

No. 78-3867-I.

JUDITH VAN ZANT, ET AL) IN THE DISTRICT COURT
)
)
VS.) DALLAS COUNTY, TEXAS
)
FALCON AIRWAYS, INC.,)
ET AL) 162ND JUDICIAL DISTRICT

- - -

APPEARANCES:

MR. STEVE BRUTSCHE
Suite 200, 701 Commerce Street
Dallas, Texas 75202
For Plaintiffs Peden and Kretzschmar;

RAY, ANDERSON, SHIELDS, TROTTI & HEMPHILL
1300 Fidelity Union Tower
Dallas, Texas 75201
By Mr. Clayton E. Devin
For Defendant Falcon Airways, Inc.

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ANSWERS AND DEPOSITION OF DON L. KRETZSCHMAR,
produced as a witness at the instance of the
Defendant Falcon Airways, Inc., taken in the above
styled cause on the 9th day of June, A. D., 1981
before Garland R. Brock, a Notary Public and
Certified Shorthand Reporter in and for the State of
Texas, at the offices of Ray, Anderson, Shields,
Trotti & Hemphill, 1300 Fidelity Union Tower, in the
City of Dallas, County of Dallas, State of Texas, in
accordance with Notice and the agreement hereinafter
set forth.

A G R E E M E N T

It is agreed by and between the parties hereto, through their attorneys appearing herein, that any and all objections to any question or answer herein may be made upon the offering of this deposition in evidence upon the trial of this cause with the same force and effect as though the witness were present in person and testifying from the witness stand.

It is further agreed by and between the parties hereto, through their attorneys appearing herein, that this deposition may be signed before any Notary Public and thereafter returned into Court in a plain envelope and used on the trial of this cause with the same force and effect as though all requirements of the Rules and Statutes with reference to signature and return had been fully complied with.

1 MR. BRUTSCHE: We can provide that if it's
2 not signed and filed within 30 days after it's
3 delivered to me, then, an unsigned copy can be used
4 by any party.

5 MR. DEVIN: Okay. That's fine.

6 DON L. KRETZSCHMAR,
7 the witness hereinbefore named, being first duly
8 cautioned and sworn to testify the truth, the whole
9 truth and nothing but the truth, testified on his
10 oath as follows:

11 DIRECT EXAMINATION

12 BY MR. DEVIN

13 Q. State your full name, please.

14 A. Don L. Kretzschmar.

15 Q. Where do you live, Mr. Kretzschmar?

16 A. 2309 Tealford, Dallas, Texas.

17 Q. Mr. Kretschmar, my name is Clayton Devin.
18 I'm the attorney representing Falcon Airways in the
19 lawsuit that you have filed. You've taken some
20 instructions from the court reporter before we
21 started, and I'd just like to go back through a few
22 of those.

23 You understand that this is just as if we
24 were in front of the judge and jury today, do you not?

25 A. Yes.

1 Q. If at any time during the course of this
2 deposition I don't make myself clear to you or you
3 don't understand what I'm asking you, I'd like to
4 have an agreement with you that you'll ask me to
5 rephrase my question or repeat it so that we do
6 understand each other. Will you do that for me?

7 A. Yes.

8 Q. And if you do answer my questions, then,
9 I'm going to assume that you have understood them.
10 Can we have that agreement?

11 A. Yes, sir.

12 Q. How long have you lived at your present
13 address?

14 A. Approximately two years.

15 Q. Where did you live before that?

16 A. I lived on Victor Street in Dallas, 5920
17 Victor.

18 Q. How long did you live at that address?

19 A. Approximately four years.

20 Q. How long have you lived in Dallas?

21 A. All my life.

22 Q. All right. What is your date of birth?

23 A. February 19th, 1945.

24 Q. How are you employed at this time?

25 A. With Showco, Incorporated in Dallas.

1 Q. Can you tell me what sort of company Showco
2 is?

3 A. It's an entertainment production and
4 consulting company, sound and lighting services.

5 Q. All right. Showco operates live shows; is
6 that correct?

7 A. Yes, sir.

8 Q. What type of people hire Showco to perform
9 these services or what sort of organizations hire
10 Showco?

11 A. Anyone in the entertainment field from
12 Frank Sinatra to any rock act, including Billy Graham.

13 Q. And what sort of job do you have with
14 Showco?

15 A. At the present time I am manager of the
16 sound department.

17 Q. Can you tell me briefly what that job
18 entails?

19 A. It entails employing, hiring, firing and
20 keeping inventory of the equipment on the road and
21 personnel on the road.

22 Q. Would it be correct to say that that is
23 more of an office type job?

24 A. Yes.

25 Q. How long have you worked for Showco?

1 A. Since nineteen -- September of 1974.

2 Q. Has it been steady, full-time employment
3 during that -- throughout that period of time?

4 A. Yes.

5 Q. Have you worked for anyone else since 1974?

6 A. No.

7 Q. At the time before you first went to work
8 for Showco, what was your job?

9 A. I was -- right before Showco I was a truck
10 driver in Dallas.

11 Q. Okay. What kind of trucks did you drive?

12 A. Bobtail truck.

13 Q. Who was that for?

14 A. That was for Hall & Sons on Motor Street.

15 Q. What sort of business is that?

16 A. Local deliveries, freight deliveries,
17 Dallas-Fort Worth area.

18 Q. Now, at the time you first went to Showco,
19 what was your position with Showco?

20 A. I was an audio technician in charge of
21 wiring stages for live concerts.

22 Q. Was that only here in the Dallas area, or
23 did it also entail some travel?

24 A. It entailed travel. Anywhere.

25 Q. Let me go back for just a moment. Does

1 Showco operate on a national basis, or is it
2 primarily in the Dallas-Fort Worth area?

3 A. Worldwide.

4 Q. Is it headquartered here in Dallas?

5 A. Yes.

6 Q. Back in 1974 when you started with Showco,
7 what percentage of your time did you spend out on the
8 road outside of Dallas-Fort Worth?

9 A. Eighty-five percent as far as I would know.

10 Q. And how did you travel? What was your
11 method of travel?

12 A. Any method that was available at the time
13 that we were instructed to, from trucks to station
14 wagons, flying, boat.

15 Q. Who dictated how you traveled or what
16 method that you used to travel?

17 A. Travel was arranged through the group
18 through travel agencies as according to their
19 itinerary and the cities they would play, the
20 cheapest, fastest, most efficient manner of travel.

21 Q. Now, when you say the group, is this
22 whatever group might have retained Showco's services?

23 A. Yes, sir.

24 Q. Okay. At the time you first went to work
25 for Showco how much were you being paid?

1 A. I don't really recall. I'm sure it was
2 around five to \$600.00 per month.

3 Q. Did that also include a per diem payment
4 when you were on the road?

5 A. On top of that was per diem and expenses.

6 Q. Prior to going to work for Showco did you
7 have any sort of technical training in electronics or
8 anything of that nature?

9 A. No, I didn't.

10 Q. What is your educational background?

11 A. Through high school, one year of college.

12 Q. Where did you attend high school?

13 A. At Cleburne High School.

14 Q. And when did you graduate?

15 A. Graduated in '63.

16 Q. Where did you attend college?

17 A. I took some semesters at North Texas State
18 in Denton.

19 Q. What types of courses did you take at North
20 Texas?

21 A. Just general business courses.

22 Q. Prior to going to work for Showco had you
23 had any other jobs that were in a similar line of
24 work?

25 A. No.

1 Q. How was it that you went to work for Showco?

2 A. Just through mutual friends, and I was
3 living at the time in Denton outside of North Texas
4 and other friends were working there.

5 Q. Were working for Showco?

6 A. Yes.

7 Q. How old is the Showco organization?

8 A. I would guess -- I believe it was 1970,
9 around that time.

10 Q. Now, I'd like to go over with you the
11 period of time between September of '74 when you went
12 to work for Showco and October 1977 which was the
13 time of the air crash that is made the basis of this
14 suit.

