UNITED STATES SENATE
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
STAFF MEMORANDUM TO MEMBERS OF THE SUBCOMMITTEE

June 17, 2024

Preliminary Information from the Subcommittee’s Inquiry into Boeing’s Safety and Quality Practices
MEMORANDUM

To: PSI Members
From: PSI Majority Staff
Date: June 17, 2024
Re: Preliminary Information from the Subcommittee’s Inquiry into Boeing’s Safety and Quality Practices

SUMMARY OF THE SUBCOMMITTEE’S INQUIRY TO DATE

On March 19, 2024, the Permanent Subcommittee on Investigations ("the Subcommittee") opened an inquiry into The Boeing Company’s ("Boeing" or "the company") quality and safety practices. The Subcommittee requested from Boeing information and records about the company’s safety culture and practices, including its whistleblower policies, and whistleblower Sam Salehpour’s allegations that Boeing was taking shortcuts in the process of manufacturing 787 and 777 aircraft that increased safety risks.¹ The Subcommittee also sent a letter to Federal Aviation Administration ("FAA") Administrator Michael Whitaker seeking additional information about the agency’s oversight of Boeing and its investigation of Mr. Salehpour’s allegations.² Although the Subcommittee’s investigation is ongoing, this memorandum presents new information based on documents obtained from Boeing and whistleblowers.

Since opening the inquiry, the Subcommittee has received outreach from additional whistleblowers in the aviation industry, including individuals with firsthand knowledge of Boeing’s operations and policies, who have come forward with new information about additional safety risks stemming from Boeing’s manufacturing practices. Specifically, these whistleblowers have provided information about Boeing’s ongoing mismanagement of nonconforming parts and its removal of quality inspections. Some whistleblowers who have come forward to the Subcommittee wish to remain anonymous, but others have either spoken out publicly or are willing to have their stories be public for the first time.

Documents and accounts provided by whistleblowers familiar with Boeing’s production at facilities in Washington state and Charleston, South Carolina, paint a troubling picture of a company that prioritizes speed of manufacturing and cutting costs over ensuring the quality and safety of aircraft. These misplaced priorities appear to contribute to a safety culture that insufficiently values and addresses the root causes of employee concerns and insufficiently deters retaliation against employees that speak up.

ALARMING MISMANAGEMENT OF NONCONFORMING PARTS

Whistleblower reports spanning more than a decade raise questions about Boeing’s ability to timely source and track aircraft parts and ensure that damaged or inadequate parts (“nonconforming parts”) are not used in aircraft production. The tracking and disposition of aircraft parts that do not conform to their quality or design specifications is heavily regulated, and criminal penalties apply to knowing or intentional falsification, concealment, or materially fraudulent misrepresentation in connection with records documenting the disposition of aircraft parts.³ Aircraft manufacturers are required to maintain a written quality system that includes “[p]rocedures to ensure that only products or articles that conform to their approved design are installed on a type-certificated product. These procedures must provide for the identification, documentation, evaluation, segregation, and disposition of nonconforming products and articles. Only authorized individuals may make disposition determinations.”⁴ Aircraft manufacturer quality systems must also prescribe “[p]rocedures to ensure that discarded articles are rendered unusable.”⁵ At Boeing, when parts are deemed “nonconforming,” they are marked with a red tag or red paint and stored in a secure area of the factory called the Material Review Segregation Area (“MRSA”).⁶

a. “The 737 program was losing hundreds of non-conforming parts”—Whistleblower Sam Mohawk’s Allegations of Nonconforming Parts Mismanagement in Renton, Washington

In May 2024, Sam Mohawk, a current Boeing Quality Assurance investigator at the MRSA in Renton, Washington, informed the Subcommittee that he has witnessed systemic disregard for documentation and accountability of nonconforming parts at Boeing’s Renton facility, where the 737 MAX is manufactured.⁷ On June 11, 2024, Mr. Mohawk filed a claim with the Occupational Safety and Health Administration (“OSHA”), which is attached as Attachment 1. This complaint has not been previously released publicly.

Mr. Mohawk’s current role at MRSA includes handling nonconforming parts, work that he alleges became significantly more complex and demanding following the resumption of 737 MAX production when the FAA authorized the aircraft to return to service following two crashes in 2018 and 2019.⁸ Mr. Mohawk alleges that “[c]ompared to pre-grounding, MRSA was experiencing a 300% increase [of nonconformance reports]” and that “the 737 program was losing hundreds of non-conforming parts.”⁹

Mohawk feared that non-conforming parts were being installed on the 737s and that it could lead to a catastrophic event.¹⁰

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⁵ 14 CFR 21.137(h)(2).
⁷ Id. at 2–12, Attachment 1.
⁸ Id. at 5, Attachment 1.
⁹ Id. at 6, Attachment 1.
¹⁰ Id. at 6, Attachment 1.
Mr. Mohawk alleges that the Renton Factory’s inability to adequately manage nonconforming parts led to the company “intentionally hid[ing] improperly stored parts from the FAA” during one on-site inspection.\textsuperscript{11}

\textit{In June 2023, the FAA notified Boeing’s Renton plant that it would be conducting an inspection. Once Boeing received such a notice, it ordered the majority of the parts that were being stored outside to be moved to another location to intentionally hide improperly stored parts from the FAA. There were approximately 60 parts being stored outdoors, including 42 rudders alone, plus flaps, winglets, ailerons, stabilizers, and vertical fins. Approximately 80\% of the parts were moved to avoid the watchful eyes of the FAA inspectors. When the FAA inspectors saw the remaining parts stored outside, they required Boeing to expand its storage capacity and add more workers in MRSA. Since then, those parts that were hidden from the FAA inspection have been moved back to the outside area or lost completely.}\textsuperscript{12}

Mr. Mohawk alleges that the overwhelming number of nonconforming parts eventually led his superiors to direct him and others to eliminate or “cancel” the records that designate a part as nonconforming; these records are referred to as a nonconformance report (“NCR”).\textsuperscript{13} During an August 2023 meeting, the head of Boeing’s Material Review Board for the 737 MAX program reiterated his order for everyone to cancel and delete NCRs, and not to keep a written record of non-conforming parts,” an order that violated Boeing’s own policies and federal regulations.\textsuperscript{14} Concerned about the implications of this order, Mr. Mohawk filed a Speak Up report, which is a report on Boeing’s internal system for receiving employee safety-related concerns.\textsuperscript{15} After months during which no apparent action was taken, Mr. Mohawk alleges that his report was directed to the same group of managers that he complained about in his report.\textsuperscript{16}

\textbf{b. “These are $41,000.00 EA and takes 18 months to get replacements”—Whistleblower Merle Meyers’ Allegations of Nonconforming Parts Mismanagement in Everett, Washington}

On April 24, 2024, former Boeing quality manager Merle Meyers alleged that he witnessed extensive mismanagement of nonconforming parts during his years of employment at Boeing’s factory in Everett, Washington.\textsuperscript{17} Mr. Meyers left Boeing in 2023 after a 30-year career at the company.\textsuperscript{18} As reported by \textit{The New York Times}, Mr. Meyers “was particularly troubled that workers at Boeing’s Everett factory felt such pressure to keep production moving that they would

\begin{footnotesize}
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  \item \textsuperscript{11} Id. at 6–7, Attachment 1.
  \item \textsuperscript{12} Id. at 6–7, Attachment 1.
  \item \textsuperscript{13} Id. at 7, Attachment 1.
  \item \textsuperscript{14} Id. at 7, Attachment 1.
  \item \textsuperscript{15} Id. at 8–9, Attachment 1.
  \item \textsuperscript{16} Id. at 9, Attachment 1.
  \item \textsuperscript{17} Niraj Chokshi, \textit{Former Boeing Manager Says Workers Mishandled Parts to Meet Deadlines}, N.Y. TIMES (April 24, 2024), https://www.nytimes.com/2024/04/24/business/boeing-airlines-plane-issues.html.
  \item \textsuperscript{18} Id.
\end{itemize}
\end{footnotesize}
find unauthorized ways to get the parts they needed.”\textsuperscript{19} According to Mr. Meyers, this included “taking parts assigned to other planes, taking newly delivered components before they could be inspected or logged, or trying to recover parts that had been scrapped.”\textsuperscript{20} When he shared his story with the Subcommittee, Mr. Meyers alleged that Boeing manufacturing personnel regularly sought to retrieve nonconforming parts from a “reclamation” area, after they were initially sent there for disposition.\textsuperscript{21}

Mr. Meyers provided information to the Subcommittee which has not previously been made public, including allegations that the pressure on manufacturing personnel to obtain parts from the reclamation area was so prevalent that reclamation area personnel “collaborated to generate a bootleg form to at least track who signed for what part numbers.”\textsuperscript{22} According to Mr. Meyers, reclamation area personnel titled the form “REQUIREMENTS FOR RELEASING PARTS/RAW MATERIAL FROM RECLAMATION.”\textsuperscript{23} Mr. Meyers relayed that the “bootleg form” circumvents a “robust, documented process . . . for removing scrapped parts from reclamation.”\textsuperscript{24} A completed example of this form is attached as Attachment 2, which has not previously been publicly released. That form and several other examples provided by Mr. Meyers to the Subcommittee include responses that appear to justify the removal of parts from reclamation with the explanation: “Parts were sent [to reclamation] in error,” which Mr. Meyers alleged was a common pretext used by manufacturing personnel to move parts back into aircraft production.\textsuperscript{25} The example forms reviewed by the Subcommittee, some dating as far back as 2002, appeared to relate to a variety of small and large aircraft parts, including “787 leading edge slats”, “landing gear fitting”, “787 nacelle forgings”, and “wire bundles.”\textsuperscript{26} The form provided as Attachment 2 also appears to cite the individual cost and time required to obtain a new, identical replacement as justification for removing the part from reclamation: “Parts were sent in error. ENG has a possible rework plan. These are $41,000.00 EA and takes [sic] 18 months to get replacements.”\textsuperscript{27}

c. “It was just totally out of control”—Whistleblower John Barnett’s Allegations of Nonconforming Parts Mismanagement in Charleston, South Carolina

Whistleblower John Barnett worked at Boeing for over 30 years, including seven years as a quality manager in Charleston, South Carolina, where the 787 is assembled.\textsuperscript{28} Prior to his departure from the company in 2017, Mr. Barnett was responsible for the disposition of

\textsuperscript{19} Id.
\textsuperscript{20} Id.
\textsuperscript{21} Notes of Subcommittee staff call with Mr. Merle Meyers, June 7, 2024 (on file with the Subcommittee).
\textsuperscript{22} Id.
\textsuperscript{23} Summary Compilation provided to Subcommittee staff by Mr. Merle Meyers (on file with the Subcommittee).
\textsuperscript{24} Id.
\textsuperscript{25} See e.g., Requirements for Releasing Parts/Raw Material from Reclamation Example Form (June 3, 2015), Attachment 2; Notes of Subcommittee staff call with Mr. Merle Meyers, June 7, 2024 (on file with the Subcommittee).
\textsuperscript{26} Requirements for Releasing Parts/Raw Material from Reclamation Example Forms (on file with the Subcommittee).
\textsuperscript{27} Requirements for Releasing Parts/Raw Material from Reclamation Example Form (June 3, 2015), Attachment 2.
nonconforming parts placed in the MRSA at the South Carolina facility between 2015 and 2017.\textsuperscript{29} In 2017, Mr. Barnett filed a whistleblower retaliation complaint against Boeing that is still in litigation today.\textsuperscript{30} Attachments 3 and 4 are the non-public transcripts of Mr. Barnett’s March 7 and 8, 2024, deposition conducted as part of his retaliation proceedings.\textsuperscript{31} Mr. Barnett died by suicide the morning of what was scheduled to be the third day of his deposition.\textsuperscript{32}

Among Mr. Barnett’s allegations, he suspected that Boeing’s overriding priority to assemble and deliver aircraft as fast as possible pressured production employees to use nonconforming parts on aircraft in production, which violates FAA regulations and Boeing’s own policies.\textsuperscript{33} According to Mr. Barnett, “the environment at Charleston was, it’s all about production. And, Don’t want to hold them up. . . . I was told several times I’m not allowed to tell manufacturing no, that it’s their responsibility to follow procedures.”\textsuperscript{34}

\textit{We don’t have time to follow processes; we’re building airplanes. . . . that was a common theme all the time.}\textsuperscript{35}

Nonconforming parts that are not accurately tracked and secured (sometimes considered “lost”) pose a risk to aircraft quality because they could be installed on aircraft in production, potentially resulting in failure of the nonconforming component.\textsuperscript{36} In his deposition, Mr. Barnett alleged that his superiors at the South Carolina factory directed him to falsify records that would resolve the disposition of lost nonconforming parts in the company’s Quality Management System, where parts are tracked.\textsuperscript{37} When Mr. Barnett refused, insisting that the parts either had to be found, or their missing status reported to the FAA, he allegedly was told, “Absolutely not. We are not reporting anything to the FAA.”\textsuperscript{38}

\textit{We actually found scrap parts out there [on the production line]. And the way I know they’re scrap parts is because our processes say, before you scrap a part, you paint it red. And we found numerous parts out in production that were painted red, that had come out of the scrap bin.}\textsuperscript{39}

Mr. Barnett alleged that he followed Boeing’s procedures for securing nonconforming parts in the MRSA to ensure those parts would not end up installed on aircraft in production.\textsuperscript{40}

\textsuperscript{34} Id. at 33, Attachment 4.
\textsuperscript{35} Id. at 37, Attachment 4.
\textsuperscript{36} Id. at 13, Attachment 4.
\textsuperscript{37} Id. at 10–13, Attachment 4.
\textsuperscript{38} Id. at 11, Attachment 4.
\textsuperscript{39} Id. at 17–18, Attachment 4.
\textsuperscript{40} Id. at 14–17, Attachment 4.
According to Mr. Barnett, those procedures included limiting access to the MRSA to authorized personnel, which did not include manufacturing personnel. Mr. Barnett alleged that, despite his objections, keys to the MRSA area were issued to manufacturing personnel.

Manufacturing lead had keys [to the MRSA]. And they were just able to walk in, unlock the cage, and take any part they wanted. . . . And immediately after those keys were issued our, we noticed lost nonconforming parts were disappearing again. We found parts pulled out of our scrap bin that [were] out on the production floor being used. We had nonconforming parts out on the floors being used. It was just totally out of control.

Mr. Barnett alleged that when he spoke up about violations of Boeing procedures with superiors, his concerns were never fully addressed and that he experienced retaliation and pressure to “find . . . ways to work in the grey areas to help manufacturing out.”

So they would tell you that verbally. Oh, yeah, speak up. Raise your hand. We take it seriously. But then, when you actually do it is when you start getting actions that, you know, you’re a troublemaker or you’re . . . just trying to hold up production.

In 2017, the FAA substantiated at least part of Mr. Barnett’s allegations. In addition to filing a retaliation complaint with OSHA, Mr. Barnett submitted a safety complaint to the FAA on January 19, 2017. The FAA investigated Mr. Barnett’s allegations by conducting interviews with MRSA personnel and reviewing Boeing’s quality procedures and nonconforming parts records.

