entrance gate. And in return, we were ready to 18 provide many of those things, but the request 19 was for BEH to remove the Airport Commissioners 20 as individuals from the lawsuit. 21 Q. At that point in time the lawsuit 22 was ongoing? 23 A. Yes. 24 Q. And what did BEH say?</p>

<p style="text-align: right;">86</p> <p>1 A. It can't be done.</p> <p>2 Q. Did they say why?</p> <p>3 A. It was inferred that that's the</p> <p>4 only hook they have in us.</p> <p>5 Q. Who made that statement? Was it</p> <p>6 Mr. Donovan or Mr. Yanai?</p> <p>7 A. Yes, Mr. Donovan.</p> <p>8 Q. Do you remember what else was</p> <p>9 discussed?</p> <p>10 A. I know at the meeting with</p> <p>11 Mr. Yanai there, a personal guarantee was a</p> <p>12 sticking point with them. And Mr. Yanai turned</p> <p>13 to Chris and said, well, give it to them.</p> <p>14 Q. Had anyone at NAC ever received a</p> <p>15 personal guarantee from BEH?</p> <p>16 A. No.</p> <p>17 Q. Or Mr. Yanai?</p> <p>18 A. No.</p> <p>19 Q. Or Mr. Donovan? Okay. What did</p> <p>20 Mr. Donovan say when Mr. Yanai told him give the</p> <p>21 personal guarantee to the Norwood Airport</p> <p>22 Commission?</p> <p>23 A. That it was not that simple.</p> <p>24 Q. What else do you remember was</p>	<p style="text-align: right;">88</p> <p>1 Mr. Donovan?</p> <p>2 A. Of course.</p> <p>3 Q. At this meeting?</p> <p>4 A. The prior meetings, yes.</p> <p>5 Q. And how long did the meeting last?</p> <p>6 A. An hour.</p> <p>7 Q. Okay. How did the meeting end?</p> <p>8 A. Cordial. We shook hands and that</p> <p>9 was the last of it.</p> <p>10 Q. So have you had any discussion with</p> <p>11 Mr. Yanai since that meeting?</p> <p>12 A. I have not.</p> <p>13 Q. And this meeting was in the fall of</p> <p>14 2015, you said?</p> <p>15 A. Yes.</p> <p>16 Q. And you mentioned you had, I think,</p> <p>17 four meetings with Mr. Donovan?</p> <p>18 A. Correct.</p> <p>19 Q. And what was the other -- what's</p> <p>20 the next meeting that you had with him?</p> <p>21 A. Well, the fourth meeting was with</p> <p>22 Mr. Yanai, but the first three were just Chris</p> <p>23 alone.</p> <p>24 Q. And where did those take place?</p>
<p style="text-align: right;">87</p> <p>1 discussed in this meeting?</p> <p>2 A. Well, with Mr. Yanai, he mentioned</p> <p>3 he was baffled by why things hadn't progressed</p> <p>4 with BEH's FBO. He mentioned that he had talked</p> <p>5 with the governor and the governor was perplexed</p> <p>6 why things hadn't been settled.</p> <p>7 Q. And did you answer or explain</p> <p>8 anything to Mr. Yanai about what the issues were</p> <p>9 in connection with BEH's FBO application?</p> <p>10 A. Well, the real sticking point was,</p> <p>11 at this time, the personal guarantee for the</p> <p>12 leases and that's where the -- the personal</p> <p>13 guarantee was specifically for the leases, not</p> <p>14 for the FBO.</p> <p>15 Q. I see.</p> <p>16 A. But the FBO, there was still the --</p> <p>17 I don't recall if we got in depth about the fuel</p> <p>18 plan or the insurance, but those were still two</p> <p>19 outstanding issues.</p> <p>20 Q. Do you remember if you mentioned</p> <p>21 those to Mr. Yanai?</p> <p>22 A. I don't recall with him if I</p> <p>23 mentioned that.</p> <p>24 Q. Did you mention those to</p>	<p style="text-align: right;">89</p> <p>1 A. The same law firm.</p> <p>2 Q. The same law firm, okay. So not at</p> <p>3 the airport, right?</p> <p>4 A. No.</p> <p>5 Q. Did Mr. Donovan say why he wanted</p> <p>6 to have meetings at that law firm?</p> <p>7 A. No.</p> <p>8 Q. Let's talk about the first of the</p> <p>9 three meetings you had with Mr. Donovan. Do you</p> <p>10 remember when that was?</p> <p>11 A. They were all in the fall of '15.</p> <p>12 Q. Okay. Also in the fall of '15?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. You don't remember the month?</p> <p>15 A. No, I don't.</p> <p>16 Q. Let's talk about the first one. So</p> <p>17 it's between you and him, right?</p> <p>18 A. Yes.</p> <p>19 Q. Did he contact you to set up the</p> <p>20 meeting?</p> <p>21 A. No.</p> <p>22 Q. You contacted him?</p> <p>23 A. No. Jim Hilliard set up the</p> <p>24 meeting.</p>

<p style="text-align: right;">90</p> <p>1 Q. So Mr. Hilliard contacted you?</p> <p>2 A. Yes.</p> <p>3 Q. And you attended the meeting. Who</p> <p>4 else was there?</p> <p>5 A. Just Mr. Donovan and myself.</p> <p>6 Q. And what did you discuss at that</p> <p>7 meeting? This is the first of the three that</p> <p>8 you had with Mr. Donovan.</p> <p>9 A. I'm not sure exactly that</p> <p>10 particular meeting, but, you know, the meetings</p> <p>11 talked about Chris' -- BEH's need for more</p> <p>12 space. He had some kind of mock apron plan with</p> <p>13 little planes and he tried to show that each</p> <p>14 plane -- the space that we were offering was</p> <p>15 insufficient for his work or his proposal.</p> <p>16 Q. When you say his proposal, is that</p> <p>17 in connection with his -- with BEH's FBO</p> <p>18 application?</p> <p>19 A. No, with the lease area.</p> <p>20 Q. Okay. And what else do you</p> <p>21 remember discussing with him?</p> <p>22 A. Him explaining the need for a</p> <p>23 pedestrian gate. Him explaining the need for</p> <p>24 the clicker for remote operation of the gates.</p>	<p style="text-align: right;">92</p> <p>1 A. No.</p> <p>2 Q. Did he give you the dates that</p> <p>3 these pictures were taken?</p> <p>4 A. I don't believe there were dates on</p> <p>5 it.</p> <p>6 Q. And so you don't know what time of</p> <p>7 day the pictures were taken, you don't know</p> <p>8 whether it was a Saturday when some planes might</p> <p>9 have been in the air, or anything like that?</p> <p>10 A. That's correct.</p> <p>11 Q. And I understand your memory of</p> <p>12 these three meetings may sort of blend together</p> <p>13 as to the topics you covered. I just want to</p> <p>14 get your best memory as to what you can recall</p> <p>15 about what else was discussed at the meetings.</p> <p>16 A. I think what I told you is to the</p> <p>17 best of my recollection.</p> <p>18 Q. Did you have any discussions with</p> <p>19 him about the fueling plan?</p> <p>20 A. I don't recall that.</p> <p>21 Q. Personal guarantees?</p> <p>22 MR. SIMMS: Are we talking</p> <p>23 about just that one meeting or the</p> <p>24 compilation?</p>
<p style="text-align: right;">91</p> <p>1 Q. What else?</p> <p>2 A. His dissatisfaction with Russ</p> <p>3 Maguire as the airport manager.</p> <p>4 Q. Did he say why he had</p> <p>5 dissatisfaction with Russ Maguire?</p> <p>6 A. I don't think he was fond of Russ</p> <p>7 enforcing the regulations at the airport.</p> <p>8 MR. FEE: Objection. Move to</p> <p>9 strike.</p> <p>10 Q. (By Mr. Hartzell) Did he say that</p> <p>11 or was that just your impression?</p> <p>12 A. Impression.</p> <p>13 Q. What exactly did he say about it?</p> <p>14 A. Well, I remember him showing a</p> <p>15 photograph of the airport, an aerial, two of</p> <p>16 them. One of them being from prior years and</p> <p>17 then a more recent one. And there were less</p> <p>18 planes in the aerial of the second one, which</p> <p>19 was more recent, and he tried to -- well, he</p> <p>20 explained that part of it is people leaving the</p> <p>21 airport because of Russ Maguire.</p> <p>22 Q. Do you have any independent</p> <p>23 knowledge as to, quote, people had left the</p> <p>24 airport because of Russ Maguire?</p>	<p style="text-align: right;">93</p> <p>1 Q. (By Mr. Hartzell) You correct me,</p> <p>2 Mr. Ryan. I believe your testimony is you can't</p> <p>3 quite remember exactly what was discussed at</p> <p>4 which meeting, so my questions are encompassing</p> <p>5 your memory of what you recall discussing at</p> <p>6 these three meetings that occurred in the fall</p> <p>7 of 2015 between you and Mr. Donovan.</p> <p>8 A. I don't recall the fueling plan</p> <p>9 being discussed. But the personal guarantee,</p> <p>10 there was some discussion and -- his reluctance</p> <p>11 to provide it.</p> <p>12 Q. Did he say why he didn't want to</p> <p>13 provide -- or that BEH didn't want to provide a</p> <p>14 personal guarantee?</p> <p>15 A. I don't recall.</p> <p>16 Q. And how did you leave things with</p> <p>17 him? Did you make any promises to him about</p> <p>18 what you would do with any of the requests?</p> <p>19 A. Well, I told him I would work with</p> <p>20 the other commissioners to get him things like</p> <p>21 the pedestrian gate and not so much a clicker</p> <p>22 but some kind of remote access at his hangar to</p> <p>23 allow people to come in when they showed up to</p> <p>24 the gate, work on the size of the lease area,</p>

<p style="text-align: right;">94</p> <p>1 but the direction I had for my fellow 2 commissioners being named as individuals in the 3 lawsuit had to be taken away. 4 Q. Did you tell your fellow 5 commissioners that you had these meetings with 6 Mr. Donovan? 7 A. Yes. 8 Q. As well as the meeting you had with 9 Mr. Yanai? 10 A. Yes. 11 Q. And what happened with -- is there 12 anything else you remember discussing with 13 Mr. Donovan or Mr. Yanai? 14 A. I don't recall. 15 Q. Whatever happened with the access 16 for remote -- I'm sorry, with the request for 17 remote access? 18 A. It never occurred. It never 19 happened. 20 Q. And when you say never happened, 21 you mean it was never granted by the Commission? 22 A. It was not. 23 Q. Do you know why it wasn't granted 24 by the Commission?</p>	<p style="text-align: right;">96</p> <p>1 A. That -- I believe the Commission 2 voted not to allow it. 3 Q. Do you know why? 4 A. The Commission didn't feel it was 5 necessary. 6 Q. Did FlightLevel ever suggest 7 anything to the -- or state anything to Norwood 8 Airport Commission, that the remote access 9 should not be granted? 10 A. No. 11 Q. Did FlightLevel ever suggest 12 anything to the Norwood Airport Commission that 13 this additional pedestrian gate access should 14 not be granted by the Commission? 15 A. No. 16 Q. And we talked about lease offers. 17 So there was the opportunity to bid on the D.C. 18 3 ramp, right? 19 A. Correct. 20 Q. By the way, did that opportunity 21 come up after these meetings, the bid on the 22 D.C. 3 ramp? 23 MR. FEE: What meetings? 24 Q. (By Mr. Hartzell) These meetings</p>
<p style="text-align: right;">95</p> <p>1 A. The remote access? No one else had 2 remote access on the airport. 3 Q. Were there any safety concerns or 4 security concerns? 5 A. Sure, absolutely. 6 MR. SIMMS: Let Neil finish 7 the question, and then take a moment to 8 answer the question. 9 THE WITNESS: Okay. 10 Q. (By Mr. Hartzell) Do you remember 11 what the security concerns were? 12 A. Yes. There's a security plan that 13 the Airport Commission has, that anyone on the 14 airport has to be badged. And if they're not 15 badged, they have to be escorted by someone with 16 a badge. So we wanted to have as much control 17 as possible as to who was entering the airport. 18 Q. Because if I understand correctly, 19 if someone had a remote access, you wouldn't 20 know who was coming in and out as to whether or 21 not the person had a badge or not, correct? 22 A. Correct. 23 Q. And this pedestrian gate, whatever 24 happened with that request?</p>	<p style="text-align: right;">97</p> <p>1 that occurred in the fall of 2015 with 2 Mr. Donovan. 3 A. No, well before. 4 Q. Were there any other lease offers 5 made to Boston Executive Helicopters after these 6 meetings in the fall of 2015? 7 A. Yes. 8 Q. Do you remember what the next one 9 was? 10 A. That was the third one in June of 11 '16, and we offered 23,000 square feet. 12 Q. And again, they decided not to -- 13 Boston Executive Helicopters did not accept that 14 offer, correct? 15 A. They did not. 16 Q. Have you had any -- have you had 17 any other meetings with Mr. Donovan or Mr. Yanai 18 other than what you've told us about? 19 A. No, I have not. 20 Q. Did you ever have any meetings with 21 anybody else acting on behalf of or representing 22 BEH? 23 A. No. 24 Q. Do you know who Mr. Silva is?</p>