15 Can you tell me what sorts of jobs you held
16 within the Showco organization from '74 up until
17 October of '77?

18 A. They were all road jobs, and it was still
19 basically working with groups on stage, and I was
20 working on stage in '74, also.

21 Q. Did your -- did your title change during
22 that period of time?

23 A. Yes. You go from basic wiring to running
24 the electronics and operating the sound boards, which
25 at that time I had moved up and was called an

1 engineer, audio engineer, operated the sound boards
2 for the group.

3 Q. And was that your title in October 1977?

4 A. Yes.

5 Q. What was your rate of pay in October of
6 1977?

7 A. I don't recall at all.

8 Q. Was it more than you were making in 1974?

9 A. Yes, sir.

10 Q. But you don't remember exactly what it was?

11 A. No, I don't.

12 Q. I think you've produced today some tax
13 records that we have being copied right now. Perhaps
14 we can go back over those in a few moments.

15 Now, in October 1977 was your job still
16 primarily a road job?

17 A. Yes.

18 Q. Were you still traveling some 85 percent of
19 your time?

20 A. Yes.

21 Q. Okay. Had you ever worked with the Lynyrd
22 Skynyrd group prior to October 1977?

23 A. Yes, I had.

24 Q. All right. When was the first time you
25 worked with Lynyrd Skynyrd?

1 A. I can't recall the exact dates. It was
2 within the previous year of '77, sometime during '76.

3 Q. Do you remember which part in 1976?

4 A. No, I don't recall.

5 Q. Had you gone on the road with Lynyrd
6 Skynyrd in 1976?

7 A. I had filled in for four or five shows for
8 someone else.

9 Q. Okay. But were these shows outside of
10 Dallas-Fort Worth?

11 A. Yes.

12 Q. In 1976 when you -- well, let me back up.
13 These four or five shows that you just mentioned,
14 were those four or five shows in a row or were they
15 scattered through the tour that they were on that
16 year?

17 A. They were scattered.

18 Q. This would be like you would fill in for
19 somebody that took off for vacation or something like
20 that?

21 A. Yes, sir.

22 Q. Do you remember how you traveled when you
23 filled in for these shows on Lynyrd Skynyrd during '76?

24 A. Only one of them. I know a California show.
25 I flew to that show because it was one show only. So

1 it was flying and then rent cars to the show and back.
2 I don't recall the others.

3 Q. How did you fly? Was that a commercial air
4 flight?

5 A. Commercial airline, yes.

6 Q. Did you actually fly on the Lynyrd Skynyrd
7 airplane in 1976?

8 A. No.

9 Q. After the 1976 tour when was the next time
10 that you had contact with Lynyrd Skynyrd?

11 A. It was just at the beginning of the next
12 tour, the '77 tour.

13 Q. Do you remember which month that was?

14 A. Not exactly. I would hazard a guess that
15 if that was in October it would be sometime in
16 September. I was on the road at the time with
17 another group and went straight from that group to
18 the Lynyrd Skynyrd group.

19 Q. Where did you join the Lynyrd Skynyrd group?

20 A. We -- I don't remember the city. It was
21 some rehearsals in Florida. I don't remember the
22 city exactly.

23 Q. And this was prior to their actually
24 leaving to go on the tour?

25 A. Yes.

1 Q. How did you travel to Florida for these
2 rehearsals?

3 A. I flew commercial to Florida.

4 Q. All right. Were there other Showco
5 employees that joined you in Florida for this tour?

6 A. I met them in Florida, yes.

7 Q. Could you tell me who those people were?

8 A. Kenny Peden and Paul Welch.

9 Q. What was Mr. Peden's job?

10 A. He was a monitor engineer.

11 Q. Can you tell me what that is?

12 A. Basically running sound board for on-stage
13 speakers for the act.

14 Q. How is that different from the audio
15 engineer position that you occupied?

16 A. The audio engineer would operate the sound
17 board for the main speakers for the audience versus
18 speakers for the band.

19 Q. Okay. These monitor speakers are the ones
20 actually pointed back at the band so they can hear
21 themselves; is that correct?

22 A. Yes.

23 Q. I realize that is basic, but is that
24 correct?

25 A. If I can clear this up --

1 Q. Okay.

2 A. -- before we get too involved. That was
3 his title and mine. It was only for Lynyrd Skynyrd
4 we switched places. He went out front; I was on
5 stage. Because I had filled in for someone
6 previously, and they said, well, they would like to
7 keep you there so it was a concession on my part to
8 do it for them so --

9 Q. Okay. Well, when you say he went out front,
10 does that mean he was operating the sound board for
11 the audience speakers?

12 A. Yes.

13 Q. Okay. And you were operating the sound
14 board for the monitor speakers?

15 A. Correct.

16 Q. But only for this one tour?

17 A. Yes.

18 Q. Well, what was Mr. Welch's job?

19 A. He was wiring the stage.

20 Q. Okay. How long did the group stay in
21 Florida before it actually left on the tour?

22 A. As far as I can recall, it was no more than
23 three days.

24 Q. Okay. At the time that the group actually
25 left to go out on the tour, what was its mode of

1 travel?

2 A. For the actual tour it was a private plane.

3 Q. Can you describe that aircraft for me?

4 A. The only thing I know about it, it was a
5 twin engine Convair. That's about it. I don't know
6 the model number.

7 Q. Well, can you tell me what it looked like?
8 Was it painted any special color or anything like
9 that?

10 A. Blue and white as far as I can remember.

11 Q. At the time the group left Florida did you
12 also fly on that aircraft?

13 A. Yes.

14 Q. Now, throughout this tour up until the date
15 of the air crash did you do all of your traveling on
16 this airplane?

17 A. As far as I can recall when the actual tour
18 started, we were traveling on the plane.

19 Q. I take it that there is -- somewhere there
20 is a certain amount of equipment that has to follow
21 the group around, too; would that be correct?

22 A. Yes.

23 Q. How was that equipment transported between
24 tour dates?

25 A. Semitractor-trailers.

1 Q. Whose responsibility was that equipment?

2 A. The trucks were contracted through Showco.

3 Q. And were they Showco employees who drove
4 the trucks?

5 A. At that time, yes, I believe so.

6 Q. Did you ever ride in those semis on this
7 tour?

8 A. No.

9 Q. Do you remember the stops that were made on
10 this tour prior to the air crash?

11 A. Only -- only two stops. I remember the
12 stop before the crash and the one before that.

13 Q. Where were those?

14 A. Well, one of them was Greenville -- I
15 believe it was Greenville, South Carolina, North
16 Carolina, and before that it was in -- it was
17 somewhere in Florida. I know there is another city
18 in there somewhere, but I can't recall where it is.

19 Q. Okay. Prior to the date of the air crash
20 did you notice anything unusual about the airplane or
21 the way it was behaving or the operation of the
22 aircraft?

23 A. You mean the previous flight before the
24 crash?

25 Q. Well, on any of the flights prior to the

1 crash.

2 A. Yes, there was something strange the flight
3 before --

4 Q. Okay.

5 A. -- the final flight.

6 Q. This is the flight to the stop immediately
7 prior to the flight --

8 A. It was the flight to Greenville, South or
9 North Carolina, whichever one it was.

10 Q. What did you notice then?

11 A. It was a late flight, very late, like three
12 to four in the morning. We were delayed, and it just
13 seems like the plane was struggling, was going too
14 far down the runway and wasn't lifting off the way it
15 should. And a matter of minutes after that there was
16 the right engine was more or less shooting flames,
17 not like a fire, but a fuel -- fuel flame, which is a
18 bluish-yellowish flame. It was noticeable because it
19 lit up the outside of the plane.