An FAA review of the [Boeing South Carolina] investigation showed 45 nonconforming part records have been researched so far and [Boeing South Carolina] has identified 53 nonconforming parts that are considered lost. The investigation is still in progress and 176 nonconforming part records need to be researched. The FAA concluded, after review of the [Boeing South Carolina] investigation documentation/records and [Boeing Commercial Aircraft] nonconforming part processes, that [Boeing South Carolina] personnel did not follow approved quality system processes to track and disposition nonconforming parts. As a result, 53 nonconforming parts are known to have been lost.
REMOVAL OF QUALITY INSPECTIONS

a. Importance of Quality Inspections to Airplane Safety

Quality inspections are legally mandated and critical to the safe manufacturing and performance of airplanes.50 FAA regulations require aircraft manufacturers to maintain a quality management system “that ensures that each product and article conforms to its approved design and is in a condition for safe operation.”51 Among other requirements, that system must include “[p]rocedures for inspections and tests” and “[p]rocedures for documenting the inspection and test status . . . .”52 Importantly, after manufacturers establish and secure FAA approval for those procedures, manufacturers are required to “[m]aintain the quality system in compliance with” those established procedures.53 Those procedures usually involve employees on quality teams working as a “second set of eyes” to perform inspections and, ultimately, formally sign-off on work once they are comfortable that the aircraft is in conformance (called “acceptance”).54 Because each airplane produced must conform to the FAA-approved design, quality inspections are crucial to mitigating the risk that manufacturers sell airplanes that vary from the approved design in potentially unsafe ways.55

According to a series of FAA enforcement letters from 2016 to 2021, public reporting, and whistleblower allegations, Boeing engaged in a repeated, years-long effort to eliminate quality inspections and instead relied on the workers building the planes to inspect their own work.56 Despite efforts to both comply with the FAA directive to restore the removed inspections and even add more in the wake of the January Alaska Airlines incident, as recently as May 2024, the FAA opened a new investigation into Boeing for potentially failing to complete required inspections on the 787 while falsely recording those inspections as being completed.57

51 14 C.F.R. § 21.137.
52 14 C.F.R. § 21.137(a), (g).
53 14 C.F.R. § 21.146(b).
56 See Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee).
b. “[N]ot acceptable”—FAA’s Efforts to Rein in Boeing’s Iterated, Multi-year Effort to Remove Quality Inspections

Boeing’s efforts to remove inspections spanned several years and included various strategies for removing inspections.58 As early as 2016, the FAA sent Boeing a formal compliance action request following an FAA audit that alleged that a Boeing policy adopted in 2015 “create[ed] a process that bypass[ed] the Quality organization and allow[ed] . . . Manufacturing Technician[s] to accept” certain tests of airplanes’ functionality without holding the requisite authority to do so.59 In response, Boeing blamed that problem on “unclear” language in their policy documents “causing confusion” within the quality team, and promised to update their documents and training to “clearly define the role of Quality in accepting” the relevant tests.60

In November 2017, the FAA sent Boeing three letters raising similar concerns about quality inspections.61 A letter dated November 8, 2017 (“November 8 letter”) alleged that two new Boeing policies (one of which was adopted just four months after Boeing had pledged to address the inspection problems the FAA identified in 2016) appeared to “modify and/or circumvent” the requirement that planes be properly inspected and tested in part by replacing quality inspections—which involve direct, physical examinations of planes—with “verifications”—which instead involve “[i]ndirectly demonstrating” compliance “by the use of data and analytical tools.”62 The November 8 letter again raised concern about allowing employees without the required training (and thus without the appropriate authority) to perform product acceptance.63 The FAA put it clearly:

Grant[ing] acceptance responsibility without appropriate training is unacceptable to the Quality requirements. . . . [R]emoving inspections and replacing them with verifications . . . is not acceptable and does not meet the minimum requirements of [FAA regulations].64

58 See Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee).
60 Id. at 3–5.
62 November 8 Letter at 2.
63 Id. at 2.
64 Id. at 2–3.
The FAA’s November 8 letter did not identify any non-compliant Boeing procedures that the FAA had approved, but noted that several non-compliant Business Process Instructions (“BPIs”) appeared to “modify and/or circumvent” the FAA-approved procedures.65 A November 17 letter explicitly rebuked Boeing’s practice of using non-FAA approved practices to contravene the policies the FAA did approve.66 The November 17 letter explains that, in 2015, Boeing had promised to undertake several corrective actions in response to a 2015 FAA audit of the 787 Everett factory that identified documents “throughout all aircraft programs . . . that modif[ied] and/or appear[ed] to circumvent” approved policies but which themselves “can be modified or changed without notification to the FAA.”67 But in a subsequent 2017 audit completed just five months after the FAA issued its acceptance of Boeing’s 2015 corrective actions, the FAA again discovered important safety documents that Boeing had not cleared with the agency, and thus the FAA informed Boeing of its “failure to implement” and “unsatisfactory implement[ation]” of its promised actions.68 The FAA’s November 20 letter identified similar problems.69 On January 16, 2018, in response to the November 8 and 17 letters, Boeing pledged to revise the inappropriate documents to comply with the law.70

One year later, Boeing’s effort to remove quality inspection apparently continued despite the October 2018 LionAir 737 MAX crash, which took the lives of 189 passengers and crew.71 In January 2019, The Seattle Times reported that Boeing aimed to eliminate a total of 900 inspector positions across their Washington state factories in 2019 and 2020—a nearly one-third reduction in inspector headcount.72 At the time, Boeing claimed that new, automated tools were so accurate that they made quality inspections unnecessary.73 Boeing’s manufacturing union, District 751 of the International Association of Machinists and Aerospace Workers, on the other hand, argued that Boeing had artificially depressed the number of recorded defects in order to justify eliminating inspections by pressuring inspectors to approach mechanics informally to repair defects rather than formally document them, “essentially masking defects.”74 Indeed, even before The Seattle Times’ reporting, the union was the first to raise concerns about Boeing’s plan to cut inspections.75

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65 Id. at 2. The FAA proactively reviews and approves high-level Boeing system changes (called “Procedures,” or “PROs”), while merely requiring Boeing to notify the agency of lower-level changes (called “Business Process Instructions,” or “BPIs”). See Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee).
66 November 17 Letter at 1.
67 Id. at 1.
68 Id. at 2.
69 See November 20 Letter.
71 Niniek Karmini et al., Lion Air Crash Report Points to Boeing, Pilots, Maintenance, ASSOCIATED PRESS (Oct. 25, 2019, 6:59 PM), https://apnews.com/article/ede40d989be64863a9405802d6bb083b.
73 Id.
75 See id. at 1.
2019, the FAA had substantiated several instances of Boeing failing to document defects, which Boeing claimed represented isolated instances of employees not following the rules.\textsuperscript{76}

Boeing Vice President of Quality, Ernesto Gonzalez-Beltran—the same individual to whom all three 2017 FAA letters were addressed—was “spearhead[ing]” the inspection removal effort, which aimed to shift from having inspectors “check[ing] every airplane” to now only “check[ing] once every 100 parts or every 1,000 parts.”\textsuperscript{77} Boeing said it was “trying to walk away from” “everybody [being] dependent on a second person,” and instead have “the mechanic . . . verify their own work”—in doing so, Boeing observed that “wait time is eliminated.”\textsuperscript{78} At the time, Boeing claimed that the FAA “endorse[s] and understand[s]” the changes, and assured the public that Boeing was only eliminating inspections in processes that experienced few defects.\textsuperscript{79}

Mr. Barnett observed similar trends in Charleston. He alleged that although the Puget Sound factories assigned one quality inspector to cover every nine mechanics (at least until Barnett left in 2010), in Charleston (where he worked from 2010 to 2017) he saw “times where one inspector was trying to cover 50 to 100 mechanics on two different airplanes,” explaining that even covering just nine mechanics “was a busy day” and that he “d[id]n’t see how in the world anybody could keep up with 50.”\textsuperscript{80} Barnett highlighted an example of how management responded to his insistence that the factory allow for quality inspections:

\textit{[I]t wasn’t three minutes later, [a manager] ringing me, you know, chewing me out about stopping production. . . . [A]nd I was called up to the office. . . . And they put me in the corner, in a chair. And there’s about five of them standing over me with their arms crossed. Where does it say we can’t do this?}\textsuperscript{81}

In 2021, two years after \textit{The Seattle Times} reported on the push to reduce inspections that Boeing came to call “Verification Optimization” (“VO”)—after another 737 MAX crash (Ethiopian Air Flight 302) led to the loss of 157 lives and the replacement of CEO Dennis Muilenburg with Dave Calhoun—the FAA issued a letter rebuking several elements of VO (“2021 letter”).\textsuperscript{82} This previously non-public letter is attached at Attachment 6.\textsuperscript{83} The problems that the FAA’s 2021 letter identified were similar to those identified in the FAA’s earlier letters, which, according to a Whistleblower, had simply been repackaged after their initial rejection by the FAA.\textsuperscript{84} According to the FAA, these problems included the following:

\textsuperscript{76} Gates, supra note 73.
\textsuperscript{77} Id.
\textsuperscript{78} Id.
\textsuperscript{79} Id.
\textsuperscript{81} Barnett Dep. Vol. 2 32.
\textsuperscript{83} 2021 Letter, Attachment 6.
\textsuperscript{84} See Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee).
• “Boeing procedures were not adequate for determining the required inspections and tests used to ensure the product conforms to its approved design . . .”85

• A new program, Manufacturing Assurance and Process Surveillance ("MAPS"), that "enable[ed] the removal of . . . inspections performed by Quality Inspectors" and instead inappropriately assigned "inspections to manufacturing personnel" did "not meet Boeing quality system requirements or FAA regulatory requirements . . . ."86

• “The FAA found no process that describes how Boeing determines appropriate business decisions to justify the removal of mandatory Quality inspections.”87

• Certain procedures “enable[ed] the removal of a Quality inspection/witnessing of the . . . functional tests. The FAA determined Quality cannot accept a completed functional tests [sic] by relying on document review alone. If the Quality organization does not witness the functional test, then it cannot verify the accuracy of the information collected . . . .”88

• “The FAA found evidence that Boeing inappropriately delegated inspection authority to Manufacturing personnel who did not have the appropriate training or certification, inappropriately delegated Quality inspections associated with certain engineering requirements to Manufacturing personnel, and allowed the indication of product verification and acceptance with a Manufacturing stamp, in violation of the Boeing quality system requirements.”89

It is not clear what actions have been taken either by the FAA or Boeing since the FAA issued the 2021 letter. The Subcommittee’s Whistleblower indicated that while they believe that Boeing had restored many of the eliminated inspections, some processes continue to go without a quality inspection.90 Boeing’s repeated efforts to remove quality inspections raise a number of unanswered questions including:

• Has Boeing restored all of the removed inspections?

• How many planes are currently in service that were built after Boeing’s reduction of quality inspections?

• What corrective action has Boeing taken in response to the 2021 letter, and what enforcement action, if any, has the FAA pursued?

85 2021 Letter at 5, Attachment 6.
86 Id. at 5–6, Attachment 6.
87 Id. at 7, Attachment 6.
88 Id. at 9, Attachment 6.
89 Id. at 6, Attachment 6.
90 See Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee); Email from Anonymous Whistleblower to Subcommittee staff (June 11, 2024) (on file with the Subcommittee).
According to the Subcommittee’s Whistleblower, Boeing continues to generate new iterations of VO. They told the Subcommittee that the program called “Multi-Function Process Performer” (“MFPP”) in Charleston essentially amounts to “the second generation” of the MAPS program that the FAA rejected in 2021. Although by late 2022 Boeing had reversed the element of MFPP that allowed Charleston mechanics to inspect their own work, the Whistleblower alleges that MFPP still allows two mechanics who work side by side to agree to inspect each others’ work.

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91 See Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee).
92 See id.
93 David Wren, Boeing Makes Inspection Changes, Promises to Heed Worker Complaints in Safety Push, POST AND COURIER (Dec. 4, 2022), https://www.postandcourier.com/business/boeing-makes-inspection-changes-promises-to-heed-worker-complaints-in-safety-push/article_1a48ef78-724e-11ed-b974-5b5f17e08841.html; Notes of Subcommittee staff call with Anonymous Whistleblower (June 11, 2024) (on file with the Subcommittee); accord Barnett Dep. Vol. 2 55, Attachment 4 (“[I]f you look back at the MFPP process, you know, that’s basically the same thing they were wanting to do with that is, have the mechanics buy off their own work.”).
Attachment 1
June 11, 2024

VIA ELECTRONIC MAIL

[Redacted]
Regional Administrator, Region X
Occupational Safety and Health Administration
United States Department of Labor
300 Fifth Ave., Suite 1280
Seattle, WA 98104

RE: Samuel H. Mohawk, Jr. v. The Boeing Company

Dear [Redacted]:

On behalf of my client, Sam Mohawk, I am enclosing for filing a complaint of retaliation under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121. Please direct all correspondence regarding Mr. Mohawk's complaint to me or my co-counsel, Brian Knowles. We look forward to working with you as OSHA investigates this matter.

Please do not hesitate to contact us if you have any questions.

Respectfully submitted,

s/Robert M. Turkewitz

Encl: As described
cc: Sam Mohawk
    Brian Knowles, Esq.
IN THE UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SAMUEL H. MOHAWK, JR.,

Complainant,

v.

THE BOEING COMPANY,

Respondent.

Case No. __________________

COMPLAINANT'S INITIAL
COMPLAINT

(AIR-21)


THE PARTIES

1. Samuel H. Mohawk, Jr. worked at Boeing in Quality Assurance as an inspector and investigator from approximately 2011 to the present.

2. The Boeing Company manufactures civilian aircraft, including but not limited to the 737 MAX, 777, and 787, along with military aircraft such as the P-8 (which is a modified 737 NG). Much of the 737 MAX and P-8 production occurs at its Renton, Washington plant. However, Boeing’s corporate offices are located in Arlington, Virginia.
FACTS

3. Complainant worked as a Line QA inspector at Boeing's 747 plant at Everett, Washington from 2011 to 2013. He worked as an inspector on the 777 for six months, then at the Material Review Segregation Area (MRSA) on Flight Test dealing with experimental aircraft from 2013 to 2016. From November 2016 to present, Mohawk worked as MRSA Rework Investigator 54506 for Boeing's 737 program covering the Delivery Center in Seattle (2017 to 2021) and the factory for the remaining time.

4. At MRSA, Complainant handles non-conforming material, scrap parts, emergent issues, and Non-Conformance Reviews (NCRs) for both the commercial and military 737 lines. When an aircraft part is found defective or damaged, not per drawing or specification, it is deemed non-conforming. The part then receives a Non-Conformance Review (NCR) number, is tagged with a red tag to physically indicate that it is a non-conforming part, and is held in the MRSA cage—larger parts are held outside of the cage but under the care of MRSA. Non-conforming parts may not be used on an aircraft before an engineering disposition granting approval to do so. Having "lost parts" means that the locations of these non-conforming parts are unknown. Notably, Mohawk believes that many of the missing parts were unlawfully installed on aircraft.