<p style="text-align: right;">98</p> <p>1 A. Yes.</p> <p>2 Q. Who is Mr. Silva?</p> <p>3 A. He was an employee for BEH.</p> <p>4 Q. Have you ever spoken with him?</p> <p>5 A. No.</p> <p>6 Q. Was there an incident at one point</p> <p>7 in time where the Airport Commission believed</p> <p>8 that Mr. Silva was living out at the BEH hangar?</p> <p>9 A. Yes.</p> <p>10 Q. What's your -- what are the --</p> <p>11 excuse me, let me try that again.</p> <p>12 Can you describe what you learned</p> <p>13 about that?</p> <p>14 A. That the building inspector</p> <p>15 inspected the BEH hangar and did not find</p> <p>16 anything that indicated someone was living</p> <p>17 there.</p> <p>18 Q. How was that issue brought to the</p> <p>19 Norwood Airport Commission's attention?</p> <p>20 A. I'm pretty sure Russ Maguire</p> <p>21 mentioned that there's someone in there at all</p> <p>22 times. And this was recognized especially</p> <p>23 during snowstorms, during plowing operations.</p> <p>24 They could tell someone was present in the</p>	<p style="text-align: right;">100</p> <p>1 BEH0003056 through BEH0003071. Do you see that?</p> <p>2 A. Yes, I do.</p> <p>3 Q. And this references unauthorized</p> <p>4 helicopter operations. Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Do you remember what this incident</p> <p>7 was and how it was resolved?</p> <p>8 A. The incident was BEH's helicopter</p> <p>9 was flying into the gateway -- or the taxilane,</p> <p>10 landing on it, and then eventually being ground</p> <p>11 handled into their hangar.</p> <p>12 Q. And what was improper, if there was</p> <p>13 anything improper about that?</p> <p>14 A. Mr. Maguire has made it very clear</p> <p>15 that that's not an operational area for</p> <p>16 helicopters to land or take off.</p> <p>17 Q. And the helicopters had to land and</p> <p>18 take off at some other place in the airport</p> <p>19 other than what was observed; is that right?</p> <p>20 A. Right.</p> <p>21 Q. And this incident, to your</p> <p>22 knowledge, was resolved, was it, sir?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. And this incident did not prevent</p>
<p style="text-align: right;">99</p> <p>1 hangar.</p> <p>2 Q. Okay. Did FlightLevel ever make a</p> <p>3 complaint to the Airport Commission that they</p> <p>4 believed that someone was living in the BEH</p> <p>5 hangar, or BEH building?</p> <p>6 A. I don't recall that.</p> <p>7 Q. But in any event, that incident was</p> <p>8 resolved when the building inspector looked and</p> <p>9 didn't see that anybody was living there,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. As you sit here today, have you</p> <p>13 told me everything that you can remember about</p> <p>14 the topics that were discussed in the meetings</p> <p>15 between you and Mr. Donovan and Mr. Yanai?</p> <p>16 A. Best of my recollection.</p> <p>17 Q. I'm going to show you what was</p> <p>18 marked as Exhibit 80 at Mr. Odstrchel's</p> <p>19 deposition. And again, I apologize. The copies</p> <p>20 are a little light, but it's a letter dated</p> <p>21 March 21, 2014, from the airport manager, Russ</p> <p>22 Maguire, to Mr. Donovan at BEH that copies the</p> <p>23 Airport Commission on the second page. It's</p> <p>24 dated March 21, 2014, and it's Document Number</p>	<p style="text-align: right;">101</p> <p>1 the Board from offering additional lease space</p> <p>2 to BEH, did it?</p> <p>3 A. No.</p> <p>4 Q. I'm going to show you what was</p> <p>5 marked as Exhibit 81 to Mr. Odstrchel's</p> <p>6 deposition. These appear to be Airport</p> <p>7 Commission meeting minutes dated April 9, 2014.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And it shows you were in</p> <p>11 attendance, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And the Bates numbers are</p> <p>14 BEH0002981 through 0002983. And if I could</p> <p>15 direct your attention to -- bear with me one</p> <p>16 second here. Directing your attention to the</p> <p>17 front page, it appears to have an update from</p> <p>18 Boston Executive Helicopters in the middle of</p> <p>19 the page. Do you see it bolded right there? Do</p> <p>20 you see that?</p> <p>21 A. Yes.</p> <p>22 Q. That's in connection with the</p> <p>23 construction of its building. So as of April 9,</p> <p>24 2014, the hangar that Boston Executive</p>



<p style="text-align: right;">102</p> <p>1 Helicopters was constructing on the former Swift 2 Aviation site was still undergoing construction? 3 A. Yes. 4 Q. And then if you look right 5 underneath that, it says, "Lease offer, BEH and 6 Mr. Foxx." And who did you understand Mr. Foxx 7 to be? 8 A. One of BEH's attorneys. 9 Q. It says, "BEH and Mr. Foxx do not 10 think the square footage offer by NAC is 11 adequate for fueling for an FBO." Do you see 12 that? 13 A. Yes. 14 Q. And it says, "Presently, BEH would 15 like to refuse the current offer of 83x83 square 16 feet?" 17 A. Correct. 18 Q. And then it says, "Questions by 19 NAC: What does BEH feel would be adequate 20 space?" And then it says, "100K square feet." 21 Do you see that? 22 A. Yes. 23 Q. The 100K square feet appear to 24 reflect the answer as to the question that NAC</p>	<p style="text-align: right;">104</p> <p>1 Q. Where are Lots A, B, and C? 2 A. In front of the air traffic control 3 tower. 4 Q. And were those lots available for 5 lease at that time, in April of 2014? 6 A. No. 7 Q. And why not? 8 A. FlightLevel had a lease on there. 9 Q. And there were some extensions made 10 of certain FlightLevel leases during the time 11 you were on the Commission; is that right? 12 A. Yes. 13 Q. And were some of those leases 14 leases that Eastern Air Charter had originally? 15 A. Yes. 16 Q. We can put this down. Now, in 17 connection with the FBO application of BEH, did 18 the Norwood Airport Commission want certain 19 financial information from BEH? 20 A. Yes. 21 Q. Let me show you what was marked as 22 Exhibit 82 at Mr. Odstrchel's deposition. And I 23 apologize for the small print on this, but 24 that's how it came into our possession. And I'm</p>
<p style="text-align: right;">103</p> <p>1 had about what BEH felt would be adequate space? 2 MR. FEE: Objection. 3 A. Yes. 4 Q. Was there 100,000 square feet 5 available in April of 2014 to lease to BEH? 6 A. No. 7 Q. And why was that? 8 A. The 100K square feet is the west 9 apron and there are tie-downs on there that 10 people have leases on, individual tie-downs. 11 Q. If we could go to the next page, at 12 the bottom, it says, "New business." Do you see 13 that? 14 A. Yes. 15 Q. And if you flip to the following 16 page, it says, "3/12/14: An e-mail from C. 17 Donovan, of BEH, to Airport Manager regarding 18 negotiations for lease of Lots A, B, C." Do you 19 see that? 20 A. Yes. 21 Q. What does that refer to, if you 22 know? 23 A. Mr. Donovan indicating interest in 24 the lease of Lots A, B, and C.</p>	<p style="text-align: right;">105</p> <p>1 showing you -- and please let me know if you 2 have trouble reading this. 3 It's an e-mail dated April 30, 4 2014. And that's from Russ Maguire to Chris 5 Donovan and it appears that you're copied on 6 this. Can you see that? 7 A. Yes. 8 Q. M. Ryan? 9 A. Yes. 10 Q. Do you remember this e-mail? 11 A. Yes. 12 Q. And this e-mail is requesting 13 certain financial information from Boston 14 Executive Helicopters, correct? 15 A. Yes. 16 Q. Now, why was the Norwood Airport 17 Commission asking for this financial 18 information? 19 A. To see the validity and fiscal 20 strength of BEH as an FBO. 21 Q. And why was it interested in the 22 fiscal strength of BEH as an FBO? 23 A. Because we wanted to ensure that 24 anyone that we provide a permit to is capable of</p>

<p style="text-align: right;">106</p> <p>1 performing the operations that they are 2 proposing and to be in business and be a stable 3 business. 4 Q. Did FlightLevel ask the Commission 5 to request this financial information of BEH? 6 A. No. 7 Q. Now, it references -- there's a 8 line sort of in the middle of the e-mail. It 9 says, "For your company's business plan, the 10 Board would like to see the following at a 11 minimum," and then it lists a couple 12 different -- three different conditions. 13 Now, at that point in time do you 14 recall if a business plan had been submitted by 15 BEH? 16 A. There was an initial business plan 17 that was deemed inadequate and the Airport 18 Commission asked for a second one. 19 Q. And do you remember -- I will show 20 it to you, but there's a business plan that 21 surfaced in July of 2014. Do you remember that? 22 A. I'm not sure of the date. 23 Q. Okay. Let me show you this. We're 24 going to jump a little bit out of order here,</p>	<p style="text-align: right;">108</p> <p>1 Q. Let me show you what was marked as 2 Exhibit 85 at Mr. Odstrchel's deposition. And 3 this is a two-page document dated January 12, 4 2015, BEH0000793 through BEH0000795. And it 5 appears to be a memorandum from you to the 6 Norwood Airport Commission. Do you see that? 7 A. I do. 8 Q. At this point in time you were not 9 the chairman; is that right? 10 A. Correct. 11 Q. You were the vice chairman of the 12 Commission? 13 A. Yes. 14 Q. And are these -- is it fair to say 15 what's listed in Exhibit 85 to Mr. Odstrchel's 16 deposition are a series of questions you had 17 about the information that was contained in the 18 business plan submitted by Boston Executive 19 Helicopters? 20 A. It is. 21 Q. Do you remember discussing these 22 with the members of the Commission? 23 A. Yes. 24 Q. And do you remember if you followed</p>
<p style="text-align: right;">107</p> <p>1 but since we're on the subject -- 2 So I show you what was marked as 3 Exhibit 84 at Mr. Odstrchel's deposition. And 4 this is a document entitled Boston Executive 5 Helicopters Business Plan for Development at the 6 Norwood Memorial Airport Presented to the 7 Norwood Airport Commission on July 9, 2015, with 8 Bates numbers BEH0001679 through BEH16774. Do 9 you see that? 10 A. I do. 11 Q. Do you remember if this is one of 12 the business plans that you received from Boston 13 Executive Helicopters? 14 A. It is. 15 Q. And do you remember if the 16 Commission received any business plans after the 17 date of this one? 18 A. I don't recall seeing another one. 19 Q. And did you have certain questions 20 that you had after receiving what was marked as 21 Exhibit 84 from Mr. Odstrchel's deposition? 22 A. Did I have questions on this? 23 Q. Yes. 24 A. I believe I did.</p>	<p style="text-align: right;">109</p> <p>1 up asking BEH for this information as reflected 2 on what was marked as Exhibit 85 at 3 Mr. Odstrchel's deposition? 4 A. I believe so. 5 Q. And why did you request this 6 information as reflected in what was marked as 7 Exhibit 85 at Mr. Odstrchel's deposition? 8 A. Well, I reviewed the business plan 9 and I had some comments and requests, some of it 10 clarification, some of it correcting, some of 11 the statements. 12 Q. It says in here that BEH wants -- 13 on Number 2, where it references Page 6, the 14 business plan, it says, "BEH wants 72,000 square 15 feet." Do you see that? 16 A. Yes. 17 Q. Was 72,000 square feet of ramp or 18 apron (west apron) available for lease in 19 January of 2015? 20 A. No. 21 Q. And why was that? 22 A. Because there were individual 23 tie-downs. 24 Q. Tie-down leases like you described</p>

