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Exhibits 34-52

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 1:15-CV-13647-RGS

BOSTON EXECUTIVE)
HELICOPTERS, LLC,)
Plaintiff,)
)
v.)
)
FRANCIS T. MAGUIRE, ET AL.,)
Defendants.)
)

DEPOSITION OF THOMAS WYNNE

TAKEN APRIL 28, 2017

AT THE LAW OFFICES OF

PIERCE MANDELL, P.C.

11 BEACON STREET

BOSTON, MASSACHUSETTS

Reporter: Raymond F. Catuogno, Jr.

<p style="text-align: right;">2</p> <p>APPEARANCES:</p> <p>For the Plaintiff: PIERCE 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: PIERCE, DAVIS & PERRITANO, LLP 10 Post Office Square Suite 1100N Boston, MA 02109 BY: ADAM SIMMS, ESQ. 617.350.0950 asimms@piercedavis.com</p> <p>In Attendance:</p> <p>Christopher Donovan, Boston Executive Helicopters, LLC</p>	<p style="text-align: right;">4</p> <p>EXHIBITS: (Continued)</p> <p>Exhibit 44, Letter from Russ Maguire to Peter Eichleay of FlightLevel, dated May 5, 2014 43</p> <p>Exhibit 45, Letter from Christopher Donovan to State Ethics Commission, dated May 1, 2014 47</p> <p>Exhibit 46, Regular Business Meeting Minutes for May 14, 2014 49</p> <p>Exhibit 47, Executive Session Meeting Minutes for May 14, 2014 56</p> <p>Exhibit 48, E-mail Chain between Christopher Donovan and Russ Maguire, beginning on May 3, 2014 59</p> <p>Exhibit 49, E-mail, two pages, between Russ Maguire and Christopher Donovan, beginning April 30, 2014 63</p> <p>Exhibit 50, Regular Business Meeting Minutes for July 30, 2014 73</p> <p>Exhibit 51, E-mail from Michael Sheehan to Oulton Hues, dated November 15, 2014 79</p> <p>Exhibit 52, Letter from Timothy McCulloch to Brandon Moss, dated March 27, 2015 88</p> <p>(Exhibits retained by Attorney Fee)</p>								
<p style="text-align: right;">3</p> <p>INDEX:</p> <table> <tr> <th>WITNESS: THOMAS WYNNE</th> <th>PAGE</th> </tr> <tr> <td>Examination by Mr. Fee</td> <td>6</td> </tr> <tr> <td>Examination by Mr. Simms</td> <td>88</td> </tr> <tr> <td>Further Examination by Mr. Fee</td> <td>90</td> </tr> </table> <p>EXHIBITS:</p> <p>Exhibit 34, Notice of Taking Deposition of Thomas Wynne 10</p> <p>Exhibit 35, Letter from the FAA to Russ Maguire, dated October 6, 2008 20</p> <p>Exhibit 36, Letter from Russ Maguire to the FAA, dated January 27, 2010 23</p> <p>Exhibit 37, E-mail Chain between Christopher Donovan and Russ Maguire, beginning October 14, 2010 25</p> <p>Exhibit 38, Letter from the Norwood Airport Commission to Christopher Donovan, dated March 14, 2013 28</p> <p>Exhibit 39, Airport Map 34</p> <p>Exhibit 40, Letter from FlightLevel to the NAC, dated January 22, 2014 37</p> <p>Exhibit 41, E-mail from Peter Eichleay to Russ Maguire, dated March 5, 2014 38</p> <p>Exhibit 42, Agenda for Norwood Airport Commission, dated April 9, 2014 40</p> <p>Exhibit 43, Minutes of the Executive Session held on April 9, 2014 42</p>	WITNESS: THOMAS WYNNE	PAGE	Examination by Mr. Fee	6	Examination by Mr. Simms	88	Further Examination by Mr. Fee	90	<p style="text-align: right;">5</p> <p>STIPULATIONS</p> <p>It is agreed by and between the parties that all objections, except objections as to the form of the questions, are reserved and may be raised at the time of trial for the first time.</p> <p>It is further agreed by and between the parties that all motions to strike unresponsive answers are reserved and may be raised at the time of trial for the first time.</p> <p>It is further agreed by and between the parties that the sealing of the original deposition transcript is hereby waived.</p> <p>It is further agreed by and between the parties that the notification to all parties of the receipt of the original deposition transcript is hereby waived.</p>
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<p style="text-align: right;">6</p> <p>1 * * * * *</p> <p>2 THOMAS WYNNE, Deponent, having produced</p> <p>3 satisfactory identification by means of a</p> <p>4 Massachusetts Driver's License, was duly sworn,</p> <p>5 deposes and states as follows:</p> <p>6</p> <p>7 EXAMINATION BY MR. FEE:</p> <p>8 Q. Good afternoon, Mr. Wynne. My name</p> <p>9 is Michael Fee, I'm an attorney and I represent</p> <p>10 Boston Executive Helicopters in litigation that</p> <p>11 is currently pending in the Federal Court in</p> <p>12 Boston. I'm going to ask you a few questions</p> <p>13 today, and before we get started, I want to take</p> <p>14 care of a few preliminary matters. Have you</p> <p>15 ever been deposed before?</p> <p>16 A. No.</p> <p>17 Q. Okay. So, as you will see, Ray,</p> <p>18 our stenographer, is taking a transcript of our</p> <p>19 discussion, and so it's very important -- and</p> <p>20 I'm sure your counsel will remind you of this as</p> <p>21 we go along, that it's important for you to</p> <p>22 allow me to get my question out before you</p> <p>23 answer, and then you can answer fully before I</p> <p>24 will start another question. That way the</p>	<p style="text-align: right;">8</p> <p>1 Q. (By Mr. Fee) Mr. Wynne, can you</p> <p>2 tell me a little bit about your background,</p> <p>3 where were you born?</p> <p>4 A. Born in Boston.</p> <p>5 Q. Where did you go to school?</p> <p>6 A. I went to St. Anthony Elementary</p> <p>7 School in Allston, St. Collinsville High School</p> <p>8 in Brighton and Boston College in Chestnut Hill.</p> <p>9 Q. When did you graduate from Boston</p> <p>10 College?</p> <p>11 A. In 1960.</p> <p>12 Q. And did you have a degree in some</p> <p>13 field?</p> <p>14 A. Business administration.</p> <p>15 Q. Can you briefly describe your work</p> <p>16 history for me?</p> <p>17 A. Sure. After leaving Boston</p> <p>18 College, I drove a cab for a couple of years,</p> <p>19 but eventually ended up in electronics. I moved</p> <p>20 from there to aviation, from there to</p> <p>21 computers -- I'm sorry, prior to that, power</p> <p>22 plant construction, and then computers, and now</p> <p>23 I do real estate.</p> <p>24 Q. Okay. And how long have you been</p>
<p style="text-align: right;">7</p> <p>1 transcript and the record of our conversation</p> <p>2 will be clear.</p> <p>3 If at any time you have any</p> <p>4 questions about what I'm asking you, if it's not</p> <p>5 clear what I'm asking you and you want me to</p> <p>6 rephrase the question, just let me know and I'll</p> <p>7 be happy to do so.</p> <p>8 If you need to take a break at any</p> <p>9 time, for any reason, just let us know, and we</p> <p>10 can do that. If you need water or you need me</p> <p>11 to change the air conditioning or whatever, just</p> <p>12 let me know, I'm happy to make you as</p> <p>13 comfortable as possible.</p> <p>14 MR. FEE: We're going to use</p> <p>15 the same stipulations we've been using for</p> <p>16 the prior depositions, as well as try to</p> <p>17 make use, to the greatest extent possible,</p> <p>18 of the documents that have previously been</p> <p>19 marked.</p> <p>20 MR. SIMMS: Fine by me.</p> <p>21 MR. FEE: And I understand,</p> <p>22 you'll have your standing objections as we</p> <p>23 go along, and we'll try to work through</p> <p>24 that. Okay, let's get started.</p>	<p style="text-align: right;">9</p> <p>1 doing real estate?</p> <p>2 A. About twenty-seven years.</p> <p>3 Q. In what capacity?</p> <p>4 A. A broker.</p> <p>5 Q. Okay. And you're a member of the</p> <p>6 Norwood Airport Commission, are you not?</p> <p>7 A. I was.</p> <p>8 Q. You were, okay. And what were the</p> <p>9 years that you were a member of the Norwood</p> <p>10 Airport Commission?</p> <p>11 A. I believe it was 2008 to -- I wrote</p> <p>12 it down -- say 2014. That finish date may not</p> <p>13 be accurate.</p> <p>14 Q. And you were appointed to the</p> <p>15 Norwood Airport Commission?</p> <p>16 A. Yes.</p> <p>17 Q. And did you resign voluntarily?</p> <p>18 A. Yes.</p> <p>19 Q. And you think it was in or about</p> <p>20 2014?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have a general recollection</p> <p>23 of what month you may have gone off the</p> <p>24 commission?</p>

<p style="text-align: right;">10</p> <p>1 A. I think it was October.</p> <p>2 MR. FEE: So, as a formality,</p> <p>3 I need to mark this as Exhibit 34.</p> <p>4 (Exhibit 34, Notice of Taking Deposition</p> <p>5 of Thomas Wynne, marked for</p> <p>6 identification)</p> <p>7 Q. (By Mr. Fee) Mr. Wynne, I'm</p> <p>8 showing you a document marked as Exhibit 34,</p> <p>9 which appears to be a Notice Of Deposition.</p> <p>10 Have you ever seen it before?</p> <p>11 A. No.</p> <p>12 Q. Is it your understanding that you</p> <p>13 are here today to give testimony in connection</p> <p>14 with a matter in which you are named as a</p> <p>15 defendant?</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell me what you have done</p> <p>18 to prepare for your deposition today?</p> <p>19 A. I have met with Mr. Simms and</p> <p>20 that's pretty much what I've done.</p> <p>21 Q. Have you reviewed any documents?</p> <p>22 A. A few documents that were shown to</p> <p>23 me, but I have not reviewed a complete history</p> <p>24 of the issues.</p>	<p style="text-align: right;">12</p> <p>1 Q. And was that because you had to put</p> <p>2 together an agenda?</p> <p>3 A. It was because -- yes, put together</p> <p>4 an agenda, you know, choose a date or confirm</p> <p>5 that a date was good for a particular meeting.</p> <p>6 Or if we had to set a date -- say the meeting</p> <p>7 was today and we adjourned, then set the next</p> <p>8 meeting's date. Then prior to that date, we</p> <p>9 would talk to make sure that the date was still</p> <p>10 good.</p> <p>11 Q. How about substantive matters,</p> <p>12 would you confer with Mr. Maguire privately,</p> <p>13 outside of the scope of the Commission meetings,</p> <p>14 to discuss substantive matters before the board?</p> <p>15 A. Not really, no.</p> <p>16 Q. So that wasn't your common</p> <p>17 practice?</p> <p>18 A. No.</p> <p>19 Q. You said you had a background in</p> <p>20 aviation. Can you describe that for me?</p> <p>21 A. Sure. I was -- again, I'm going to</p> <p>22 correct what I told you earlier. After I left</p> <p>23 Boston College and drove a cab for a period of</p> <p>24 time, my first job was in aviation, and it was</p>
<p style="text-align: right;">11</p> <p>1 Q. Right. Have you thought about some</p> <p>2 of the issues that are involved in the</p> <p>3 litigation in preparation for today's</p> <p>4 deposition?</p> <p>5 A. Not really.</p> <p>6 Q. Now, you were a chairman of the</p> <p>7 Airport Commission for a period of time, were</p> <p>8 you not?</p> <p>9 A. Probably a year-and-a-half.</p> <p>10 Q. And as chairman, did that position</p> <p>11 have any additional responsibilities or</p> <p>12 obligations than just being a regular member of</p> <p>13 the Commission?</p> <p>14 A. No. It didn't have any additional</p> <p>15 responsibilities.</p> <p>16 Q. Okay. I have to ask you to keep</p> <p>17 your voice up, if you wouldn't mind. Ray will</p> <p>18 let you know if you're not speaking loud enough,</p> <p>19 I'm sure, but it's important for you to try to</p> <p>20 keep your voice up, if possible.</p> <p>21 So as chairman, did you have more</p> <p>22 regular communication with Mr. Maguire than</p> <p>23 other members of the Commission?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">13</p> <p>1 at a company called Helio Aircraft Corporation,</p> <p>2 which was about a mile from Norwood Airport. It</p> <p>3 was a second airport over there. And they built</p> <p>4 what was known as a short take-off type of</p> <p>5 aircraft, developed them and built them. And I</p> <p>6 was with them for a number of years. They</p> <p>7 subsequently moved to Hanscom Field. And I</p> <p>8 don't remember -- I went into electronics after</p> <p>9 leaving Helio Aircraft Corporation. And then</p> <p>10 with the airlines, an airline called Northeast</p> <p>11 Airlines, and eventually they were taken over by</p> <p>12 Delta.</p> <p>13 Q. What did you do for Northeast</p> <p>14 Airlines?</p> <p>15 A. I was one of their procurement</p> <p>16 managers.</p> <p>17 Q. Do you have a pilot's license of</p> <p>18 any form?</p> <p>19 A. No.</p> <p>20 Q. Other than what you've described,</p> <p>21 do you have any other specialized knowledge or</p> <p>22 training in airport operations?</p> <p>23 A. No.</p> <p>24 Q. When you became a commissioner, did</p>