5. Non-Conformance Reviews (NCRs) can be either generated by Boeing or created by its suppliers when shipping a part that is defective or damaged (a Supplier Notice of Non-Conformance ("SNN")). Once the part receives an engineering disposition from Boeing, MRSA creates another NCR (child NCR), which is then unitized with the parent NCR and becomes a part of the build record, if the part is used on an aircraft. This process ensures an accurate build process and provides customers with notice that a non-conforming part was installed that has
been certified to have been safely repaired. Notably, installation of a repaired part could affect the life-span of the part, alter the inspection schedule, and impact the sale price of the aircraft.

6. While at the Renton plant between 2016 and 2017, Mohawk worked with highly trained and experienced Quality Inspectors, who also helped train him. As Mohawk recalls, MRSA at the Renton plant ran smoothly because it was staffed by highly trained and experienced Quality Inspectors.

7. MRSA at the 737 Delivery Center in Seattle was a fast-paced work environment, and although Mohawk was the only person working his shift, he was able to maintain support for delivery.

8. When the FAA grounded the 737 MAX, Mohawk’s responsibility at the 737 Delivery Center went from supporting roughly 40-50 airplanes to supporting the 400 airplanes that were being parked and mothballed. He was unable to keep up with the workload and begged his management for support since he was the only one working his shift (first shift) at the Delivery Center. During an FAA audit, the Auditor observed that MRSA was backed up and asked Mohawk if he needed more support. Mohawk reported that he was working alone and had on several occasions requested support from management.

9. Upon information and belief, the FAA auditor communicated with Mohawk’s senior manager, [redacted] (unable to recall last name) and reported that the Delivery Center’s MRSA needed support. While additional support was provided, management blamed Mohawk for allegedly moving too slowly and moved him out of the Delivery Center and back to MRSA at the 737 Factory in Renton.

10. Once back at MRSA Renton, Mohawk was assigned to 2nd shift and given the responsibility of non-conforming parts control. This responsibility required Mohawk to screen
non-utilized NCRs and scrap NCRs to make sure the NCRs conformed to BPI-1204 and PRO-5900. In the time that he was away from Renton, Mohawk noticed that most of the highly trained and experienced Quality Inspectors were gone. He was told that the reason for this loss of highly trained and experienced Quality Inspectors was two-fold. First, faced with overhead costs associated with parking the planes, Boeing had decided to cut Quality Assurance ("QA"). Boeing began with Volunteered Layoffs to entice the senior highly paid Quality Inspectors to take early retirement. Second, Boeing created a program of mechanics buying off their own work, allowing Boeing to cut Quality Inspectors staffing. Without highly trained and experienced Quality Inspectors, MRSA was no longer capable of running smoothly as it had previously.

11. During the 737 MAX grounding, while manufacturing of the planes ceased, Boeing continued to receive parts from its suppliers as if they were building at that same 40 planes per month rate. MRSA had multiple responsibilities in supporting the build, but it all came down to control of nonconforming parts and material segregation, so the non-conforming parts did not get installed on the airplanes.

12. One of the roles of MRSA is called Reinspection Requests ("R/Rs") for parts that may have become non-conforming. For example, parts being stored outside are subject to the weather and may have suffered corrosion, water or freeze damage, etc. Prior to the grounding, Boeing operated as a LEAN manufacturer and had “just in time” inventory. R/Rs required inspections of a limited and manageable number of parts at any given time. With hundreds of planes being parked, R/Rs required the inspection of 100s if not 1000s of parts. R/Rs that had previously needed only one MRSA Rework Investigator to support now needed upwards of 10 MRSA Rework Investigators to support. MRSA staffing did not increase. On or about Spring 2022, Mohawk raised with his senior management, [redacted], and [redacted], that MRSA needed additional staff to keep up
with the R/Rs and non-conforming parts control, as well as covered space to keep the parts out of the elements. Without any justification, Mohawk was told that he needed to make do with the current staffing levels and covered space.

13. When the FAA gave Boeing the green light to begin production again, Boeing attempted to build at a rate of 40+ planes a month with a goal of 50+ planes a month. Boeing quickly realized that the cuts in quality and the practice of having mechanics inspect their own work was ill advised. Boeing reversed its trend of cutting quality and started to hire. Unfortunately, many of the new Quality Inspectors had no aviation experience. The Quality Inspector support structure, including Quality Inspectors and mechanic training, had been drastically reduced for Quality Inspectors and mechanics prior to reaching the floor. Once on the floor, Quality Inspectors/Mechanics no longer had the support of experienced personnel working beside them. With reduced training and oversight, Boeing Corporate’s push to get the airplanes out the door as quickly as possible was causing quality lapses and failures.

14. Mohawk was responsible for picking up the non-conforming parts and screening NCRs to make sure they were written according to Boeing’s BPIs. As the production ramped up, Mohawk noticed mistakes. For example, many defective parts removed from airplanes were not documented per PRO-5500. Parts were left in MRA boxes for Mohawk to pick up or just thrown into a hanger/storage with no segregation control. These mistakes were making it difficult for Mohawk to do his job.

15. Mohawk emailed QA management to inform them of the non-compliance. Rather than taking action to solve the problem, management ordered him to “just pick up the parts.” With new inexperienced Quality Inspectors and Mechanics not adequately trained and supervised working on the planes, the number of parts being removed was increasing. MRSA started to run out of
space to store the parts in its locked segregation area. In an attempt to fix the issues, Mohawk created a system of compiling a list of NCRs that were pre-screened and compliant for him to pick up and process. Anything not on this list was not picked up.

16. In the Winter of 2022, NCRs were being cancelled in CMES under the direction of lead MRB [MISSING]. Of note, there is no process for allowing lost parts. Every aircraft part must be accounted for, pursuant to the regulations. All NCRs should be part of the aircraft build record. The primary purpose of the build record is to determine whether the aircraft meets the FAA's definition of airworthy: if the aircraft “meets its type design, or properly altered condition,” and if “the aircraft is in a condition for safe operation.” A review of the aircraft records is the usual starting point for a FAA Designated Airworthiness Representative (DAR) to evaluate the status of an aircraft and determine its eligibility for FAA certification.1

17. Compared to pre-grounding, MRSA was experiencing a 300% increase in NCRs. This increase and the increase in R/Rs left MRSA grossly understaffed and with no additional room to lock/segregate the non-conforming parts. Of great concern, the 737 program was losing hundreds of non-conforming parts. Mohawk feared that non-conforming parts were being installed on the 737s and that it could lead to a catastrophic event. In Early Spring, 2023, Mohawk brought all this to the attention of his senior managers, including [MISSING] and [MISSING], and explained that the 737 program was out of compliance regarding control of non-conforming parts per PRO-5500.

18. In June 2023, the FAA notified Boeing’s Renton plant that it would be conducting an inspection. Once Boeing received such a notice, it ordered the majority of the parts that were being stored outside to be moved to another location to intentionally hide improperly stored parts

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from the FAA. There were approximately 60 parts being stored outdoors, including 42 rudders alone, plus flaps, winglets, ailerons, stabilizers, and vertical fins. Approximately 80% of the parts were moved to avoid the watchful eyes of the FAA inspectors. When the FAA inspectors saw the remaining parts stored outside, they required Boeing to expand its storage capacity and add more workers in MRSA. Since then, those parts that were hidden from the FAA inspection have been moved back to the outside area or lost completely. Mohawk campaigned for help in the form of additional space and personnel, and he was continually told by his managers that they went to the Finance Department to request additional staffing and space and that their requests were denied. As of the day of this filing, MRSA is still without adequate staffing and space to do the job properly and in accordance with FAA regulations.

19. Not only has Boeing lost the large parts mentioned above, but it has also lost hundreds (400 at last count) of parts and has cancelled over 1,000 NCRs. Boeing is still losing parts to this day.

20. In August 2023, Mohawk learned of an illegal attempt by his management group to defraud the FAA by misrepresenting and actively concealing the nature and extent of Boeing’s Compliance issues. At this time, the head of the Material Review Board (MRB) for the 737 MAX program, [REDACTED] held a meeting with management, including Mohawk’s management, wherein [REDACTED] stated that he did not want the FAA to know how many parts were missing, or that Boeing was having this quality control issue. [REDACTED] then reiterated his order for everyone to cancel and delete NCRs, and not to keep a written record of non-conforming parts. Notably, NCRs are required to be part of the aircraft build record of the aircraft and every non-conforming part should be identified as such. Moreover, the cancelling of NCRs is not a process included in the Boeing Process Instructions (BPI). [REDACTED] refused to write a process or BPI for such an action, purportedly because any changes to BPIs must be authorized by the FAA, which would go
against Boeing’s goal of hiding the lost parts from the FAA. Furthermore, the FAA would not authorize such egregious conduct that allows for an incomplete aircraft build record, misleads costumers, and places the flying public at risk.²

21. In and around that time, it was discovered that approximately 300-400 non-conforming 737 MAX aircraft parts were lost, and the majority of the records that were once kept of these parts were deleted from Boeing’s internal aircraft build record system known as CMES.³ CMES is the computer system used at Boeing’s Renton Plant to track and monitor all work performed and all parts installed in 737 MAX aircraft, and to identify all defects discovered and document remedial actions taken in the building of each 737 MAX aircraft. Notably, there is a backup system known as DCAC, wherein deleted records could be retrieved. Additionally, as Boeing Whistleblower John Barnett noted at his time on the 787 MRSA, keys are presently floating around and being used by unauthorized personnel to take non-conforming parts out of the lock boxes and cages at the Renton MAX site. The Whistleblower (Barnett?) once observed an individual using a bottle cap to pick the lock on a box, and there are rumors that employees are making copies of the keys at the nearby Home Depot.

22. On October 10, 2023, Mohawk utilized Boeing’s “Speak Up” program to file a report, which stated:

Non-conforming parts are missing/lost. MRBD is requesting if part is lost in REV 0 to cancel NCR. Canceling NCRs wipes out all information from record so if we do find the part we no longer know what the discrepancy is and what airplane it goes to. MRB is stating if part is found then they will create a new NCR and attach to whatever plane is in position. I have stated MRSA will not be canceling any

² Notably, Mohawk complained to all possible levels of management, including attempting a meeting with the MAX Director [REDACTED] (the director cancelled the meeting). These individuals include [REDACTED] (former direct manager), [REDACTED] (current direct manager), [REDACTED] (second level managers), and [REDACTED] (third level manager).

³ The Whistleblower estimates around 25% of the lost defective parts are being shipped out of the Boeing Moses Lake site but are not arriving to the Renton site.
NCRs, MRB is going to initiators to have them cancel their tags. Losing track of our nonconforming parts can lead to inevitable installation of those non-conforming parts onto the airplane and is in violation I believe of 14 CFR 21.137(k)

See Exhibit A. Where lost parts cannot be located, the CFR regulations mandate that FAA be notified. Mohawk reported that his management decided not to notify the FAA:

My management [redacted] met with MRBD and in the meeting MRBD stated that they did not want to create a process because that would alert FAA of all the lost parts that we have. We have hundreds of lost non-conforming parts over the past couple years as our Quality System has broken down.

Id.

23. For months, Mohawk’s Speak Up report appeared to go nowhere. Finally, in December that report went to the same management group that Mohawk reported on - [redacted] [redacted] and [redacted] Mohawk was shocked and extremely worried that a Speak Up about illegal activity was being given to the same group be reported on. In an attempt to close Mohawk’s Speak Up, the Senior Manager at the time, [redacted] tried to close it by suggesting a process for a “material return to store (MRS)”. Notably, the MRS process was never intended to control non-conforming parts. Only PRO-5500 was allowed to be used for this control process and it was not being followed. Mohawk pushed back by asking for an opinion on the legality of Boeing’s action and by refusing to close his Speak Up until he received an answer as to whether the process was legal or illegal.

24. Upon Mohawk’s return from Christmas Break, the door plug incident on Alaska Airlines occurred. The Senior Manager who was handling Mohawk’s Speak Up, [redacted] suddenly left the company, and a new Senior Manager, [redacted] took over. [redacted] brushed Mohawk’s concern for non-compliance issues to the side and placed his Speak Up on hold. Mohawk reached out to HR and asked for his Speak Up to be moved to a different management group since he
thought it was a conflict whereby the perpetrators were the ones who were investigating and that they were in fact stonewalling.

25. Upon assuming his role as senior manager, [redacted] made clear that they were to move the parts regardless of compliance. Beginning around early 2024, Mobawk became the focus of what was “not working” in MRSA. Mohawk experienced harassment and intimidation, which left him feeling that management was trying to force him out of the company by either making his work unbearable or by finding any issue and elevating them to Corrective Actions (CAMs) in order for Boeing to fire him.

26. As the MRSA 2nd shift Lead Quality Investigator, Mohawk trains his crew to follow the correct processes and procedures, which includes following the BPIs to validate non-unitized NCRs prior to pick up with the Quality Inspection stamp. This stamp certifies that all BPIs were followed when the NCR was routed forward to the disposition queue. Beginning around March 2024, Management began removing Mohawk’s 2nd shift crew members and forcing them to work 1st shift, during which they were told it was not necessary to fully validate each NCR. As a result, the 1st shift only checks a few areas before routing the NCRs forward. It is believed that this is being done to speed up the work. Mohawk and his 2nd shift Rework Inspectors have raised this issue in Speak Ups and while the Materials Review Board Lead determined that full validation was required, the 1st shift is still being directed by management that it is not required. This not only leaves 2nd shift shorthanded, but it also violates Boeing’s BPIs and PRO-5500.

27. Over the past eight months, Mohawk reported a number of non-compliant parts making their way back to the airplanes for installation. He retrieved as many of these parts as he could from the line and segregated them in MRSA. Following that, he went to Senior Manager [redacted] for guidance and requested a Corrective Action investigation be conducted to prevent such quality
escapements in the future. In Early April, [Redacted] directed Mohawk to complete Corrective Action (CA) investigations himself, something he had never previously performed and not within his job responsibilities. An email was sent to Mohawk by [Redacted] on Tuesday, April 16 giving him two days (by Thursday) to complete the CA investigations. Mohawk explained that because of the second shift's lack of staffing, his need to actively support production on a daily basis, his training his new Rework Investigators, and his handling of emergent issues, he was unable to complete the CA investigations within two days. Mohawk emailed [Redacted] and indicated he could complete the CA investigations over the following weekend during overtime since the CA investigations would take hours of concentration to complete. He did not receive a response to his email. That following Monday, April 22, 2024, Mohawk was summoned into a meeting and asked to bring a Union Steward. In the meeting [Redacted] threateningly attempted to issue a CAM against Mohawk for not obeying a direct order (on the grounds of insubordination, which is an offense subject to termination). Based on the circumstances and the fact that Mohawk completed the CA investigations, [Redacted] was forced to withdraw his CAM.