<p style="text-align: right;">110</p> <p>1 earlier?</p> <p>2 A. Yes.</p> <p>3 Q. Any other reasons why that space</p> <p>4 wasn't available?</p> <p>5 A. The airport wanted to maintain its</p> <p>6 control over its apron space to always provide</p> <p>7 reasonable tie-down areas, reasonably priced</p> <p>8 tie-down areas for individual aircraft.</p> <p>9 Q. Were there other places in the</p> <p>10 airport for tie-downs to lease space other than</p> <p>11 the west apron?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember if you got answers</p> <p>14 to the questions? When I say you, I mean the</p> <p>15 Airport Commission. Do you remember if the</p> <p>16 Airport Commission got answers to the questions</p> <p>17 it asked in your memo, in what was marked as</p> <p>18 Exhibit 85 in Mr. Odstrchel's deposition?</p> <p>19 A. I do not recall.</p> <p>20 Q. Do you remember discussing any of</p> <p>21 these follow-up items with Mr. Donovan or BEH?</p> <p>22 A. No.</p> <p>23 Q. Now, if you go to page -- Bates</p> <p>24 numbers 16734 of the business plan, the</p>	<p style="text-align: right;">112</p> <p>1 or New England area?</p> <p>2 MR. FEE: Objection.</p> <p>3 A. Clarify that question.</p> <p>4 Q. That was a little mixed up, excuse</p> <p>5 me.</p> <p>6 Do you have any knowledge as to</p> <p>7 what the market is for fuel sales for aircraft</p> <p>8 in the New England area?</p> <p>9 MR. SIMMS: Objection. Beyond</p> <p>10 the scope. Go ahead.</p> <p>11 A. I do not.</p> <p>12 Q. Now, we talked earlier about an</p> <p>13 additional lease offer and I just want to show</p> <p>14 you this quickly to get the date confirmed. So</p> <p>15 this is what was marked as Exhibit 86 at</p> <p>16 Mr. Odstrchel's deposition. And it's dated --</p> <p>17 this is a letter from Brandon H. Moss. And by</p> <p>18 the way, who is Mr. Moss?</p> <p>19 A. He was town counsel, Norwood's town</p> <p>20 counsel, from Murphy, Hesse, Toomey &amp; Lehane.</p> <p>21 Q. In February 2015?</p> <p>22 A. Yes.</p> <p>23 Q. And this is a letter to a lawyer</p> <p>24 called Timothy McCulloch. Do you know who he</p>
<p style="text-align: right;">111</p> <p>1 highlighted portion at the top of the page says,</p> <p>2 "Market Demand Analysis"?</p> <p>3 A. Yes.</p> <p>4 Q. So it appears they are talking</p> <p>5 about -- when they were putting this business</p> <p>6 plan together, about the market demand and</p> <p>7 they're looking at -- they say they've had --</p> <p>8 I'm looking at the third paragraph. It says,</p> <p>9 "Mr. Donovan and Mr. Silva have conducted</p> <p>10 extensive research and have had substantive</p> <p>11 ongoing discussion with the aircraft owners and</p> <p>12 operators that base their aircraft at airports</p> <p>13 in the Boston metropolitan area (including</p> <p>14 Logan, Hanscom, and Beverly) and at other</p> <p>15 airports in the region (including Manchester,</p> <p>16 NH, and Providence, RI)." Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. Do you remember having any</p> <p>19 discussions with Mr. Donovan and Mr. Silva about</p> <p>20 this?</p> <p>21 A. I do not.</p> <p>22 Q. Do you have any knowledge as to</p> <p>23 what sort of the market is for fuel sales</p> <p>24 services in and around the Norwood Airport area</p>	<p style="text-align: right;">113</p> <p>1 was?</p> <p>2 A. Yes.</p> <p>3 Q. Who was he?</p> <p>4 A. An attorney for the law firm</p> <p>5 representing BEH.</p> <p>6 Q. And if you look at the enclosure to</p> <p>7 this, it appears to reference another lease</p> <p>8 offer of 11,786 square feet if you look at Page</p> <p>9 8091?</p> <p>10 A. Yes.</p> <p>11 Q. And this is the second lease offer</p> <p>12 to BEH?</p> <p>13 A. It is.</p> <p>14 Q. And this is the one that was</p> <p>15 ultimately rescinded because they didn't provide</p> <p>16 the information that the Commission was looking</p> <p>17 for; is that right?</p> <p>18 A. That is correct.</p> <p>19 Q. If you look at the last page of</p> <p>20 this document, it says -- that's 8105. It says,</p> <p>21 "Financial information from the guarantor."</p> <p>22 Were those some conditions that were given in</p> <p>23 connection with this lease offer?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">114</p> <p>1 Q. And those were the things that were 2 not provided by BEH; is that correct? Those 3 were the items? 4 A. Yes. 5 Q. Now let me show you what was marked 6 as Exhibit 87 at Mr. Odstrchel's deposition. 7 And these do not have Bates numbers on them, but 8 it appears to be copies of airport meeting 9 minutes from April 15, 2015. Do you see that? 10 A. I do. 11 Q. And it appears you were present? 12 A. Yes. 13 Q. At this point in time you become 14 the chairman? 15 A. Yes. 16 Q. And if you look at the second page 17 where it says, "west apron lease," it says, "On 18 a motion by Mr. Sheehan and seconded by Mr. 19 Odstrchel, the Commission voted 6/0 to offer an 20 extension until the next meeting to give BEH 21 more time to provide the NAC without redaction 22 three months' business bank statements, balance 23 sheet, income statement, cash flow statement, 24 and confidentiality agreement to be looked at in</p>	<p style="text-align: right;">116</p> <p>1 A. Yes. 2 Q. And did the fire department approve 3 the configuration of the tanks? 4 A. Yes. 5 Q. But the fire department never was 6 provided a fueling plan that showed where 7 aircraft were going to be fueled; is that 8 correct? 9 MR. FEE: Objection. 10 A. Correct, it did not. 11 Q. Now, at some point in time in July 12 of 2015 the Commission was still looking for 13 this financial information from BEH; is that 14 right? 15 A. Yes. 16 Q. Did there come a time where, 17 because BEH was reluctant to provide it, the 18 Commission agreed to have a third-party review 19 the financial information? 20 A. Correct. 21 Q. Was that in connection with the FBO 22 application or was that in connection with the 23 proposed lease on the west apron? 24 A. As far as the financials, it was</p>
<p style="text-align: right;">115</p> <p>1 executive session." Do you see that? 2 A. I do. 3 Q. And underneath that, the next 4 bullet says, "FY 2014 commercial permit, Boston 5 Executive Helicopters (BEH); provisional 6 extension..." It says, "Discuss fire department 7 approval of fuel system. Have to have delivery 8 of fuel for final approval." Do you see that? 9 A. Yes. 10 Q. Do you remember what the 11 discussions were about that? 12 A. I know the final inspection of 13 BEH's fuel system had not occurred. 14 Q. When you say the fuel system, you 15 mean the tanks and the configuration of the 16 tanks in the ground? 17 A. That's right. 18 Q. Okay. 19 A. It looks like at some point it was 20 indicated they needed a delivery of fuel for the 21 final approval, testing to occur. 22 Q. Did that ever happen? 23 A. The testing? 24 Q. Yes.</p>	<p style="text-align: right;">117</p> <p>1 for both. 2 Q. Do you know who the third party was 3 that looked at this financial information? 4 A. I don't remember the name of the 5 firm, but it was a firm out of Minnesota. 6 Q. And who paid for that? 7 A. BEH. 8 Q. Did FlightLevel have any 9 involvement for the request for the financials 10 to go to a third party or anything like that? 11 A. No. 12 Q. Was the third-party review 13 acceptable to the Commission? 14 A. It was. 15 Q. Let me show you what was marked as 16 Exhibit 89 at Mr. Odstrchel's deposition, which 17 appears to be Airport Commission meetings from 18 November 19, 2015. Do you see that? 19 A. I do. 20 Q. And it appears that you're listed 21 as attending the meeting? 22 A. Correct. 23 Q. If you go to the second page, it 24 talks about old business. It says, "FY 2014</p>

