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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BRIAN O'MALLEY
PLAINTIFF

CIVIL ACTION
NO. 2:17-04812

VERSUS

SECTION "H" (1)
JUDGE MILAZZO

PUBLIC CENTRAL RAILROAD
COMMISSION FOR THE CITY
OF NEW ORLEANS

MAGISTRATE MEERVELD

DEFENDANT

Deposition of CARLA D. GENDUSA, 4822 Tchoupitoulas Street, New Orleans, Louisiana 70115, taken in the offices of Rome, Arata, Baxley & Stelly, Suite 2017, 650 Poydras Street, New Orleans, Louisiana 70130, on Wednesday, the 6th day of December, 2017, beginning at 10:35 a.m.

APPEARANCES:

ROME, ARATA, BAXLEY & STELLY
(BY: W. CHAD STELLY)
Suite 2017
650 Poydras Street
New Orleans, Louisiana 70130

ATTORNEYS FOR THE PLAINTIFF



1 representatives of Public Belt Railroad aside from
2 Miss Williams or Miss Beck?

3 A. No, sir.

4 Q. Didn't discuss any issues with the
5 yardmaster, trainmaster, any of the crew members
6 who were involved in the accident?

7 A. No, sir.

8 Q. Did you review any documents?

9 A. I briefly reviewed the file.

10 Q. Okay. What did the file include?

11 A. I reviewed the crew statements in the
12 file --

13 Q. Okay.

14 A. -- and the FRA reports.

15 Q. There were FRA reports in the file?

16 A. Yes, sir.

17 Q. And you reviewed those in preparation for
18 your deposition?

19 A. I just -- I looked in the file and saw
20 that it was in there.

21 Q. When did you look in the file?

22 A. This morning.

23 Q. How many FRA reports were in the file?

24 A. Two.

25 Q. Were they both typewritten or was one

1 Q. Do you recall actually reviewing and
2 reading the FRA reports this morning?

3 A. No, I did not.

4 Q. You just know they were in the file?

5 A. Yes.

6 Q. Have you ever reviewed the FRA reports in
7 connection with this accident?

8 A. I submitted the reports. So, at the time
9 of submission, I would have reviewed them.

10 Q. What's in those reports?

11 A. It's a standard form for any initial
12 incident report. It's basic information about
13 name, location, and then it asks for a narrative
14 of what happened. And then there's a second
15 report -- let me -- I did not -- I looked -- I
16 don't know for sure if there are two reports.
17 There's an initial report that's -- that I did see
18 the coverletter. I didn't flip through. If it
19 was reportable -- and now that I'm questioning
20 myself -- I don't know if it was reportable. If
21 it were reportable, then, there would have been a
22 second report, but I did not look to see if there
23 was a second report.

24 Q. And issuance of these reports or
25 preparation of the reports is required pursuant to

1 FRA regulations, correct?

2 A. Yes, sir.

3 Q. In your position as director of Safety
4 and Training, is that something that you regularly
5 do, is prepare these kinds of reports?

6 A. Yes, sir.

7 Q. What is the information upon which you
8 rely to prepare the report?

9 A. The information that I receive from the
10 supervisors about the incident.

11 Q. Who were the supervisors providing
12 information for this?

13 A. Leroy Hensley.

14 Q. Is he the only one?

15 A. Yes, sir, he would have been. He was the
16 superintendent at that time.

17 Q. Did you receive any information from Mike
18 Trosclair?

19 A. Mike Trosclair had a witness statement.

20 Q. So, you did not speak to him directly
21 about it. You relied upon the content of his
22 witness statement?

23 A. Correct.

24 Q. And Mr. Trosclair was the yardmaster on
25 duty at the time of the accident, correct?

1 A. Yes.

2 Q. And how about the trainmaster who was on
3 duty at the time of the accident, Mr. Gonzales,
4 did you receive any information from him?

5 A. Not directly.

6 Q. How about indirectly?

7 A. I wouldn't -- I mean, if it came
8 indirectly, I wouldn't know that he was the
9 source.

10 Q. And how did Mr. Hensley provide you
11 information?

12 A. There were -- there were meetings.

13 Q. Okay. Between whom?

14 A. Management.

15 Q. Okay. Who? I'm guessing Mr. Hensley?

16 A. Mr. Hensley, Doug Campbell, Shawn
17 Blanchard, and I believe my manager of Training at
18 the time, John McCrossen, Sr. And there's a --
19 there's an Executive Summary that --

20 Q. Is the Executive Summary a document that
21 is prepared in connection with managers' meetings
22 like this?

23 MS. WILLIAMS:

24 Object to the form.

25 MR. STELLY:

1 Okay.

2 EXAMINATION BY MR. STELLY:

3 Q. This was this the first time ever an
4 Executive Summary was prepared in connection with
5 a meeting of managers?

6 MS. WILLIAMS:

7 Same objection.

8 EXAMINATION BY MR. STELLY:

9 Q. You can answer.

10 A. No.

11 Q. Okay. So, the preparation of an
12 Executive Summary is part of the normal course of
13 business when you have a meeting amongst managers
14 as you just mentioned, Mr. Hensley, Mr. Campbell,
15 Mr. Blanchard and Mr. McCrossen?

16 MS. WILLIAMS:

17 Object to the form.

18 A. I mean, there -- yeah. There is an
19 Executive Summary that's generated.

20 EXAMINATION BY MR. STELLY:

21 Q. And it's regularly generated whenever you
22 have a meeting of managers like this.

23 MS. WILLIAMS:

24 Same objection.

25 A. When there's an incident that we need to

1 have the details -- or the basic information about
2 an incident.