28. Making Mohawk responsible for completing the CA investigation with an impossible deadline was done in retaliation for Mohawk bringing up issues of non-compliance. In his duties as MRSA Lead, Mohawk runs into quality escapements daily that need to be investigated as required by federal law, but he has not received support from his management to remedy the situation. Mohawk fears that any issues with non-compliance will be thrown back into his lap to deal with and that if he does not complete them in a timely manner, he will face the CAM process which includes termination.

29. Mohawk had previously informed his management group that MRSA’s non-compliance could lead to an FAA audit finding and possible penalties. On May 16, 2024, Mohawk again
emailed his management regarding MRSA’s lack of staffing, space, and organization. In response, on May 17, 2024, Mohawk was issued a disciplinary CAM. (See Exhibit B) In a meeting regarding the CAM, Senior Manager [REDACTED] told Mohawk that by threatening to go to the FAA to report non-compliance issues, he was causing people to be afraid and to feel threatened. This CAM is retaliatory on its face and was issued in an attempt to silence Mohawk from raising non-compliance issues under the threat of a CAM and termination.

30. Mohawk only wants to build safe airplanes. He loses sleep at night knowing about the quality escapements and non-compliance issues in the 737 program and that these failures can lead to a catastrophic accident. In the past couple of years of speaking up and trying to bring Boeing back into compliance, Mohawk has faced an uphill battle and is now facing retaliation and termination. And with the statement from Mohawk’s Senior Manager that people are afraid of him reporting non-compliance issues to the FAA, Mohawk now fears for his personal safety.

31. As of the filing of this Complaint, Boeing continues to lose non-conforming parts and is out of compliance regarding control of non-conforming parts per PRO-5500.

LEGAL CLAIMS

COUNT I:
VIOLATION OF THE WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

32. Paragraphs 1-31 above are hereby incorporated by reference as if set forth fully herein.

33. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR-21”) prohibits retaliation against employees of contractors of air carriers such as Boeing who complain about activities they reasonably believe to constitute a violation of any FAA order, regulation, or standard, or any other provision of Federal law relating to air carrier safety. 49 U.S.C. § 42121(a)(1).
34. To state a prima facie case of AIR-21 retaliation, a complainant must show: (1) protected activity; (2) a materially adverse employment action; and (3) that the protected activity was a contributing factor to the adverse action. 49 U.S.C. § 42121(b)(2)(B)(i). Mohawk has hereby established a prima facie case of retaliation under AIR-21.

35. Mohawk engaged in protected activity under AIR-21 when:

   a. Since the summer of 2022 to present, he complained to Company management that the 737 program was out of compliance regarding control of non-conforming parts per PRO-5500.

   b. Having learned of his management group’s illegal attempt to defraud the FAA by misrepresenting and actively concealing the nature and extent of Boeing’s Compliance issues, Mohawk utilized Boeing’s “Speak Up” program to file a report on October 10, 2023.

   c. On May 16, 2024, Mohawk emailed his management group regarding MRSA’s lack of space, lack of staffing, and lack of organization.

   d. Having become aware of non-conforming parts being installed on the 737 airplanes, Mohawk went to Senior Manager [REDACTED] for guidance on these and requested a Corrective Action investigation be conducted to prevent quality escapistments in the future.

36. Mohawk also engaged in protected activity when he submitted his complaints about these safety issues to the DOT IG and other government authorities in the Winter of 2023.

37. Boeing was aware that Mohawk engaged in protected activity.

38. On multiple occasions, Mohawk experienced retaliation directly in response to his protected activity, including the following:
a) Assigning Mohawk’s Speak Up to the management group that Mohawk reported on - [Redacted] [Redacted] and [Redacted].
b) Putting Mohawk’s Speak Up on hold for months;
c) Moving members of Mohawk’s team to a different shift, leaving him shorthanded;
d) Making Mohawk the focus of what was “not working” in MRSA;
e) Making Mohawk responsible for completing the CA investigations with an impossible deadline;
f) Then threatening Mohawk with a CAM for insubordination in a meeting with a Union Steward when Mohawk explained that he could not meet the impossible deadline;
g) Giving Mohawk a CAM in response to his email to management about MRSA’s lack of staffing, space, and organization; and
h) Issuing a disciplinary CAM against Mohawk for stating that MRSA’s non-compliance could lead to an FAA audit finding and possible penalties.

All of the above constitute materially adverse actions. See *Halliburton, Inc. v. Admin. Review Bd.*, 771 F.3d 254, 259-60 (5th Cir. 2014) (an action is “materially adverse” and thus actionable if it is “harmful enough that it well might have dissuaded a reasonable worker from engaging in statutorily protected whistleblowing”). Any reasonable worker who knew that the Company would respond to their complaints in this manner might well have been dissuaded from engaging in protected activity.

39. Because these adverse actions occurred close in time and directly in response to Mohawk’s protected activity, and because of Boeing’s openly hostile response to his protected activity and comments from managers criticizing Mohawk for raising safety concerns, it is unquestionable that
the protected activity contributed to the adverse actions, and that Boeing would not have taken the adverse actions in the absence of that behavior. See 49 U.S.C. § 42121(h)(2)(B)(ii) (employer must prove by clear and convincing evidence that it would have taken the same adverse action "in the absence of" the protected activity); Halliburton, Inc., 771 F.3d at 262-63.

40. As a result of the Company’s unlawful conduct, Mohawk has experienced significant reputational, emotional, and professional harm.

REQUESTED RELIEF

Complainant prays the Secretary of Labor for the following relief:

(a) Issue a finding that the Company violated the anti-retaliation provisions of AIR-21;

(b) Award Complainant damages for the economic losses he has sustained or will likely sustain as result of the Company’s unlawful adverse actions against him;

(c) Award Complainant compensatory damages for the pain, suffering, reputational harm, and emotional distress;

(d) Direct Boeing to remove negative comments about Complainant in his performance reviews;

(e) Award Complainant’s attorneys’ fees and costs; and

(f) Grant such other relief as the Secretary of Labor deems just and necessary

Respectfully Submitted,

LAW OFFICE OF ROBERT M. TURKEWITZ, LLC

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June 11, 2024
Charleston, South Carolina

Attorneys for the Complainant
Exhibit A
Non-conforming parts are missing/lost. MRBD is requesting if part is lost in REV 0 to cancel NCR. Canceling NCRs wipes out all information from record so if we do find the part we no longer know what the discrepancy is and what airplane it goes to. MRB is stating if part is found then they will create a new NCR and attach to whatever plane is in position. I have stated MRSA will not be canceling any NCRs, MRB is going to initiators to have them cancel their tags. Losing track of our non-conforming parts can lead to inevitable installation of those non-conforming parts onto the airplane and is in violation I believe of 14 CFR 21.137(k):

(k) Control of quality records. Procedures for identifying, storing, protecting, retrieving, and retaining quality records. A production approval holder must retain these records for at least 5 years for the products and articles manufactured under the approval and at least 10 years for critical components identified under § 43.15(c) of this chapter.

Here is a comment I made in the routing comments of [redacted]:

"MRSA at SDC and Renton have made an attempt to locate, unable to. NCR is not written for "lost." It is written per BPI-1204 to document damage, see REV 0. Part has been lost in transit, damage still exists on part. Please make lost part disposition, stating administrative scrap, and to rev once found. I will cancel NCRs only if Management sends directive via email."

My management [redacted] met with MRBD and in the meeting MRBD stated they did not want to create a process because that would alert FAA of all the lost parts that we have. We have hundreds of lost non-conforming parts over the past couple years as our Quality System has broken down.
Current requests for cancellation by MRBD:

Canceled NCRs:

The last (2) were deleted not canceled in CMES. Can not do any search in completed EPD for those. This is by no means a completed list.
Speak Up Report Submitted Succ

ASR # [redacted]

Your report has been received. It will be reviewed by the Speak!

Please click the below link and bookmark it to access the
This link is unique to you and not shareable

**If you close this page without saving the link above, you will not be able to

Sam Mohawk
MRSA Lead, 2:30pm – 11:00pm
Bldg 4-21, Col P-15, M/S 98-256
Cell [redacted]

NOTICE: This communication may contain proprietary or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this e-mail in error, and delete the copy you received.
Exhibit B
EMPELOYEE CORRECTIVE ACTION MEMO

Case Number: [Redacted]
Name: Samuel McHawk-Jr BEMSID: [Redacted]

Violation Category: Treat others and expect to be treated with respect, dignity and trust
Violation Code: 1E - Unacceptable/Disruptive Behavior or Communication
Action Being Taken: Written Warning

This memo is to inform you that you are not in compliance with the company's values, behaviors and expectations:
It has been determined you engaged in unacceptable/disruptive behavior or communication. The company deems your behavior unacceptable and in violation of its values, behaviors and expectations.

It is expected that you will comply with the company's values, behaviors, and expectations. Future violations or retaliation by action, word or behavior will result in a review for additional corrective action up to and including discharge.

Previous related corrective action(s) that you have received include the following (showing 5 most recent Employee Corrective Action records):

Please be aware company services are available to assist you if you have concerns of a medical or personal nature.

Manager Signature:

[Redacted]

Employee Signature:

[Redacted]

Other Signature:
Employee signature acknowledges receipt of this document only.

2024-05-17 18:34:50

Statement made on May 21
Attachment 2
REQUIREMENTS FOR RELEASING
PARTS/RAW MATERIAL FROM RECLAMATION

Date: 6-3-2015

Part Number: [Redacted]
QTY: 4 EA

MACCS ID/Tracking/Lot number: [Redacted]

Description: 787-9 Axles

Estimated Value: $164,000.00

Date sent to Reclamation: 5-15-2015

Contact Person Location: [Redacted]
Phone Number: [Redacted]

Sent from Plant Location: Everett, WA

Reason for return request: Parts were sent in error. ENG has a possible rework plan. These are $41,000.00 EA and take 14 months to get replacements.

Is this Part/Material going back to Production? Yes ( ) No ( )

Manager Approval for return request: [Redacted]
Printed Name: [Redacted]
Signature and Date: [Redacted]

Is specialized return trucking required? If yes, budget number of requesting organization is required. Budget Number: [Redacted]

Reclamation Sent Date: 6-1-2015
Attachment 3
Deposition of:
John Barnett - Confidential

Barnett
v.
The Boeing Company

Case #: 2021-AIR-00007

March 7, 2024
UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Case Number: 2021-AIR-00007

*** CONFIDENTIAL TRANSCRIPT ***

John M. Barnett,                          )
)                                          )
Complainant,                              )
)                                          )
v.                                          )
The Boeing Company,                        )
)                                          )
Respondent.                               )
)                                          )
***********************************************************************

VIDEOTAPE DEPOSITION OF:

JOHN M. BARNETT - VOL 1

DATE TAKEN:       Thursday, March 7, 2024

TIME:            10:00 A.M.

PLACE:           

REPORTED BY:     RPR, CLR, CVR-S

and Notary Public
Q. Did you know Mr. Barnett?
A. Yes.
Q. Would you describe your relationship with him?
A. I worked with him in the past.
Q. What was your role with Boeing?
A. I was a legal�ographer.
Q. Have you ever been deposed before?
A. Yes.
Q. How many times?
A. A couple of times.
Q. What case was that in?
A. I recall a few cases.
Q. And what was your role in those cases?
A. I was the court reporter.
Q. Do you have any other questions?
A. Not at this time.
A. Okay.
Q. Okay?
A. Thank you.
Q. Do you have any questions about the rules that I just discussed?
A. Uh-uh, nope.
Q. All right. Great. Are you on any medications today that would affect your ability to testify truthfully and accurately?
A. No, I am not.
Q. What did you do to prepare for your deposition today?
A. So, first off, I guess, I lived through it for six years, from 2011 to 2017. And then from 2017 to today, it's constantly replaying in my head, over and over and over again. And in probably the last month, I've been reviewing numerous documents to not only remind myself of some of the things, but also the deposition that Boeing produced, I've been reviewing those and going through --
Q. So you've been --
A. -- the objective evidence.
Q. So you've been reviewing the discovery that Boeing produced?

A. That's correct.
Q. What -- any other documents?
A. Can -- well, you mean other than just the documents Boeing produced?
Q. Uh-huh.
A. Right. So I know we've submitted quite a few.
Q. Uh-huh.
A. I've been reviewing those. And, like the deposition that I did --
Q. Uh-huh.
A. -- I reviewed that. I can't think of any more right off --
Q. Okay.
A. -- the top of my head. But there are quite a few documents, so --
Q. Did you meet with your attorneys to prepare?
A. I did.
Q. How long? How long did that meeting go?
A. Oh, we've had several meetings, discussions regarding documents and things like that.
Q. Uh-huh.
A. Yeah.
Q. Did you prepare last week?
A. I've been preparing, yes.

Q. When was the last time you talked to --
A. Oh, that was a few weeks ago. I can't remember --
Q. And --
A. -- for sure.
Q. -- and what did you all --
A. It's been a while.
Q. -- discuss?
A. Just the things that we saw while we were there and things that we didn't agree with that were going on, that type of thing --
Q. Uh-huh. Did --
A. -- just in general.
Q. Uh-huh. Did you talk to him about him taking a deposition in this case?
A. Yes, I've talked to her, again, just in general. You know, one of the questions she had asked me is what to expect.
Q. Uh-huh.
A. And I gave them all the same pat answers, you know, just be honest. If you don't remember, just say you don't remember. And don't try to make something up.
What we witnessed.

Q. Okay.
A. What we lived through.

Q. What about [redacted]?
A. Oh, I haven't talked to [redacted] in probably -- I can't remember the last time I talked to [redacted].
Q. Okay.
A. [Redacted]?
A. I did talk to [redacted] a couple of weeks ago. And that conversation was, again, just refreshing memories of what we saw, what we witnessed, that kind of thing.
Q. Uh-huh. Did you talk to him about --
A. Sorry, I --
Q. -- the fact that he was going to be giving a deposition in this case?
A. No, I didn't. We didn't -- we didn't talk about that.
Q. You all didn't mention that you were going to be deposed or that he was going to be deposed?
A. I didn't discuss with him that he was going to be deposed because I don't know that schedule. I may have mentioned that I was going to go give a deposition, but we didn't get into any detail of it.
Q. Okay.
A. [Redacted].
Q. Uh-huh. It was more of a reminder and a refresher of what we witnessed.

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Q. What about [redacted]?
A. I talked to [redacted] a few times over the last, probably, seven or eight years, nothing really specific to this deposition.
Q. Have you talked to her recently?
A. When was the last time I talked to her? I don't think it's been recently. No, it's been quite a while.
Q. Uh-huh.
A. [Redacted].
Q. Uh-huh.
A. Yeah.
Q. And he was deposed last week, correct?
A. Correct.
Q. And you were on that deposition?
A. Correct.
Q. Did you talk to him after his deposition?
A. No.
Q. Did you talk to him before his deposition?
A. I did.
Q. And what did you all discuss?
A. Again, as -- he just, kind of, asked me what to expect. And I told him, you know, they're just going to ask you about your experiences and what you witnessed. And be honest. Tell the truth. If you

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don't remember, don't try to make something up. Just say you don't -- you don't remember, you know, you don't recall. Just be honest and tell the truth.
Q. And did you all -- did you have a similar conversation with him that you had with the others, where you all were, kind of, reminding each other about the issues that had happened?