<p style="text-align: right;">118</p> <p>1 commercial permit, Boston Executive Helicopters 2 (BEH); provisional extension..." Do you see 3 that? 4 A. I do. 5 Q. Do you know why -- so it's fair to 6 say that throughout 2015 the Commission was 7 voting to grant BEH a provisional extension for 8 its FBO application? 9 MR. FEE: Objection. 10 Q. (By Mr. Hartzell) I'm sorry, for 11 its commercial permit? 12 A. Correct. 13 Q. And was the Commission still 14 waiting for additional information from BEH 15 during this time? 16 A. For the FBO application, yes. 17 Q. And what was that information they 18 were waiting for? 19 A. Fuel plan. 20 Q. We'll come to it in a few minutes, 21 but there were some other conditions that the 22 Commission had asked? 23 A. Insurance requirements. And I'm 24 not sure when the financials were finally</p>	<p style="text-align: right;">120</p> <p>1 did not extend the fiscal 2014 commercial permit 2 of BEH." So the last meeting would have been 3 October of 2015. Did you meet monthly? 4 A. Yes. 5 Q. Do you remember what the 6 circumstances were concerning that vote or 7 whatever the decision was not to extend the 8 permit in October? 9 A. I believe it was an oversight. We 10 didn't do it at the prior meeting. We had been 11 doing it monthly. 12 Q. And so this, under old business on 13 what was marked as Exhibit 89 at Marty's 14 deposition, just corrects that; is that right? 15 A. Marty? I'm sorry. 16 Q. This is Exhibit 89 from 17 Mr. Odstrchel's deposition? 18 A. Yes. 19 Q. So the vote referenced at the top 20 of Page 2 of that exhibit corrects that -- what 21 you said was an oversight to not extend the 22 permit, correct? 23 A. Correct. 24 Q. Okay. So that permit was extended</p>
<p style="text-align: right;">119</p> <p>1 settled. 2 MR. HARTZELL: Okay. Could we 3 go off the record for a second? 4 (A recess was taken) 5 MR. HARTZELL: Back on the 6 record. 7 Q. (By Mr. Hartzell) Sir, you have in 8 front of you what was marked as Exhibit 89 at 9 Mr. Odstrchel's deposition? 10 A. Yes. 11 Q. And those are Airport Commission 12 meeting minutes from November of 2015? 13 A. Correct. 14 Q. And you were present at that 15 meeting? 16 A. Yes. 17 Q. And on the second page, it 18 references, under old business, the fiscal year 19 2014 commercial permit from Boston Executive 20 Helicopters? 21 A. Yes. 22 Q. And set provisional extension? 23 A. Yes. 24 Q. And it says, "Last meeting, the NAC</p>	<p style="text-align: right;">121</p> <p>1 throughout 2016 also, is that right, BEH's 2 permit? 3 A. Was extended -- 4 Q. Throughout 2016 as well, correct? 5 A. Correct. 6 Q. Okay. Now, in 2016, BEH still 7 wanted to get an FBO permit to allow it to sell 8 fuel, correct? 9 A. Yes. 10 Q. And let me show you what was marked 11 as Exhibit 91 at Mr. Odstrchel's deposition. 12 Exhibit 91 from Mr. Odstrchel's deposition is 13 Airport Commission meeting minutes from June 15 14 2016. Do you see that? 15 A. Yes. 16 Q. And if you go to the third page of 17 this, the last paragraph -- I'm sorry, before 18 the last paragraph, it says, "On a motion" in 19 the middle of the page. Do you see this, "On a 20 motion by Mr. Sheehan seconded by 21 Mr. Shaughnessy the commission voted 3/0 to 22 approve the FY 2017 commercial application, a 23 renewal application, for Waltzing Matilda 24 Aviation, LLC." Do you see that?</p>



<p style="text-align: right;">122</p> <p>1 A. Yes.</p> <p>2 Q. And then underneath that, it says,</p> <p>3 "BEH Commercial Permit and FBO application:</p> <p>4 Mr. Ryan vacated the chair to Vice Chairman</p> <p>5 Sheehan and addressed the Commission on this</p> <p>6 matter. Robert Rules of Order do not allow</p> <p>7 Mr. Ryan to address the Commission from the</p> <p>8 chair." And then it says, underneath that, "The</p> <p>9 Commission discussed the Commercial Permit and</p> <p>10 FBO applications submitted by Boston Executive</p> <p>11 Helicopters, Inc. Mr. Ryan feels the Commission</p> <p>12 has acted honestly, fairly, impartial, and in</p> <p>13 the best interest of the Town of Norwood.</p> <p>14 Mr. Ryan rejects BEH's unfounded and untrue</p> <p>15 allegations. There are far too many good things</p> <p>16 that happen at Norwood Airport to be bogged down</p> <p>17 from one small entity. The Airport has gone</p> <p>18 from losing money to making money. There are a</p> <p>19 lot of projects in the future. Norwood Airport</p> <p>20 Commission is business friendly. Mr. Ryan</p> <p>21 personally met with BEH and they have indicated</p> <p>22 they want to resolve this." Did I read that</p> <p>23 correctly?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">124</p> <p>1 A. Yes.</p> <p>2 Q. And Number 4 says, "Applicant's</p> <p>3 counsel and NAC's counsel enter into</p> <p>4 negotiations for a lease of Lots A and B on the</p> <p>5 west apron totaling 23,572 square feet. Do you</p> <p>6 see that?</p> <p>7 A. Yes.</p> <p>8 Q. And we have talked about that</p> <p>9 previously today?</p> <p>10 A. Yes.</p> <p>11 Q. And it says "...and for the</p> <p>12 resolution of all legal matters." Do you see</p> <p>13 that?</p> <p>14 A. I do.</p> <p>15 Q. Now, did the Commission</p> <p>16 subsequently vote to rescind that last</p> <p>17 requirement or that last item on the list of</p> <p>18 resolution of all legal matters?</p> <p>19 A. We did.</p> <p>20 Q. And so looking back earlier in that</p> <p>21 paragraph, "The applicant provided the</p> <p>22 Commission with an irrevocable letter of credit</p> <p>23 in an amount and under terms unacceptable to the</p> <p>24 Commission." Was that done?</p>
<p style="text-align: right;">123</p> <p>1 Q. Now, earlier we talked about</p> <p>2 meetings that you had with BEH in the fall of</p> <p>3 2015, and these minutes are dated June of 2016.</p> <p>4 Does this refresh your recollection as to</p> <p>5 whether you had another meeting with BEH maybe</p> <p>6 in 2016?</p> <p>7 A. I don't recall that.</p> <p>8 Q. Okay. And the allegations that</p> <p>9 you're referencing, BEH's unfounded and untrue</p> <p>10 allegations, are those allegations referenced in</p> <p>11 connection with the lawsuit filed against the</p> <p>12 Airport Commission by BEH or do you remember one</p> <p>13 way or the other?</p> <p>14 A. It has to do with allegations that</p> <p>15 the airport has discriminated against BEH, has</p> <p>16 favored FlightLevel, and has stalled all efforts</p> <p>17 to BEH to operate on the airport.</p> <p>18 Q. Okay. And then later on this page</p> <p>19 it says, "On a motion by Mr. Ryan seconded by</p> <p>20 Mr. Shaughnessy, the Commission voted by roll</p> <p>21 call to approve BEH for an FBO license at</p> <p>22 Norwood Airport with the following conditions:"</p> <p>23 Then it lists a number of conditions. Do you</p> <p>24 see that?</p>	<p style="text-align: right;">125</p> <p>1 A. No.</p> <p>2 Q. "The applicant provide evidence of</p> <p>3 insurance as commensurate with the insurance</p> <p>4 carried by FlightLevel." Was that done?</p> <p>5 A. Eventually, yes.</p> <p>6 Q. "The applicant submit an updated</p> <p>7 fueling plan in the form of a scale drawing</p> <p>8 prepared by a professional engineer registered</p> <p>9 in the Commonwealth of Massachusetts with fire</p> <p>10 prevention setbacks acceptable to the Fire Chief</p> <p>11 and meeting FAA standards." Was that done?</p> <p>12 A. No.</p> <p>13 Q. To this day has that been done?</p> <p>14 A. No.</p> <p>15 Q. And I'm going to show you what was</p> <p>16 marked as Exhibit 92 at Mr. Odstrchel's</p> <p>17 deposition, which are -- Exhibit 92 at</p> <p>18 Mr. Odstrchel's deposition were Airport</p> <p>19 Commission meeting minutes dated October 11,</p> <p>20 2017. And it appears you were present, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And on the second page, under new</p> <p>23 business, after the second bullet -- the second</p> <p>24 bullet says, "Commercial permit, Boston</p>



<p style="text-align: right;">126</p> <p>1 Executive Helicopters, LLC." It says, "On a 2 motion by Mr. Sheehan and seconded by Mr. 3 Odstrchel, the Commission voted 4/0 to 4 provisionally extend until the next meeting 5 Airport Commission meeting FY2017 commercial 6 permit for the following business: Boston 7 Executive Helicopters, LLC. A letter will be 8 written to Boston Executive Helicopters as a 9 reminder that the NAC is waiting for a fueling 10 plan, and once it is received BEH will have 11 their FBO. Mr. LeBlanc abstained." Is that the 12 same fueling plan that we talked about earlier 13 today? 14 MR. FEE: Objection. 15 A. It is. 16 Q. And particularly in the last 17 minutes, the fueling plan that you have still 18 not received from -- that the Commission has not 19 received from BEH, correct? 20 MR. FEE: Objection. 21 A. Correct. 22 Q. Now, I'm going to jump back in time 23 a little bit. I'm going to show you what was 24 marked as Exhibit 93 from Mr. Odstrchel's</p>	<p style="text-align: right;">128</p> <p>1 design standard relative to Norwood Airport Gate 2 3, taxilane object-free area (TOFA), as it 3 applies to your company's operational plans." 4 Do you see that? 5 A. Yes. 6 Q. And is it your understanding that 7 that matter was resolved because BEH said it 8 would fuel to the east of its building and not 9 in the taxiway? 10 A. Correct. 11 Q. And then "As for the second 12 concern, at Wednesday's meeting, your company 13 delivered to the Airport Commission documents 14 that now more comprehensively address BEH's 15 fueling plans and procedures, especially with 16 respect to the TOFA and abutting properties 17 interest of others." Do you see that? 18 A. Yes. 19 Q. Are those documents the documents 20 that we looked at earlier in connection with -- 21 I will show you in just a second. Bear with 22 me -- in connection with what we looked at in 23 Exhibit 112, which was that chain of e-mails 24 with the form, the 7460 Form?</p>
<p style="text-align: right;">127</p> <p>1 deposition. And Exhibit 93 is a July 19, 2013, 2 letter from Russ Maguire to Boston Executive 3 Helicopters. Do you see that? 4 A. Yes. 5 Q. And so keep in mind when this is. 6 This is July of 2013, right? 7 A. Yes. 8 Q. And in July of 2013, BEH was still 9 only seeking a permit to conduct self, S-E-L-F, 10 fueling and not sell, S-E-L-L, fuel, correct? 11 MR. FEE: Objection. 12 A. Correct. 13 Q. And the second page -- this letter 14 shows that the Norwood Airport Commission 15 received this? 16 A. Yes. 17 Q. And do you remember this letter? 18 A. Yes. 19 Q. And it references, on the first 20 page, a couple of concerns by the NAC. And the 21 sort of second paragraph, it says, "Regarding 22 NAC's first concern, as indicated in Wednesday 23 meeting, the Board considers this matter 24 resolved." And that has to do with the "FAA's</p>	<p style="text-align: right;">129</p> <p>1 A. I'm sorry, which one am I looking 2 at? 3 Q. If you look at Exhibit 112. So 4 this -- and keep the July 19, 2013, letter in 5 front of you. 6 A. Yes. 7 Q. We're referencing -- it says, 8 "...documents not more comprehensively address 9 BEH's fueling plans and procedures, especially 10 with respect to the TOFA, and the abutting 11 property interest of others." Do you see that? 12 A. Yes. 13 Q. And then the e-mail chain with this 14 form, 7460, is dated -- one of the e-mails that 15 references that form is dated July 8, 2013, if 16 you look at Page 10597 of Exhibit 112? 17 A. Yes. 18 Q. Do you believe that the plans that 19 are referenced -- or the documents that are 20 referenced in Mr. Odstrchel's Exhibit 93 are 21 referring to the documents in Exhibit 112 on 22 Pages 10599 through 10602? 23 MR. FEE: Objection. 24 A. Yes.</p>