20 Q. Okay. It was still dark outside?

21 A. Yes.

22 Q. Where were you sitting at the time this
23 engine was flaming?

24 A. The opposite side of the plane from the
25 engine, which would be the left side of the plane.

1 Q. How far up or back in the aircraft were you?

2 A. Well, right more or less behind the wing,
3 right behind the wing. I'd say midway -- midway back.

4 Q. I'll tell you what. I think I can help us
5 a little bit here.

6 I'm going to have this marked as Exhibit
7 "A". This is a layout of the interior of the Convair
8 and --

9 MR. BRUTSCHE: That's from the FAA report?

10 MR. DEVIN: Yes.

11 Q. (By MR. DEVIN): This is the front of the
12 aircraft pointed towards me. So based on that layout,
13 can you give me sort of a general idea where you were
14 sitting?

15 A. I believe it was right there, number 18.

16 Q. Seat number 18?

17 A. Uh-huh.

18 Q. All right. And from the place you were
19 sitting could you see these flames coming out of that
20 engine?

21 A. Yes.

22 Q. Did anyone else inside the aircraft notice
23 those flames?

24 A. Yes.

25 Q. All right. What effect did they have, or

1 what was the reaction of the people inside the
2 aircraft?

3 A. Right engine is on fire.

4 Q. Okay. Did anyone take it upon themselves
5 to go up and talk to the pilots about this?

6 A. Yes, they did. I don't recall who it was.

7 Q. By this time had you gotten to know any of
8 the individuals in the group particularly?

9 A. Yes.

10 Q. Did you know most of the people on the
11 aircraft by name?

12 A. By first name, most of them, yes.

13 Q. Okay. But you don't remember who it was
14 that went up and talked to the pilots?

15 A. No.

16 Q. Do you remember or did you hear what the
17 pilots might have said to whoever went up to talk to
18 them about this flame?

19 A. No.

20 Q. How long did the engine continue to flame?

21 A. As far as I can remember, it was ten
22 minutes, maybe longer.

23 Q. Okay. Once the flame went out did the
24 engine seem to be performing all right?

25 A. No, it seems like it ran rough.

1 Q. Okay. Did you ever hear an explanation
2 from anyone as to what the cause of that flame might
3 have been?

4 A. The explanation that was going around the
5 cabin, it was because it was -- they were having a
6 hard time taking off that they used what I would call
7 a choke to enrich the fuel mixture and it made it so
8 rich that it -- it came out as a flame. That it was
9 quite all right, but it doesn't look quite all right.
10 That the engine was malfunctioning when it went to
11 auto-rich I believe they call it.

12 Q. All right. Had you had any sort of
13 background in flight or aviation prior to this time?

14 A. No, just flying a lot.

15 Q. Okay. But you never have had a pilot's
16 license or any pilot's training?

17 A. No. No, I haven't.

18 Q. Did you -- did you ever talk to the pilots
19 directly about it, the operation of the airplane or
20 anything else?

21 A. That particular night?

22 Q. Yes, sir, that particular night.

23 A. No.

24 Q. Let me broaden the question a little bit.
25 Did you ever have any conversations with the pilots

1 on this aircraft?

2 A. Yes. I -- you know, like at breakfast or
3 something like that, at night. I rode up front once.
4 It was just light conversation.

5 Q. Okay. Other than the time that you rode up
6 front, did you ever talk to them at all about the
7 operation of the aircraft or ask them any questions
8 about it or anything of that nature?

9 A. No, not that I recall.

10 Q. Do you remember what those pilots' names
11 were?

12 A. No, I don't remember.

13 Q. Okay. When was the occasion when you rode
14 up front?

15 A. It was the -- it was on the last flight,
16 the flight of the crash.

17 Q. Okay. At what point in that flight were
18 you riding up front?

19 A. Just sometime in the late afternoon. It
20 was because I had never been up front and there was a
21 place to sit in case you wanted to.

22 Q. How long before the crash was this?

23 A. I don't recall exactly. It wasn't that
24 long before. I would say maybe 20 minutes, 30
25 minutes.

1 Q. Twenty or 30 minutes prior to the crash?

2 A. Just guessing, yes. It seems like it was
3 late in the flight.

4 Q. Did the aircraft seem to be functioning
5 normally at the time you were in the cabin?

6 A. I don't recall. It must have been.

7 Q. You don't remember anything out of the
8 ordinary?

9 A. No, not really.

10 Q. At that time did you ask the pilots any
11 questions about the airplane or what they were doing
12 or what various nozzles or switches or whatever might
13 be?

14 A. No, I really can't remember what I -- what
15 was said during that. It was four years ago and I
16 really can't remember.

17 Q. Did they seem to be calm and in control of
18 themselves?

19 A. Yes.

20 Q. When were you -- well, let's back that up.
21 The day that you took off on the flight that ended in
22 the crash did you notice anything unusual about the
23 aircraft or the operation of the aircraft during
24 takeoff or prior to takeoff?

25 A. Prior to takeoff?

1 Q. Yes, sir.

2 A. No.

3 Q. How about during takeoff?

4 A. No.

5 Q. Okay. What time of the day did that flight
6 begin?

7 A. It was afternoon, somewhere 3:00 o'clock or
8 4:00 o'clock. It was after check-out at a hotel, so --

9 Q. And what was the destination of that flight?

10 A. Baton Rouge.

11 Q. When did you first realize that there was a
12 problem with the airplane?

13 A. The previous flight when the engine caught
14 on fire.

15 Q. Okay. Let's move on to the flight that
16 ended in the crash though. When were you aware --
17 well, let me ask you this. Was the airplane
18 operating in an apparently normal fashion up until
19 the time immediately before the crash?

20 A. No. It started -- the right engine started
21 running rough again.

22 Q. Was it running rough in the same manner
23 that it had been on the flight where you saw the
24 flame?

25 A. It was a different type. It was running

1 rough and fuel was coming out.

2 Q. Were you seated in the aircraft in such a
3 fashion that you had a clear vision of the right
4 engine?

5 A. Yes, sir.

6 Q. All right. Where were you seated at that
7 time?

8 A. At that time it was either in 17 or 18.

9 Q. Okay. In the same area where you had been
10 riding before?

11 A. Yes, sir.

12 Q. Is that the area that you normally sat in
13 on the aircraft?

14 A. Yes, it is.

15 Q. They didn't have assigned seats, did they?

16 A. No. It's -- the seats in the middle of the
17 plane were for crew members; the front of the plane
18 was for the band. So once you claimed a seat, it was
19 more or less yours.

20 Q. Now, you say it was running rough again,
21 but it was running rough in a different manner. Can
22 you --

23 A. Well, it wasn't -- we couldn't see flames.
24 It was just like a rough engine.

25 Q. Okay. How far out on the last flight had

1 you gotten when that engine began running rough?

2 A. It seemed like we were almost there,
3 because it seemed like it was time to land. We
4 should have been there by that time.

5 Q. Okay. Did anyone do anything at the time
6 that you noticed that this engine started running
7 rough? Did anyone go forward to talk to the pilots?

8 A. Yes, sir.

9 Q. Can you tell me who that might have been?

10 A. No, I don't recall exactly who it was.

11 Q. But it wasn't you at any rate?

12 A. No.

13 Q. Can you tell me what this fuel looked like
14 that was coming out or how you noticed that there was
15 fuel coming out?

16 A. Trying to visualize, you could tell that
17 there was liquid coming out of the engine and you
18 could see a spray; at the same time the engine
19 running rough which didn't seem normal.

20 Q. Can you tell me from what part of the
21 engine this liquid was coming?

22 A. No, I don't recall.

23 Q. Okay. You don't remember whether it was up
24 towards the front of it or the back or the top or the
25 bottom?

1 A. Well, I was at the back of the engine and,
2 of course, from the air flow it would have wound up
3 at the back, so I don't know where it was originating.

4 Q. All right. Now, once someone went forward
5 to talk to the pilots did the engine smooth out or
6 did it continue to run rough?

7 A. As far as I remember, it never ran smooth
8 after that point.

9 Q. Now, what was the next unusual thing that
10 you noticed about the airplane?

11 A. The engine kept getting rougher, to the
12 point of cutting out.

13 Q. Okay. How long did that last?

14 A. I'm sorry. How long did it run rough or --

15 Q. Yes, sir.

16 A. I really don't recall. I'm sure -- this
17 seemed like it took an hour, but I'm sure it only
18 took a matter of 15 minutes. I didn't have a watch
19 and I didn't really time anything.