<p style="text-align: right;">14</p> <p>1 you familiarize yourself with the applicable</p> <p>2 rules and regulations governing the operation of</p> <p>3 the Norwood Airport?</p> <p>4 A. Yes.</p> <p>5 Q. So I'm going to show you a document</p> <p>6 that has been previously marked as Exhibit 2 to</p> <p>7 the deposition of Mr. LeBlanc. Have you seen</p> <p>8 that before?</p> <p>9 A. Yes.</p> <p>10 Q. And as a member of the Commission,</p> <p>11 you were familiar with the rules and regulations</p> <p>12 that were promulgated by the Norwood Memorial</p> <p>13 Airport in October of 2008?</p> <p>14 A. Familiar to the extent that I knew</p> <p>15 that this booklet was there and if I needed to</p> <p>16 research something that involved rules and</p> <p>17 regulations, that's where I would go.</p> <p>18 Q. Right. But did you consider</p> <p>19 yourself bound by these rules and regulations?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Were there other rules and</p> <p>22 regulations that were applicable that you felt</p> <p>23 were useful for guidance, either from state or</p> <p>24 federal authorities?</p>	<p style="text-align: right;">16</p> <p>1 Q. One more for you. I'm going to</p> <p>2 show you a document that has been marked as</p> <p>3 Exhibit 16 to the deposition of Mr. Bishop, and</p> <p>4 it appears to be a document entitled Grant</p> <p>5 Assurances from the Massachusetts Department of</p> <p>6 Transportation. Have you seen that before?</p> <p>7 A. I don't think I've seen this one.</p> <p>8 Q. Are you familiar -- are you</p> <p>9 familiar with the fact that the Massachusetts</p> <p>10 DOT may also have grant assurances applicable to</p> <p>11 the airport?</p> <p>12 A. Yes.</p> <p>13 Q. Because the airport does receive</p> <p>14 monies from the Massachusetts DOT, does it not?</p> <p>15 A. From time-to-time, yes.</p> <p>16 Q. And would you consider yourself --</p> <p>17 again, in your capacity as a commissioner, bound</p> <p>18 by the rules and regulations that are set forth</p> <p>19 in the grant assurances from the Massachusetts</p> <p>20 DOT?</p> <p>21 A. Yes.</p> <p>22 Q. Are you familiar with any other</p> <p>23 rules or regulations that might be applicable to</p> <p>24 the airport operations or that might guide you</p>
<p style="text-align: right;">15</p> <p>1 A. No. I mean, I served on other</p> <p>2 boards and I was familiar with meetings and</p> <p>3 agendas and decorum and that sort of thing.</p> <p>4 Q. Certainly. I'm speaking now</p> <p>5 specifically about rules and regulations that</p> <p>6 might be applicable to the operations of the</p> <p>7 airport. And I'm going to show you a document</p> <p>8 that has been marked as Exhibit 3 to the</p> <p>9 deposition of Mr. LeBlanc and ask you if you've</p> <p>10 ever seen that before?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what it is?</p> <p>13 A. Well, this is basically the FAA who</p> <p>14 was involved with airports and development,</p> <p>15 improvement, that sort of thing, and the airport</p> <p>16 received monies for those purposes, and this is</p> <p>17 what they expect in return.</p> <p>18 Q. Okay. And so, in your capacity as</p> <p>19 a commissioner, were you familiar with grant</p> <p>20 assurances that had been promulgated by the FAA?</p> <p>21 A. Generally familiar, yes.</p> <p>22 Q. And did you feel that your actions</p> <p>23 were bound by these grant assurances?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">17</p> <p>1 in your capacity as a commissioner, while you</p> <p>2 were serving on the Norwood Airport Commission?</p> <p>3 A. I'm not so sure what you mean by</p> <p>4 that.</p> <p>5 Q. Well, we've looked at the rules and</p> <p>6 regulations, we've looked at the FAA assurances,</p> <p>7 we've looked at the DOT grant assurances. I'm</p> <p>8 wondering if there are any other documents or</p> <p>9 guidance that you relied on when you were doing</p> <p>10 your job as the commissioner of the Norwood</p> <p>11 Airport Commission?</p> <p>12 A. My experience in business,</p> <p>13 whatever.</p> <p>14 Q. Right. So I'm not trying to trick</p> <p>15 you or anything, I'm just wondering if there are</p> <p>16 any other documents that you looked to regularly</p> <p>17 for guidance or information when you were doing</p> <p>18 your job?</p> <p>19 A. No.</p> <p>20 Q. Okay. I understand that you joined</p> <p>21 the board in 2008. Do you recall the process</p> <p>22 that the board was undergoing at that time with</p> <p>23 respect to a Part 16 Complaint filed by EAC?</p> <p>24 MR. SIMMS: Beyond the scope.</p>

<p style="text-align: right;">18</p> <p>1 You can answer.</p> <p>2 A. No.</p> <p>3 Q. Okay. I'm going to show you a</p> <p>4 document that has been marked as Exhibit 4 to</p> <p>5 the deposition of Mr. LeBlanc, and it -- there's</p> <p>6 a cover letter and then on the second page</p> <p>7 starts a document prepared by the FAA entitled</p> <p>8 Director's Determination. And I'll just ask --</p> <p>9 I'm not going to ask you to read the whole</p> <p>10 document, but I'm just wondering if that</p> <p>11 refreshes your recollection as to any of the</p> <p>12 facts and circumstances surrounding the Part 16</p> <p>13 Complaint filed against the Norwood Airport</p> <p>14 Commission by EAC back in 2008?</p> <p>15 MR. SIMMS: Same objection.</p> <p>16 Go ahead.</p> <p>17 A. EAC is Eastern Air Charter and this</p> <p>18 is Boston.</p> <p>19 Q. I'm sorry, I misspoke, BAC, Boston</p> <p>20 Air Charter, my apologies.</p> <p>21 A. I don't know what this complaint</p> <p>22 was about. There was a complaint through, I</p> <p>23 think, BAC, Boston Air Charter. Whether this is</p> <p>24 it or not, I don't know.</p>	<p style="text-align: right;">20</p> <p>1 memorialized in any way?</p> <p>2 A. I don't know.</p> <p>3 MR. FEE: Could I have this</p> <p>4 marked as Exhibit 35?</p> <p>5 (Exhibit 35, Letter from the FAA to Russ</p> <p>6 Maguire, dated October 6, 2008, marked for</p> <p>7 identification)</p> <p>8 Q. (Mr. Fee) I'm going to show you a</p> <p>9 document marked as Exhibit 35 and I'm going to</p> <p>10 read parts of it into the record. And you can</p> <p>11 correct me if I'm wrong, but this appears to be</p> <p>12 a letter dated October 6, 2008 from the FAA to</p> <p>13 Russ Maguire in his capacity as the airport</p> <p>14 manager. And the second paragraph states:</p> <p>15 "Specifically, the town must take the following</p> <p>16 corrective actions to comply with the final</p> <p>17 agency decision." And I'm going to skip down to</p> <p>18 the first -- to the second bullet point on the</p> <p>19 bottom of the page, where it says, "The town has</p> <p>20 ended or will end the practice of awarding</p> <p>21 long-term leases of federally funded ramps that</p> <p>22 have the effect of granting one-party control</p> <p>23 over the majority of ramps on the airport." And</p> <p>24 the second bullet point says, "The town will put</p>
<p style="text-align: right;">19</p> <p>1 Q. Do you recall generally what</p> <p>2 happened as a result of the complaint, the Part</p> <p>3 16 Complaint filed by Boston Air Charter?</p> <p>4 A. No.</p> <p>5 Q. I'm going to show you a document</p> <p>6 marked as Exhibit 5 to Mr. LeBlanc's deposition,</p> <p>7 dated May 16, 2008, and it appears to be a</p> <p>8 letter from the Airport Commission -- and it</p> <p>9 lists you as being a member of the Airport</p> <p>10 Commission at the time -- to the FAA. I just</p> <p>11 want to ask you if that refreshes your</p> <p>12 recollection of what occurred as a result of the</p> <p>13 Part 16 Complaint filed by BAC back in 2008?</p> <p>14 MR. SIMMS: Same objection.</p> <p>15 Go ahead, Tom.</p> <p>16 A. I don't remember specifically</p> <p>17 seeing this document. But from what parts of it</p> <p>18 I've read, I was aware of the FAA's concern with</p> <p>19 long-term leases.</p> <p>20 Q. Okay. And what, if anything, did</p> <p>21 the Airport Commission pledge to do as a result</p> <p>22 of the FAA's concern regarding long-term leases?</p> <p>23 A. We followed their directive.</p> <p>24 Q. Okay. And was that promise</p>	<p style="text-align: right;">21</p> <p>1 in place a short-term ramp leasing permit policy</p> <p>2 for the airport to assert more control of the</p> <p>3 federally funded ramps." Did I read that</p> <p>4 correctly?</p> <p>5 A. Yes.</p> <p>6 Q. And was it your understanding in</p> <p>7 2008 -- and first of all, did you see this</p> <p>8 letter from the FAA back in 2008?</p> <p>9 A. I don't remember whether or not I</p> <p>10 saw the letter.</p> <p>11 Q. Well, is it fair to say that you</p> <p>12 were a member of the Commission at this time?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So was it your understanding</p> <p>15 at that time that the FAA was directing you to</p> <p>16 end the practice of awarding long-term leases on</p> <p>17 federally funded ramps?</p> <p>18 MR. SIMMS: Let me note the</p> <p>19 objection to beyond the scope. And I'll</p> <p>20 try to make this a standing objection to</p> <p>21 any questions going back to directives</p> <p>22 involving the FAA in 2008. Now you can</p> <p>23 answer the question.</p> <p>24 A. Okay. What was the question again?</p>