<p style="text-align: right;">130</p> <p>1 Q. Okay. And then if you look at the 2 second page of Mr. Odstrchel's Exhibit 93, the 3 last -- right before the last paragraph, it 4 says, "Per Wednesday's meeting, BEH has 5 furthermore agreed to a fueling restriction east 6 of its leasehold since this involves abutting 7 leaseholds; and this restriction will remain in 8 place until such time that BEH can demonstrate 9 to the Airport Commission that the property 10 rights of others will not be violated." Do you 11 see that? 12 A. Yes. 13 Q. To this day, has BEH demonstrated 14 that its proposed fueling plan operating an FBO 15 out of Norwood Airport will not violate the 16 property rights of others? 17 MR. FEE: Objection. 18 A. No, they have not. 19 Q. I'm going to show you -- we're 20 going back in time a little more. There's one 21 other thing on this. I'm going to show you -- 22 MR. HARTZELL: I guess this 23 will be Exhibit 113. 24 (Exhibit 113, Letter dated December 14,</p>	<p style="text-align: right;">132</p> <p>1 Boston Executive Helicopters' hangar and fuel 2 dispensing system. Do you see that? 3 A. Yes. 4 Q. And there's conditions. If you 5 look at Paragraph 1, it talks about complying 6 with eight criteria, which are attached to this 7 letter. And then number 2 says, "Comply with 8 all taxilane object-free area restrictions that 9 apply to the siting of BEH's fueling equipment, 10 per the airport design standards, and clarifying 11 guidance with the FAA." Do you see that? 12 A. I do. 13 Q. Do you remember this letter? 14 A. I do. 15 Q. That's all that I have on that. By 16 the way, what's being discussed in this letter, 17 that has to do with the point in time when BEH 18 was only interested in installing fuel tanks to 19 be able to self, S-E-L-F, fuel; is that right? 20 MR. FEE: Objection. 21 A. Correct. 22 Q. Now, throughout your time on the 23 Commission, Mr. Ryan, there were -- from time to 24 time you received e-mails from Mr. Donovan; is</p>
<p style="text-align: right;">131</p> <p>1 2012, marked for identification) 2 Q. (By Mr. Hartzell) Mr. Ryan, I'm 3 going to show you what has been marked as 4 Exhibit 113, which is a document with BEH 5 numbers BEH 0010603 through BEH0010610 -- wait. 6 Something does not look right here. I think 7 there is a stray copy thing. 8 MR. FEE: There is a couple 9 stray copies. 10 MR. HARTZELL: Bear with me a 11 minute. I think it's only supposed to be 12 up to Page 10606. So with the agreement 13 of everybody, we're just going to pull 14 those pages that are after 106 off of this 15 because those are not part of this. I 16 don't know how that happened. 17 MR. FEE: I agree. That's 18 fine. 19 MR. HARTZELL: All right. 20 Q. (By Mr. Hartzell) So we're looking 21 at what was marked as Exhibit 113. And this is 22 a letter from Mr. Maguire dated December 14, 23 2012, to the Board of Selectmen and it has to do 24 with the conditional approval of design for</p>	<p style="text-align: right;">133</p> <p>1 that correct? 2 A. Yes. 3 Q. And I want to show you an e-mail. 4 MR. HARTZELL: Can I have this 5 marked as the next exhibit? 6 (Exhibit 114, E-mail, marked for 7 identification) 8 Q. (By Mr. Hartzell) I show you a 9 document that has been marked as Exhibit 114 and 10 it's BEH's numbers 0011052 through BEH0011058. 11 And these appear to be e-mails between you and 12 Mr. Donovan; is that correct? 13 A. Correct. 14 Q. Did Mr. Donovan copy the rest of 15 the Airport Commission members on this? 16 MR. FEE: Objection. Are you 17 referring to a particular e-mail? 18 Q. (By Mr. Hartzell) Let me ask you a 19 different question, Mr. Ryan. 20 In connection with this e-mail at 21 the bottom of the first page dated February 22, 22 2013, it appears to list a number of, quote, 23 concerns that Mr. Donovan was bringing to your 24 attention. Do you see that?</p>

<p style="text-align: right;">134</p> <p>1 A. Yes.</p> <p>2 Q. And you responded to him on</p> <p>3 February 22, 2013, "Chris, sounds like you need</p> <p>4 to get your legal team to approach our legal</p> <p>5 team. Please direct further questions to the</p> <p>6 airport manager so he can direct them to our</p> <p>7 legal counsel." Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Do you remember having any</p> <p>10 conversations over the telephone or otherwise</p> <p>11 with Mr. Donovan after this e-mail that he sent</p> <p>12 you on February 22, 2013, about the subject</p> <p>13 matter of what's contained in Exhibit 114?</p> <p>14 A. I don't recall.</p> <p>15 Q. But in any event, you directed him</p> <p>16 to contact the lawyers; is that right?</p> <p>17 A. Correct.</p> <p>18 Q. Do you know if he -- if that was</p> <p>19 done?</p> <p>20 A. I don't know.</p> <p>21 Q. And he sent you other e-mails from</p> <p>22 time to time, correct?</p> <p>23 A. Correct.</p> <p>24 Q. I don't think I asked you about</p>	<p style="text-align: right;">136</p> <p>1 Q. Did BEH ever complain to you that</p> <p>2 those should have gone to a request for</p> <p>3 proposal?</p> <p>4 A. No.</p> <p>5 Q. There was a -- I think we touched</p> <p>6 on this earlier, but there was a Part 13</p> <p>7 Complaint from Mr. Hues?</p> <p>8 A. Correct.</p> <p>9 Q. And I think we talked about a</p> <p>10 response letter, or there was some sort of</p> <p>11 response that you provided to the FAA?</p> <p>12 MR. HARTZELL: Let's have this</p> <p>13 marked as Exhibit 115.</p> <p>14 (Exhibit 115, Letter dated March 6, 2015,</p> <p>15 marked for identification)</p> <p>16 Q. (By Mr. Hartzell) Mr. Ryan, I have</p> <p>17 shown you what has just been marked as Exhibit</p> <p>18 115, which is a copy of a letter dated March 6,</p> <p>19 2015, from Norwood Airport Commission to the</p> <p>20 FAA. And I believe it's with Bates numbers</p> <p>21 BEH0005278 through BEH005285. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And is that a copy of your</p> <p>24 signature on the last page?</p>
<p style="text-align: right;">135</p> <p>1 this before. A couple things: When we were</p> <p>2 talking about the leases, the lease offers that</p> <p>3 were made to BEH --</p> <p>4 A. Yes.</p> <p>5 Q. -- were there requests for</p> <p>6 proposals sent out for those? You mentioned</p> <p>7 there was a lease offer for the D.C. 3 ramp that</p> <p>8 had proposals -- that the Norwood Airport</p> <p>9 Commission sent out as part of a request for</p> <p>10 proposal; is that correct?</p> <p>11 MR. FEE: Objection.</p> <p>12 A. Correct.</p> <p>13 Q. And the other leases that were</p> <p>14 offered to the BEH, 6,800 square feet, the</p> <p>15 11,000-something square feet, the 23,000 square</p> <p>16 feet, were those subject to request for</p> <p>17 proposals?</p> <p>18 MR. FEE: Objection.</p> <p>19 A. Were there RFPs off of that?</p> <p>20 Q. Yes.</p> <p>21 A. No.</p> <p>22 Q. Do you know why that was done?</p> <p>23 A. Because we were trying to help BEH</p> <p>24 out on getting some space for them to operate.</p>	<p style="text-align: right;">137</p> <p>1 A. Yes.</p> <p>2 Q. What is the status of -- I'm sorry,</p> <p>3 does this letter concern the response to the</p> <p>4 Part 13 Complaint brought by Mr. Hues?</p> <p>5 MR. FEE: Objection.</p> <p>6 A. It does.</p> <p>7 Q. Do you know what the status is of</p> <p>8 the Part 13 Complaint?</p> <p>9 A. I do not.</p> <p>10 Q. Do you know if you heard anything</p> <p>11 further from the FAA since this letter that has</p> <p>12 been marked as Exhibit 115 was sent?</p> <p>13 A. I don't believe so.</p> <p>14 Q. And just so the record is clear,</p> <p>15 this letter was sent to the FAA, right? When I</p> <p>16 say this letter, Exhibit 115.</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Thank you. Let me show you</p> <p>19 another letter that we'll mark as Exhibit 116.</p> <p>20 MR. HARTZELL: Can you mark</p> <p>21 this Exhibit 116?</p> <p>22 (Exhibit 116, Letter dated July 8, 2015,</p> <p>23 marked for identification)</p> <p>24 Q. (By Mr. Hartzell) Mr. Ryan, I'm</p>

<p style="text-align: right;">138</p> <p>1 showing you Exhibit 116, which is copy of a 2 letter from Norwood Airport Commission to Boston 3 Executive Helicopters dated July 8, 2015. Do 4 you see that? 5 A. I do. 6 Q. And on the second page -- I'm 7 sorry, Exhibit 116 consists of documents with 8 Bates numbers BEH0008481 through BEH0008506. 9 And do you remember sending this letter to 10 Boston Executive Helicopters? 11 A. I do. 12 Q. And what is the subject matter of 13 this letter, please? 14 A. Russ Maguire is noting his concerns 15 on damage caused to the Gate 3 taxiway. 16 Q. And that is the Gate 3 taxiway that 17 is adjacent to the building that BEH was 18 constructing on the former Swift Aviation lot? 19 A. Yes. 20 Q. Do you remember this incident? 21 A. Yes. 22 Q. Was the cracking repaired or the 23 damage repaired to the west apron -- I'm sorry, 24 to the taxiway?</p>	<p style="text-align: right;">140</p> <p>1 Q. And I want to show you what we'll 2 mark as Exhibit 117. 3 MR. HARTZELL: Can we mark 4 this as the next exhibit? 5 (Exhibit 117, Letter dated November 1, 6 2016, marked for identification) 7 Q. (By Mr. Hartzell) I'm showing you 8 what has been marked as Exhibit 117, which is a 9 copy of the letter dated November 1, 2016. And 10 it appears to be from Mr. Maguire, manager at 11 the airport, to Mr. Donovan as president of 12 Boston Executive Helicopters. Do you see that? 13 A. Yes. 14 Q. Have you seen this letter before? 15 A. Yes. 16 Q. And I will represent to you 17 apparently the letter had a number of exhibits. 18 I think it did, but we don't seem to have them 19 here. Maybe it didn't. Bear with me one 20 second. Yes, there were some exhibits. 21 But in any event, if you look at 22 number -- and this was copied to the Airport 23 Commission? 24 A. Right.</p>
<p style="text-align: right;">139</p> <p>1 A. This letter looks like it's talking 2 about the pavement markings. 3 Q. I'm sorry, you're right. It is 4 talking about the pavement markings, so I 5 misspoke. Forgive me. 6 Were the pavement markings put 7 back? 8 A. Eventually. 9 Q. Did the Norwood Airport Commission 10 have to send another letter to Boston Executive 11 Helicopters about the markings? Do you remember 12 if they did or not? 13 A. Well, this letter talks about them 14 not being restored yet. I'm not sure if there 15 was a follow-up after that required. 16 Q. Okay. But they were restored at 17 some point in time; is that right? 18 A. Yes. 19 Q. Now, Boston Executive Helicopters 20 has made -- excuse me, the Norwood Airport 21 Commission has made further requests to Boston 22 Executive Helicopters for a fueling plan, 23 correct? 24 A. Yes.</p>	<p style="text-align: right;">141</p> <p>1 Q. And if you look at -- there are a 2 number of conditions about the commercial permit 3 for Boston Executive Helicopters, the FBO 4 commercial permit. Do you see that? 5 A. Yes, I do. 6 Q. And it says, "1, BEH must provide 7 the Commission with an irrevocable line of 8 credit in an amount and terms acceptable to the 9 Commission." I'm reading off the first 10 condition. Do you see that? 11 A. Yes. 12 Q. Was that ever provided? 13 A. No. 14 Q. And the second, "BEH must provide 15 evidence of insurance, to include spill 16 coverage, commensurate with the coverage 17 provided by FlightLevel." I think you testified 18 earlier that was eventually provided? 19 A. Correct. 20 Q. And three, "BEH must submit an 21 updated fueling plan in the form of a scale 22 drawing prepared by a professional engineer 23 registered with the Commonwealth of 24 Massachusetts with fire protection setbacks</p>