20 Q. And what was the next unusual thing that
21 you noticed about the aircraft?

22 A. The pilot went back and forth checking on
23 the engine, making adjustments, coming back.

24 Q. Okay. Let me stop you right there. You
25 say he went back and forth. You mean in the cabin or

1 what?

2 A. Yes. He would look at the engine where we
3 were sitting, go back to the cockpit and make
4 adjustments and go back and look at it, either trying
5 to readjust the fuel, or I don't know. But he would
6 look at the engine, also. The co-pilot was flying it
7 at that point.

8 Q. Okay. How many times did the pilot come
9 back to the cabin?

10 A. Oh, I don't recall. It seems like he was
11 there two or three times.

12 Q. Did he make any sort of comments or
13 statements in your presence during that time?

14 A. Not that I remember.

15 Q. Did anyone there within the cabin say
16 anything to him?

17 A. Well, yes, I'm sure they did. I don't
18 recall exactly what it was. A lot of people were
19 trying to figure out what was wrong and how bad it
20 was and what's to be done.

21 Q. But you don't remember any of his replies --

22 A. No.

23 Q. -- if there were any? What is the next
24 unusual thing that you noticed?

25 A. The cutting out would progress to a point

1 of the engine stopping totally and then starting back
2 up, sputtering, spitting which affected the plane's
3 ride performance.

4 Q. In what way?

5 A. Well, the plane would lift or sway side to
6 side from whenever the engine would have its RPM's
7 and running or shut down.

8 Q. Did the right engine then ultimately fail
9 altogether?

10 A. Yes.

11 Q. Did the aircraft continue to fly on the
12 left engine?

13 A. It did, but it was only a matter of minutes
14 and the left engine started the same sputtering.

15 Q. After the time that the pilot came back to
16 check on the engines, did you see either the pilot or
17 the co-pilot again?

18 A. After what time? I'm sorry.

19 Q. After the pilot came back to check on the
20 engines that you described awhile ago.

21 A. Did I talk to them again?

22 Q. Yeah. Did you see them again?

23 A. No, not after the engines -- after both
24 engines started sputtering, no, I don't recall ever
25 seeing them again.

1 Q. Did they send any sort of instructions back
2 to the passengers?

3 A. No. I think we basically took care of
4 ourselves.

5 Q. Okay. All right. Did you remain conscious
6 from the time that the engine failed until the plane
7 impacted?

8 A. Yes.

9 Q. But you don't remember any instructions
10 from the pilots or you don't remember seeing the
11 pilots at any time from the time those engines failed
12 until the impact?

13 A. No. We assumed they were busy controlling
14 the plane.

15 Q. What did you do, if anything, during that
16 time?

17 A. Just prepared ourselves for a crash landing
18 with seatbelts, pulling out pillows to put over our
19 faces, everyone finding a seat and a seatbelt and
20 trying to get everybody to put out cigarettes,
21 flammable materials, moving suitcases.

22 Q. Did you remain conscious after the impact
23 of the airplane?

24 A. No.

25 Q. How long were you unconscious?

1 A. I have no way of knowing. I assume it
2 wasn't long.

3 Q. Did you wake up, or at the time you woke up
4 were you still in the aircraft?

5 A. Yes.

6 Q. What's the first thing you remember?

7 A. The person next to me was waking me up
8 trying to undo my seatbelt.

9 Q. Who was that?

10 A. His name was Artemus Pyle.

11 Q. I believe he was a member of the group; is
12 that correct?

13 A. Yes.

14 Q. What did you do after you got out of your
15 seat?

16 A. He said he knew a way out, and I basically
17 just crawled, and it was dark at the time, crawled
18 through the wreckage and found myself on the ground.

19 Q. How long after that was it before help
20 arrived?

21 A. It seemed -- it seemed like it was around
22 15 -- 15 minutes, possibly less.

23 Q. Were you injured as a result of that impact?

24 A. Yes.

25 Q. Can you describe your injuries for me?

1 A. Before I went to the hospital or afterwards?
2 As far as I knew or as far as they knew?

3 Q. Why don't we have both?

4 A. I knew I couldn't walk. I knew I was
5 having a very hard time breathing. I knew I was
6 bleeding.

7 Q. Where were you bleeding from?

8 A. At that point I couldn't tell. It was dark.
9 I just knew and felt blood. So in that 15 minutes I
10 tried to assess where I was bleeding and where I was
11 broken and why I couldn't breathe.

12 Q. Now, once you got to the hospital, then,
13 can you tell me what the nature of your injuries were?

14 A. There were four broken ribs, a punctured
15 collapsed lung. There was a deep cut on my finger on
16 the left hand, an abrasion on my left leg and
17 numerous cuts, bruises and abrasions other places.

18 Q. That was a hospital there in McComb,
19 Mississippi.

20 Q. Yes. How long did you stay in the hospital?

21 A. I believe it was six to seven days.

22 Q. Do you remember who the doctor was who
23 treated you there?

24 A. I can't recall his name.

25 Q. Where did you go after you got out of the

1 hospital at McComb?

2 A. To my house in Dallas on Victor Street.

3 Q. I guess I neglected to ask you earlier.

4 Are you a married man?

5 A. Yes.

6 Q. Were you married at the time of the crash?

7 A. Yes.

8 Q. Still to the same woman?

9 A. Yes.

10 Q. How long did you stay home after you got
11 back to Dallas before you went back to work?

12 A. I believe I took -- I believe I took around
13 a month off, 30 days off.

14 Q. Were you under the care of a physician
15 during that time?

16 A. Yes.

17 Q. Can you tell me who that was?

18 A. I believe his name was Koster (spelling)

19 K O S T E R.

20 Q. Did you go back into the hospital again or
21 did you stay at home?

22 A. I stayed at home. Just going back to the --
23 for checkups.

24 Q. This would be down to Dr. Koster's office?

25 A. Yes.

1 Q. Did you receive workers' compensation
2 benefits during that period of time?

3 A. Yes. Yes.

4 Q. Do you remember who that insurance carrier
5 is?

6 A. No, I don't. Sorry.

7 MR. DEVIN: Would that be Employers?

8 MR. BRUTSCHE: (Nods head.)

9 Q. (By MR. DEVIN): At the time you went back
10 to work, was there any change in your duties with
11 Showco, or did you go back into the same position?

12 A. No, I moved into the office, took on office
13 duties.

14 Q. And would that be essentially the same job
15 that you hold today?

16 A. Essentially, yes.

17 Q. Did you go back to work at the same salary
18 that you were making prior to the crash?

19 A. No, I had an increase as far as my duties --

20 Q. Okay.

21 A. -- were concerned.

22 Q. Did you also have an increase as far as
23 your salary?

24 A. Yes.

25 Q. Do you remember how much you were making

1 when you went back to work?

2 A. No, I don't recall.

3 Q. How much are you making with Showco now?

4 A. I make approximately 2,000 per month.

5 Q. Do you still receive some per diem, or is
6 this totally an office job?

7 A. I receive per diem when on the road, when
8 traveling.

9 Q. What percent of the time do you spend
10 traveling now?

11 A. About five percent.

12 Q. And how much is your per diem?

13 A. How much is my per diem?

14 Q. Yes, sir.

15 A. It's \$25.00 per travel day.

16 Q. Is the salary that you are making now more
17 than you were making in October 1977?

18 A. Yes.

19 Q. Okay. But I think you indicated that you
20 couldn't remember exactly what you were making back
21 then; is that correct?

22 A. No, I don't recall.

23 Q. Do you have any ongoing disabilities or
24 problems with the injuries that you sustained in the
25 air crash?

1 A. No.

2 Q. At what point in time did you cease having
3 any trouble?

4 A. I was cleared medically in December of that
5 year I believe.

6 Q. Have you undergone any sort of medical
7 treatment for these injuries since December of '77?

8 A. No.

9 Q. Have you had any other physical type
10 problems that you think are related in any fashion to
11 the injuries that you sustained in the crash?