<p style="text-align: right;">22</p> <p>1 Q. Did you understand this letter to 2 represent the FAA's direction to the Norwood 3 Airport Commission to end the practice of 4 entering into long-term leases on federally 5 funded ramps? 6 A. Yes. 7 Q. Did you consider yourself to be 8 bound by that directive? 9 A. Yes. 10 Q. Did you similarly consider yourself 11 to be bound by the second directive, that the 12 town put short-term ramp leasing permit policies 13 in place so that it could assert more control 14 over the federally funded ramps? 15 A. Yes. 16 Q. And what, if anything, did the 17 board do to effectuate a short-term ramp leasing 18 permit policy? 19 A. Any leases that came before the 20 board that were in excess of five years became a 21 matter of discussion, I think. 22 Q. Was there any formal written policy 23 adopted? 24 A. I don't remember.</p>	<p style="text-align: right;">24</p> <p>1 A. Yes. 2 Q. "And establish a short-term ramp 3 leasing permit policy for the Airport to assert 4 more control of the federally funded ramps." 5 Did I read that correctly? 6 A. Yes. 7 Q. So as of 2010, the FAA considers 8 the Norwood Airport Commission to be in 9 compliance with its prior order, is that your 10 understanding? 11 A. Yes. 12 Q. Okay. And did the Airport 13 Commission consider the FAA's directive at that 14 point, a closed matter, or did it consider it to 15 be an ongoing obligation of the Airport 16 Commission to continue to act congruent with 17 those policies? 18 A. It would have been to pursue those 19 policies. 20 Q. So at some point did you, in your 21 capacity as the airport commissioner, come to 22 know that Boston Executive Helicopters was 23 seeking additional space at the airport? 24 A. Yes.</p>
<p style="text-align: right;">23</p> <p>1 Q. Okay. I'll retrieve that document 2 from you. Thank you, sir. 3 MR. FEE: Could I have this 4 marked as Exhibit 36? 5 (Exhibit 36, Letter from the FAA to Russ 6 Maguire, dated January 27, 2010, marked 7 for identification) 8 Q. (By Mr. Fee) Exhibit 36 is a 9 letter from the FAA to Mr. Maguire, dated 10 January 27, 2010. You were on the Norwood 11 Airport Commission at this time, correct? 12 A. What date? 13 Q. January 27, 2010. 14 A. Yes. 15 Q. Now, the second full paragraph 16 says, "Our review of the CAP, Corrective Action 17 Plan, indicates that the town has taken the 18 necessary and appropriate steps to comply with 19 the FAA order to" -- and I'm skipping down to 20 the third bullet -- "end the practice of 21 awarding long-term leases of federally funded 22 ramps that have the effect of granting one-party 23 control over the majority of the ramps on the 24 airport." Did I read that correctly?</p>	<p style="text-align: right;">25</p> <p>1 Q. When did you first learn of that? 2 A. I don't know. 3 Q. When did you first learn of Boston 4 Executive Helicopters' desire to become an FBO? 5 A. I don't know. 6 Q. Was it sometime in or about 2010? 7 A. I can't recall. 8 MR. FEE: Could I have this 9 marked as Exhibit 37? 10 (Exhibit 37, E-mail Chain between 11 Christopher Donovan and Russ Maguire, 12 beginning October 14, 2010, marked for 13 identification) 14 Q. (By Mr. Fee) I'm showing you a 15 document, Exhibit 37, that appears to be an 16 e-mail chain. And the first e-mail on the first 17 page is to Mr. Maguire from Mr. Donovan. And I 18 just want to skip -- actually, I'll read from 19 the first paragraph. "If possible, could you 20 present my plan and application for my interest 21 in the expansion of the commercial permit for 22 flight training and aircraft rental, as I have 23 previously discussed? I would like to move 24 forward in these areas and ask for the approval</p>

<p style="text-align: right;">26</p> <p>1 of my application expansion." Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Now, it says in the next paragraph,</p> <p>4 "I am also interested in the lease of the DC-3</p> <p>5 ramp area and the other public ramp space</p> <p>6 available." Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Does this refresh your recollection</p> <p>9 as to when you may have first learned of Boston</p> <p>10 Executive Helicopters' interest in leasing</p> <p>11 additional space at the airport?</p> <p>12 A. Yes.</p> <p>13 Q. Was it in or about October of 2010?</p> <p>14 A. Yes.</p> <p>15 Q. Now, would Mr. Maguire have shared</p> <p>16 e-mails like this with the commissioners?</p> <p>17 A. Yes.</p> <p>18 MR. SIMMS: Take a moment to</p> <p>19 answer the question, so I can object. Go</p> <p>20 ahead.</p> <p>21 Q. Now, can you describe for me -- at</p> <p>22 some point, did the DC-3 ramp area become</p> <p>23 available for lease?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">28</p> <p>1 tight space.</p> <p>2 Q. And did people bid or entities bid</p> <p>3 on that DC-3 ramp space?</p> <p>4 A. Yes.</p> <p>5 Q. Who was the ultimate winner?</p> <p>6 A. I don't recall the exact name of</p> <p>7 the people who actually won it, were the</p> <p>8 successful bidders.</p> <p>9 Q. It wasn't Boston Executive</p> <p>10 Helicopters, though, right?</p> <p>11 A. Right.</p> <p>12 Q. Did Boston Executive Helicopters</p> <p>13 complain about the bid process?</p> <p>14 A. I don't recall a complaint, no.</p> <p>15 MR. FEE: Could I have this</p> <p>16 marked as Exhibit 38?</p> <p>17 (Exhibit 38, Letter from the Norwood</p> <p>18 Airport Commission to Christopher Donovan,</p> <p>19 dated March 14, 2013, marked for</p> <p>20 identification)</p> <p>21 Q. (By Mr. Fee) Sir, I'm showing you</p> <p>22 a document marked as Exhibit 38, which appears</p> <p>23 to be a letter dated March 14, 2013, to Mr.</p> <p>24 Donovan. I'll direct your attention to the last</p>
<p style="text-align: right;">27</p> <p>1 Q. When was that?</p> <p>2 A. I don't recall what date that was.</p> <p>3 Q. Can you describe what process the</p> <p>4 Commission went through in leasing that</p> <p>5 property?</p> <p>6 A. In the case of that ramp, we put it</p> <p>7 out to bid.</p> <p>8 Q. Okay. How come?</p> <p>9 A. We didn't have any -- how do I say</p> <p>10 this -- I guess we thought it was the prudent</p> <p>11 way to go.</p> <p>12 Q. Okay. Do you know how large the</p> <p>13 DC-3 ramp is?</p> <p>14 A. It's about -- I would say between</p> <p>15 12 and 15,000 square feet.</p> <p>16 Q. Okay. And in that bid process, did</p> <p>17 the Commission put any restrictions on the use</p> <p>18 to which the DC-3 ramp could be put?</p> <p>19 A. Yes, I think it prohibited fueling</p> <p>20 of aircraft there.</p> <p>21 Q. And why?</p> <p>22 A. Again, I'm working from memory, but</p> <p>23 I think one of the primary reasons was that it</p> <p>24 was abutting the taxiway, and it was just a very</p>	<p style="text-align: right;">29</p> <p>1 page. Is that your signature on the final page,</p> <p>2 sir?</p> <p>3 A. Yes.</p> <p>4 Q. And did you write this document?</p> <p>5 A. No.</p> <p>6 Q. Who wrote it?</p> <p>7 A. I don't know.</p> <p>8 Q. Was it written by Mr. Maguire?</p> <p>9 A. I don't know.</p> <p>10 Q. Counsel?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you recall who presented this to</p> <p>13 you to sign?</p> <p>14 A. No.</p> <p>15 Q. Did you read it before you signed</p> <p>16 it?</p> <p>17 A. Yes.</p> <p>18 Q. There's a couple of items in the</p> <p>19 document that I'd like to discuss with you. On</p> <p>20 the first page, the first paragraph A, talks</p> <p>21 about the fact that BEH's asserted concerns were</p> <p>22 untimely. And just to back up, to give this</p> <p>23 some context, this is a letter that was written</p> <p>24 by the Norwood Airport Commission in response to</p>

<p style="text-align: right;">30</p> <p>1 a challenge to the RFP process for the DC-3 ramp 2 that was filed by Boston Executive Helicopters. 3 And directing your attention to the first 4 paragraph, and I'll take you now to page 2 where 5 the document states, in the fourth full 6 paragraph, "On February 6, 2013 you submitted 7 twelve (12) separate, detailed questions in 8 connection with the RFP to Patricia Bilotta of 9 the Town's Purchasing Department (which issued 10 and published the RFP). Your questions were 11 raised less than forty-eight (48) hours prior to 12 the February 8, 2013 deadline for responding to 13 the RFP. There is no justification for you to 14 have waited over a month since you obtained the 15 RFP, or over a week since Addendum #1 was 16 issued, before submitting additional questions 17 to the RFP." Did I read that correctly? 18 A. Yes. 19 Q. Now, my question to you is, on what 20 rule, regulation, law, statute, did you base 21 your determination that the RFP challenge made 22 by BEH was untimely? 23 MR. SIMMS: Beyond the scope. 24 You can go ahead and answer.</p>	<p style="text-align: right;">32</p> <p>1 A. Yes. 2 Q. And you, yourself, don't know 3 whether there is any legal, statutory or 4 regulatory authority for the concept that the 5 questions posed by Mr. Donovan in his RFP 6 challenge were untimely, do you? 7 MR. SIMMS: You can answer. I 8 have a standing objection to this line of 9 questioning. 10 A. No. 11 MR. SIMMS: I should say, with 12 respect to this topic, not the line of 13 questioning. 14 Q. (By Mr. Fee) Turning your 15 attention now to the fourth page, the first full 16 paragraph, the second sentence says "Although 17 you seemingly assert that the DC-3 Apron should 18 be considered for use by a fixed-base operator, 19 the DC-3 Apron is approximately 15,295 square 20 feet in area. This relatively limited size of 21 the DC-3 Apron restricts its utility as a site 22 for a full-scale FBO, given paramount safety and 23 efficiency concerns, along with the overarching 24 concerns for the future development of the</p>
<p style="text-align: right;">31</p> <p>1 A. That was a decision that was made 2 by the purchasing department at Norwood. 3 Q. I'm sorry, I didn't hear you. 4 A. That determination was made by the 5 Norwood -- Town of Norwood Purchasing 6 Department. They were the ones who were 7 soliciting the bids and they were the ones 8 receiving the bids. 9 Q. Okay. And according to the Norwood 10 purchasing department, the questions posed 11 forty-eight hours prior to the deadline were 12 untimely because there was no reason that BEH 13 should have waited that long to ask those 14 questions? 15 MR. SIMMS: I'll make the 16 standing objection to this line of 17 questioning. 18 Q. Is that true? 19 A. I can't speak for the Norwood 20 purchasing department, but that's what happened. 21 Q. Okay. Just so I understand, you 22 signed this document in reliance on information 23 provided to you by others in the Norwood town 24 government, is that fair to say?</p>	<p style="text-align: right;">33</p> <p>1 Airport property." Did I read that correctly? 2 A. Yes. 3 Q. And what authority did you rely 4 upon for the conclusion that 15,295 square feet 5 was too limited in which to conduct FBO 6 operations? 7 A. Again, from memory, discussion with 8 the commissioners and the manager. 9 Q. And is it your belief, as you sit 10 here today, that a 15,295 square feet area is 11 insufficient for the proper operation of an FBO? 12 MR. SIMMS: Objection. Go 13 ahead. 14 A. Yes. 15 Q. Now, turning your attention to the 16 next page, the last paragraph at the bottom that 17 begins, Aircraft parking aprons. The letter 18 states, "Aircraft parking aprons exist at 19 various locations on the Airport, including 20 those leased by FlightLevel Norwood, LLC, Swift 21 Aviation, Inc. (whose sublease for so-called Lot 22 F is being assigned to and assumed by BEH), and 23 Boch Aviation. There is no use restriction on 24 ramp handling." Did I read that correctly?</p>