MR. TURKEWITZ: Objection.
Q. You can answer.
A. I don't recall that we went into that detail as much as it was just, kind of -- he was -- he was nervous he didn't know what to expect.
Q. Uh-huh.
A. So I was just trying to ease his mind and tell him what to expect and tell him to tell the truth.
Q. Okay. What about [redacted]?
A. Yes, I talked to [redacted] Was a couple of months ago, I guess, yeah.
Q. Did you talk about your deposition?
A. Did not.
Q. Okay. Did you all discuss?
A. Again, she was, kind of, wondering what to expect. So I told her the same thing, you know, just don't make nothing up, tell the truth.
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Q. Uh-huh.
A. Be honest. She did go into a lot of -- she was asking me a lot of questions about -- like, she'd ask me. So who is the little, short guy that was the director over the other buildings?
Q. Uh-huh.
A. You know, and I'd tell her. Well, that was
Q. Uh-huh.
A. So she asked me quite a few questions about who people were because she couldn't remember their names. And she'd describe them and tell me what their position was. And if I could remember, then I'd tell her.
Q. Uh-huh. Okay. Anything else?
A. No, that was -- that was the majority of that conversation.
Q. Okay. And have you spoken with her?
A. I haven't spoken to in years --
Q. Okay.
A. -- except for -- so we did text. So when -- when we're talking about speaking to them about the deposition, no, I did not talk to her about that.
I did send her a text, when I was coming out here, and

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Q. asked her if they wanted to get together and get caught up. me and her and --
A. Okay.
Q. We were -- we were pretty tight when we were working together, you know.
Q. Did she respond?
A. She did.
Q. And --
A. At first, she said, yeah, she would like that very much and she'd get in touch with.
And then, I guess, probably a week later, I texted her again and said, Hey, you know, you talked to?
I just want to get together, go --
Q. Uh-huh.
A. -- have a couple cocktails? And she told me that she'd been contacted by the attorney and told not to meet with me.
Q. Okay. Did she say who --
A. No.
Q. Contacted her?
A. She just said, "attorney." 
Q. Okay. What is your home address,
Mr. Barnett?
A. 

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Q. And how long have you been at that residence?
A. Let's see. I moved back home probably 2019ish, '18, end of '18, first of '19.
Q. Uh-huh. Were you in South Carolina prior to that?
A. Correct.
Q. Okay. And you've been at this Pineville residence the -- the whole time --
A. Pineville.
Q. -- you've been in -- I'm sorry, Pineville --
A. Right.
Q. -- the whole time you've been in Louisiana?
A. Correct.
Q. Okay. Are you married?
A. No, not any longer. My wife passed away a year and a half ago.
Q. I'm sorry about that.
A. Thank you.
Q. Was your wife [redacted]?
A. Yes, she was.
Q. Okay. Do you have any children?
A. Not -- not of my own. I raised two stepsons, but not of my own.
Q. Okay. What are your email addresses?
A. Swampy79@yahoo.com.

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Q. Any others?
A. I've had others in the past, but I no longer have them. That's the only one I have.
Q. Are you on social media?
A. I am.
Q. And do you have any handles that you use on social media?
A. On Facebook, I'm Mitch Barnett.
Q. What's your cell phone number?
A. [redacted]
Q. Okay. I'd like to just talk to you briefly about your educational background. Did you attend high school?
A. I did.
Q. And where was that?
A. Alexandria, Louisiana, Bolton High School.
Q. Did you graduate?
A. I did.
Q. Did you attend college?
A. I did attend quite a bit of college. I never -- I didn't finish for a degree. But I took hundreds, if not close to a thousand, hours of college classes at night and --
Q. What college --
A. -- you know, night courses --

6 (Pages 18 to 21)

BOEING PSI 01099425
Q. -- was that?
A. -- and that type of thing. It was Seattle University, I believe. It was the -- it was an arm of it. It was actually in Everett, but I think it was under the Seattle University name.
Q. Was this in person or online?
A. Mostly in person, but there was some online, too. But most of it was classroom.
Q. How many year -- years were you enrolled in Seattle University?
A. So it was a total of four years. The first three years, I was carrying a GPA of 4.0. And then the fourth year, we went to mandatory 12-hour days, seven days a week. And my grade -- GPA starting slipping, so I dropped out of the classes --
Q. Uh-huh.
A. -- so I could work.
Q. And what were you studying at Seattle University?
A. It's called the APICS, program, A-P-I-C-S. I forget what that acronym stands for. But, basically, in a nutshell, it's inventory management, managing dealing with the supply chain and inventory and -- and working with M-BOMs, which is material -- billing material --

Q. Uh-huh.
A. -- or listing material, BOM -- billing materials, excuse me. I took some management classes, some off-hour, like, communicating across cultures and, you know, communication classes --
Q. Uh-huh.
A. -- and that type of thing. There's a whole list.
Q. Okay.
A. Those are the main ones right off the top of my head.
Q. And apologies if you already said this, but what years were you enrolled?
A. Let's see. That'd go back to, I'd say, the early 2000s, like, maybe 2000 to 2004. It might have been, like, '99 to 2004, somewhere around in there.
Q. 1999 to 2004, you think?
A. Right, yeah, somewhere around there.
Q. And what did you say your GPA was when you -- when you left? do you remember?
A. It seems like it was a -- like, a 3.75 or somewhere around there.
Q. Okay. Have you received any education or vocational training, not education -- strike that. Have you have received any vocational training, any certificates or training outside of college?
A. Yeah. So Boeing has a pretty extensive training program. And they offer -- offer off-hour classes and off-hour training. And I took a lot of advantage of that, again, probably hundreds, if not close to a thousand, hours of off-hour training. And within that training, you either earn qualifications or certifications.
Q. Uh-huh.
A. I can't remember specific certifications that I've gained, but quite -- quite extensive off-hour training --
Q. And that was all --
A. -- through Boeing.
Q. -- through -- through Boeing?
A. That's correct.
Q. Do you hold any professional licenses or certificates?
A. No.
Q. Okay.
A. No.
Q. All right. Let's talk a little bit about your employment history prior to Boeing. Remind me when you started at Boeing.
A. So this gets a little confusing. But -- so I spent four years working with Rockwell -- or five years -- working with Rockwell International. I worked on the space shuttle program for two and a half years. And I worked on the B1 bomber program for about two and a half years. And then -- and at this time, I was living in Lancaster, California, or Palmdale, California.
And Boeing had come down to hire for the B2 program, the Stealth. And I had applied and was accepted, was given a job offer on contention that I complete a security clearance. So I went through a security clearance. They did a -- they did a background check and all that. I earned a secret security clearance. But after that clearance came through, I got a phone call saying they had overhired there, but that if I wanted a job in Seattle, Washington, they would transfer me and my family up there. And they had a job for me up there, which I accepted.
Q. Okay. And did -- did you have a family at that time that you took with you to Seattle?
A. Yes. I was married and had two stepsons.
Q. Okay. And that was not --
A. No.
Q. -- though? Okay.
And so you’re -- you’ve been divorced?

A. Correct.

Q. Okay. Okay. So -- so when did you start at Sea- -- in Seattle? Was that in 2004?

A. No.

Q. Or --

A. So I was actually in Puget Sound. They relocated me up there in 1988. ‘88? Yeah, ‘88.

Q. Okay. Well, when you say they relocated you, you -- you mean -- that -- that -- you started at Boeing in 1988?

A. Correct.

Q. In Puget Sound?

A. Correct. And that -- and, kind of, go back to after I started at Boeing in Puget Sound, then Boeing bought out Rockwell. And all of my time served at Rockwell was added to my time at Boeing.

Q. Oh, I -- okay.

A. Yeah, so...

Q. Okay. So you were at Rockwell prior to Boeing?

A. Correct.

Q. For, I think, you said four or five years?

A. Correct.

Q. And where were you before that?

molding kind of thing?

A. Some of that. We used foam. We used layups. We used various different types of things like that.

Q. Okay. And did you have that position the whole time you were at Rockwell?

A. No. So I did that for two and a half years, roughly. And then the space shuttle program basically closed -- closed down in Palmdale. They moved everything to southern California and down to Florida. And I was laid off. So, at that time is when I applied for the B1 job. And I was hired on under the Air Force to work on the B1 bomber.

Q. Uh-huh.

A. And I did that for about two and half years.

Q. Okay. And what did you do in that position?

A. I was an electrician, so I ran wiring, made -- hooked up connectors, ran wire bundles, anything, really, to do with wiring, splices, soldering, all that stuff.

Q. Okay. And you held that electrician position the whole time, until the end of your employment at Rockwell?

A. That's correct.

Q. And then you went to Boeing in 1988?
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Q. Uh-huh.
A. — the products coming in from our suppliers.
And I did that for a while. I — I can't remember
exactly how long, probably a year or so.
And then I was offered -- offered an
opportunity to join the planning group, where quality
planning, at that time, was responsible for pooling all
their requirements for inspection of product and
inspection of things coming through the door. So I --
I created the inspection plans that the create- -- that
the inspectors were working to. I did that for a
while. And then I was offered a position as an
auditor. So I -- I was lead auditor for receiving
inspection.
And -- and during that time, as -- as lead
auditor, I developed an I-curriculum to train
other auditors on how to audit processes and procedures
at Boeing.
And then -- let's see. After my auditing, I
believe that's -- I went from an auditor to -- I was
offered a first-line quality manager position on the
747, in production and body structures.
Q. Uh-huh.
A. And I worked that for a while. Then I was
transferred back to receiving inspection as a quality
manager. So I oversaw various areas within receiving
over the next couple of years.
Q. You're still talking about your -- when you
were at Everett; is that correct?
A. That's correct.
Q. Yeah. Your work record indicates that you
were a quality systems specialist 4, from June 2007 to
November 2010. And then you became a quality
multifamily manager in 2010; does that sound right?
A. Yeah. So the quality --
Q. Okay.
A. -- specialist 4 is when I was the auditor --
Q. Okay.
A. -- lead auditor, yeah. Yeah.
Q. But that's not a manager position?
A. That's correct.
Q. And you got the manager position in 2010.
Was that in connection with your transfer to Boeing
South Carolina plant?
A. No, that was Everett.
Q. Okay. And you mentioned you were -- there
had been a strike at Everett. That's a unionized
facility?
A. That's correct.
Q. Were you a member of the union?

Q. Prior to that question, yes, I was.
A. Select -- during the strike --
Q. Uh-huh.
A. -- yes, I was -- I was a union member. Once
I went into the planning organization, it was no longer
a union position. Or it was actually under a different
union.
Q. Uh-huh.
A. It was under SPEEA --
Q. Uh-huh.
A. -- whereas the other --
Q. Did you --
A. -- union was IAM.
Q. Uh-huh. Did you stay -- did you become a
member of the other union?
A. I did.
Q. Okay. So you were a union member the entire
time you were at Everett; is that right?
A. No. Because once you get into management --
Q. Right.
A. -- you're no longer in the union.
Q. Right.
A. So --
Q. Yeah. Okay. So the quality multifamily
manager role, that's a level K position; is that
right?
A. Depending on where you're at, it could be a
level K or a level J.
Q. Uh-huh.
A. So if you're over hourly people in -- in
Puget Sound language, if you're over hourly union
people, it would be a K. And if you're over, like,
SPEEA representatives, it would be considered a J.
Q. Uh-huh.
A. And I might have got those reversed, but it's
a J and K --
Q. Okay.
A. -- type role.
Q. But you were a level K, correct?
A. Yes.
Q. Okay.
A. Correct.
Q. And you held that role until the time of your
retirement; is that correct?
A. From the time I went to 747-400 to this?
Q. Well, right. Your work history indicates
that, from November 2010 until February 2017, you were
a level K quality multifamily manager?
A. Correct.

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Q. Okay. So your positions didn't change at all in that seven-year time period, correct? I understand you may have been over different -- in different facilities or in different locations. But your title was -- remained the same?
A. No. Actually, prior to going to South Carolina, I was a Q- -- quality specialist 3 or 4. I forget which. So I -- I held that position. So I was in management for quite a while. And then I was a quality specialist for a couple of years. And then I was offered a management position, again, in Charleston. And that's when I got back into management.
Q. Okay. Well, I -- I think we just confirmed that, from November 2010 until February 2017, at least according to Boeing's records, you were a quality multifamily manager, level K?
A. That's correct.
Q. And that did not change?
A. That's correct.
Q. Okay. And do you recall when you came to the Boeing South Carolina plant?
A. So I actually relocated to Charleston November 2010. And, at that time, final assembly hadn't been completed, so we were working --
Q. Uh-huh.
A. -- understand Boeing processes and procedures, and work for them.
Q. Were you a part of the hiring process?
A. I was.
Q. And you trained the -- the new employees that were hired?
A. So I developed -- I helped -- I worked with training to develop the training courses. Training actually implemented those and trained the employees.
Q. Okay.
A. Once they were trained and -- and we opened up shop and they were assigned under me, then it was my responsibility to make sure that they had the training they needed and they could perform the functions that were required.
Q. Okay. And did you work with during that time?
A. I did.
Q. Do you recall what your salary was then?
A. I don't. It seems like it was somewhere around -- pushing a hundred thousand a year. I forget the exact number.
Q. Your salary at the time of your retirement was $105,500. Does that sound right?
Q. Uh-huh.
A. And it talks about, you know, reviewing data and understanding data, and type of thing, so --
Q. Okay.
A. -- just a lot of different --
Q. I'm --
A. -- areas.
Q. -- I'm going to show you a copy of what I believe is the multifamily manager level K job description.
A. Yes, perfect.
(Defendant's Exhibit No. 1 marked for identification.)
Q. Does that look familiar to you?
A. Initially, yes, absolutely.
Q. And that --
A. Yeah, here you go.
Q. -- page 2, representative major tasks --
A. Right.
Q. -- that looks familiar to you?
A. Right.
Q. And would you agree that that --
A. Yes.
Q. -- matches --