12 A. Any medical problems? No.

13 Q. Are there any sorts of activities that you
14 used to engage in that you can't do now because of
15 those injuries?

16 A. No.

17 Q. Now, I believe you have also sued an
18 organization by the name of the L & J Company or L &
19 J Leasing Company.

20 Have you entered into any sort of
21 settlement with that organization?

22 A. Yes.

23 Q. Do you remember how much money you received
24 as a result of that settlement?

25 A. Personally, I believe I received around

1 nine, \$10,000.00.

2 Q. Okay. Was that the total amount of the
3 settlement or is that what you netted?

4 A. No, that's what I netted.

5 Q. Do you remember what the total settlement
6 was?

7 A. I believe the total was 22,000.

8 Q. Did you have to pay any of your medical
9 bills in connection with this injury out of your own
10 pocket?

11 A. Well, I believe they were all paid by
12 workmen's comp and workmen's comp took that off of
13 the settlement.

14 Q. Okay. But, at any rate, you didn't have to
15 come up with any money on your own; --

16 A. No, sir.

17 Q. -- is that correct? During the month that
18 you were off work do you have any idea what the
19 difference -- well, let me rephrase that question.
20 During that month you were off did you continue to
21 receive a salary from Showco?

22 A. If I can clarify something there.

23 Q. Okay.

24 A. We accrued days off every day that we
25 traveled, so that when we came back you would sit at

1 home and use those days off. So I received a salary
2 for those 30 days from the days I had accrued, so --

3 Q. And then you received workers' compensation
4 benefits on top of that?

5 A. Yes.

6 Q. So this would be akin to vacation time that
7 you --

8 A. Yes.

9 Q. Prior to the crash had -- had you heard of
10 L & J Leasing Company or L & J Company?

11 A. No.

12 Q. Didn't hear anyone on the airplane talk
13 about them or mention those names or that name?

14 A. I heard them mention the previous plane
15 that they had had before that plane. I didn't know
16 if it was the same company or not.

17 Q. Okay. What did you understand about the
18 previous plane?

19 A. Better plane. Newer better plane.

20 Q. Did you -- do you recall anyone talking
21 about what kind of airplane that was?

22 A. No, I don't.

23 Q. Do you recall anyone talking about who the
24 owner of that prior airplane was?

25 A. No, I don't.

1 Q. Did you hear of L & J Leasing Company or
2 L & J Company after the crash?

3 A. Only through legal documents, papers.

4 Q. Just through the documents that were filed
5 in this lawsuit?

6 A. Yes. Probably newspaper reports, also.

7 Q. But that was the first that you had ever
8 heard of L & J?

9 A. Yes.

10 Q. Prior to this air crash had you on any
11 occasion learned anything about or heard anything
12 about Falcon Airways?

13 A. No, sir.

14 Q. How about subsequent to the air crash?

15 A. Only from what I read in newspaper reports.

16 Q. Do you remember what you read in those
17 newspaper reports?

18 A. No, I don't recall.

19 Q. What was your understanding, or did you
20 have an understanding, with regard to where or the
21 role that Falcon or L & J might have played in the
22 chartering of this aircraft?

23 A. I didn't understand any of it, didn't
24 really care to.

25 Q. Were you involved at all in making any of

1 the travel arrangements on this tour?

2 A. No.

3 Q. To the best of your knowledge, who was in
4 charge of that?

5 A. The travel arrangements were made by the
6 group.

7 Q. That's the Lynyrd Skynyrd group?

8 A. It would either be by their group or their
9 travel agent, representative.

10 Q. Do you know the names of any individuals
11 that might have been involved in those arrangements
12 or in the making of the arrangements?

13 A. No, I wouldn't.

14 MR. BRUTSCHE: Could we take a break?

15 MR. DEVIN: Sure.

16 (Recess had)

17 Q. (By MR. DEVIN): Mr. Kretschmar, you have
18 produced today some photocopies of some tax returns
19 for several years, and I have made copies and am
20 going to retain those for my file and I'm giving the
21 originals back to you.

22 I'd like to go back with you to the 1977
23 return, if I could. You had indicated that you did
24 not remember exactly what your rate of pay was in
25 1977. I would like for you to just take a few

1 moments and look at that return and see if that
2 refreshes your memory at all.

3 A. Yes.

4 Q. Okay. Can you now give me an idea of what
5 your rate of pay was in October of '77?

6 A. Approximately \$9500.00.

7 Q. Okay. That would be for the year 1977?

8 A. Yes.

9 Q. Now, I notice that this is a joint return.
10 Was your wife working during that year, that
11 particular year?

12 A. I don't remember if she was.

13 Q. The reason I ask is in looking at your 1976
14 return, your total wages for 1976 were some
15 \$14,000.00 and in 1977 they went down to \$9500.00.

16 A. Uh-huh.

17 Q. And also under the space for occupation in
18 '76 your wife's occupation is listed as kitchen
19 manager, and in 1977 that space appears to be blank.
20 So is it possible that she might not have worked that
21 year?

22 A. Yes.

23 Q. Okay. And that would explain the reduction
24 in income?

25 A. Yes, sir.

1 Q. Now, looking at the 1978 return and
2 particularly your W-2 form for 1978 which is on the
3 back of the return, it appears that your income from
4 Showco was \$12,483.73; is that correct?

5 A. Yes.

6 Q. All right. As far as you know, are these
7 tax returns that you have produced here today true
8 and accurate representations of the income that you
9 had during the years specified?

10 A. Yes.

11 Q. And also I note that the 1980 tax return,
12 that your W-2 for Showco indicates that your salary
13 went up to approximately \$18,298.64; is that correct?

14 A. Yes.

15 MR. BRUTSCHE: If I might interject, I
16 notice the W-2 for 1977, it's a very poor copy, does
17 indicate a wage of ninety-five oh nine seventy-three.
18 I don't know if that is what was reported. That's
19 exactly what was reported on the '77 return, so that
20 apparently is the amount of income from Showco for
21 1977.

22 Q. (By MR. DEVIN): All right. Looks like
23 this copy was one that was produced by the Internal
24 Revenue Service?

25 A. Yes, they all are.

1 Q. Okay. Do you remember the amount of
2 workers' compensation benefits you were paid?

3 A. No, I do not.

4 Q. Would it have been the sum of \$2,676.00?

5 A. That sounds close to it.

6 Q. All right. And that's in addition to the
7 medical expenses, or did that include medical
8 expenses?

9 A. I'm not sure.

10 MR. DEVIN: Do you know, Steve?

11 MR. BRUTSCHE: I believe that was his
12 benefits exclusive of medical.

13 MR. DEVIN: Okay.

14 Q. (By MR. DEVIN): And it looks like that was
15 paid from October 20, 1977 through December 12, 1977.
16 Is that approximately right as far as you remember?

17 A. As far as I remember, yes.

18 Q. Did you see a doctor here in Dallas by the
19 name of Michael Gidcomb?

20 A. Yes.

21 Q. Was that your personal physician or was
22 that the doctor for Texas Employers'?

23 A. That was the doctor for Texas Employers'.

24 Q. And then your doctor was a Dr. Robert
25 Koster?

1 A. Yes.

2 Q. Is Dr. Koster still your family physician?

3 A. No, sir.

4 Q. Are you undergoing any kind of medical
5 treatment for any reasons at this time?

6 A. No.

7 Q. Have you been advised by any physician that
8 you will have to undergo any sort of medical
9 treatment because of the injuries sustained in this
10 aircraft accident?

11 A. No, sir.

12 MR. DEVIN: I believe that's all the
13 questions I have.

14 CROSS EXAMINATION

15 BY MR. BRUTSCHE

16 Q. Don, I have got a few questions for you.
17 Do you recall what the per diem you were drawing in
18 1977 was?

19 A. I would guess it was \$15.00.

20 Q. And you were drawing that most of the time;
21 you were on the road 85 percent of the time?

22 A. Yes.

23 Q. Also, in addition to the -- call your
24 attention back to the '77 return. You took a
25 casualty loss on that return for items that you had

1 lost, been destroyed in the plane crash; is that
2 correct?