<p style="text-align: right;">34</p> <p>1 A. Yes.</p> <p>2 MR. FEE: Could I have this</p> <p>3 marked as Exhibit 39?</p> <p>4 (Exhibit 39, Airport Map, marked for</p> <p>5 identification)</p> <p>6 Q. (By Mr. Fee) I show you a map of</p> <p>7 the airport. And with respect to your testimony</p> <p>8 regarding the immediately preceding paragraph</p> <p>9 that we just read, can you, as you sit here</p> <p>10 today, tell me where the apron -- aircraft</p> <p>11 parking apron for Lot F is located? And if you</p> <p>12 wouldn't mind marking the map, I would</p> <p>13 appreciate it.</p> <p>14 A. Well, there's no Lot F designated</p> <p>15 on this map.</p> <p>16 Q. Lot F is the BEH hangar that is the</p> <p>17 subject of the sublease from Swift Aviation, so</p> <p>18 I would represent to you that that notation</p> <p>19 indicates Lot F. If you could show me where you</p> <p>20 believe the parking apron is for Lot F, by</p> <p>21 marking it, I would appreciate it.</p> <p>22 A. Is this the existing BEH hangar or</p> <p>23 the previous one?</p> <p>24 Q. Correct, that's existing.</p>	<p style="text-align: right;">36</p> <p>1 service aircraft on the apron, or in the hangar,</p> <p>2 but it wasn't an area where you could do</p> <p>3 fueling.</p> <p>4 Q. Okay. And how come?</p> <p>5 A. I don't know if it's the state fire</p> <p>6 regulations or national fire regulations or FAA</p> <p>7 fire regulations, but you had to be a certain</p> <p>8 amount of feet from any structure on an airport</p> <p>9 to fuel.</p> <p>10 Q. Right. And is that for self</p> <p>11 fueling or for commercial fueling?</p> <p>12 A. It doesn't make any difference, as</p> <p>13 far as I know.</p> <p>14 Q. Okay. I want to make sure I</p> <p>15 understand because you say, in that same</p> <p>16 paragraph, that NAC supported BEH'S application</p> <p>17 for VIF license, right?</p> <p>18 A. I'm sorry?</p> <p>19 Q. It says that the NAC supported</p> <p>20 BEH's application for a VIF license, correct?</p> <p>21 A. I can't remember whether or not we</p> <p>22 did on that issue.</p> <p>23 Q. But a VIF license allows fueling,</p> <p>24 correct?</p>
<p style="text-align: right;">35</p> <p>1 A. Okay. How would you like this</p> <p>2 designated?</p> <p>3 Q. However you want. The question is,</p> <p>4 show me where the parking apron is, and if you</p> <p>5 can circle it, that would be great.</p> <p>6 A. This is going to be a rough</p> <p>7 outline, it's not going to be a measured</p> <p>8 outline.</p> <p>9 Q. Understood. And if you would put</p> <p>10 an A for apron in that box and then initial the</p> <p>11 document, wherever you like?</p> <p>12 A. (Witness complying)</p> <p>13 Q. Thank you. So the second to the</p> <p>14 last page, the last paragraph says, "Lot F</p> <p>15 constitutes a suitable alternative to the DC-3</p> <p>16 Apron and represents a realistic opportunity for</p> <p>17 BEH because the NAC approved the assignment."</p> <p>18 So I want to ask you what you meant by that. In</p> <p>19 your opinion, in writing that language, was Lot</p> <p>20 F an equivalent area for BEH to undertake its</p> <p>21 operations as an FBO?</p> <p>22 A. No.</p> <p>23 Q. What did you mean by that language?</p> <p>24 A. There was an area where you could</p>	<p style="text-align: right;">37</p> <p>1 A. Yes.</p> <p>2 Q. So -- and again, I'm just trying to</p> <p>3 understand this language. You say, on the one</p> <p>4 hand, that we support -- the Norwood Airport</p> <p>5 Commission supports a VIF fueling license, and</p> <p>6 then I just thought I heard you testify that</p> <p>7 fueling was not possible within Lot F; did I</p> <p>8 misunderstand?</p> <p>9 A. No, you understood me.</p> <p>10 Q. Okay.</p> <p>11 MR. SIMMS: Off the record?</p> <p>12 MR. FEE: Sure.</p> <p>13 (Off-record conference)</p> <p>14 MR. FEE: Back on the record.</p> <p>15 Q. (By Mr. Fee) At some point in</p> <p>16 2014, did you learn from FlightLevel that they</p> <p>17 were seeking extensions -- long-term extensions</p> <p>18 of leases that they held on airport property?</p> <p>19 A. I don't remember.</p> <p>20 MR. FEE: Could I have this</p> <p>21 marked as Exhibit 40?</p> <p>22 (Exhibit 40, Letter from FlightLevel to</p> <p>23 Norwood Airport Commission, dated January</p> <p>24 22, 2014, marked for identification)</p>

<p style="text-align: right;">38</p> <p>1 Q. (By Mr. Fee) I show you what has 2 been marked as Exhibit 40, which appears to be a 3 letter from FlightLevel to the NAC dated January 4 22, 2014. And if I could turn your attention to 5 the second page, it discusses a request for 6 thirty-five year leases on Lots 5, 6, 7, A, B 7 and C; do you see that? 8 A. Mm-hmm. 9 Q. Does that refresh your recollection 10 as to when you learned -- 11 A. Yes. 12 Q. -- from FlightLevel that they were 13 interested in a long-term extension of their 14 leases? 15 A. Yes. 16 Q. So was it in about January of 2014? 17 A. Per this letter, yes. 18 MR. FEE: Could I have this 19 marked as Exhibit 41? 20 (Exhibit 41, E-mail from Peter Eichleay to 21 Russ Maguire, dated March 5, 2014, marked 22 for identification) 23 Q. (By Mr. Fee) I'm showing you a 24 document that has been marked as Exhibit 41. It</p>	<p style="text-align: right;">40</p> <p>1 Q. Why? 2 A. The premise they put forward as to 3 why they wanted to do it made sense, a logical 4 business decision. 5 Q. Even if the result of granting 6 long-term leases to FlightLevel would give them 7 control over a majority of the federally funded 8 ramp space, were you still in favor of it? 9 MR. SIMMS: Now I would 10 object. Go ahead. You can answer. 11 A. It wasn't a consideration. It 12 didn't enter into my thoughts on it. 13 Q. The consideration of whether or not 14 granting any long-term lease to FlightLevel 15 would end up giving them a control of the 16 majority of the federally funded ramp space did 17 not enter into your consideration of whether or 18 not to approve those lease requests; is that 19 correct? 20 A. Correct. 21 MR. FEE: Okay. Could I have 22 this marked as Exhibit 42? 23 (Exhibit 42, Agenda for Norwood Airport 24 Commission, dated April 9, 2014, marked</p>
<p style="text-align: right;">39</p> <p>1 appears to be an e-mail from Peter Eichleay, 2 president of FlightLevel, to Mr. Maguire, 3 requesting a letter of intent from the Airport 4 Commission indicating a mutual desire to extend 5 the leases; do you see that? 6 A. Mm-hmm. 7 Q. Is that consistent with your 8 recollection of what was going on in March of 9 2014 with respect to FlightLevel's request for 10 long-term leases? 11 A. My recollection is that they had 12 requested an extension to their leases to do 13 some forward planning. I don't remember seeing 14 this specific letter. 15 Q. Okay. Was there a discussion 16 amongst the board members regarding a desire to 17 accommodate FlightLevel's request for long-term 18 leases? 19 A. I would think so, but specifically, 20 I can't tell you. 21 Q. Were you in favor of granting 22 FlightLevel extensions to its leases that were 23 long-term? 24 A. Yes.</p>	<p style="text-align: right;">41</p> <p>1 for identification) 2 Q. (By Mr. Fee) Sir, I'm showing a 3 document marked as Exhibit 42, and it appears to 4 be an agenda for Norwood Airport Commission, 5 dated April 9, 2014. Were you still on the 6 board at this time? 7 A. I believe so. 8 Q. And it says, tentative agenda 9 items. And it lists several items, and then it 10 says executive session, right? 11 A. Yes. 12 Q. Was it the practice of the Airport 13 Commission to list specific topics that were to 14 be the subject of executive session? 15 A. No. 16 Q. How would the Commissioners know 17 what matters were to be discussed in executive 18 session? 19 A. The commissioners would have a 20 memory of it from a previous meeting or 21 meetings. 22 Q. But there was no notice to the 23 public or to the commissioners regarding what 24 topics would be discussed in executive session?</p>

<p style="text-align: right;">42</p> <p>1 A. No, not to my best recollection.</p> <p>2 Q. Okay. Do you recall the meeting on</p> <p>3 April 9th?</p> <p>4 A. No.</p> <p>5 MR. FEE: Could I have this</p> <p>6 marked as Exhibit 43?</p> <p>7 (Exhibit 43, Minutes of the Executive</p> <p>8 Session held on April 9, 2014, marked for</p> <p>9 identification)</p> <p>10 Q. (By Mr. Fee) Exhibit 43 appears to</p> <p>11 be the Minutes of the Executive Session on April</p> <p>12 9th. Do you recall being present for this?</p> <p>13 A. No.</p> <p>14 Q. Would you agree with me that the</p> <p>15 Minutes appear to reflect the Airport</p> <p>16 Commission's approval of extending long-term</p> <p>17 leases to FlightLevel for Lots 5, 6 and 7?</p> <p>18 A. I don't recall if I was at this</p> <p>19 meeting at all.</p> <p>20 Q. Understood. But would you agree</p> <p>21 with me that the document appears to reflect the</p> <p>22 action of the Norwood Airport Commission to</p> <p>23 grant in favor of extending long-term leaseholds</p> <p>24 to FlightLevel for Lots 5, 6 and 7?</p>	<p style="text-align: right;">44</p> <p>1 Q. The question is, would you agree</p> <p>2 with me that this memorializes -- this reflects</p> <p>3 a memorialization of the vote taken by the board</p> <p>4 in executive session on April 9th to extend</p> <p>5 long-term leases to FlightLevel on Lots A, B, C,</p> <p>6 5, 6 and 7?</p> <p>7 MR. SIMMS: Same objection.</p> <p>8 You can answer.</p> <p>9 A. With approvals.</p> <p>10 Q. Right. What approvals?</p> <p>11 A. Mass DOT and the FAA.</p> <p>12 Q. Any other contingencies?</p> <p>13 A. No.</p> <p>14 Q. So where, if anywhere, were the</p> <p>15 terms of the leases discussed prior to the board</p> <p>16 voting in favor of renewing them?</p> <p>17 A. I don't remember that.</p> <p>18 Q. Do you recall if the board required</p> <p>19 any financial disclosure whatsoever from</p> <p>20 FlightLevel before it voted to extend these</p> <p>21 long-term leases?</p> <p>22 A. I don't remember.</p> <p>23 Q. Do you know if the board required</p> <p>24 any personal guarantee from the principal of</p>
<p style="text-align: right;">43</p> <p>1 A. Yes.</p> <p>2 MR. FEE: Could I have this</p> <p>3 marked as Exhibit 44?</p> <p>4 (Exhibit 44, Letter from Russ Maguire to</p> <p>5 Peter Eichleay of FlightLevel, dated May</p> <p>6 15, 2014, marked for identification)</p> <p>7 Q. (By Mr. Fee) Exhibit 44 appears to</p> <p>8 be a letter written by Russ Maguire to Peter</p> <p>9 Eichleay of FlightLevel, dated May 15, 2014.</p> <p>10 And it's entitled Letter of Intent, Lots A, B,</p> <p>11 C, 5, 6 and 7; do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Would you agree with me that this</p> <p>14 represents a notice to FlightLevel that the</p> <p>15 board has acted consistent with the votes taken</p> <p>16 at the executive session on April 9, the Minutes</p> <p>17 we just reviewed?</p> <p>18 MR. SIMMS: Note my objection,</p> <p>19 which I meant to note earlier, to this</p> <p>20 line of questioning as beyond the scope.</p> <p>21 Q. Do you understand my question?</p> <p>22 A. I need to refer to this.</p> <p>23 Q. Sure.</p> <p>24 A. Okay. What was the question?</p>	<p style="text-align: right;">45</p> <p>1 FlightLevel in connection with its vote to</p> <p>2 extend these long-term leases?</p> <p>3 A. No.</p> <p>4 Q. No, it didn't or no, you don't</p> <p>5 know?</p> <p>6 A. No, I don't know.</p> <p>7 Q. Do you know if the board required</p> <p>8 any form of business plan?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know if it required any form</p> <p>11 of fueling plan?</p> <p>12 A. No, I don't know.</p> <p>13 Q. Do you know what disclosures, if</p> <p>14 any, were required from FlightLevel prior to the</p> <p>15 board voting in favor to extend long-term leases</p> <p>16 on lots A, B, C, 5, 6 and 7?</p> <p>17 MR. SIMMS: Same objection.</p> <p>18 Go ahead.</p> <p>19 A. I don't have a recollection of</p> <p>20 that.</p> <p>21 Q. Is it fair to say there were none?</p> <p>22 MR. SIMMS: Same objection.</p> <p>23 A. I don't know.</p> <p>24 Q. At this point in time, do you</p>