<p style="text-align: right;">142</p> <p>1 acceptable to the fire chief and meeting FAA 2 standards." Do you see that? 3 A. Yes. 4 Q. And was that ever done? 5 A. No. 6 Q. I don't think I showed you this 7 earlier. 8 MR. HARTZELL: But let's mark 9 this as Exhibit 118. 10 (Exhibit 118, Memo dated July 12, 2013, 11 marked for identification) 12 Q. (By Mr. Hartzell) I'm showing you 13 what has been marked as Exhibit 118, which is a 14 two-page document with Bates numbers at the 15 bottom, 2852 through 2853. And it appears to be 16 a memo from Russ Maguire to Chris Donovan at 17 BEH. It's dated July 12, 2013, and it's copied 18 to the Airport Commission. Do you see that? 19 A. I do. 20 Q. Do you have any memory of receiving 21 or reading this document? 22 A. Yes, I do. 23 Q. And it references, on the first 24 page, two issues that the NAC considers to be</p>	<p style="text-align: right;">144</p> <p>1 Q. By the way, who approves the 2 commercial permit applications out at the 3 airport? Is that something the NAC does? 4 A. Yes. 5 Q. Do they do that in conjunction with 6 Mr. Maguire? 7 MR. SIMMS: Objection. Go 8 ahead. 9 A. We vote on it and we look for a 10 recommendation from Mr. Maguire if everything is 11 in order. 12 Q. Okay. Bear with me a minute. From 13 time to time, Mr. Ryan, did you or members of 14 the Airport Commission receive any letters from 15 FlightLevel concerning BEH's proposal or BEH's 16 request to act as an FBO out at the airport and 17 sell aviation fuel? 18 MR. FEE: Can you read back 19 the question? 20 (Question read by reporter) 21 A. No. 22 Q. I have a few letters that I want to 23 show you, so I'm going to show you what was 24 marked as Exhibit 95 at Mr. Odstrchel's</p>
<p style="text-align: right;">143</p> <p>1 unresolved. And that's the Gate 3 taxilane 2 object-free area and the BEH fueling plan. Do 3 you see that? 4 A. Yes. 5 Q. And I think we covered this before. 6 But the gate free -- object-free area was 7 resolved when BEH said it would fuel on the east 8 side of the building, correct? 9 A. Correct. 10 Q. It also references -- the second 11 concern is the BEH fueling plan. Do you see 12 that? 13 A. Yes. 14 Q. And if you go to the second page at 15 the top -- by the way, this was before the 16 building was constructed and the fuel farm was 17 constructed, correct? 18 A. Correct. 19 Q. If you go to the top of the second 20 page, it says, "On the second concern noted in 21 my June 24th e-mail/letter - a BEH fueling plan 22 - I have not yet received this." Do you see 23 that? 24 A. Yes.</p>	<p style="text-align: right;">145</p> <p>1 deposition, which is a two-page -- 2 MR. FEE: It's ninety-six. 3 January 14 or -- 4 MR. HARTZELL: January 14, 5 2012. Do you have that? Exhibit 95. 6 MR. FEE: Yes, I'm with you. 7 Q. (By Mr. Hartzell) This letter 8 appears to be a copy of a letter from 9 Mr. Eichleay at FlightLevel to you, Mr. Ryan, as 10 chairman of the Norwood Airport Commission? 11 A. Yes. 12 Q. Does that refresh your recollection 13 at all as to whether FlightLevel wrote at least 14 one letter to the Airport Commission concerning 15 Boston Executive Helicopters' application to be 16 an FBO at the airport and sell fuel? 17 A. It does. 18 Q. Okay. And what action, if any, did 19 the Norwood Airport Commission take after it 20 received this January 14, 2012, letter from 21 Mr. Eichleay? 22 A. No action. 23 Q. Did any of the letters that 24 FlightLevel sent to the Norwood Airport</p>



<p style="text-align: right;">146</p> <p>1 Commission influence any decisions that the</p> <p>2 Norwood Airport Commission made concerning BEH's</p> <p>3 application to become an FBO at Norwood Airport?</p> <p>4 MR. FEE: Objection.</p> <p>5 A. No.</p> <p>6 Q. Exhibit 95 that I just showed you</p> <p>7 references a request by Mr. Eichleay to have a</p> <p>8 third-party consultant be retained by the NAC</p> <p>9 and study the issue of two FBOs at Norwood</p> <p>10 Airport and advise as whether one or more FBOs</p> <p>11 could viably coexist at the airport. Do you see</p> <p>12 that?</p> <p>13 A. I do.</p> <p>14 Q. And BEH said it would fund the cost</p> <p>15 of such a study. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Did the Norwood Airport Commission</p> <p>18 ever take FlightLevel up on that offer?</p> <p>19 A. No.</p> <p>20 Q. Do you know why it did not?</p> <p>21 A. My position was two FBOs are there</p> <p>22 and they are going to have to figure out who can</p> <p>23 survive or they can coexist, but we weren't</p> <p>24 going to make decisions to prohibit someone from</p>	<p style="text-align: right;">148</p> <p>1 complaining about BEH's snowplow driver plowing</p> <p>2 snow in front of their access point to the fuel</p> <p>3 farm, FlightLevel's fuel farm, and blocking</p> <p>4 access. And I believe it was like four or five</p> <p>5 days they could not have access to it because</p> <p>6 snow was piled up as a result of the plow</p> <p>7 operator working for BEH.</p> <p>8 Q. Did you see that, the snow,</p> <p>9 yourself?</p> <p>10 A. I did.</p> <p>11 Q. How would you describe it?</p> <p>12 A. A lot of snow.</p> <p>13 Q. Was it blocking the access to the</p> <p>14 fuel farm?</p> <p>15 A. It was.</p> <p>16 Q. Now, where FlightLevel's fuel farm</p> <p>17 is, there's the edge of the fuel farm and then</p> <p>18 there's some paved space and then there are some</p> <p>19 woods at the end, right?</p> <p>20 A. Yes.</p> <p>21 Q. Was any of the snow plowed over</p> <p>22 that way?</p> <p>23 MR. FEE: Objection.</p> <p>24 Q. (By Mr. Hartzell) Past the edge of</p>
<p style="text-align: right;">147</p> <p>1 becoming an FBO?</p> <p>2 Q. I probably made a mistake when I</p> <p>3 asked that last question. It should be</p> <p>4 FlightLevel who agreed upon such a study. I</p> <p>5 think I said BEH, which I did not mean to say.</p> <p>6 A. Right.</p> <p>7 Q. But in any event, the Commission</p> <p>8 determined not to do anything about that?</p> <p>9 A. Correct.</p> <p>10 Q. Because if there were two FBOs at</p> <p>11 the airport, it was up to them to figure out how</p> <p>12 to deal with one another, correct?</p> <p>13 MR. FEE: Objection.</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. Do you remember an incident</p> <p>16 that was brought to the Airport Commission's</p> <p>17 attention in the winter of 2015 concerning some</p> <p>18 snow obstructing the access to FlightLevel's</p> <p>19 fuel farm at the airport?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me what you remember about</p> <p>22 that.</p> <p>23 A. That winter there was a lot of snow</p> <p>24 and FlightLevel came to the Commission</p>	<p style="text-align: right;">149</p> <p>1 the fuel farm and into the wooded area?</p> <p>2 MR. FEE: Objection.</p> <p>3 A. I recall there was a lot of snow.</p> <p>4 I'm sure it was pushed everywhere.</p> <p>5 MR. FEE: Objection. Move to</p> <p>6 strike.</p> <p>7 Q. (By Mr. Hartzell) Did it appear to</p> <p>8 you that someone had deliberately tried to</p> <p>9 obstruct the access to the fuel farm when you</p> <p>10 observed this pile of snow?</p> <p>11 A. It did.</p> <p>12 Q. Did you ever learn who plowed the</p> <p>13 snow to do that?</p> <p>14 A. We did.</p> <p>15 Q. And how did you learn who plowed</p> <p>16 the snow to do that?</p> <p>17 A. It was brought up in the Airport</p> <p>18 Commission meeting, FlightLevel's concerns along</p> <p>19 with pictures, and it was admitted by Chris</p> <p>20 Donovan that it was their plow doing it.</p> <p>21 Q. Do you remember exactly what he</p> <p>22 said?</p> <p>23 A. No, I do not.</p> <p>24 Q. Do you remember if he ever said why</p>

<p style="text-align: right;">150</p> <p>1 he did that?</p> <p>2 A. No.</p> <p>3 Q. Do you ever remember Mr. Donovan</p> <p>4 saying words to the effect, "I did it on the</p> <p>5 advice of counsel" or anything like that? Let</p> <p>6 me rephrase that.</p> <p>7 You had an Airport Commission</p> <p>8 meeting or hearing about this snow business,</p> <p>9 correct?</p> <p>10 A. It was a regular scheduled meeting.</p> <p>11 Q. And you were at that meeting,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And Mr. Donovan was at that</p> <p>15 meeting?</p> <p>16 A. Yes.</p> <p>17 Q. And do you remember Mr. Donovan at</p> <p>18 that meeting saying words to the effect of "The</p> <p>19 snow was plowed by BEH on the advice of counsel"</p> <p>20 or words to that effect?</p> <p>21 MR. FEE: Objection.</p> <p>22 A. I don't remember hearing that at</p> <p>23 all.</p> <p>24 Q. Okay. Anything else you remember</p>	<p style="text-align: right;">152</p> <p>1 trying to understand better what kind of truck</p> <p>2 it was. Was it a pickup truck with a plow</p> <p>3 that's attached on the front?</p> <p>4 A. It was a pickup truck.</p> <p>5 Q. Anything else you recall about what</p> <p>6 we'll call the snowplow incident from the winter</p> <p>7 of 2015?</p> <p>8 A. Well, FlightLevel was looking for</p> <p>9 us to take action. And one of the Commissioners</p> <p>10 basically looked at the two and said, basically,</p> <p>11 we have to start acting like adults down here</p> <p>12 and start to figure this out and stop this</p> <p>13 nonsense.</p> <p>14 Q. And that was just in connection</p> <p>15 with the snowplowing, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember which commissioner</p> <p>18 said that?</p> <p>19 A. I can't be sure, no.</p> <p>20 Q. Anything else you remember about</p> <p>21 that?</p> <p>22 A. No.</p> <p>23 Q. I'm going to show you -- it's not a</p> <p>24 great picture, but this was marked at Kevin</p>
<p style="text-align: right;">151</p> <p>1 about what Mr. Donovan said about the</p> <p>2 snowplowing?</p> <p>3 A. No.</p> <p>4 Q. Do you know if anybody else -- do</p> <p>5 you know if the identities of the driver of the</p> <p>6 snowplow that plowed the snow around</p> <p>7 FlightLevel's fuel farm was ever identified?</p> <p>8 MR. FEE: Objection.</p> <p>9 A. No, but it was the truck of Oulton</p> <p>10 Hues.</p> <p>11 Q. And you saw that in the pictures?</p> <p>12 A. Correct.</p> <p>13 Q. How did you know it was the truck</p> <p>14 of Oulton Hues?</p> <p>15 A. Because we have seen his truck down</p> <p>16 there and the truck in the picture was the same</p> <p>17 one.</p> <p>18 Q. Do you remember what make and model</p> <p>19 of the truck it was?</p> <p>20 A. I can't be sure.</p> <p>21 Q. Okay. But it had a plow on the</p> <p>22 front of it?</p> <p>23 A. Correct.</p> <p>24 Q. It was a detachable plow? I'm</p>	<p style="text-align: right;">153</p> <p>1 Shaughnessy's deposition, Exhibit 107. And I</p> <p>2 will represent to you that is a copy of a</p> <p>3 photograph. Do you recognize anything in this</p> <p>4 photograph?</p> <p>5 A. I mean, I can't be sure if it's the</p> <p>6 tank farm or not.</p> <p>7 Q. Does it look like something out of</p> <p>8 Norwood Airport?</p> <p>9 MR. FEE: Objection.</p> <p>10 A. I think I need a better picture to</p> <p>11 really answer that.</p> <p>12 Q. Fair enough. Now, is there</p> <p>13 anything else you can remember about the meeting</p> <p>14 where the snowplow issue was discussed?</p> <p>15 A. No.</p> <p>16 Q. Mr. Ryan, do you remember a</p> <p>17 subsequent incident involving some barriers that</p> <p>18 were installed by FlightLevel out at the</p> <p>19 airport?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me what you remember about</p> <p>22 that.</p> <p>23 A. Shortly after this plow incident, I</p> <p>24 got a call from Russ Maguire, the airport</p>