3 A. Correct.

4 Q. What was the sum total of the value of
5 those items as best you could determine it?

6 A. From looking at it I would say \$1250.00.

7 Q. And that was for various items of clothing
8 and personal effects that were lost in the accident?

9 A. Correct.

10 Q. Going back to the plane crash itself, at
11 the time that you regained consciousness after the
12 crash do you recall whether or not your legs were
13 actually hanging out of the bottom of the aircraft?

14 A. They were -- they were pinned under the
15 aircraft, because it was hard to get the seatbelt
16 undone because of the pressure pushing the body
17 forward.

18 Q. Pressure on your body?

19 A. Yes. Since your legs were under the seat,
20 under the aircraft forcing the body forward, so it
21 was hard to get the seatbelt undone.

22 Q. What were your legs pinned by?

23 A. There was a tree stump underneath. We had
24 clipped all the trees, and I still have the scar from
25 that tree.

1 Q. And did you think something -- what did you
2 think was wrong with your legs, if anything, at that
3 time?

4 A. I assumed they were both broken.

5 Q. Now, after Mr. Pyle helped you out of your
6 seatbelt and you managed to find -- did you find your
7 way through that hole in the plane underneath your
8 seat?

9 A. There was a hole in the plane somewhere
10 close, because it didn't take long to fall through to
11 find the ground once we got out of the darkness of
12 the plane.

13 Q. All right. Once you got out of the plane,
14 was it light or dark?

15 A. It was very dark in the plane. It was on
16 the verge of darkness. It was just right at dusk.
17 You could still see the hand in front of your face.
18 You couldn't see far. You couldn't see more than 20
19 feet it seems like.

20 Q. What kind of physical area was the plane
21 crash in?

22 A. Swampy, dense forest.

23 Q. Were rescue vehicles able to get to the
24 plane?

25 A. No, they weren't.

1 Q. Why not?

2 A. Because of the swampiness and nothing had
3 really driven into that area. There were no roads.

4 Q. Did people come to give emergency
5 assistance?

6 A. Yes.

7 Q. Did they pay attention to you initially?

8 A. Yes.

9 Q. Did they find out you were basically okay
10 and -- what happened? What did they say or do with
11 you?

12 A. They asked my condition, if I could wait,
13 how long it would be before a rescue, how long it
14 would take to get out.

15 Q. They asked you that or they told you?

16 A. They told me how long it might be, how long --
17 if I could last, if my injuries were severe enough to
18 be airlifted or what have you.

19 Q. How long did they tell you it might last?

20 A. In the beginning they had no idea. Later
21 they said it could be an hour or more to wait for a
22 vehicle or a stretcher.

23 Q. Did you tell them you could wait?

24 A. In the beginning I did. When they assessed
25 the situation again, they asked me again and told me

1 it would be longer and I volunteered to be carried
2 out.

3 Q. And in between -- were you conscious this
4 entire time?

5 A. Yes.

6 Q. And did any of the -- did you ever -- do
7 you recall during the time that you were -- let me
8 rephrase the question.

9 You advised them that your injuries were
10 such that you could wait and that they could go
11 assist other people who were more seriously injured?

12 A. Yes.

13 Q. And did they proceed to do that?

14 A. Yes.

15 Q. Do you recall whether or not any of the
16 people getting to the plane stepped on you?

17 A. Yes, I do.

18 Q. Was that painful to you?

19 A. Quite.

20 Q. Were you under -- what can you recall and
21 describe your emotions and your physical condition
22 during the time you were waiting to be assisted?

23 A. Basically just having to lay there and
24 watch the rescue operation of tearing into the plane.
25 The hardships they were encountering because of lack

1 of light, lack of vehicles, lack of power equipment,
2 lots of mud and lots of people.

3 Q. Were you in physical pain?

4 A. Yes.

5 Q. What -- you finally say you got assistance
6 to be carried out. Would you describe, first of all,
7 how were you carried out and by whom?

8 A. By this time I had gotten my breathing down
9 to a point a person asked me if I could sit up, if I
10 thought I could be carried out if two people helped
11 me, because they said it would still take an hour
12 because I preferred the other people go out more
13 injured. So two black young guys helped me up, and I
14 put my arms around them and they held onto me and
15 they tried carrying me and see if I could do it, to
16 see how the pain was, and I told them let's go ahead
17 and go for it.

18 Q. And was it painful?

19 A. It was painful, yes.

20 Q. And where did they -- were your arms up
21 over their shoulders?

22 A. Yes. They were -- my arms were over their
23 shoulders, and I knew because of the ribs and the
24 lung injury, or I didn't know it was a lung injury at
25 that point, I favored one side. I told the one to

1 the right side of me to be careful and to go slow and
2 that was it.

3 Q. So how far did they carry you or drag you
4 out?

5 A. I don't know the actual distance. To me it
6 seemed -- to me it seemed like it had to be an eighth
7 of a mile, quarter of a mile.

8 Q. Did you go through any water?

9 A. We went through brush, water, swamp. The
10 water was approximately waist deep. In the middle of
11 the swamp is when I met the first medical personnel
12 trying to get there, and he checked me out in the
13 middle of the swamp in the waist deep water by
14 looking in my eyes and asking me a question and see
15 if I would answer it correctly.

16 Q. What question did he ask you?

17 A. I don't remember. He just asked me if I
18 was okay. He looked in my eyes, did something with a
19 flashlight and asked if I was able to go on. I said,
20 yes.

21 Q. And did you have to go up any embankments
22 or down any embankments or hills or anything of that
23 nature?

24 A. Yes, there were gullies; there was brush.
25 The two gentlemen got lost at one point and were

1 dragging me around the hills, and I told one of them
2 to go find the way and I would sit with the other one
3 and come back and get us, which they proceeded to do.

4 Q. Do you have any idea how long it took you
5 to be dragged from the site of the crash out through
6 the swamp and over the gullies?

7 A. Not exactly. It seemed -- it seemed like
8 it would have been 15 or 20 minutes.

9 Q. And where did they take you to?

10 A. There was a large -- large opening after we
11 climbed up the last bank. It was a slippery bank.
12 And after they took me up there, there were a number
13 of vehicles and trucks and vans. I don't recall any
14 ambulances, but four-wheel vehicles and trucks.

15 Q. And were you placed in a vehicle?

16 A. Yes, I was set into the back of a van where
17 a lady did a quick check, and I preferred to sit in
18 the front seat because of the rib injuries.

19 Q. Did you do that?

20 A. Yes.

21 Q. And were you driven then to the hospital?

22 A. Yes.

23 Q. What kind of road were you driven over?

24 A. First it was going over the pasture, a very
25 rough pasture, across the grass and then a gravel

1 road and a gravel road to a highway.

2 Q. And was that traveling -- were you
3 conscious throughout that?

4 A. Yes.

5 Q. Did you notice your rib injuries and your
6 lung injuries at that time?

7 A. Very much so.

8 Q. During the period -- and then you
9 ultimately got to the hospital?

10 A. Yes.

11 Q. And what was that like? Describe -- where
12 were you taken immediately upon getting to the
13 hospital?

14 A. The most noticeable thing was upon arriving
15 at the hospital that it was a very well equipped
16 disaster hospital with a lot of personnel waiting
17 outside, which they asked me if I preferred a
18 wheelchair or stretcher, and I said wheelchair
19 because of the rib injuries, and immediately taken
20 into an emergency room.

21 Q. Did they proceed to treat you?

22 A. Yes. They were very efficient. It seems
23 like there were at least four to five persons per
24 victim, patient. And that's about it.

25 Q. Were you -- were you given any sedative or

1 pain-killer at that time?