<p style="text-align: right;">46</p> <p>1 recall discussions before the board in which 2 several commissioners articulated a desire to 3 give FlightLevel preferential treatment, in 4 terms of the long-term leases awarded by the 5 Norwood Airport Commission? 6 A. No. 7 Q. You don't recall Mr. Shaughnessy 8 saying words to that effect? 9 A. No. 10 Q. Mr. Ryan? 11 A. No. 12 Q. Were you aware of the fact that the 13 meeting minutes for the April 9th meeting were 14 destroyed? 15 MR. SIMMS: You're making that 16 as an affirmative representation. 17 MR. FEE: I'm sorry, that was 18 a poorly phrased question. I'll get back 19 to you on that issue. 20 Q. Do you know who Deb Reddick is? 21 A. Yes. 22 Q. Who is she? 23 A. She was the stenographer that we 24 used for our meetings.</p>	<p style="text-align: right;">48</p> <p>1 Donovan to the State Ethics Committee, 2 dated May 1, 2014, marked for 3 identification) 4 Q. (By Mr. Fee) I'm showing you a 5 document dated May 1, 2014. It's a letter to 6 the State Ethics Commission from Mr. Donovan, 7 and it appears to be a transmittal letter in 8 which he is asserting ethics complaints against 9 Mr. Ryan and Mr. Shaughnessy; do you see that? 10 A. Yes. 11 Q. Were you aware in or about May of 12 2014 that Mr. Donovan had asserted ethics -- a 13 complaint to the State Ethics Commission 14 regarding activities by Mr. Ryan and Mr. 15 Shaughnessy? 16 MR. SIMMS: Objection. Beyond 17 the scope. 18 MR. FEE: It's most definitely 19 within the scope. 20 A. No. 21 Q. You have no knowledge of that? 22 A. No. 23 MR. FEE: Okay. Could I have 24 this marked as Exhibit 46?</p>
<p style="text-align: right;">47</p> <p>1 Q. To your knowledge, did Deb Reddick 2 do a competent job in recording the meetings? 3 A. Yes. 4 Q. And were there -- are you aware of 5 any time in which she was unable to record the 6 minutes of the meeting? 7 A. There was one instance, but the 8 details of it just -- I don't recall them, where 9 there was some difficulty. I don't recall 10 whether it was with a recording device that she 11 used or whatever. 12 Q. Do you recall if it was the April 13 9th meeting? 14 A. I don't. 15 Q. To your knowledge, is that the only 16 time that there was difficulty? 17 A. Again, I recall -- I remember there 18 was a difficulty with one of the meeting 19 minutes, and I think it had to do with the 20 recording device that she used. But that's -- I 21 just don't have any details on that, as to date. 22 MR. FEE: Could I have this 23 marked as Exhibit 45? 24 (Exhibit 45, Letter from Christopher</p>	<p style="text-align: right;">49</p> <p>1 (Exhibit 46, Regular Business Meeting 2 Minutes for May 14, 2104, marked for 3 identification) 4 Q. (By Mr. Fee) Sir, I'm showing you 5 Exhibit 46. It appears to be the Regular 6 Business Meeting Minutes for the Norwood Airport 7 Commission on May 14, 2014. 8 A. I have 2013. 9 Q. I'll represent to you that I 10 believe this to be a typographical error on the 11 top. And the reason that I believe that is 12 based on a variety of entries in the document 13 itself which identify 2014 as being the 14 operative time frame. But for purposes of our 15 discussion, I acknowledge that at the top it 16 says '13. I would -- I'm going to pose my 17 questions to you based on the assumption that 18 that is a typographical error. 19 MR. SIMMS: I believe it is a 20 typographical error. 21 MR. FEE: Okay. 22 Q. All right. So we discussed a 23 minute ago the April meeting in which the vote 24 was taken to extend the leases of FlightLevel.</p>

<p style="text-align: right;">50</p> <p>1 I'd like to turn your attention to page 2 of 2 this letter -- of these minutes, and at the top 3 the category of discussion is described as BEH 4 Lease/FBO Interest, Joshua Fox, Esquire. Do you 5 recall being at this meeting in May of 2014? 6 A. No. 7 Q. You're listed as an attendee. Does 8 that refresh your recollection? 9 A. I mean, if I'm listed as an 10 attendee, then I was in attendance. Do I 11 specifically remember being at the meeting, no. 12 Is this an actual copy of the meeting with no 13 header as to who attended? 14 Q. It says at the top, in attendance. 15 A. I see. Okay. 16 Q. It says, "Commissioner Wynne 17 welcomed and introduced the new members of the 18 NAC." So from that, I'm drawing the conclusion 19 that you were, in fact, there. 20 A. Okay. 21 Q. So the fourth full paragraph down, 22 it says, "Mr. Fox would like a copy of the 23 recording of the April 9, 2014 NAC meeting and 24 again reiterated that on behalf of BEH, he would</p>	<p style="text-align: right;">52</p> <p>1 MR. SIMMS: Note my objection. 2 Go ahead. 3 A. Okay. I was always pretty much of 4 the opinion that BEH was interested in self 5 fueling. At what point that changed to FBO and 6 so on and so forth, I don't recall. The number 7 6,889 square feet was basically a number we had 8 come up with, the commissioners, which pretty 9 much replicated the space that they would have 10 had, had they been able to fuel on the apron of 11 their new hangar. 12 Q. Okay. But you knew, did you not, 13 at that time, that the 6,889 was not sufficient 14 to conduct a safe FBO operation? 15 A. No, I did not. That's not my 16 recollection at all. 17 Q. You didn't know that? 18 A. No. 19 Q. Well, you testified earlier that 20 you thought 15,000 square feet was not a safe 21 amount of square footage to conduct an FBO 22 operation, right? 23 A. Yes. 24 Q. Okay. So why is this different?</p>
<p style="text-align: right;">51</p> <p>1 like to accept the 6,889 square foot proposal." 2 Do you see that? 3 A. Yes. 4 Q. And was it your understanding that 5 there was an outstanding proposal to BEH in May 6 of 2014? 7 A. There was a proposal on the west 8 ramp. I can't certify to the dates, but -- 9 Q. Okay. And that was for a portion 10 of the west ramp, correct? 11 A. Correct. 12 Q. And the title of this heading says 13 BEH Lease/FBO Interest, right? 14 A. Yes. 15 Q. So you were aware of the fact at 16 that time, were you not, that BEH desired to 17 conduct FBO operations, right? 18 A. Yes. 19 Q. Okay. And is there some reason -- 20 what reason -- as you sit here today, what 21 reason or rationale do you have for the offering 22 of 6,889 square feet of space? 23 A. My recollection of my rationale at 24 the time was --</p>	<p style="text-align: right;">53</p> <p>1 A. Better location, corner lot. 2 Q. So the location of the lot makes a 3 difference? 4 A. Yes. The maneuverability of an 5 aircraft just lends itself to -- planes were 6 being fueled there, even at that point. 7 Q. Okay. Just so I understand your 8 testimony, was it your understanding that in May 9 of 2014 when the Commission offered 6,889 square 10 feet of space, that that was sufficient to 11 conduct a safe FBO operation, yes or no? 12 MR. SIMMS: Well, you can't 13 instruct him yes or no, but you can answer 14 the question. 15 Q. If you can answer it yes or no, 16 that would be great. If you can't, feel free to 17 expound. 18 A. Yes. 19 Q. The sixth paragraph of these 20 minutes say, "Mr. Shaughnessy commented that he 21 would like to see from BEH a balance sheet, an 22 income state and a cash flow analysis. Mr. 23 Sheehan also proposed from BEH: business plan, 24 cash flow analysis, market analysis, 12 months</p>

<p style="text-align: right;">54</p> <p>1 of bank statements, profit/loss statement, 2 feasibility study, 36-month projection, 3 micro/macro, competitor's analysis, as well as a 4 personal financial statement from principles 5 behind BEH, because the NAC is looking for every 6 reassurance they can get from an incoming 7 vendor." Did I read that correctly? 8 A. Yes. 9 Q. Was it your understanding that it 10 was the position of the Commission at that time 11 that in order for BEH to get an FBO, they would 12 have to provide all of that financial 13 information? 14 A. Yes. 15 Q. And was that in addition to the 16 minimum standards that are contained in the 17 regulations of the airport? 18 A. I think they're pretty much in line 19 with the airport regulations. 20 Q. You think -- do you think it's more 21 or less than the minimum standards? 22 A. I don't know. I'd have to sit down 23 and compare them. I'm not sure. 24 Q. Okay. And did you ask FlightLevel</p>	<p style="text-align: right;">56</p> <p>1 Q. Your experience as a businessman, 2 you testified earlier, was something that you 3 brought to your role as a commissioner, is that 4 fair to say? 5 A. Yes. 6 Q. You utilized your experience and 7 acumen working in private business to try and 8 apply those skills to the operations of the 9 airport, correct? 10 A. Correct. 11 MR. FEE: Could I have this 12 marked as Exhibit 47? 13 (Exhibit 47, Executive Session Meeting 14 Minutes for May 14, 2014, marked for 15 identification) 16 Q. (By Mr. Fee) I'm skipping down 17 now, and this is the Minutes of the Executive 18 Session from May 14. And just to orient you, we 19 just talked about the Regular Business Meeting, 20 and now this is the Executive Session Minutes. 21 Skipping down to the middle, it says, "Boston 22 Executive Helicopter Refusal of Lease Offer." 23 And the paragraph says, "On a motion by Mr. 24 Odstrchel and seconded by Mr. Ryan, the</p>
<p style="text-align: right;">55</p> <p>1 for any of this information in connection with 2 the decision to extend their long-term leases 3 just one month before? 4 A. No. 5 Q. Why not? 6 A. We have experience with 7 FlightLevel. I'm a businessman, you know, you 8 do business with people, you have a -- you make 9 a judgment as to whether or not they are people 10 you'd like to continue to do business with, or 11 if there's a problem, to stop doing business 12 with them, or something in between those two 13 extremes. 14 Q. And did you feel that you had the 15 discretion to make those kinds of character 16 judgments with respect to the people that you 17 were doing business with? 18 A. Yes. Well, I did. I don't know 19 about the rest of the members. 20 Q. And you exercised that discretion 21 by requiring a certain level of financial 22 disclosure from BEH and not requiring it from 23 FlightLevel, is that fair to say? 24 A. Yes.</p>	<p style="text-align: right;">57</p> <p>1 Commission voted eight to zero to withhold 2 making a decision to re-offer a lease of 6,889 3 square feet of the West Apron until a scoping 4 plan has been completed and reviewed by the 5 Commission. At such time, it is proposed to 6 offer an undetermined number of years lease, 7 based on a new RFP (Request for Proposal)." 8 Did I read that correctly? 9 A. Yes. 10 Q. So just so I understand, in the 11 Executive -- I'm sorry, in the Regular Meeting 12 Minutes there are references to Mr. Fox 13 accepting the offer for 6,889 square feet, 14 right? And then, in the Executive Minutes 15 there's a motion to withdraw that offer. Is 16 that what happened? 17 A. I don't recall. 18 Q. Do you recall any of the discussion 19 regarding withdrawing the offer to lease space 20 to BEH? 21 A. No. 22 Q. What is a scoping plan? 23 A. They wanted to, basically, as we 24 say in real estate, find out the highest and</p>