<p style="text-align: right;">154</p> <p>1 manager, that -- just letting me know that  2 FlightLevel was installing barriers separating  3 their property from BEH's property and that he  4 instructed to FlightLevel make sure there is a  5 police detail there to keep the peace.  6 Q. So this was at or around the time  7 the barriers were being installed?  8 A. Yes.  9 Q. And what did you do in response to  10 that -- if anything, in response to that  11 telephone call from Mr. Maguire?  12 A. That's an issue to be resolved  13 between those two. It's a land dispute and --  14 MR. SIMMS: When you say  15 "those two," so the record is clear, could  16 you identify who you're talking about?  17 THE WITNESS: Yes. It's a  18 dispute between FlightLevel and BEH. And  19 it has to be resolved between them and not  20 have the Airport Commission get involved  21 in their dispute.  22 Q. (By Mr. Hartzell) So the  23 airport -- so you were chairman of the Airport  24 Commission at this time. So this would have</p>	<p style="text-align: right;">156</p> <p>1 plastic barriers that were filled with a  2 combination of water and glycol and they were  3 emptied on to the airport. And he was  4 instructing FlightLevel to get the proper  5 clean-up crew there to get rid of the liquid  6 that was dumped.  7 Q. Did Mr. Maguire say anything about  8 who caused the liquid to be dumped?  9 A. I'm not sure if that initial call  10 indicated that it was BEH.  11 Q. What did do you after you received  12 this call from Mr. Maguire?  13 A. Well, we were preparing for a  14 blizzard, so I didn't do much but to deal with  15 the blizzard. But after the fact, we found  16 police reports. Russ obtained them, police  17 reports of the incident. And I'm not sure if  18 there were photographs delivered at that time,  19 but police reports indicated the people that  20 emptied the barriers were from BEH.  21 Q. Do you know if any sort of criminal  22 charges were brought against BEH as a result of  23 this incident?  24 A. It did go to court.</p>
<p style="text-align: right;">155</p> <p>1 been in the winter of 2015, February 2015?  2 A. Yes.  3 Q. And as the Commissioner, it was  4 your view that even though you were told by  5 Mr. Maguire, as the barriers were being  6 installed, that they were being installed, but  7 that the Commission was not going to get  8 involved in an issue between FlightLevel and  9 Boston Executive Helicopters, correct?  10 A. Correct.  11 Q. So the Commission did not approve  12 or disapprove the erection of the barriers,  13 correct?  14 A. Correct.  15 Q. Did something happen in connection  16 with the barriers after they were installed?  17 A. It did.  18 Q. What is your memory as to what  19 happened?  20 A. I got a call from Russ Maguire, the  21 airport manager, that he responded to a spill of  22 glycol, a combination of glycol and water on the  23 airport property, that the barriers were emptied  24 somehow. The barriers were filled. They were</p>	<p style="text-align: right;">157</p> <p>1 Q. There were criminal charges  2 brought. That's your understanding?  3 A. Yes.  4 Q. And what's your understanding of  5 how those criminal charges were resolved?  6 A. They were dismissed.  7 Q. Okay. And do you know what the  8 conditions were for the dismissal of the  9 charges?  10 A. My understanding, keep your nose  11 clean for a couple months and it will be  12 completely dropped.  13 Q. Did you ever hear the words  14 "continued without a finding"?  15 A. I don't recall that.  16 Q. There wasn't any trial about the  17 criminal charges, correct?  18 A. There was no trial.  19 Q. Your understanding was Boston  20 Executive Helicopters was told to not engage in  21 any more activity similar to what they were  22 doing, and then eventually the charges would be  23 dismissed; is that correct?  24 MR. FEE: Objection.</p>

<p style="text-align: right;">158</p> <p>1 A. Correct.</p> <p>2 Q. Did you have to go to court for</p> <p>3 anything on that?</p> <p>4 A. No.</p> <p>5 Q. Did anybody from the Commission</p> <p>6 have to go to court for that?</p> <p>7 A. No.</p> <p>8 Q. Let me show you what was marked as</p> <p>9 Exhibit 98 at Mr. Odstrchel's deposition --</p> <p>10 before I do that, did the Norwood Airport</p> <p>11 Commission have a hearing about what I will call</p> <p>12 the barrier-dumping incident at some point?</p> <p>13 A. We did.</p> <p>14 Q. That was some months after the</p> <p>15 criminal charges were brought?</p> <p>16 A. That is correct.</p> <p>17 Q. Why was there a delay, if you will,</p> <p>18 between the time the barrier incident happened</p> <p>19 and the time Norwood Airport Commission had a</p> <p>20 hearing on it?</p> <p>21 A. The Commission wanted the criminal</p> <p>22 complaint or charges to go on, and we didn't</p> <p>23 want to convolute the whole situation.</p> <p>24 Q. So were you present at the Norwood</p>	<p style="text-align: right;">160</p> <p>1 this hearing?</p> <p>2 MR. FEE: Objection.</p> <p>3 A. It was. I'm not sure of the exact</p> <p>4 wording, but Mr. McCulloch said he is not going</p> <p>5 to be here.</p> <p>6 Q. What was your reaction when you</p> <p>7 heard that?</p> <p>8 A. Disappointed.</p> <p>9 Q. What was the outcome of the</p> <p>10 hearing?</p> <p>11 A. Basically taken under advisement,</p> <p>12 took no action.</p> <p>13 Q. Is that because it involved a</p> <p>14 dispute between Boston Executive Helicopters and</p> <p>15 FlightLevel that you -- that the Commission</p> <p>16 didn't want to take a position one way or the</p> <p>17 other, is that right?</p> <p>18 MR. FEE: Objection.</p> <p>19 A. No. I think there was enough</p> <p>20 negative publicity down there that we didn't</p> <p>21 want to further any more discontent between the</p> <p>22 Commission and BEH.</p> <p>23 Q. But with regards to this incident,</p> <p>24 the Norwood Airport Commission still voted to</p>
<p style="text-align: right;">159</p> <p>1 Airport Commission hearing about what we'll call</p> <p>2 the barrier-dumping incident?</p> <p>3 A. Yes.</p> <p>4 Q. And tell me what you remember</p> <p>5 occurred at that hearing.</p> <p>6 A. So we had a hearing and FlightLevel</p> <p>7 made a presentation and showed video.</p> <p>8 Q. Who from FlightLevel was there, if</p> <p>9 you know?</p> <p>10 A. I know Peter Eichleay was there.</p> <p>11 I'm not sure if Nick Burlingham was there.</p> <p>12 Q. We have not talked about him on the</p> <p>13 record yet today. Who is Mr. Burlingham?</p> <p>14 A. Counsel for FlightLevel.</p> <p>15 Q. And do you remember who else was</p> <p>16 there?</p> <p>17 A. Tim McCulloch was representing BEH</p> <p>18 at the time. He was there.</p> <p>19 Q. Did anybody from BEH attend?</p> <p>20 A. No.</p> <p>21 Q. Mr. Donovan was not there?</p> <p>22 A. No.</p> <p>23 Q. Was it explained to you from</p> <p>24 Mr. McCulloch as to why nobody from BEH was at</p>	<p style="text-align: right;">161</p> <p>1 approve an FBO permit for BEH with certain</p> <p>2 conditions, right?</p> <p>3 A. Yes.</p> <p>4 Q. And to this day, the one remaining</p> <p>5 condition is the submission of a scaled fueling</p> <p>6 plan, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And they still haven't done that?</p> <p>9 A. They have not done that.</p> <p>10 Q. Have you ever received any</p> <p>11 explanation as to why BEH has not submitted this</p> <p>12 fueling plan that the Norwood Airport Commission</p> <p>13 has requested of it?</p> <p>14 A. No.</p> <p>15 Q. Let me show you what was marked as</p> <p>16 Exhibit 98 at Mr. Odstrchel's deposition.</p> <p>17 Exhibit 98 does not have Bates</p> <p>18 numbers on it, but it appears to be a memorandum</p> <p>19 to the Norwood Airport Commission from Russ</p> <p>20 Maguire, a manager's report. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. What is a manager's report?</p> <p>23 A. So each commission meeting, the</p> <p>24 manager updates the Commission on what has gone</p>

<p style="text-align: right;">162</p> <p>1 on in the last month at the airport.</p> <p>2 Q. Do you get one of these reports</p> <p>3 about once a month?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. By the way, just going back</p> <p>6 to the meeting that you had about the</p> <p>7 barrier-dumping incident, was the Commission</p> <p>8 shown a videotape by FlightLevel?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember anything about that</p> <p>11 videotape? Do you remember what it showed?</p> <p>12 A. I do.</p> <p>13 Q. Please tell us what you remember.</p> <p>14 A. It showed two individuals going in</p> <p>15 and out of the BEH hangar. They would go over</p> <p>16 to the barriers looking like they were</p> <p>17 unscrewing something, knocking over a couple</p> <p>18 barriers, going back inside the building, coming</p> <p>19 back out, lifting those barriers up, and</p> <p>20 knocking down a couple more.</p> <p>21 Q. In the winter of 2015, did you ever</p> <p>22 see any of the time card records for personnel</p> <p>23 coming in and out of the airport in February of</p> <p>24 2015?</p>	<p style="text-align: right;">164</p> <p>1 16 Complaint, what you understand it to be.</p> <p>2 A. A Complaint by BEH to the FAA of a</p> <p>3 whole list of claims by BEH that -- against the</p> <p>4 Norwood Airport Commission and how we have acted</p> <p>5 on many things down at the airport.</p> <p>6 Q. Does that remain unresolved with</p> <p>7 the FAA to this day?</p> <p>8 A. It is.</p> <p>9 Q. And did BEH also file another</p> <p>10 lawsuit seeking public records against the Town?</p> <p>11 A. There was a public records request</p> <p>12 lawsuit, yes.</p> <p>13 Q. So there was a public records</p> <p>14 request lawsuit. There's a Part 16 Complaint.</p> <p>15 There's a Part 13 Complaint. There's the</p> <p>16 current complaint pending against you and others</p> <p>17 in federal court, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And despite all of that, the</p> <p>20 Norwood Airport Commission has still voted to</p> <p>21 grant an FBO permit to BEH subject to the</p> <p>22 condition of providing this fueling plan we have</p> <p>23 been discussing throughout today, correct?</p> <p>24 MR. FEE: Objection.</p>
<p style="text-align: right;">163</p> <p>1 A. Yes.</p> <p>2 Q. And who had access to BEH's hangar</p> <p>3 based on your review of those records?</p> <p>4 MR. FEE: Objection.</p> <p>5 A. At that time, according to the</p> <p>6 records, two BEH people to enter the airport on</p> <p>7 that day were Chris Donovan and Rob Silva.</p> <p>8 Q. So you are still named as a</p> <p>9 Defendant in the lawsuit that BEH brought</p> <p>10 against the Norwood Airport Commission, correct?</p> <p>11 A. Correct.</p> <p>12 Q. You're named in your individual</p> <p>13 capacity, as are several other members of the</p> <p>14 Norwood Airport Commission; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. And there was also -- there is also</p> <p>17 sort of the Oulton Hues Part 13 Complaint</p> <p>18 pending, correct?</p> <p>19 A. I believe it's still pending.</p> <p>20 Q. And we have not talked about it,</p> <p>21 but there is also a Part 16 Complaint pending,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Tell me a little bit about the Part</p>	<p style="text-align: right;">165</p> <p>1 A. Right.</p> <p>2 Q. By the way, did Mr. Hutchens and</p> <p>3 Mr. Paul Shaughnessy resign from the Commission</p> <p>4 immediately after the show-cause hearing?</p> <p>5 A. Very soon after, yes.</p> <p>6 Q. Okay. I just want to briefly ask</p> <p>7 you about Exhibit 98, which I am showing you.</p> <p>8 Do you remember getting this memorandum from</p> <p>9 Mr. Maguire?</p> <p>10 A. Yes.</p> <p>11 Q. Did you read the attachments to it?</p> <p>12 A. Have I read it now?</p> <p>13 Q. Do you remember reading it when you</p> <p>14 got it?</p> <p>15 A. Yes.</p> <p>16 Q. Could I direct your attention to</p> <p>17 Exhibit A to this, which is a two page-letter</p> <p>18 from Mr. Burlingham to Mr. Donovan at BEH. Do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And the caption is "Notice of</p> <p>22 Trespass/Cease and Desist." Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Do you remember whether there was</p>