---

be a quality multifamily manager; is -- is that -- does that sound right?
A. Well, that's a subset of all of it. But, yes, I'd agree with that.
Q. Uh-huh. And if you look at Adapt- -- under Adaptability, it says, Understand changes in own and fellow K-level managers' work and situations; explains the logic or basis for change to employees and/or fellow first-level managers; is seen as an expert first-level management resource on information about changes -- changes affecting own and fellow first-level managers' jobs. Treats changes and new situations as opportunities for learning or growth; focuses on the beneficial aspect of change; speaks positively about the change to fellow first-level managers and external customers. Quickly modifies behavior to deal effectively with changes in the work environment; readily tries new approaches appropriate for new or changed situations; does not persist with ineffective behaviors.
A. Did I read that correctly?
Q. Yes.
A. And you would agree that that was an important attribute to have as a quality multifamily manager?
Q. And did that senior quality manager report to anyone?
A. Yes.
Q. And what would their title have been?
A. So his boss would have been the superintendent or level M.
Q. And did he have a particular title, or she?
A. Superintendent --
Q. Superintendent?
A. -- quality, yeah.
Q. Sorry. Okay. And we just established that you -- did manage employees as a level K manager. Were you responsible for overseeing those employees' work?
A. Yes.
Q. Did you evaluate their performance?
A. I did.
Q. You gave them performance reviews?
A. That's correct.
Q. Were you responsible for disciplining them, if appropriate?
A. I was responsible for taking appropriate corrective action.
Q. Uh-huh.
A. A lot of times, if a situation came up, I would need to report it to HR so they could actually -- excuse me -- they could actually determine what level of corrective action would be warranted or needed.
Q. Uh-huh.
A. And then they would give that to me. And I would take that action with the employee.
Q. So would you work with HR --
A. Correct.
Q. -- in -- in providing discipline or corrective actions to your employees?
A. Correct.
Q. Okay. And was that Boeing's policy, to work with HR?
A. Yeah. Yeah. Pretty much everything -- any -- any issues that arise, the manager's responsible for taking appropriate corrective action, right. So if it came to -- when it comes down to disciplinary and employees, and that type of thing, you must get HR involved --
Q. Uh-huh.
A. -- to make sure that you're not stepping out the bounds.
If it came to the product or the airplane, then I typically didn't get HR involved because I had my own corrective action processes to follow.
Q. Okay. Did you ever terminate anyone?
A. I did.
Q. And did you seek HR's guidance in doing that?
A. Yes, every -- every time, except for once. I had a contract employee. And contract employees are held to a little different standard. And I had an employee I found was falsifying his time. So I -- right when I found it, I called up security and had him escorted out.
Q. Okay. How many employees did you terminate in your time as a K-level manager at Boeing; do you recall?
A. I do not, no.
Q. More than --
A. And -- and -- and one reason is because, if I went to HR for an employee issue and they dealt it -- or felt it warranted a deeper investigation, they would put the employee out on a leave or suspension or what have you.
Q. Uh-huh.
A. Suspended without pay pending further investigation.
Q. Uh-huh.
A. Once it reached that point, I was, kind of, out of the loop, and HR took over.
Q. Uh-huh.
A. So I -- I really don't know how many they terminated.
Q. Uh-huh.
A. Because if you get through that process, say, as an employee, and you're put out on time -- time off without pay pending an investigation, once that done [sic], if they determine -- if they terminate you, then the employee is gone. But if they bring you back, it's very likely they could be put in a different area. They wouldn't be -- be put back --
Q. Okay.
A. -- under the same area.
Q. Okay.
A. So I'm -- I'm really not sure how many actually got terminated.
Q. Okay. So -- so Boeing had a process for investigating issues surrounding potential terminations and would do that without the manager's input, it sounds like?
A. Well, they'd get our input. But they wouldn't necessarily keep us in the loop on what their final conclusions were.
Q. Right. They would complete their own investigation. And it sounds like they would not get

A. Sounds about right, yes.
Q. And who was your manager when you were assigned to the MRSA?
A. --
Q. Okay. Did you have any other others?
A. --
Q. Uh-huh.
A. -- in MRSA? Yeah. So, periodically, [redacted] would be taken out on special assignment, so they -- they would have a temporary senior manager sit in. I remember [redacted] was one of them. I think [redacted] sat in for him a couple of times.
So, yeah, I've had --
Q. Uh-huh.
A. There was a few mixture. But it was on a --
Q. Uh-huh.
A. -- temporary basis. [redacted] was my report to --
Q. Uh-huh.
A. -- manager.
Q. Okay. Your work history indicates that [redacted] was a manager --
A. Right.
Q. -- for a time. And [redacted] was a manager for a time, short periods of time?

A. Right. But they weren't over MRSA. That was when I was on the production floor.
Q. Got you.
A. Right.
Q. Okay. Sounds like people were, kind of, moving, shuffling around during this time. Does that sound right?
A. I know, in my case, there was a lot of movement, yes.
Q. Uh-huh.
A. Yes.
Q. Okay. I'd like to talk to you about the issues that you raise in your amended complaint that you filed -- that was filed on your behalf against The Boeing Company.
A. Right.
Q. Let's see. [redacted] It's Exhibit 3. Get that.
MR. TURKEWITZ: What was Exhibit 2?
[redacted]: I -- we have our own numbering system. Do you want to -- I'll give that to him. And do you want to mark that for her or --

[redacted]. Yeah. Thank you. So this will be
Exhibit 2.

Q. You're familiar with this complaint, correct?
A. Yes.
Q. It was filed on your behalf on May 4, 2021; is that right?
A. No.
Q. It's at the end.
A. -- it was filed on my behalf. But, yeah, I don't.
Q. Did --
A. -- know the date.
Q. -- did you review it prior to filing?
A. I did.
Q. And you made sure that everything was accurate and truthful in it?
A. That's correct.
Q. And does it contain all of your allegations against The Boeing Company?
A. It -- it covers all of the -- so I'd say, yeah, it hits on all the topics. It may not include all of the examples. But -- but, yeah -- or all the objective evidence. But, yeah, it hits on all

own work, in certain instances; is that right?
A. In a nutshell, yes.
Q. Okay.
A. Yes.
Q. And in your complaint, you allege that you had raised complaints regarding the MFP program; is that correct?
A. Yes.
Q. And who did you make those complaints to?
A. So at that time -- let's see. That was back when -- so [redacted] was there. When they first started trying to push MFP, it was really before the site even opened. The final assembly site even opened.
Q. Uh-huh.
A. So, at that time, it would have been.
Q. Uh-huh.
A. -- that -- that group.
Q. Uh-huh. You also allege that [redacted] complained; is that correct?
A. Correct.
Q. Okay. You -- so you said you complained to [redacted] as well; is that right?
A. Correct.
Q. Okay. Did you complain to anyone else about

of them.
Q. All of the legal allegations that you're making in this lawsuit are included in that --
A. Correct.
Q. -- amended complaint, correct? Okay.
Okay. So in that complaint, you identify various complaints -- internal complaints -- that you made to -- at Boeing, and other issues that you allege resulted in some sort of retaliation against you, correct?
A. Correct.
Q. Okay. All right. So I'd like to talk about those now.
A. Okay.
Q. Let's talk about the MFP. -- MFP program. Does that stand for multifunction process program?
A. Multifunction process performer.
Q. Okay. Let's talk just a -- very briefly about what that is. I believe it's a process that Boeing instituted that would allow man -- the manufacturers to -- or excuse me -- the mechanics or manufacturers?
A. Mechanics.
Q. -- mechanics to do their own inspection.
And, in certain instance -- instances, to inspect their

it?
A. We discussed it with [redacted] many times.
We also talked to [redacted] about it.
Q. Uh-huh.
A. -- quite a bit about it.
Q. Uh-huh.
A. --
Q. It -- it was --
A. And this is over a period of probably two years --
Q. Okay.
A. -- that I'm talking these discussions took place,
Q. Uh-huh. And is it fair to say that it was -- it was a new program --
A. Oh --
Q. -- correct?
A. -- absolutely. Yes.
Q. And is it fair to say that several people had questions about how it was going to work?
A. I'd say several people were concerned they were trying to push it that early in the program.
Q. Uh-huh.
A. Yes.
Q. Okay. And the -- the motivation behind it was to allow manufacturers, again, to do their own inspections in certain instances, but those -- or strike that -- the mechanics to do their own inspection in certain instances. But those mechanics were to be trained, correct?
A. So, no. At the time it was being pitched, like I say, we hadn't even opened the final assembly site.
Q. Uh-huh.
A. And the -- the way it was explained to us was that they wanted to implement MFP to allow the mechanics to buy off their own work so they could do away with quality in that area.
Q. Uh-huh.
A. And the main reason we pushed back is because, like I said earlier, this was a green site, brand-new employees that never built an airplane in the commercial airplane division at Boeing.
Q. Uh-huh.
A. And our concern was, they need the experience and the training.
Q. Okay.
A. And -- and our main pushback was, it was way too early to let a mechanic buy off their own work when you're building airplanes.
Q. Uh-huh.
A. They didn't have the experience, the knowledge, the training to do it. And we felt that they needed oversight, at least in the initial beginning, to make sure they were doing it right, before we just turned over the reins to them.
Q. Uh-huh. And quality inspectors remained at BSC and continued to inspect the -- the work of the mechanics, correct?
A. So, yeah, quality inspectors remained. But the number of quality inspectors was reduced quite a bit.
Q. Okay.
A. So, yeah.
Q. But, again, those mechanics went through a training program in order to inspect their work, correct?
A. So now you're talking about after it was implemented. And -- and I really wasn't part of that. I was really part of getting it set up. And they were telling us that we had to do this and -- even though we disagreed, and the fact that we felt very strongly it would put the airplane and the flying public at risk.
So our focus, again, was on the airplane and the product we were producing --
Q. Uh-huh.
A. -- in which -- doing everything we can to make sure that we built and delivered safe and airworthy aircraft.
Q. Sure.
A. So...
Q. Sure. So are you saying that you're not aware that the mechanics were trained, eventually, on how to inspect their own work?
A. So I'm not aware what training they went through, yes.
Q. But you were aware that they went through training?
A. I was told they were.
Q. Okay.
A. But, yeah. Yeah.
Q. And these inspections that the mechanics would do on their own work, it wasn't for all the work that they were performing on the airplane, correct?
A. So that -- that, kind of, evolved over time. Initially, they wanted to, kind of, do a wholesale, this is what we're going to do. And then, over time, it got scaled back and scaled back and scaled back, so...
that a little bit, you're disagreeing on whether work may constitute a safety issue or not. But you're not disagreeing with the -- the basic premise that the MPFP program did build in for quality inspectors to sign off on work that affected the safety of the airplane? You may disagree with whether or not --
A. I'm sorry.
Q. -- that work affected the safety of the airplane. But there were -- yeah --
MR. KNOWLES: Object to the form.
BY A. I'm sorry.
Q. It's my understanding that, while mechanics were allowed to inspect some of their own work, there were exceptions to that. And those exceptions related to work that was safety-critical; would you agree with that?
A. Well, again, I don't know if I'd agree with that. Because, again, back to the door plug blowout, right, it had -- one of the main issues that I was bringing up and -- and there's documentation in 2012 where one of the first things they started doing was
removing inspection verifications for torque -- verification --
Q. Right.
A. -- of torquing fasteners.
Q. Right.
A. And -- and that was my exact concern, was you're going to have airplanes out there with loose fasteners, not installed fasteners, because they weren't verified. And now we're seeing that it exactly happens, so...
Q. Right. So -- okay, and not to belabor this.
But -- so you -- you're disagreeing with me because you believe that the installation of torque fasteners could potentially be a safety issue?
A. Correct.
Q. Is that where the disagreement lies?
A. That's one example.
Q. Okay.
A. Yes, one of many. But --
Q. But, again --
A. -- yes.
Q. -- you're not disagreeing on the basic premise that quality inspectors were supposed to be inspecting and did, in fact, inspect work that Boeing believed to be critical to the safety of the airplane,
Q. Uh-huh.
A. And when he went back to Puget Sound or Washington state, he was a -- he went back to a K level.
Q. Okay. And, again, you never made any internal complaints -- formal internal complaints about the MFP program, correct?
A. Well, that's correct. Because, at the time, it was just about discussion. Nothing had actually been implemented.
Q. Uh-huh.
A. So there really wasn't anything to go to ethics about, because it was just communicating and talking amongst the leadership team.
Q. Okay. I'm going to need just a quick break.
A. Five minutes.
Q. Is that okay?
A. Go off the record for a minute.
Q. Off the record, 11 o'clock a.m.
(A brief recess was taken.)
Q. Back on the record, 11:09.
Q. Mr. Barnett, we were just discussing the MFP program. Do you recall that?
A. Yes.
Q. And I believe you said that you and several others had raised concerns with that program when they initially brought up the idea of rolling that out?
A. Right, when they initially explained it to us --
Q. Uh-huh.
A. -- that -- what it was going to involve, we disagreed.
Q. Uh-huh.
A. Yeah.
Q. And -- and I think we established, in your earlier testimony, that that program did evolve and they made changes to it, correct?
A. Right. Right.
Q. And so they took your input on that program?
A. That would be an assumption on my part. I don't know.
Q. Well, it started -- they presented it as one thing. And it changed, correct?
A. Right. But I don't know if it was because of our input or because of discussions they had with the FAA that wouldn't allow it. I'm -- I'm just not sure

how all that worked out.
Q. Okay. So you -- you and others raised an issue -- and maybe in conjunction with the FAA, maybe not -- but Boeing adopted that program, correct?
A. MR. KNOWLES: Object to the form.
Q. You can answer.
A. Yeah.
Q. Yeah, okay.
A. Yeah.
Q. All right. Let's talk about some of the internal complaints that you mentioned in your amended complaint in this -- this lawsuit.
Q. Okay.
A. The first one I'd like to discuss is a complaint that you allege you filed with Boeing regarding in June of 2014. Do you recall that?
A. Yes.
Q. And you complained that failed to follow proper process when he instructed employees to transfer parts from one line to another without the required documentation; is that right?
A. So that was a small part of it.
Q. Uh-huh.

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think your complaint was that he failed to follow proper process when he instructed employees to transfer parts from one line to another without the required documentation. And I'm just wondering if you could explain what that means.

A. Right. So -- so within Boeing, right -- so Boeing works under Production Certificate 700. And -- and the way it flows down is, you have FAA requirements, we call FARs, federal aviation requirements. And then of those FARs -- and it's Title 14, Subpart 21. But if you look at those PAR -- FARs, it explains everything that needs to be done to obtain and maintain a production certificate, which Boeing is working under. And those -- and those flow down to -- and one of the requirements in there is, you have to have a QMS, quality management system. And Boeing uses AS9100 as their certified quality management system. AS9100 flows down requirements that Boeing must implement in order to meet those requirements. And that's where it comes into the BPIs, processes, procedures, PROs, that type of thing. So as you read down, there's -- there's requirements that are made. And there's -- it's very specific on how you handle things.

So as an example in this case, it's -- it's what you call a reallocation of a part. So if you have actually held liable --

Q. Uh-huh.

A. -- criminally charged for.

Q. Okay. So let's unpack that. That was --

A. Sorry.

Q. -- a lot.

A. That's 30 years of experience coming out.

Q. So I -- I -- I think what I heard you say is, the the -- the specific action that he took, that you were raising an issue with, was that he was asking people to use pickups and ERs instead of writing a nonconformance; is that correct?