<p style="text-align: right;">58</p> <p>1 best use for the west ramp.</p> <p>2 Q. Okay. This is -- why wouldn't you</p> <p>3 do a scoping plan before you had offered that</p> <p>4 lease initially to BEH?</p> <p>5 MR. SIMMS: Objection. Go</p> <p>6 ahead.</p> <p>7 A. I don't know.</p> <p>8 Q. Why did the Commission change its</p> <p>9 mind?</p> <p>10 A. I don't recall.</p> <p>11 Q. Was it something that BEH said or</p> <p>12 did to the Commission that caused them to</p> <p>13 reconsider their prior offer?</p> <p>14 A. Nothing that I can recall.</p> <p>15 Q. And as you sit here today, can you</p> <p>16 think of any reason why the Airport Commission</p> <p>17 would rescind an offer to lease space to the BEH</p> <p>18 after it had previously extended that offer and</p> <p>19 had been accepted by BEH's counsel?</p> <p>20 MR. SIMMS: Objection. Go</p> <p>21 ahead.</p> <p>22 A. I can't recall any reason.</p> <p>23 MR. FEE: Could I have this</p> <p>24 marked as Exhibit 48?</p>	<p style="text-align: right;">60</p> <p>1 for the next five years." Did I read that</p> <p>2 correctly?</p> <p>3 A. I'm sorry, I missed that. Where</p> <p>4 were you?</p> <p>5 Q. Top of page 2. "Regarding question</p> <p>6 number 1, The Norwood Airport Commission has</p> <p>7 advised me to pass along that, as far as the NAC</p> <p>8 members are concerned, Lots A, B and C are under</p> <p>9 lease for the next five years." Did I read that</p> <p>10 correctly?</p> <p>11 A. Okay, yes.</p> <p>12 Q. So was it your understanding that</p> <p>13 on May 3, 2014 there was a lease or there wasn't</p> <p>14 a lease with FlightLevel for Lots A B and C?</p> <p>15 A. My recollection is that it was</p> <p>16 still under consideration by the FAA.</p> <p>17 Q. Okay. So when Mr. -- but you will</p> <p>18 agree with me that at the March 12 meeting you</p> <p>19 voted to extend those leases to FlightLevel,</p> <p>20 correct?</p> <p>21 A. With the conditions of approval.</p> <p>22 Q. Right. And so when Mr. Maguire</p> <p>23 responds to Mr. Donovan on May 5 saying that</p> <p>24 Lots A, B and C have been released to</p>
<p style="text-align: right;">59</p> <p>1 (Exhibit 48, E-mail Chain between</p> <p>2 Christopher Donovan and Russ Maguire,</p> <p>3 beginning on May 3, 2014, marked for</p> <p>4 identification)</p> <p>5 MR. FEE: Is this a good time</p> <p>6 to take a break?</p> <p>7 (A recess was taken)</p> <p>8 MR. FEE: Back on the record.</p> <p>9 Q. (By Mr. Fee) I'm showing you a</p> <p>10 document that has been marked as Exhibit 48. It</p> <p>11 appears to be an e-mail chain between Mr.</p> <p>12 Maguire and Mr. Donovan, which begins on May 3,</p> <p>13 2014. And Mr. Donovan asks Mr. Maguire the</p> <p>14 question, Number 1, "Has the lease for Lots A, B</p> <p>15 and C been released to FlightLevel?" And in the</p> <p>16 answer down below Mr. Maguire says, "No." Did I</p> <p>17 read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And then turning the page,</p> <p>20 there's a subsequent e-mail from Mr. Maguire to</p> <p>21 Mr. Donovan saying, "Regarding question number</p> <p>22 1, the Norwood Airport Commission has advised me</p> <p>23 to pass along that, as far as the NAC members</p> <p>24 are concerned, Lots A, B and C are under lease</p>	<p style="text-align: right;">61</p> <p>1 FlightLevel, and he says no, is that, in your</p> <p>2 mind, an accurate response?</p> <p>3 A. Yes.</p> <p>4 Q. Do you consider that the type of</p> <p>5 forthcoming, transparent communication that</p> <p>6 should be expected from a public official?</p> <p>7 MR. SIMMS: Objection to the</p> <p>8 form. You can answer.</p> <p>9 A. No. What is --</p> <p>10 Q. Is the answer no?</p> <p>11 A. No. I'm saying, what is your</p> <p>12 question directed to?</p> <p>13 Q. My question is directed to you.</p> <p>14 And my question is, would you consider Mr.</p> <p>15 Maguire's response to Mr. Donovan of May 5, at</p> <p>16 10:12 a.m., the type of transparent and</p> <p>17 forthcoming communication you would expect from</p> <p>18 a public official?</p> <p>19 MR. SIMMS: Same objection.</p> <p>20 You can answer.</p> <p>21 A. Yes, I answered the question.</p> <p>22 Q. So skipping now to the third page,</p> <p>23 again from Mr. Maguire to Mr. Donovan, he says,</p> <p>24 "However, at its March 12 meeting, at the</p>

<p style="text-align: right;">62</p> <p>1 request of FlightLevel, the NAC did vote to</p> <p>2 approve an additional five-year lease to</p> <p>3 FlightLevel for Lots A, B, C. According to NAC</p> <p>4 Chairman, Tom Wynne, and to help provide</p> <p>5 clarity, for all intents and purposes, Lots A,</p> <p>6 B, C has been re-leased to FlightLevel." Did I</p> <p>7 read that correctly?</p> <p>8 A. I'm sorry, I lost you. Which</p> <p>9 paragraph?</p> <p>10 Q. The top of Page 3.</p> <p>11 A. Okay.</p> <p>12 Q. Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So fair to say that at this</p> <p>15 point in time, FlightLevel has leased</p> <p>16 approximately 600,000 square feet at the</p> <p>17 Airport, correct?</p> <p>18 A. No.</p> <p>19 Q. No? How much?</p> <p>20 A. It would be my understanding that</p> <p>21 -- you know, I'd have to see more records to</p> <p>22 indicate when it was approved by the FAA.</p> <p>23 Q. Would it be fair to say, at this</p> <p>24 point in time, FlightLevel leases approximately</p>	<p style="text-align: right;">64</p> <p>1 Q. (By Mr. Fee) Exhibit 49 is a</p> <p>2 two-page e-mail and I'm going to start on page 2</p> <p>3 and work our way back. On the second page of</p> <p>4 this e-mail, it appears to be an e-mail from Mr.</p> <p>5 Maguire to Mr. Donovan, dated April 30, 2014, in</p> <p>6 which there's a description of some of the</p> <p>7 information that Mr. Maguire has requested in</p> <p>8 terms of financial disclosure on BEH's business</p> <p>9 plan; do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And then Mr. Donovan responds by</p> <p>12 e-mail dated May 1, 2014, with a narrative</p> <p>13 describing what he's going to do to provide a</p> <p>14 business plan; do you see that?</p> <p>15 A. No. What page?</p> <p>16 Q. On page 1. It says, "I'm working</p> <p>17 to provide a detailed business plan that will</p> <p>18 contain," et cetera, et cetera, et cetera; do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So was it your understanding that,</p> <p>22 at this point in time, the Commission was</p> <p>23 engaged in active discussions with BEH regarding</p> <p>24 financial disclosure toward the approval of an</p>
<p style="text-align: right;">63</p> <p>1 ninety percent of the space at the Airport?</p> <p>2 A. I don't know.</p> <p>3 MR. SIMMS: By the way,</p> <p>4 Exhibit 48 is the same as Exhibit 9.</p> <p>5 MR. FEE: Slightly different.</p> <p>6 MR. SIMMS: Slightly different</p> <p>7 versions?</p> <p>8 MR. FEE: No. Exhibit 9 is</p> <p>9 one page. Exhibit 48, I think, has</p> <p>10 additional.</p> <p>11 MR. SIMMS: Right. Okay.</p> <p>12 MR. FEE: I could have done</p> <p>13 that differently.</p> <p>14 MR. SIMMS: That's fine.</p> <p>15 MR. FEE: Just give me one</p> <p>16 minute, please. Moving on. I think I've</p> <p>17 asked you all I'm going to ask you about</p> <p>18 Exhibit 48.</p> <p>19 Could I have this marked as</p> <p>20 Exhibit 49?</p> <p>21 (Exhibit 49, E-mail, two pages, between</p> <p>22 Russ Maguire and Christopher Donovan,</p> <p>23 beginning April 30, 2014, marked for</p> <p>24 identification)</p>	<p style="text-align: right;">65</p> <p>1 FBO?</p> <p>2 A. Yes.</p> <p>3 Q. And would you describe Mr.</p> <p>4 Maguire's e-mail, which is on the second page of</p> <p>5 Exhibit 49, as being a basic summary of some of</p> <p>6 the financial information that was being</p> <p>7 requested?</p> <p>8 A. What was your question again on</p> <p>9 that?</p> <p>10 Q. Sure. Is it your understanding</p> <p>11 that Mr. Maguire's e-mail on the second page of</p> <p>12 Exhibit 49 sets forth, in summary fashion, the</p> <p>13 categories of financial information that were</p> <p>14 being requested?</p> <p>15 A. Yes.</p> <p>16 Q. I'm showing you now Exhibit 13 to</p> <p>17 Mr. LeBlanc's deposition. Have you ever seen</p> <p>18 that before?</p> <p>19 A. I don't recall seeing this document</p> <p>20 before.</p> <p>21 Q. For the record, Exhibit 13 to the</p> <p>22 LeBlanc deposition is a document entitled Boston</p> <p>23 Executive Helicopters Business Plan, dated July</p> <p>24 9, 2014. Does that refresh your recollection as</p>

<p style="text-align: right;">66</p> <p>1 to when --</p> <p>2 A. Okay, I have seen this.</p> <p>3 Q. Okay. And there were several</p> <p>4 iterations of Boston Executive Helicopters'</p> <p>5 business plan that were submitted to the NAC,</p> <p>6 were there not?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And do you know if this was</p> <p>9 the final version?</p> <p>10 A. I don't know.</p> <p>11 Q. At some point, did the Norwood</p> <p>12 Airport Commission become satisfied with the</p> <p>13 amount of financial disclosure and business plan</p> <p>14 disclosure that BEH made in connection with the</p> <p>15 FBO permit application?</p> <p>16 A. I don't know. I think I was off</p> <p>17 the Commission shortly after this document.</p> <p>18 Q. Okay. But as far as you know, at</p> <p>19 the time that you cycled off the Commission, the</p> <p>20 Commission had not approved an FBO permit for</p> <p>21 BEH?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And notwithstanding the</p> <p>24 provision of this detailed document that has</p>	<p style="text-align: right;">68</p> <p>1 made as a commissioner; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Did you feel that, in exercising</p> <p>4 that discretion, you were allowed to request</p> <p>5 from FBO applicants, information that wasn't</p> <p>6 necessarily -- that was over and above that</p> <p>7 which might have been set forth in the minimum</p> <p>8 standards?</p> <p>9 MR. SIMMS: Can you read that</p> <p>10 back, please?</p> <p>11 MR. FEE: I can restate it, if</p> <p>12 you want.</p> <p>13 Q. (By Mr. Fee) You stated earlier</p> <p>14 that you brought your acumen and understanding</p> <p>15 as a businessman to the decisions that you made</p> <p>16 as a commissioner, correct?</p> <p>17 A. Mm-hmm.</p> <p>18 Q. And my question is, did you believe</p> <p>19 that you were -- in exercising the discretion</p> <p>20 that you had as a commissioner, were you</p> <p>21 entitled to require financial disclosure over</p> <p>22 and above the minimum standards set forth in the</p> <p>23 Norwood Memorial Airport regulations?</p> <p>24 A. If I had a question that I felt I</p>
<p style="text-align: right;">67</p> <p>1 been marked as Exhibit 3 to the LeBlanc</p> <p>2 deposition, do you recall what other outstanding</p> <p>3 items were being required from BEH at the time?</p> <p>4 A. No.</p> <p>5 Q. At the time that you reviewed the</p> <p>6 BEH business plan, did you consider it to be</p> <p>7 complete?</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you recall if there were any</p> <p>10 questions in your mind as to whether or not</p> <p>11 additional financial disclosure was going to be</p> <p>12 necessary?</p> <p>13 A. I don't recall.</p> <p>14 Q. Do you know if the financial</p> <p>15 disclosure that was being requested was in</p> <p>16 addition to the minimum standards promulgated by</p> <p>17 the Norwood Memorial Airport regulations?</p> <p>18 MR. SIMMS: Again, beyond the</p> <p>19 scope, but go ahead.</p> <p>20 A. I'd have to sit down and compare</p> <p>21 both of them to give you an answer on that.</p> <p>22 Q. You said earlier that you thought</p> <p>23 that your experience and acumen as a business</p> <p>24 person informed some of the decisions that you</p>	<p style="text-align: right;">69</p> <p>1 needed more information, yes.</p> <p>2 Q. And that's what you did in this</p> <p>3 case, correct,?</p> <p>4 A. Again, I'd have to go back into the</p> <p>5 record and refresh my memory. I mean, this has</p> <p>6 been going on for a number of years.</p> <p>7 Q. I understand. Can you tell me what</p> <p>8 criteria you used to determine whether to</p> <p>9 require additional information over and above</p> <p>10 that which is required in the minimum standards?</p> <p>11 MR. SIMMS: Objection. Beyond</p> <p>12 the scope. Go ahead.</p> <p>13 A. To answer your question, no.</p> <p>14 Q. You know that at some point, BEH</p> <p>15 filed a Part 13 Complaint, right?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what a Part 13</p> <p>18 Complaint is?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know when a Part 13</p> <p>21 Complaint was filed?</p> <p>22 A. Specifically, no.</p> <p>23 Q. I'm going to show you what has been</p> <p>24 marked as Exhibit 10 to the LeBlanc deposition</p>