<p style="text-align: right;">166</p> <p>1 any discussion about this letter at the hearing  2 in February of 2015 -- I'm sorry, whenever the  3 hearing was later on -- let me back up. That's  4 a bad question.  5 So the barrier dumping incident  6 occurred in approximately February of 2015,  7 correct?  8 A. Correct.  9 Q. And the Norwood Airport Commission  10 hearing was some months after that?  11 A. Correct.  12 Q. Do you remember the approximate  13 date of that hearing?  14 A. September or October.  15 Q. Okay. And at that hearing, in the  16 fall of 2015, about the barrier-dumping  17 incident, do you remember any discussion about  18 this letter labeled Notice of Trespass/Cease and  19 Desist sent from FlightLevel to Boston Executive  20 Helicopters?  21 A. So this letter has to do with the  22 snow being piled up blocking their fuel farm.  23 That would have been discussed at the February  24 commission meeting.</p>	<p style="text-align: right;">168</p> <p>1 a time -- I think it was in the summer of  2 2014 -- where, in connection with the  3 construction that Boston Executive Helicopters  4 was doing of its building at the Norwood  5 Airport, certain asphalt got ripped up adjacent  6 to FlightLevel's building?  7 A. That's my understanding, yes.  8 Q. What happened with that? Was there  9 a Complaint made? Was anything discussed at any  10 of the Commission meetings? Do you remember  11 anything about that?  12 MR. FEE: Objection.  13 A. I'm not sure it was discussed at  14 the Airport Commission, but I know that  15 FlightLevel was upset that pavement was  16 encroached upon.  17 Q. Do you remember any discussion  18 between you and anybody about the asphalt being  19 ripped up and that FlightLevel -- that it was  20 done without notice to FlightLevel?  21 A. Yes, I heard that.  22 Q. Do you remember who you heard that  23 from?  24 A. Peter Eichleay.</p>
<p style="text-align: right;">167</p> <p>1 Q. You're right. I stand corrected,  2 my apologies.  3 But do you remember any discussion  4 about this letter marked as Exhibit A to  5 Mr. Odstrchel's Exhibit 98 at the February 2015  6 meeting about the snow?  7 A. Yes.  8 Q. Do you remember what the discussion  9 was about the letter?  10 A. The discussion was that FlightLevel  11 was very upset that snow was being piled in  12 front of their fuel farm and rendering it not  13 accessible at least from the west side, and one  14 of the Commission members essentially told them  15 to start acting like adults and get this  16 resolved.  17 MR. HARTZELL: Could we take  18 just a short break and I'm almost  19 finished. Off the record.  20 (A recess was taken)  21 MR. HARTZELL: Back on the  22 record. I think, Mr. Ryan, that I have  23 just a couple more.  24 Q. (By Mr. Hartzell) Do you remember</p>	<p style="text-align: right;">169</p> <p>1 Q. And did you ever talk to Boston  2 Executive Helicopters about that?  3 A. I don't recall.  4 Q. And was the asphalt subsequently  5 repaired?  6 A. Yes.  7 Q. And who repaired that?  8 A. BEH.  9 Q. Was the Norwood Airport Commission  10 ever given the specifications for the type of  11 concrete that was put down in the ripped-up  12 area?  13 MR. FEE: Objection.  14 A. I don't recall.  15 Q. Did Boston Executive Helicopters  16 ever provide an explanation to you or anybody on  17 the Commission, to your knowledge, concerning  18 why the snow was plowed in on the fuel farm, why  19 the asphalt was ripped up, or why the barriers  20 were dumped over?  21 MR. FEE: Objection.  22 A. No.  23 Q. Do you know a company called HB  24 Holdings?</p>

<p style="text-align: right;">170</p> <p>1 A. I have heard of it.</p> <p>2 Q. Do you know who owns HB Holdings?</p> <p>3 A. I do not.</p> <p>4 Q. Do you know who Hans Layman is?</p> <p>5 A. I have heard the name.</p> <p>6 Q. Do you know if he's connected with</p> <p>7 HB Holdings?</p> <p>8 A. I can't be sure.</p> <p>9 Q. Have you ever met or spoken with</p> <p>10 Mr. Layman?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Has he ever attended any Airport</p> <p>13 Commission meetings?</p> <p>14 A. I do not know that.</p> <p>15 MR. HARTZELL: Subject to</p> <p>16 Mr. Fee's questions, I will stop asking</p> <p>17 questions for now. I thank you for coming</p> <p>18 in today. I realize it's a major</p> <p>19 imposition.</p> <p>20 MR. FEE: My understanding is</p> <p>21 that Adam has to leave at 3:00, and so</p> <p>22 it's not my desire to begin the</p> <p>23 questioning now but rather to suspend and</p> <p>24 come back.</p>	<p style="text-align: right;">172</p> <p>1 Court to extend dates as needed.</p> <p>2 MR. FEE: The preference would</p> <p>3 be to try to work together cooperatively.</p> <p>4 I don't want to have to involve the Court</p> <p>5 if we don't have to.</p> <p>6 MR. HARTZELL: I'm with you on</p> <p>7 that. You have my assurances. I will</p> <p>8 work with you.</p> <p>9 MR. FEE: We're on the same</p> <p>10 page.</p> <p>11 MR. HARTZELL: With that,</p> <p>12 we're off the record.</p> <p>13 (Deposition suspended)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">171</p> <p>1 MR. HARTZELL: Okay.</p> <p>2 MR. FEE: I want to say a</p> <p>3 couple things on the record though. We --</p> <p>4 this is the third deposition that we have</p> <p>5 suspended. I know that we have scheduled</p> <p>6 tightly up until the end of this month and</p> <p>7 that the discovery deadline expires at the</p> <p>8 end of this month. I want to be able to</p> <p>9 work cooperatively with everybody, but I</p> <p>10 also want counsel's assurance that we will</p> <p>11 be able to reschedule the three</p> <p>12 depositions that have been suspended as</p> <p>13 well as get dates for the two or three</p> <p>14 depositions that have yet to be scheduled</p> <p>15 sometime in early to mid-April.</p> <p>16 MR. HARTZELL: I'll be happy</p> <p>17 to say on the record, Mr. Fee, I am more</p> <p>18 than happy to work with you. I think all</p> <p>19 parties have worked in extreme good faith</p> <p>20 to try and get all these depositions done</p> <p>21 within the time originally allotted to us</p> <p>22 under the extended tracking order and I</p> <p>23 would be happy to work with you to extend</p> <p>24 dates, file whatever motions with the</p>	<p style="text-align: right;">173</p> <p>COMMONWEALTH OF MASSACHUSETTS NORFOLK, ss.</p> <p>I, RAYMOND F. CATUOGNO, JR., a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that there came before me on March 23, 2018, at the offices of LeClair Ryan, One International Place, 11th Floor, Boston, Massachusetts, the following named person, to wit: MARK RYAN, who was by me duly sworn to testify to the truth and nothing but the truth as to his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon examined upon his oath and said examination reduced to writing by me; and that the statement is a true record of the testimony given by the witness, to the best of my knowledge and ability.</p> <p>I further certify that I am not a relative or employee of counsel/attorney for any of the parties, nor a relative or employee of such parties, nor am I financially interested in the outcome of the action.</p> <p>WITNESS MY HAND March 30, 2013.</p> <p style="text-align: right;">_____ Raymond F. Catuogno, Jr. Notary Public</p> <p>My Commission expires: February 12, 2021</p>

174	<p style="text-align: center;">April 3, 2018</p> <p>Adam Simms, Esq. PIERCE, DAVIS &amp; PERRITANO, LLP 10 Post Office Square Boston, MA 02109</p> <p>Re: BEH v. FLIGHTLEVEL NORWOOD, LLC, et al.</p> <p>Dear Counselor:</p> <p>Enclosed is a copy of the deposition of MARK RYAN taken on March 23, 2018, in the above-entitled action.</p> <p>According to Rule 30(e) of the Massachusetts Rules of Civil Procedure, the deponent has thirty days to sign the deposition from the date of its submission to the deponent, which is the above date.</p> <p>Please have the deponent sign the enclosed Signature Page/Errata Sheet and return it to the offices of:</p> <p style="padding-left: 40px;">A. Neil Hartzell, Esq. LeCLAIR RYAN One International Place Boston, MA 02110</p> <p>Whereupon it will be attached to the original deposition transcript, and a copy thereof to all counsel of record.</p> <p>Thank you for your cooperation in this matter.</p> <p style="text-align: right;">Raymond F. Catuogno, Jr.</p> <p>cc: A. Neil Hartzell, Esq. Michael C. Fee, Esq.</p>																														
175	<p style="text-align: center;">COMMONWEALTH OF MASSACHUSETTS</p> <p>Norfolk, ss. 1582CV00213</p> <p>BOSTON EXECUTIVE HELICOPTERS, LLC; MII AVIATION SERVICES, LLC, AND HB HOLDINGS, INC., Plaintiffs,</p> <p>v.</p> <p>FLIGHTLEVEL NORWOOD, LLC; EAC REALTY TRUST II; AND PETER EICHLEAY, Defendants.</p> <p>I, MARK RYAN, do hereby certify, under the pains and penalties of perjury, that the foregoing testimony is true and accurate, to the best of my knowledge and belief, with the addition of the following changes/corrections:</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 10%;">Page </th><th style="width: 10%;">Line </th><th style="width: 80%;">Change/Correction</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> <p>WITNESS MY HAND, this     day of     , 2018.</p> <p style="text-align: center;">_____ MARK RYAN</p> <p>cc: A. Neil Hartzell, Esq. Adam Simms, Esq. Michael C. Fee, Esq. Nicholas W. Burlingham, Esq.</p>	Page	Line	Change/Correction																											
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