3 EXAMINATION BY MR. STELLY:

4 Q. Okay. Regardless of whether it's an
5 injury or property damage, if you have an
6 executive meeting or a meeting of managers about
7 it, an Executive Summary is prepared?

8 A. Yes.

9 MS. WILLIAMS:

10 Object to form.

11 EXAMINATION BY MR. STELLY:

12 Q. And that is pursuant to Public Belt
13 policy and procedure, correct?

14 MS. WILLIAMS:

15 Same objection.

16 A. I don't know if it's policy.

17 EXAMINATION BY MR. STELLY:

18 Q. But it's general procedure?

19 MS. WILLIAMS:

20 Same objection.

21 A. Yes, sir.

22 EXAMINATION BY MR. STELLY:

23 Q. And is that Executive Summary in the file
24 that you reviewed this morning?

25 A. Yes, sir.

1 Q. Did you read over the Executive Summary
2 this morning?

3 A. No, sir.

4 Q. When did you last read over it?

5 A. When I was preparing the FRA report.

6 Q. Okay. Did you prepare the Executive
7 Summary?

8 A. No, sir.

9 Q. Who prepares that?

10 MS. WILLIAMS:

11 Object to form.

12 A. I don't recall.

13 EXAMINATION BY MR. STELLY:

14 Q. Okay. Is there a secretary who would
15 attend the meeting of the managers to take notes
16 and prepare the Executive Summary?

17 A. No, sir.

18 Q. Okay. But you don't know who actually
19 prepared the Executive Summary?

20 A. I can't recall.

21 Q. Is it signed off by anyone?

22 MS. WILLIAMS:

23 Same objection.

24 A. I believe there is a space for signature.

25 EXAMINATION BY MR. STELLY:

1 A. Yes.

2 Q. Okay. Tell me about that.

3 A. I worked with the former director for
4 approximately three months, from June 1st, 2006,
5 through approximately October 10th.

6 Q. Who was the former director?

7 A. Tom Lobello.

8 Q. Were you basically shadowing him to learn
9 the position?

10 A. Yes. Yes, sir.

11 Q. Okay. There were no written instructions
12 or course materials provided to you to tell you
13 how to be director of Safety and Training for
14 Public Belt Railroad, correct?

15 A. There is the job description and
16 reviewing policies.

17 Q. Let's talk about that. What are your
18 duties and responsibilities as director of Safety
19 and Training for Public Belt Railroad?

20 A. I haven't reviewed the job description
21 since last year, so, I can't speak to that, but I
22 can speak to what I do on a regular basis.

23 Q. Thank you.

24 A. When there's an incident, I gather as
25 much information as I can to complete the incident

1 report, to the FRA. If it is an amount over
2 10,700, there are additional reports that would
3 subsequently need to be filed. I do a quarterly
4 analysis of injuries, accidents -- or injuries,
5 derailments, and efficiency testing of our
6 managers, which is to look at, you know, causes
7 for incidents in the company and if we have
8 repeated similar incidents, if there's kind of
9 a -- an identifiable trend to talk to the managers
10 and identify areas for them to improve so that,
11 you know, we can minimize injuries and
12 derailments. There's efficiency testing analysis
13 to just -- we have to test a minimum number of
14 employees in a monthly -- on a monthly basis.
15 And, so, I do analysis of whether each manager is
16 meeting that expectation and whether they are
17 spreading testing through quality testing rules,
18 tests that matter and actually have an effect on
19 safe operations, and make recommendations to
20 adjust testing, if necessary. I have training
21 that's ongoing that I try to monitor -- or that I
22 do monitor to let department heads know, you know,
23 employees are due for certain types of training,
24 scheduling where we can to get employees either
25 into the training center or get managers to give

1 those training -- give that training out in the
2 field. If there's additional training that's
3 identified either through Safety Committee
4 meetings or, you know, any of our discussions,
5 trying to identify resources for that training.

6 Q. Any participation in revision or
7 revisiting operating and safety rules?

8 A. Yes. Currently, I am working on the
9 GCOR -- you know, adopting the GCOR early next
10 year, hopefully. Optimistic timeline.

11 Q. All right. The quarterly analysis and
12 efficiency testing reports you mentioned --

13 A. Yes, sir.

14 Q. -- are those printed out in a little
15 booklet or is a report issued?

16 A. Yes, sir.

17 Q. And what are those reports called?

18 A. Quarterly analysis, whatever quarter. It
19 would be First Quarter 2017 Efficiency Testing
20 Program Analysis. Second quarter would be April
21 1st through June 30th.

22 Q. Okay. I know you haven't reviewed any of
23 those documents in preparation for your deposition
24 here today. Do you recall whether or not any of
25 your analysis has indicated a trend or a number of

1 asking.

2 EXAMINATION BY MR. STELLY:

3 Q. I'll show you the rule in a little bit.

4 A. Okay. Thank you.

5 Q. Do you maintain minutes of Safety
6 Committee meetings?

7 A. Yes, sir.

8 Q. Have you been asked to produce any such
9 documentation in connection with this case?

10 A. I was asked to review the minutes.

11 Q. Okay. When did you review them?

12 A. A few months ago.

13 Q. Okay. And what did you review them for?

14 A. Any reference to this incident.

15 Q. Did you find any?

16 A. I don't think I did.

17 Q. Okay.

18 A. I can't recall.

19 Q. You would agree with me it would be
20 unusual for no mention of this accident to have
21 been made in the Safety Committee meeting minutes,
22 right?

23 MS. WILLIAMS:

24 Object to form.

25 A. Our minutes don't have that level of