<p style="text-align: right;">70</p> <p>1 and ask you if that refreshes your recollection 2 as to when BEH filed a Part 13 Complaint? 3 A. Yes, I remember this, but I don't 4 remember the details, the particulars. 5 Q. My question is whether the date of 6 Exhibit 10 to the LeBlanc deposition, June 5, 7 2014, refreshes your recollection as to when BEH 8 filed a Part 13 Complaint? 9 A. Yes. 10 Q. Was it in or about June of 2014? 11 A. Whatever this paper says. 12 Q. But you were still on the board at 13 that time, right? 14 A. As far as I know I was. 15 Q. And what was your reaction to the 16 filing of the Part 13 Complaint? 17 A. Well, certainly, it's not a 18 pleasant letter to get, but this is something we 19 need to have town counsel look at. 20 Q. Okay. And did you read the Part 13 21 Complaint? 22 A. I'm sure I did. 23 Q. Do you know what actions, if any, 24 the board took in response to the Part 13</p>	<p style="text-align: right;">72</p> <p>1 other. We weren't going to deal with both of 2 them simultaneously. It made more sense to 3 table the FBO application and get this thing 4 cleared up. 5 Q. So you thought that during the 6 pendency of the Part 13 Complaint it was 7 appropriate for you to suspend consideration of 8 the FBO application? 9 A. Yes. 10 Q. Okay. I'm going to show you now 11 Exhibit 12, which is a letter dated July 10, 12 2014, which appears to be the Norwood Airport 13 Commission's response to the FBO Complaint and 14 it does list you as chairman at the top, and I 15 just direct your attention to -- I'm going to 16 show you the document and then direct your 17 attention to page 13. I apologize, I'm just 18 going to reach over and direct your attention to 19 part of the document here. Since I can't read 20 upside down, would you mind reading that 21 paragraph? 22 A. I'm not sure which paragraph you're 23 referring to. 24 Q. Here.</p>
<p style="text-align: right;">71</p> <p>1 Complaint? 2 A. I don't, off the top of my head, 3 no. 4 Q. Okay. Well, let me show you 5 Exhibit 11 to the LeBlanc deposition, which is 6 the meeting minutes of the Airport Commission on 7 June 11, 2014, and I will direct your attention 8 to the bottom paragraph on the first page. 9 A. What is your question? 10 Q. Does that refresh your recollection 11 as to what action the board took in response to 12 the filing of the Part 13 Complaint? 13 A. No. 14 Q. Would you agree with me that on 15 June 11, 2014 the board voted to table the FBO 16 application of BEH? 17 A. Yes. 18 Q. And was the decision to table the 19 application, the FBO application of BEH, related 20 to the filing of the Part 13 Complaint? 21 A. Yes. 22 Q. And why? 23 A. Well, we had a complaint in hand 24 from BEH. We could only deal with one or the</p>	<p style="text-align: right;">73</p> <p>1 A. "At the June 11, 2014 meeting, the 2 NAC voted to table further discussion of the BEH 3 Lease/FBO Interest, in light of BEH's Part 13 4 Complaint filing. See attachment 5." 5 Q. So this is consistent with your 6 testimony that the actions of the board in 7 tabling the FBO permit consideration were 8 directly attributed to the filing of the Part 13 9 Complaint? 10 A. Yes. 11 Q. Now, at some point, did the board 12 think about untabling the discussion of the FBO 13 permit? 14 A. I don't recall. 15 MR. FEE: Could I have this 16 marked as Exhibit 50? 17 (Exhibit 50, Regular Business Meeting 18 Minutes for July 30, 2014, marked for 19 identification) 20 Q. (By Mr. Fee) Exhibit 50 appears to 21 be the Regular Business Meeting Minutes for the 22 Norwood Airport Commission on July 30, 2014. I 23 note that you were identified as a commissioner 24 in attendance. And directing your attention to</p>

<p style="text-align: right;">74</p> <p>1 the last paragraph, it states, "After a lengthy 2 discussion between Mr. Hues, Mr. Ryan and Mr. K. 3 Shaughnessy regarding the motion to untable the 4 discussion of BEH as a Fixed Base Operator, 5 there was a motion by Mr. Hues to untable the 6 discussion of BEH as a Fixed Base Operator and 7 seconded by P. Shaughnessy. The Commission 8 voted six to two against untabling the 9 discussion." 10 Did I read that correctly? 11 A. Yes. 12 Q. Do you recall being at this 13 meeting, or participating in this discussion? 14 A. If my name is on the attendance, I 15 was there, yes. 16 Q. I understand. But do you recall 17 participating in the discussion? 18 A. No. 19 Q. Do you recall that Mr. Hues was a 20 champion of BEH? 21 A. I don't know if I'd call him a 22 champion, but -- 23 Q. Supporter? 24 A. Supporter.</p>	<p style="text-align: right;">76</p> <p>1 with, and hopefully dismiss. 2 Q. At some point, was the Part 13 3 withdrawn? 4 A. I understand it was. 5 Q. Were you on the board then? 6 A. I don't recall. 7 Q. Okay. But if BEH had withdrawn the 8 Part 13 Complaint, you would have been amenable 9 to reviewing again the FBO permit, is that fair 10 to say? 11 A. Yes. 12 Q. After you ceased to be a 13 commissioner, did you continue to be in any way 14 involved with the airport? 15 A. No. 16 Q. You said earlier that you thought 17 it was somewhere around the end of 2014 that you 18 cycled off; is that fair to say? 19 A. I'm pretty sure it was October. I 20 have it in my notes at home. 21 Q. Okay. Anything else you can recall 22 about the interactions between the NAC and BEH 23 during your term? 24 MR. SIMMS: That's a pretty</p>
<p style="text-align: right;">75</p> <p>1 Q. Okay. And Mr. Shaughnessy, would 2 you describe him as a supporter of BEH? 3 A. No, I'd describe him as an Airport 4 Commissioner. 5 Q. Okay. In connection with this 6 discussion -- and I'm talking about Mr. P. 7 Shaughnessy now when I asked you if you thought 8 that he was a supporter of BEH? 9 A. I don't know. 10 Q. Okay. Do you recall anything at 11 all about this discussion to table -- to untable 12 the FBO permit decision? 13 A. No. 14 Q. Was it your position at that time 15 that as long as the Part 13 Complaint was 16 pending you were not going to take up the FBO? 17 A. That would be my position, yes. 18 Q. And what was -- just so I 19 understand, what was the basis for that 20 position? 21 A. Again, we had two situations that, 22 at least in my mind, were situations that didn't 23 make sense to deal with concurrently, and the 24 Part 13 was something that we wanted to deal</p>	<p style="text-align: right;">77</p> <p>1 broad question. Note my objection to 2 form. Go ahead. 3 A. No. 4 Q. Well, what was your predilection 5 with respect to BEH's request for permitting 6 relief? Did you consider them to be a viable 7 candidate for an FBO permit? 8 A. Up to the point where we had 9 progressed to the date, let's say, of the Part 10 13 Complaint. 11 Q. So once they filed a Part 13 12 Complaint, you weren't interested? 13 A. Right. 14 Q. Okay. Do you know, at some point, 15 that Boston Executive Helicopters filed a 16 lawsuit seeking public records? 17 A. Yes. 18 Q. Okay. And do you know that that 19 suit was filed in or about November of 2014? 20 A. I knew it was filed. I don't have 21 the date. 22 Q. Were you on the board at the time? 23 A. What's the date? 24 Q. November 24, 2014.</p>

<p style="text-align: right;">78</p> <p>1 A. That's right on the line. I don't 2 know. 3 Q. Okay. Do you have a recollection 4 of being informed about this, in your capacity 5 as a commissioner? 6 A. No. 7 Q. What were your thoughts about the 8 board being sued for a public records request? 9 MR. SIMMS: Objection. Go 10 ahead. And beyond the scope. Go ahead. 11 MR. FEE: It's well within the 12 scope. 13 A. My thoughts would have been, you 14 know, a public records request, given the makeup 15 of the Norwood Airport, was a burden. There 16 were two people down there with a full load of 17 duties for the working week, so it was -- it 18 took an extra effort, if you will, to comply. 19 Q. Okay. 20 MR. SIMMS: I stand corrected, 21 Michael. I believe Michael is correct. 22 It is within the scope of what Judge 23 Stearns has said was a viable part of the 24 First Amendment Complaint.</p>	<p style="text-align: right;">80</p> <p>1 Q. It appears to be two e-mails, one 2 from -- I'm sorry, three e-mails, the first of 3 which begins at the end, which is Brandon Moss' 4 letter to Tim McCulloch regarding the public 5 records request, and then Brandon's response -- 6 I'm sorry, Oulton Hues' response on November 14, 7 2014. That's the e-mail that begins on page 1 8 and takes up the majority of page 2. And then 9 there's Mr. Sheehan's response that's on the 10 very first part of page 1, okay, and that's the 11 part I want to focus on. 12 Mr. Sheehan writes, "I find your -- 13 "Brandon, I find your response to the Public 14 Request by Mr. Donovan and Mr. Hues most 15 appropriate. I fully agree with your sentiment 16 that this is a form of harassment that dedicated 17 public officials certainly do not deserve. It 18 is a continuation that began with the false 19 charges against the honorable Tom Wynne." 20 Did I read that correctly? 21 A. Yes. 22 Q. Do you share Mr. Sheehan's 23 assessment that a public records request is a 24 form of harassment?</p>
<p style="text-align: right;">79</p> <p>1 MR. FEE: Could I have this 2 marked as Exhibit 51? 3 (Exhibit 51, E-mail from Michael Sheehan 4 to Oulton Hues, dated November 15, 2014, 5 marked for identification) 6 Q. (By Mr. Fee) I'm going to show 7 you -- I'm showing you what has been marked as 8 Exhibit 51. It appears to be an e-mail dated 9 November 15, 2014, and it's from Michael 10 Sheehan, who is an Airport Commissioner, 11 correct? 12 A. Yes. 13 Q. To Oulton Hues. And there are many 14 cc's. Do you see that? 15 A. Yes. 16 Q. And you're one of those cc's, are 17 you not? 18 A. Yes. 19 Q. Okay. And do you recall seeing 20 this e-mail before? 21 A. Let me read it. 22 Q. Sure. 23 A. I'm on the cc'd list, but I frankly 24 don't recall it.</p>	<p style="text-align: right;">81</p> <p>1 A. No. 2 Q. Okay. Did you think that, at this 3 time, that Boston Executive Helicopters' public 4 records request was unduly burdensome? 5 A. Yes. 6 Q. Did you think it wasn't warranted? 7 MR. SIMMS: Objection. Go 8 ahead. 9 A. I don't know. 10 Q. Did you think that it was not -- 11 did you think that it was illegal? 12 A. No. 13 Q. The last sentence of that first 14 paragraph says, "It is a continuation that began 15 with the false charges against the honorable Tom 16 Wynne." Do you know what he's talking about? 17 A. Yes. 18 Q. What is it? 19 A. It's a separate matter. I don't 20 know if it's even appropriate for this meeting. 21 Q. I can ask you about it. Your 22 lawyer can instruct you not to answer, but I can 23 ask you specific questions about that 24 altercation, if you want. I'm just giving you</p>