2 A. Not at that time.

3 Q. Were you conscious throughout the time you
4 were examined in the emergency room?

5 A. Yes.

6 Q. And how long were you under emergency room
7 treatment?

8 A. I don't recall the exact amount of time.
9 They had to get my boots off and cut my pants off,
10 and they were all wet, and began checking out the
11 injuries and sewing up different cuts.

12 Q. You don't have any estimate of how long
13 that took?

14 A. No.

15 Q. Did they do anything with your lung at that
16 time?

17 A. Yes. They told me it was a punctured lung;
18 that they had to insert a tube. The doctor told me
19 that I would have to take the biggest breath I could
20 while he put what looked like a very long knife into
21 my lung to insert a tube and to hold my breath while
22 he did it.

23 Q. Where did the knife go, down your throat?

24 A. No, in the front of my chest.

25 Q. So it made an incision?

1 A. It wasn't an incision. It was more like
2 taking a long blade and pushing it down into the lung,
3 pulling the blade out and inserting a large tube that
4 could pump air into the lung.

5 Q. So it actually made a hole in your chest?

6 A. Yes, just like being stabbed. To take a
7 long breath to hold my lung up as far as possible.

8 Q. Were you conscious during that procedure?

9 A. Yes.

10 Q. Were you given any anesthetic before they
11 stabbed you in the chest?

12 A. No, they said they couldn't do that.

13 Q. Was that painful?

14 A. It was painful. But given the choices, it
15 was welcomed.

16 Q. And what other procedures did they do to
17 you that you recall?

18 A. I just remember while one person was fixing
19 the lung, one was sewing up the finger. A nurse was
20 sewing up a leg. Other nurses were treating other
21 wounds.

22 Q. Were you given any anesthetic at all for
23 the stitches or anything of this nature?

24 A. No, only after taken to the room.

25 Q. Okay. So during emergency room treatment

1 all procedures were without anesthetic and you were
2 fully conscious?

3 A. Yes.

4 Q. Do you recall what it felt like when they
5 pumped air into your lung?

6 A. I only remember the knife and the tube
7 going into the lung, and I don't remember after that.

8 Q. Did they do anything to set the ribs?

9 A. No, I don't believe so. They might have
10 put something across my chest. I don't really recall.

11 Q. After they treated you, did they then take
12 you to a private room?

13 A. Yes.

14 Q. And were you then given a sedative?

15 A. I believe so, yes.

16 Q. And do you recall how long you stayed
17 conscious?

18 A. If I'm not mistaken, I believe I was
19 conscious when my wife showed up from Baton Rouge.

20 Q. Do you recall when that was?

21 A. Unless I was unconscious, it wasn't long.

22 Q. And did you loose consciousness sometime
23 after she arrived?

24 A. Yes.

25 Q. Had your wife been waiting for you in Baton

1 Rouge?

2 A. Yes.

3 Q. Do you have any way of knowing how long it
4 was from the time of the crash to the time your wife
5 arrived from Baton Rouge?

6 A. No, I wouldn't.

7 Q. Was it a number of hours?

8 A. To me it would seem like it would have been
9 possibly two and a half, three hours.

10 Q. Okay. Were you -- with the exception of
11 the time, the short period of time between the crash
12 and Mr. Pyle unbuckling your seatbelt, were you fully
13 conscious throughout that period of time?

14 A. Yes.

15 Q. And in pain?

16 A. Yes.

17 Q. And you were in the hospital in McGill,
18 Mississippi, or excuse me, McComb, Mississippi, for
19 seven or eight days after the crash?

20 A. As far as I know, it seems like it was
21 seven days.

22 Q. And the day after the crash do you recall
23 what time you woke up?

24 A. No, I don't recall.

25 Q. Do you recall what it felt like when you

1 woke up?

2 A. Yes.

3 Q. Describe that, please.

4 A. It seems like my whole body had been
5 through a shock and it was very painful to move, to
6 move anything. And if I would slip down in the bed,
7 it would take two nurses to grab the sheet and pull
8 me up which was extreme pain itself just to be pulled
9 up. So it was a matter of laying and trying not to
10 move.

11 Q. Was the upper part of your body painful?

12 A. Yes.

13 Q. Did you have bruises over your body?

14 A. As far as I recall, yes.

15 Q. Did you discover any cuts or abrasions on
16 your body?

17 A. They -- they discovered them off and on.
18 There would be some to the head and in the hair,
19 small abrasions that they would miss, but no major
20 abrasions or bleeding.

21 Q. Okay. For what period of time were you
22 unable to move due to the soreness and pain of the
23 injuries?

24 A. It seemed like it was hard to move for
25 approximately three weeks. It was hard to sit up, to

1 get out of bed or to walk. As far as right after the
2 crash, I didn't want to move for approximately three
3 days.

4 Q. So for three days you were just totally
5 unable to move and then there was some improvement
6 for the next three weeks or so?

7 A. Yes. Even three to four days afterwards if
8 I had to go get x-rays, it would take a number of
9 nurses picking me up with the sheet to place me on a
10 stretcher at one time because of the pain.

11 Q. And were you being given sleeping pills or
12 pain pills or both during this period?

13 A. I was taking injections at that time.

14 Q. Do you know what kind of injections they
15 were giving you?

16 A. No, just pain-killers.

17 Q. Do you recall how much of the day, of the
18 24-hour day, you were conscious and how much you were
19 asleep?

20 A. I slept quite a bit. They would -- they
21 left a buzzer that anytime I woke up and felt pain
22 they would give an injection to relieve the pain the
23 first three days.

24 Q. And were you getting injections regularly?

25 A. Regularly.

1 Q. And did you have pain in spite of the
2 injections?

3 A. Only until I went back to sleep.

4 Q. So during all of your conscious hours were
5 you in great pain?

6 A. Yes.

7 Q. And can you tell the jury how long it was
8 before you were free of pain, totally free of pain?

9 A. As far as I can recall, it seemed like it
10 was about a month before it didn't hurt to move
11 around or get out of bed.

12 Q. Did you ever -- did you have no pain at all
13 after a month or just pain that --

14 A. It just slowly went away.

15 Q. By the time you saw Dr. Gidcomb -- you
16 recall you saw Dr. Gidcomb in late 1977 and he
17 pronounced you free of any injuries at that time? Do
18 you recall seeing Dr. Gidcomb?

19 A. Yes.

20 Q. Do you recall at that time whether or not
21 you were totally free of pain?

22 A. I had soreness in my legs still, which he
23 just said would go away, from just the impact on the
24 legs.

25 Q. And do you recall how long it took for that

1 soreness in your legs to completely disappear?

2 A. No, I don't remember.

3 Q. Was it a matter of weeks, months?

4 A. I would say it was a matter of months.

5 Q. Okay. Being in this experience, have you
6 had any bad dreams or anything of that nature?

7 A. I did in the beginning. I can't recall --
8 I have occasional dreams.

9 Q. Of the crash?

10 A. Of airplane crashes.

11 Q. Have you flown on a commercial flight since
12 the crash?

13 A. Yes.

14 Q. Is there any fear associated in flying now
15 for you?

16 A. Only a knowledge and a slight fear. I have
17 never -- it's never slowed me from taking a flight.

18 MR. BRUTSCHE: I have nothing further.

19 REDIRECT EXAMINATION

20 BY MR. DEVIN

21 Q. I have just a couple of more questions.

22 Mr. Kretschmar, this per diem payment that you were
23 receiving back in 1977, which I think you said was
24 \$15.00 per day; is that correct?

25 A. Yes.

1 Q. Was that reported as income on your tax
2 return that year?

3 A. No. I don't know how it's worked. It's
4 more or less expenses from touring. I don't know how
5 it -- whether Showco claims it or not. It's not an
6 income.

7 Q. And that money is used by you to buy your
8 meals --

9 A. Yes.

10 Q. -- and possibly your motel room or
11 something to that effect?

12 A. Yes.

13 Q. In other words, just to pay your expenses
14 while you are out on the road so that you are not out
15 of pocket anything?