A. Correct.

Q. Okay. Are you aware that that was investigated?

A. Yes.

Q. And that was substantiated?

A. I saw that with Boeing's documents, yes.

Q. Uh-huh. Are you aware that that was -- that that was appealed and later reversed?

A. I was not aware of that. I know that the -- the the information Boeing has sent us in this -- I was reading through that case. And -- and it -- so they said it was substantiated. But then there was a paragraph in there where the CAI -- corrective action investigation group that actually investigated it --

Q. Uh-huh.

A. -- said that, yes, he had violated procedures, and it was unsubstantiated. But then, HR came back and said, CAI didn't do enough investigating and they didn't read the procedures. So they disagreed. And that's kind of, where it was dropped, according to the objective evidence Boeing sent us, it was just dropped.

Q. You're basing that on the documents that Boeing produced in this case?

A. That's correct.

Q. Okay.

A. That's -- yeah.

Q. Okay. And -- and you -- since you've reviewed those, you saw the investigative report that ethics did on this issue, correct?

A. I believe so, yes.

Q. Yeah. And you saw that multiple people were interviewed?

A. Correct.

Q. It was a pretty exhaustive investigation; would you agree?

A. It -- yeah, it was an investigation.
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Q. Okay.
A. Yes.
Q. And were you interviewed as part of that investigation?
A. I believe I was, but I'm not positive.
Q. You saw that several --
A. I'd have to think back.
Q. -- people were investigated?
A. Yes.
Q. -- were interviewed?
A. Yes.
Q. Okay.
A. I'm sorry.
Q. Okay. Let's talk about the -- the second part of your complaint, where you were alleging that you lowered your performance review score and gave you a corrective action memo for raising process violations; is that right?
A. Correct.
Q. Okay. I -- accurately --
A. That's one of them. Yeah, that's --
Q. Okay.
A. -- that's one of many more, but, yes.
Q. Okay. Well, that was kind of, the bulk of -- of that part of your complaint, correct?

that I needed to stop putting quality concerns, including defects, in writing. You know, so -- so he was holding me accountable for the exact job that I was there to do --
Q. Uh-huh.
A. -- to perform.
Q. Okay. So, again, that was all in your performance review --
A. Correct.
Q. -- right? So if we go over that, we will have covered the bulk of your complaint, correct?
BY [ ]
Q. You can answer.
A. So, again, you keep using "bulk." I mean, it's just -- there's so many issues I don't know that -- I mean, that was a big part of it.
Q. Okay.
A. But it was -- a big part of it was, you know, how the airplane was being built and the results of his decisions and how it's going to affect the airplane, yes.
Q. Okay. Let's look at -- okay.
[ ]: Do you mind taking those out?

Q. Did you mention earlier that you were working with [ ] in HR on this -- or in ethics -- on this complaint?
A. Right.
Q. Okay. And you sent her multiple emails in support of that complaint, correct?
A. Multiple emails and multiple phone conversations.
Q. Okay.
A. Yes.
[ ]: So I'd just like to -- we'll do them all except for the -- yeah, except for the -- yeah, uh-huh, except for the letter.
Q. Not that. And that's the letter, right?
[ ]: Yeah. These are more.
Q. You sent a lot of emails.
A. Well, it's over six years, so, yeah.
[ ]: Okay. Should be these, right? Or is there more?
[ ]: There's this one, but I think that's it.
In support of your complaint:

A. Well, like I say, I sent her countless emails, so I can verify that these are ones I sent.

But I --

Q. Okay.

A. -- I'm not -- I wouldn't be able to verify that it's all of them:

Q. Okay.

A. These are just more emails he sent to her?

Q. Okay.

A. Is that right?

Q. Yeah.

A. We'll just --

Q. Okay.

A. -- if we need to add it to that exhibit, we can. But --

Q. Okay.

A. And that's going to be marked as Exhibit 3, I think.

Q. Yeah.

A. And then the letter...

Q. Separate exhibit?

A. Uh-huh.

A. Yeah, separate exhibit.

Swann79@earthlink.net. That's your email address; correct?

A. It was, back then. But I no longer -- I haven't had that in several years.

Q. Okay. And this is -- she later became your wife; is that correct?

A. That's correct.

Q. Okay. And this was November 14, 2013, so several months before you sent this email to

[Redacted]

correct?

A. Yes.

Q. And so the -- the email from [Redacted] -- I'm just going to read some of it. You check me, make sure I'm reading it correctly. It says, I ended up -- ended up copying your note into Word so that I could make suggestions and comments. And it will be easier for you to accept or reject them one by one. I really changed a lot and suggested a number of revisions. Just remember, these are only suggestions. In looking at the emails, it sounds like he is less than tactful and not overly friendly. But it doesn't paint a picture of harassment.

Did I read that correctly?

A. So far, yes.

Q. So did you -- did -- and then, if you turn
the page, is the letter that [redacted] referring to is a letter to [redacted] correct?
A. Yes. Yes.
Q. And so you had drafted a letter to [redacted] And then you sent that to [redacted] for her to make edits; is that correct?
A. So I was working on this email to send. And, yeah, I sent it to her. Because, at the time, she was an FAA liaison.
Q. Uh-huh.
A. So she was working with the FAA. And I felt that she was very knowledgeable on the subject. And I sent it to her to wordsmith it and help me out.
Q. Uh-huh.
A. Yeah.
Q. And she says, It doesn’t paint a picture of harassment.
A. Had you told her that you felt like you were being harassed?
Q. Absolutely.
A. And she’s saying it doesn’t sound that way to her.
Q. Well--
A. Correct.
Q. -- based on what I had typed up here and the way I -- the way I wrote it, it didn’t sound like it.
Q. Uh-huh.
A. But she didn’t say that wasn’t so, yeah.
Q. Uh-huh. She says, It’s weird that you can’t ask for assistance on a big prod-- project. But if questioned, he could say that he trusts your abilities and felt like you do a good job on your own, correct?
A. Correct.
Q. Okay. And then she says, On the one-on-one conversations with employees, again, to me, it sounds like he’s irritated but not overly so, correct?
A. Yes.
Q. She then goes on and says, I think he’s being -- you can read that for yourself -- but am trying to look at it from an ethics point of view. I really think you need to include more hard facts. Try to leave feelings out of it. Stick to the retaliation part of things. He won’t let you come to first shift, moved you to a different position after incident, doesn’t provide support on critical quality issues, tells you to work in the gray areas, quote, unquote.
A. Did I read that correctly?
Q. Yes, you did.
A. And she says, Earlier, I really changed a lot

and suggested a number of revisions --
A. Right.
Q. -- right? So the letter that we’re looking at here, that you sent to [redacted] was changed by [redacted] correct?
A. No. Actually, this was my original. And she had sent it to me. And -- and if you see in there, she says something about select the tabs and all that. I kind of got confused on that, so I just kind of set it aside. And then, after I contacted [redacted] about the other issues, like I say, I just included this to help provide her with more information.
Q. So you’re saying this email that’s attached to the email from [redacted] where she says, I’ve really changed a lot and suggested a number of revisions, is not the email that she changed?
A. This isn’t. This is originally the one I wrote.
Q. How do you know that?
A. Well -- well, because it says, Select review tab at the top of the page, then, Deselect tracking changes, and all that. And I didn’t -- I didn’t do all -- I wasn’t sure how to do all that, so I just kept it original with her notes.
Q. Okay. Why did you -- it -- why did you

forward to [redacted] an email from [redacted] attaching a letter that she made changes to if you just used the original letter?
A. Well, because, again, she was my friend. I trusted her. And I wanted her to help me out with wording this. Because, as you can see, mine is quite lengthy. And, like she pointed out, I had a lot of emotion in there.
Q. Uh-huh.
A. And I wasn’t really -- I’d, kind of, get off track. And -- and I guess I’m emotional. But I kind of, get off track with the emotion, if -- and -- and steer away from the whole cart [sic], you know --
Q. Uh-huh.
A. -- cold, hard facts;
Q. Uh-huh.
A. And that’s what she was saying, was -- I needed to include more facts and less feelings, if you will.
Q. Uh-huh. Okay. So, again, what she’s saying in this email is that she made a lot of revisions.
A. Right.
Q. -- correct? So is your testimony that you
rejected all of her changes?
A. No. It's -- my testimony is that I didn't
use those. This is the original. Because, like I say,
when she sent it to me, I, kind of, set it aside. And
I was just -- I wasn't even going to follow up.
Q. But, again, this email that you forwarded to
[redacted] is -- the attachment to the underlying email
was the one that [redacted] had made changes to?
A. Actually, it was -- this is the same email
I'd sent her. The attachment was separate.
Q. Okay.
A. Right. So...
Q. And -- and how can you be so certain of that,
just without even reading that -- that letter?
A. Well, because I know what I wrote, you know.
Q. Well -- okay.
A. And if you want, we can, kind of, compare
what she's saying on the big projects.
Q. Yeah. Well, I mean, again, I -- I think,
without comparing those two, I think it would be
virtually impossible to say whether or not -- or to say
with certainty that this is the one that you did and
it's not the one that she made revisions to --

MR. TURKE-WITZ. Objection.

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By [redacted].

But, again, I don't think you can look at an email --
I'm not sure how you can look at an email, just look at
it without reading the words on the page, and say for
certain whether it was your original version or a
version that was amended or revised by [redacted].
A. Okay.
Q. Right? It just seems like a physical
impossibility to me. Would you agree with that?
A. I don't.

MR. KNOWLES. Object to the form.
THE WITNESS. I'm sorry.

BY [redacted].

Q. You can answer.
A. No.
Q. No?
A. I wouldn't agree.
Q. Okay.
A. Yeah.
Q. All right. And -- and just one more time.
You are basing that just on glancing at page 1 and page
2, and that -- that's --
A. Right.
Q. -- the only basis for -- for that
conclusion --
A. Well --

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Q. -- correct?
A. -- I -- I disagree because I -- I know how I
write, and she's a lot more technical and she's a
lot -- has the ability to do that a lot better.
Q. Okay.
A. So, yeah.
Q. Okay. That is -- that's been marked as
Exhibit 3, yes, or 4?
A. Four.
Q. Okay. Okay. All right.
A. Are we done with this one?
Q. Yes, for -- for now.
A. For now, okay.

BY [redacted].

S. We'll do the performance review.

(Defendant's Exhibit No. 5 marked for
identification.)

BY [redacted].

Q. Okay. Just handed you a copy of the
performance review dated July 15, 2014. Author is
[redacted]. Do you recognize this?
A. So far, yes.
Q. Okay. If you flip to page 4 of this review,
I think you'll see the rating. Leader -- under
Leadership Attribute Summary, the rating is 15. Do you see that?
A. Yes.
Q. And this was the performance review that you were complaining about to [redacted] correct?
A. Yes.
Q. So this was -- formed the other part of your complaint against [redacted] that we just -- that we're talking about, yes?
A. This was another component, yeah --
Q. Uh-huh, okay.
A. -- not just the other part, yeah.
Q. Okay. All right. Let's talk about some of the areas that you have raised as -- as concerns that you had and, again, that you included as part of your complaint against [redacted] I'm just trying to find them. Okay. So, yeah, let's start on page 3.
A. Okay.
Q. So under Sets High Expectations, [redacted] says, John was doing well all year until he did not complete the interim PMs -- is that performance management?
A. Yes.
Q. -- for his assigned QTs -- quality inspectors?

information, we need to complete these ASAP. And this due date of 6/30/14 was not communicated to me. At that time, the company deadline to get the PMs completed was 9/15, I believe. So it was August 15th. So we still had a month and a half left. However, my leadership, unknown to me, set a deadline of 6/30. And, in fact, when you look in my review, in my comments, it talks more about this. But he didn't send me the information until three days before the due date, which I didn't know about.

And I actually did complete all of them except one. And the only reason I missed the one was because they were on vacation and wouldn't be back. And probably a week or so after this PM was given to me, I was talking to [redacted] and [redacted] And I -- you know, I said, Man, how'd you complete your PMs so quick? You only had three days, you know, according to this. And they were like -- they laughed at me and said, What are you talking about? Said, We've had that information for two weeks. I'm like, No way. And [redacted] actually pulled it up on his phone, the email that [redacted] sent. And it told him straight up the deadline was June -- or 6/30, and the data -- and gave him the data. But if you looked at that email, my name wasn't on it.

A. Quality technicians.
Q. Quality technicians. -- by the due date --
A. Right.
Q. -- 6/30/2014. Needs to stay focused on future due dates and continue to chart the course throughout the remaining months of the year. He gave you a 2 on that, correct?
A. Right.
Q. Okay. And that wasn't part of your complaint, was it?
A. Yes, it was.
Q. Okay. All right. So you disagree with that?
A. Yes.
Q. Okay. You felt like you had done the performance reviews in a timely fashion?
A. No. Actually, what this is -- is talking about is -- and I've sent this documentation over -- is -- so he -- he says in here the due date was 6/30/2014. On 6/26 or -- yeah, 6/26/2014, there's an email where I'm asking him to provide us the data we need to complete the PMs for our QTs. And in that email, he sent back and says he'll get the information and -- and I forget exactly what it says. We could probably find it -- but that, when we get the
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Q. Uh-huh.
A. -- it -- it -- it was constant. It was every
day, every day, every day.
Q. Uh-huh.
A. I argued more with him about procedures than
anybody else.
Q. Uh-huh. When you say he instructed you not
to document defects, are you referring to the other
comment in here where he says, on page 4, John still
needs to learn the art of F2F engagement to address and
follow up on issues -- that would be face-to-face
engagement, I believe.
A. Right.
Q. -- instead of using email to express process
violations?
A. That's one of them. But there's another part
in here that says I -- I need to stop putting quality
concerns in email or in writing.
Q. Okay. Well, let's -- let's find that.
MR. TURKEWITZ: Could I just ask if -- I
don't think I have the -- the correct document
that you're talking about.
You don't. You do. Oh, maybe so. No, there's two of these.
Let me see. I can have

Q. Uh-huh. --
A. Okay.
Q. -- and you have interpreted that to mean
to work outside of Boeing's processes and procedures?
A. Absolutely.
Q. Okay. Did -- did ever tell you
to work outside Boeing's processes or procedure?
A. Yes. He instructed me not to document
defects, not to put quality concerns in writing.
Q. Uh-huh.
A. Yeah. So --

print off another copy and you can use my computer.
MR. TURKEWITZ: Yeah. I mean, I'm familiar
with the document.
Q. Yeah.
MR. TURKEWITZ. You can keep going. But I
would like to get a copy.
Q. Of course. Okay. Okay.
We'll get you a copy.
Q. Does he have two right there?
A. Oh, you might have two.
Let me see.
THE WITNESS: Ah, there it is.
Q. Yeah.
THE WITNESS: I got it.
Q. Yes, there we go.
MR. TURKEWITZ: Thank you.
Q. Did we want to include this
other one as part of Exhibit S?
A. Potentially. Is that the
caller one or...

Q. Okay. So why don't you take a look at that
and tell me -- you say in here it's -- you're -- it
said it says somewhere not to put defects in
writing?