<p style="text-align: right;">82</p> <p>1 an opportunity to give me an overview, if you'd 2 like.</p> <p>3 MR. SIMMS: Do you mind if I 4 take a moment with Tom?</p> <p>5 MR. FEE: Not at all. And, 6 again, I'm not going to dwell on that. 7 I'm just asking you what that language is 8 about. 9 (A recess was taken)</p> <p>10 MR. FEE: Back on the record.</p> <p>11 Q. (By Mr. Fee) Where we left off 12 was, I asked you what Mr. Sheehan was referring 13 to when he said this is a continuation that 14 began with false charges against the honorable 15 Tom Wynne. Do you know what that refers to?</p> <p>16 A. Yes.</p> <p>17 Q. What is it?</p> <p>18 A. Things were getting out of hand 19 with Mr. Hues. I had received complaints from 20 the airport manager about his conduct. And this 21 is the first time I had come up against a 22 situation like this. I had served on other 23 boards in the town and I've never run into a 24 situation where one member was put in a position</p>	<p style="text-align: right;">84</p> <p>1 incident.</p> <p>2 Q. How are you aware of it?</p> <p>3 A. It was -- I forget who told me, but 4 basically he just acted in an unpleasant way at 5 either one of the executive sessions or one of 6 the regular sessions of the Norwood Airport 7 Commission.</p> <p>8 Q. Again, I don't want to dwell on 9 this, but the conduct that you were concerned 10 about and the reason that you called the meeting 11 was what, what was he doing?</p> <p>12 A. There were several instances of -- 13 this is not all of them, but, you know, parking 14 his car in the middle of the taxiway and 15 somebody asked him to move and he said no, you 16 don't have the authority to tell me to move, and 17 I'm an airport commissioner. And a couple of 18 the tenants there were complaining about him 19 poking his nose into their business. And I 20 think -- things that -- I don't know, kind of 21 throwing his weight around, and it was just 22 making life unpleasant for the two workers at 23 the airport.</p> <p>24 Q. And as chairman, you thought it was</p>
<p style="text-align: right;">83</p> <p>1 of having to address another member's conduct. 2 But in any event, I arranged a meeting between 3 Mr. Hues and myself at the Town Hall, and I had 4 Mark Ryan there as well to address the problems. 5 During the course of the meeting, Mr. Hues 6 passed some papers over to me which were 7 irrelevant to what we were discussing, and I 8 flipped them back at him. Well, based on that 9 flip, Mr. Hues brought an assault and battery 10 complaint against me. And this ended up in 11 Norfolk District Court. And I had to hire an 12 attorney, and at that session, basically, I 13 apologized, with reservations for any ill 14 feeling between Mr. Hues and myself.</p> <p>15 Q. As a result of that, was Mr. Hues 16 removed from the Commission?</p> <p>17 A. No. He was removed from the 18 Commission, but not as a result of that.</p> <p>19 Q. Something else that he did, another 20 incident?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Were you present at the 23 other incident?</p> <p>24 A. No. But I'm aware of the other</p>	<p style="text-align: right;">85</p> <p>1 appropriate for you to speak to him about that; 2 is that fair to say?</p> <p>3 A. Yes, with reservations. It was the 4 first time that I have ever been put in a 5 position on a board or on a committee and having 6 to address another member's conduct. It wasn't 7 something that I was looking forward to. And I 8 was trying to think my way through it. That's 9 one of the reasons I asked Mark Ryan to sit in 10 was so that we'd have a witness to this thing. 11 But it was nothing that I really looked fondly 12 on.</p> <p>13 Q. Okay. In the second paragraph in 14 this e-mail from Mr. Sheehan, he states, "I was 15 encouraged when Mr. Donovan withdrew his Part 13 16 Complaint and was hoping a sensible solution 17 could have been reached regarding BEH. It now 18 appears through the absurd public records 19 request, Mr. P. Shaughnessy's utterly ridiculous 20 letter to the editor, and Mr. Hues' most 21 disingenuous comments, that Mr. Donovan and his 22 surrogates, Messrs. Shaughnessy and Hues, simply 23 want to continue in an acrimonious 24 relationship." Did I read that correctly?</p>

<p style="text-align: right;">86</p> <p>1 A. Yes.</p> <p>2 Q. Did you believe that the public</p> <p>3 records request was absurd?</p> <p>4 A. I wouldn't use the word absurd.</p> <p>5 Q. What word would you use?</p> <p>6 MR. SIMMS: Objection. Go</p> <p>7 ahead.</p> <p>8 A. Burdensome.</p> <p>9 MR. SIMMS: You've answered</p> <p>10 the question.</p> <p>11 A. Burdensome.</p> <p>12 Q. Okay. Did you believe that</p> <p>13 Mr. Donovan was getting access to all of the</p> <p>14 public records that he had a right to access?</p> <p>15 A. Yes.</p> <p>16 Q. And you felt that his bringing of a</p> <p>17 public records request was -- for documents that</p> <p>18 he had already been provided?</p> <p>19 A. I believe so.</p> <p>20 Q. Okay. And --</p> <p>21 A. Some of the documents had been</p> <p>22 previously provided.</p> <p>23 Q. Did you take any action with</p> <p>24 respect to the filing of the public records</p>	<p style="text-align: right;">88</p> <p>1 Q. Okay. Do you know if you were on</p> <p>2 the board in March of 2015?</p> <p>3 A. I don't think so.</p> <p>4 MR. FEE: Could I have this</p> <p>5 marked as Exhibit 52?</p> <p>6 (Exhibit 52, Letter from Timothy McCulloch</p> <p>7 to Brandon Moss, dated March 27, 2015,</p> <p>8 marked for identification)</p> <p>9 Q. (By Mr. Fee) Exhibit 52 appears to</p> <p>10 be a letter from Mr. McCulloch to Mr. Moss,</p> <p>11 dated March 27, 2015. Have you ever seen this</p> <p>12 before?</p> <p>13 A. No, I haven't seen this before.</p> <p>14 MR. FEE: Give me two seconds,</p> <p>15 please.</p> <p>16 (A recess was taken)</p> <p>17 MR. FEE: Back on the record.</p> <p>18 I have no further questions.</p> <p>19 MR. SIMMS: Give me one</p> <p>20 second, please.</p> <p>21 EXAMINATION BY MR. SIMMS:</p> <p>22 Q. Let me show you, Mr. Wynne, what</p> <p>23 was marked as Exhibit 11. Those are the Regular</p> <p>24 Business Meeting Minutes from June 11, 2014.</p>
<p style="text-align: right;">87</p> <p>1 request lawsuit?</p> <p>2 A. No.</p> <p>3 Q. Did you continue to not consider</p> <p>4 the FBO permit request as a result of the filing</p> <p>5 of a public records request?</p> <p>6 A. Say that again.</p> <p>7 Q. It was poorly phrased, I'm sorry.</p> <p>8 Did you consider the filing of a public records</p> <p>9 request to be a continuing pattern of Boston</p> <p>10 Executive Helicopters' behavior towards the</p> <p>11 board?</p> <p>12 MR. SIMMS: Objection. Go</p> <p>13 ahead.</p> <p>14 A. No.</p> <p>15 Q. So you didn't believe that Boston</p> <p>16 Executive Helicopters was acting inappropriately</p> <p>17 by filing the public records request, did you?</p> <p>18 A. No.</p> <p>19 Q. You just thought it was annoying?</p> <p>20 A. Yes.</p> <p>21 Q. And the reason that it was annoying</p> <p>22 is because there was limited staff to handle the</p> <p>23 request?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">89</p> <p>1 Michael asked you some questions about the last</p> <p>2 entry on page 1. Do you recall testifying about</p> <p>3 that topic earlier today?</p> <p>4 A. Yes.</p> <p>5 Q. And I believe you said that you</p> <p>6 didn't -- in your view, in your opinion, it</p> <p>7 didn't make sense for the Commission to deal</p> <p>8 with both the Complaint BEH had filed with the</p> <p>9 FAA on or about June 14, and BEH's application</p> <p>10 for an FBO license simultaneously; do you recall</p> <p>11 giving that testimony?</p> <p>12 A. Yes.</p> <p>13 Q. And why did you think it was not</p> <p>14 appropriate to deal with both of those matters</p> <p>15 at the same time?</p> <p>16 A. Well, as far as the Complaint is</p> <p>17 concerned, a Complaint of that nature is</p> <p>18 significant, to say the least. And my business</p> <p>19 background and business thinking, what have you,</p> <p>20 kind of tells me to get this thing out of the</p> <p>21 way and then deal with the application for a</p> <p>22 FBO. I guess maybe one of the other</p> <p>23 considerations is, we wanted to know what the</p> <p>24 FAA thought. It could well come back and tell</p>

<p style="text-align: right;">90</p> <p>1 us to do any number of things.</p> <p>2 Q. At least, from your perspective,</p> <p>3 your own point of view, whatever the nature of</p> <p>4 the motion that was tabled by the Commission on</p> <p>5 June 11, 2014, was that in retaliation for BEH</p> <p>6 filing its Part 13 -- or excuse me, its Part 14</p> <p>7 complaint with the FAA?</p> <p>8 MR. FEE: Objection. Go</p> <p>9 ahead.</p> <p>10 A. The action on my part, and my</p> <p>11 thinking, was not retaliation. To me, it was</p> <p>12 just good business procedure.</p> <p>13 MR. SIMMS: I have no further</p> <p>14 questions.</p> <p>15 MR. FEE: I have no follow-up.</p> <p>16 Hang on. I'm sorry, I do have another</p> <p>17 question.</p> <p>18 FURTHER EXAMINATION BY MR. FEE:</p> <p>19 Q. Exhibit 12 to the LeBlanc</p> <p>20 deposition is a letter from the Airport</p> <p>21 Commission to the FAA dated July 10, 2014. Do</p> <p>22 you know who prepared that document?</p> <p>23 A. My recollection would be that this</p> <p>24 was prepared by our counsel.</p>	<p style="text-align: right;">92</p> <p>1 13 Complaint was pending with the FAA, you -- it</p> <p>2 was prudent and good business not to take any</p> <p>3 action on any permitting requests from BEH?</p> <p>4 MR. SIMMS: With respect to</p> <p>5 the FBO?</p> <p>6 Q. With respect to the FBO?</p> <p>7 A. Yes.</p> <p>8 MR. FEE: Okay. I have no</p> <p>9 further questions.</p> <p>10 MR. SIMMS: Nothing further.</p> <p>11 MR. FEE: Thank you very much</p> <p>12 for your time. It was a pleasure to meet</p> <p>13 you.</p> <p>14 (Deposition concluded)</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;">91</p> <p>1 Q. Counsel. And who signed it?</p> <p>2 A. I did.</p> <p>3 Q. Did you read it before you signed</p> <p>4 it?</p> <p>5 A. I'm sure I did.</p> <p>6 Q. And did you consider -- did you</p> <p>7 participate in any kind of investigation of</p> <p>8 facts before you signed this document and</p> <p>9 forwarded it to the FAA?</p> <p>10 A. I don't recall.</p> <p>11 Q. Did you consider it to be a</p> <p>12 definitive response from the Airport Commission</p> <p>13 to the allegations that were in the Part 13</p> <p>14 Complaint?</p> <p>15 A. I'm sure I would have at the time.</p> <p>16 Q. Okay. And if it was a definitive</p> <p>17 response, can you tell me why you considered it</p> <p>18 to be prudent to continue to forbear</p> <p>19 consideration of the FBO permit after the</p> <p>20 Norwood Airport Commission had responded?</p> <p>21 A. Well, this is a response. Now we</p> <p>22 needed a response from the FAA.</p> <p>23 Q. Just so I understand your</p> <p>24 testimony, you thought that as long as the Part</p>	<p style="text-align: right;">93</p> <p>UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</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 April 28, 2017, at the law offices of Pierce Mandell, P.C., 11 Beacon Street, Boston, Massachusetts, the following named person, to wit: THOMAS WYNNE, 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 May 20, 2017.</p> <p>_____ Raymond F. Catuogno, Jr. Notary Public</p> <p>My Commission expires: February 12, 2021</p>

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May 22, 2017
 Adam Simms, Esq.
 PIERCE, DAVIS & PERRITANO, LLP
 10 Post Office Square, Suite 1100N
 Boston, MA 02109

Re: Boston Executive Helicopters, LLC
 v. Francis T. Maguire, et al

Dear Counselor:

Enclosed is a copy of the deposition of
 THOMAS WYNNE taken on April 28, 2017 in the
 above-entitled action.

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.

Please have the deponent sign the enclosed
 Signature Page/Errata Sheet and return it to the
 offices of:

Michael C. Fee, Esq.
 PIERCE MANDELL, P.C.
 11 Beacon Street, Suite 800
 Boston, MA 02108

Whereupon it will be attached to the
 original deposition transcript, and a copy
 thereof to all counsel of record.

Thank you for your cooperation in this
 matter.

Raymond F. Catuogno, Jr.

cc: Michael C. Fee, Esq.

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UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS
 C.A. No. 1:15-CV-13647-RGS
 BOSTON EXECUTIVE HELICOPTERS, LLC,
 Plaintiff,

v.

FRANCIS T. MAGUIRE, ET AL.,
 Defendants.

I, THOMAS WYNNE, 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:

Page| Line| Change/Correction

WITNESS MY HAND, this day of , 2017.

 THOMAS WYNNE

cc: Michael C. Fee, Esq.
 Adam Simms, Esq.

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