16 A. Right.

17 Q. Okay. Did \$15.00 a day pretty adequately
18 take care of your expenses, or was there money left
19 over, or were you usually short?

20 A. Usually short.

21 MR. DEVIN: That's all I have. Thank you.

22 MR. BRUTSCHE: Can I go off the record?

23 MR. DEVIN: Sure.

24 (Off the record discussion)

25 MR. BRUTSCHE: That's all.

Signature of Witness.

STATE OF _____ X

X

COUNTY OF _____ X

Subscribed and sworn to before me by the
said witness, Don L. Kretzschmar, on this the
_____ day of _____, A.D., 19__.

Notary Public
in and for _____ County,
_____.


1 STATE OF TEXAS

2 COUNTY OF DALLAS

3 I, Garland R. Brock, a Notary Public in and for
4 the State of Texas, do hereby certify that the facts
5 as stated by me in the caption hereto are true; that
6 the foregoing answers in response to the questions as
7 indicated were made before me by Don L. Kretzschmar,
8 the witness hereinbefore named, after said witness
9 had been first duly cautioned and sworn to testify
10 the truth, the whole truth and nothing but the truth,
11 and were thereafter reduced to typewriting by me and
12 under my supervision, same to be sworn to and
13 subscribed by said witness before any Notary Public,
14 pursuant to the agreement of the parties.

15 I further certify the above and foregoing
16 deposition as set forth in typewriting is a full,
17 true, correct and complete transcript of the
18 proceedings had at the time of taking said deposition.

19 Given under my hand and seal of office on this
20 the 11th day of June, A. D., 1981.

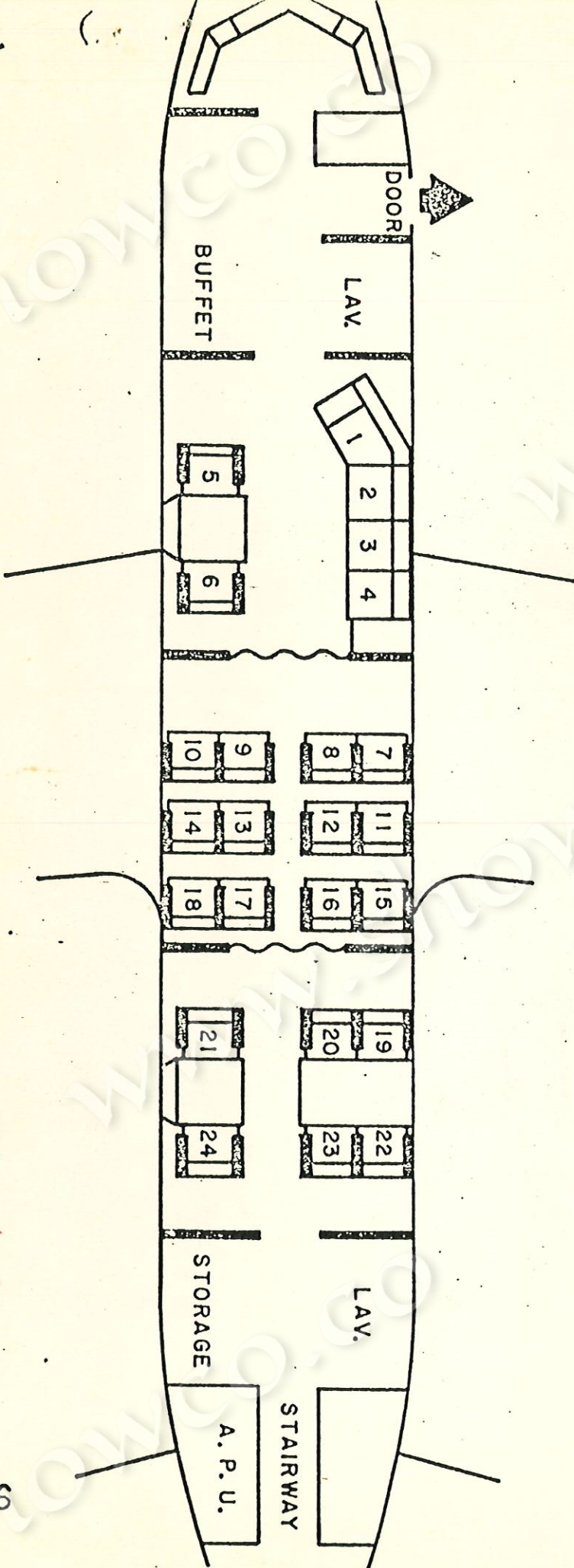
21 
22 Garland R. Brock, Notary Public
23 in and for the State of Texas.

24 Taxable cost of original, \$ 209.60.

25 Paid by Defendant Falcon.

CV-240/340

N-55 VM



OX No. 1
G.B.

NO. 78-3867-I

JUDITH VAN ZANT, ET AL	§	IN THE 162ND JUDICIAL
	§	
VS.	§	DISTRICT COURT
	§	
FALCON AIRWAYS, INC., ET AL	§	DALLAS COUNTY, TEXAS

NOTICE TO TAKE DEPOSITIONS
UPON ORAL EXAMINATION

TO: All counsel of record as indicated in the
Certificate of Service


Please take notice that the defendant FALCON AIRWAYS, INC. will take the depositions by oral examination of the persons set forth on Exhibit "A" hereto in the offices of RAY ANDERSON SHIELDS TROTTI & HEMPHILL, 1300 Fidelity Union Tower, Dallas, Texas 75201, at the times indicated. The witnesses will produce certain documents at the times and place indicated as set forth on Exhibit "B" hereto.

Such depositions will be taken upon oral examination before Davis, Brock and Callaway or such other officer authorized by law to take such depositions, and will continue from day to day until completed.

Respectfully submitted,

RAY ANDERSON SHIELDS TROTTI
& HEMPHILL
1300 Fidelity Union Tower
Dallas, Texas 75201
214/742-1161

By


Clayton E. Devin
Bar Card #05787700

ATTORNEYS FOR DEFENDANT
FALCON AIRWAYS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Notice To Take Depositions Upon Oral Examination was mailed, Certified Mail, Return Receipt Requested, to Plaintiffs' attorneys of record, Mr. Robert M. Martin, Jr., 5400 First International Bldg., Dallas, Texas 75270, Mr. Steve Brutsche, 701 Commerce St., Suite 302, Dallas, Texas 75202, Mr. Judson Francis, Jr., Campbell Centre II, Suite 1185, 8150 N. Central Expressway, Dallas, Texas 75206, and Mr. Richard H. Jones, 2054 N. 14th St., Arlington, Virginia 22201, on this 22 day of May, 1981.

Clayton E. Devin
Clayton E. Devin

EXHIBIT "A"

<u>NAME OF WITNESS</u>	<u>TIME OF DEPOSITION</u>
William J. Sykes	June 8, 1981 at 9:00 o'clock A.M.
Melissa Sykes	June 8, 1981 at 1:30 o'clock P.M.
Kenneth Peden	June 9, 1981 at 9:00 o'clock A.M.
Don Kretzschmar	June 9, 1981 at 1:30 o'clock P.M.
Kevin Elson	June 10, 1981 at 9:00 o'clock A.M.
Clayton Johnson	June 10, 1981 at 1:30 o'clock P.M.
Lacy Van Zant	June 11, 1981 at 9:00 o'clock A.M.
Marian Van Zant	June 11, 1981 at 11:00 o'clock A.M.
Johnny Van Zant	June 11, 1981 at 2:00 o'clock P.M.

EXHIBIT "B"

All witness will produce all State and Federal Income Tax returns, W-2 forms, or any other supporting forms filed by the witness for the years 1975 through 1980. In addition, all medical records, medical bills, physician reports, Worker's Compensation records, or any other records or documents relating in any fashion to the treatment of any physical injury allegedly received by the witness as a result of the crash of the Convair 240, N55VM, on October 20, 1977, made the basis of this suit.

A copy of the most current medical evaluation of the witness.