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Q. No. What I said was, he told me that I need
to put -- stop putting quality concerns in writing.
And I don't recall if it's in here. But I know it was
an in an email that he sent me and I've turned over.
But I had sent an email. We were involved in an email
discussion, me being -- we being me and another
organization.
Q. Uh-huh. Well --
A. And he replied to that. He -- he jumped in
the middle of that email and sent it back to me and
said, John, this is one of the things I told you about.
Q. Uh-huh.
A. Stop putting this stuff in emails.
Q. Right. Yeah. Well, here he says, John still
needs to learn the art of face-to-face engagement to
address and follow up on issues instead of using email
to express process violations.
So I think that's what you're referring to,
correct? That's on page 4, under Deliveras Results.
A. Well, like I say, I've seen it several times.
But this is -- yeah. And here he specifies process
violations whereas, on the other document he actually
said "quality concerns."
Q. Uh-huh. And had he spoken to you before
about the importance of face-to-face engagements?
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Q. — that was it?
A. Right.
Q. Okay.
A. And I think, if you look at my comments down there, I kind of — I think it makes it pretty clear.
Q. All right. I think we’re going to get into some emails. Actually, before we do that, let’s —
A. One thing, if I could, I’d like to add about this PM and, actually, all the PMs I received at Charleston. So if you look at the Boeing processes and procedures, it states that, when you’re doing a PM, that the goals identified for an employee are what they consider SMART goals. And SMART’s an acronym. It stands for specific, measurable, achievable, relative, and time bound. And that’s a requirement. And a lot of the — I don’t see any of the PMs I was issued in Charleston met those requirements. So my argument would be, all my PMs from there were against company policy.
Q. You did performance reviews for your employees, correct?
A. I did.
Q. So were you violating company policy when you issued those performance reviews?
A. Absolutely not. Because, if you look at the performance — performance reviews that I did with my employees, they’re very articulate and very specific on what I expect them to do. Like, I expect them to have 50 touches or 50 CNCs to work a month. Or I expect them to have 200 line items in kits worked.
Q. Okay.
A. So I had very specific numbers. It was based on objective evidence and not opinions.
Q. Okay.
A. Yeah. That’s how the — number 25. And then, I think it was the December performance review. Was that the one that — where it went up? Okay.
Q. Let’s look at the — number 25. And then, I think it was the December performance review. Was that the one that — where it went up? Okay.
A. Yeah. It’s that same exhibit.
Q. Yeah, it’s —
A. Yeah, it’s —
Q. — it’s the email with —
A. Yeah.
that's false because I wasn't aware this action plan was in place, and we did not have a meeting.

Q. Okay. Well, this says, September discussion, 9/9/14. John has completed all items that had a time stamp or due date requirement. His direct reports are a hundred percent on all accounts.

A. Right.

Q. Correct?

A. And my -- my reports had been a hundred percent for a long time, so this --

Q. Okay.

A. -- shouldn't even have been an action item.

Q. Okay. Well, your manager thought it was.

And he is now saying you're a hundred percent on all accounts. So you had improved on that action item, correct?

A. Well, according to him. Because, again, I wasn't aware of this action plan --

Q. Okay.

A. -- until four days later.

Q. Okay. The second one, Work together with peers and coworkers to build teamwork and solidarity. Did I read that correctly?

A. Yes, you did.

Q. Again, he refers to your September discussion on September 9, 2014. He says, John is improving.

Update, 9/11/14. John completed the 360 LA Assessment and awaiting the results. What is that?

A. So that's the -- I forget what the LA -- but it's basically a -- it's a survey you send out to your employee, your peers, your managers, that type of thing --

Q. Uh-huh.

A. -- to get their feedback on -- on how you're performing.

Q. Okay. And he says you're improving in -- in this category, correct?

A. Right. But, again, I wasn't in that discussion, so I don't know how he -- I don't know what he's talking about there.

Q. Okay. And then on 9/14 it says, Provide face-to-face tie-in with second shift quality manager. And then it -- it -- following that discussion, [redacted], Tie-ins have been face-to-face when possible, i.e., training or appointments may affect it on occasion. So it sounds like he's saying you have been having face-to-face tie-ins with second shift quality manager, correct?

A. Well, that's what he's saying here. But again, same -- same issue.

Q. Well, when you say "same issue," what do you mean?

A. That means I was not aware of this and I was not in that discussion. So I don't know who this discussion with was.

Q. Okay.

A. But it certainly wasn't me.

Q. Well, it sounds like he's -- these -- these are all positive improvements that he's noting. So are you disagreeing with you making a positive improvement?

A. No. I'm disagreeing with the fact that I was put on an action plan a month -- a little over a month without even knowing about it. I consider it a sneak attack and an ambush. And he's just putting words down. These mean nothing to me.

Q. Okay.

A. I wasn't involved in any of the --

Q. And so, is --

A. -- discussions.

Q. -- if your contention that he is manufacturing this 9/9/14 discussion and -- and just -- and putting it in this action plan, that it never took place?

A. Absolutely.

Q. Okay. So -- but if he were -- if he actually was doing that, he did it in a way that was positive for you, correct?

A. Well, yeah. Now. But you obviously have to look. I was a quality manager. And to have a -- to be put on an action plan is pretty, pretty major. I mean, it means that you're failing at your job. So to even have been put on an action plan in the first place was totally outside for Boeing procedures. It violated countless other procedures and --

Q. Were you aware that --

A. -- it was just --

Q. -- at the time, if you received a 15 on your performance review, you automatically had to be put on an action plan?

A. Well -- and if you go back to the notes I submitted with mine and [redacted] discussion about this thing, and the PM that resulted -- that this resulted from, I -- I asked him point-blank, Am I going on a PIP on an action plan? And he said, no, I wasn't.

Q. Uh-huh.

A. So what changed from then to now --

Q. Uh-huh.

A. -- to where he put me on an action plan without telling me about it and then fabricating information?
Q. Uh-huh.
A. I mean, it -- it goes against every ethical bone in my body.
Q. Were you aware, at the time, that it was an HR direction that, if an employee received a 15 or below, they were automatically put on an action plan?
A. I was not.
Q. Okay. And never put you on a performance improvement plan, correct?
A. That's correct.
Q. Okay. So just continuing with this, Number 4 says, Use face-to-face meetings and phone calls to resolve issues and stop using email to argue or stress a point or quality requirement.
Did I read that correctly?
A. Yes, you did.
Q. Okay. And so that -- again, that is what you were referring to in your amended complaint when you say instructed you to not document defects?
A. He said, Don't document quality concerns.
Q. And this is what you're referring to when you say that?
A. This is one of many.
Q. Okay.

Yeah. Yeah, thank you. And that -- let me just make sure.
[
A. Yeah.
B. Yeah, okay.
C. I'm going to mark the one...
(Defendant's Exhibit No. 7 marked for identification.)
]
B. [ ]
A. Are we done with this?
Q. For now, yes.
[
A. I'm just trying to remember.
B. That would have been somewhere in 4, I believe.
]
B. [ ]
A. I think it's 5, yeah.
Q. Okay, there you go. Okay. And this is a -- the performance review that did it for you in December 2014, correct?
A. Yes, that's correct.
Q. And if you flip to page 5, under Leadership Attributes Summary, it looks like your overall score increased by 2 points to 17, correct?
A. According to the numbers, yes.

A. Yes.
Q. And -- and, again, this September discussion, September 9, 2014. It says, John has improved with scheduling meetings to resolve differences and issues without using email.
Did I read that correctly?
A. Yeah. Oh, under Number 4? Yes.
Q. Yeah. So, again, he's noting an improvement that you, instead of arguing about things over email, you were scheduling more meetings and having more face-to-face conversations with your coworkers, correct?
A. Again, that's what he's saying here. But, again, I've -- I've submitted my documentation of my remarks regarding this. And this is all proven false because I wasn't even aware of it. And these items I have objective evidence that I was meeting before I was put on this action plan.
Q. Okay.
A. So why -- if I'm already doing it, why did he put me on an action plan?
B. [ ]
A. Can I see the December performance?
B. [ ]
A. Mark that as 7.
B. Has it already been marked?

Q. Well, it was a 15.
A. Right, which I strongly disagreed with. But, anyway, yes.
Q. And he increased it to a 17 over the course of several months, correct?
A. Right.
Q. Right. So I -- I think you said earlier you believed he was trying to set you up for failure by putting you on that action plan. Did -- did I remember your testimony correctly?
A. I said he was setting me up for failure. And this action plan was one example. Because he provided incorrect -- falsifying company documents is basically what he did.
Q. Okay. So -- well, first of all, do you have any evidence that he falsified company documents?
A. Absolutely. This is a company document right here.
Q. Okay. So when you say --
A. He says that we had a discussion 9/9. But he didn't send it to me until 9/13.
Q. Okay.
A. I wasn't even aware of it. So there's no way we had that discussion.
Q. Okay. So when you say he was falsifying
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company documents, that what you're referring to?

A. That's one of them, yes.
Q. Okay. So, anyway, just going back to your earlier testimony where you say he was setting you up for failure by giving you the score of 15 on your performance review and putting you on an action plan, my question is, if he was trying to set you up for failure, why would he increase your score to a 17 just six months -- five months later?
A. So far as I -- I disagree with the way that was phrased. The things he did to set me up for failure was a lot more than this PM and this action plan. So when I say "set up for failure," as an example, when he withheld the data from me so I couldn't complete my employees' PMs on time, he was setting me up for failure. He didn't give me the data --
Q. Uh-huh.
A. -- and then blamed me --
Q. Uh-huh.
A. -- for not completing them. There's several other examples throughout the time where I felt like he was setting me up for failure.
Q. To what end do you think he was setting you up for failure? Was he trying to get you to leave the

organization?
A. I think they were trying to fire me --
Q. Okay.
A. -- as what it was.
Q. And so, if they were really trying to fire you, why would they then increase your performance review score by two points and give you a 17, which was relatively good?
A. Well, actually, I disagree with that whole-heartedly. Because a 17, if you compare it to grades in school, a 17 is a D.
Q. Okay.
A. A 15 is an F minus.
Q. What was the highest performance review score you received when you were at BSC?
A. The highest one at BSC, I think, was a 17.
Q. Well, I -- I can -- we'll look at some. But I can tell you that under the highest score -- do you remember what your --
A. I'm sorry.
Q. -- score was under the highest score.
A. Yes, I was thinking, it felt.
Q. Uh-huh.
A. So you're absolutely right.
Q. Do you remember --

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A. [redacted] gave me a 19 or a 20, I think.
Q. And -- and we'll look at it. But I can --
A. Yeah.
Q. -- confirm that he did give you a 19.
A. Okay.
Q. So that was your highest scores under [redacted], who was a manager that you respected and liked, correct?
A. Yes.
Q. So that was just two points lower than that very highest score you ever received while you were at BSC?
A. At BSC. But, again, a 19 would be equivalent to a B.
Q. Okay. And -- and your --
A. An 18 is like a C. A 17 is a D.
Q. Okay. And --
A. And that's how it works out.
Q. -- and is that grading system located anywhere in Boeing's policies --
A. No,
Q. -- or procedures?
A. No. I'm sorry. Go ahead.
Q. It's not located anywhere in Boeing's

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policies or procedures, this -- this grade -- this letter grade assignment you're giving to performance review scores?
A. That's correct.
Q. Okay.
A. And, again, same -- same thing I brought up on the other one. This PM review that he put me on is in violation of company policy because it does not meet the SMART goal requirements.
Q. All right. Let's just look through some emails between you and [redacted]. This is 8. These?
A. [Defendant's Exhibit No. 8 marked for identification.]
Q. Yeah, okay, so this will be [redacted].
A. [redacted].
Q. Okay, so this will be okay.
Q. So this is an email. The -- this is an email chain, obviously. And we all know how those work by
now, if you flip to the very end of this document. it's a -- it starts out with an email from somebody named [redacted] to a person [redacted] [redacted]. And you're cop -- you and [redacted] are copied on it. And there's some back-and-forth.

And then on page 2, at the -- of this, at the very bottom, there's an email from you to [redacted]. And you say, the SRR states, request M.E. plan this NC similar to the plan used on line 168. Nothing about changing the form for our discussion or adjust -- adjusting the buyoffs. Just do it like 168.

And then [redacted] responds, I asked you to go straight to my desk and tell him what we want, i.e., operation numbers to coincide with the spreadsheet and a date for each buyoff. Did that happen?

Did I read that correctly?

A. Yes.

Q. So was this an example of [redacted] asking you to go have a face-to-face conversation with a coworker, as opposed to just putting it in an email?

A. No, this is not.

Q. Okay. And why is that?

A. Well, because first off, the spreadsheet that they were talking about using here on line 168,

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[redacted] desk and tell him what we want.

A. Right. But if you read my response, I'll say, well, board, he had already generated the R-- SRRs by the time I got back out there. I saw his email and I called [redacted] and asked if he communicated the changes that needed to take place as we discussed at the roundtable. [redacted] said he didn't know where there were any changes needed, which he was right there with the discussion, so that's just a -- he's just denying it. I told him we needed the operation number, the empty blocks removed or the instructions to complete, et cetera. He said he didn't know what I was talking about and told me I needed to call [redacted] and have them add it. Why are we constantly held responsible for manufacturing's failure to follow directions and processes? When are they going to be required to step up and do the job right? I will drop everything else I have going on to go sit with ME to ensure the form is per our verbal communication --

Q. Uh-huh.

A. -- which, again, is in violation of the procedures because you can't work to verbal communications. You have to follow the BPIs and processes.

Q. Uh-huh. And what -- what is

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that was in violation of company policies and procedures. And there's another email that I sent, after I went back and reviewed line 168, that I -- I stated very clearly that it didn't -- didn't meet any of our requirements. There was various types of stamping. There -- there was no form number. There's -- there's a lot of requirements that you must do in order to use a form when you are providing objection -- objective evidence in support of the airplane build, right.

Q. Okay. And --

A. And --

Q. -- and I'm not trying to interrupt you. But I don't think you're answering my question.

A. Okay.

Q. So my question was, was this an example of [redacted] asking you to go meet face-to-face with one of your coworkers to discuss an issue?

A. No, this is not an example of that.

Q. Okay. And then I asked you, Why? And I don't think you were answering the question --

A. Okay.

Q. -- of, why is that not an example of that?

A. Well --

Q. I mean, he's clearly saying, I asked you to

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Q. -- his response.
A. -- a Boeing manager.
Q. You can read his response. The -- the last response at the top there, John, first of all, it was meant to be humorous because we both came from another site. The statement was to reiterate that we need to do what it takes to get the job done. In BSC, we need to be flexible to do what is necessary, regardless of the site. Those words should not be new to your ears. We will talk tomorrow.
A. And at BSC, you can't be flexible when it comes to following processes and procedures. That's the law. You know, you can't deviate from that. And he's directing me to deviate from those requirements. And I --
Q. Uh-huh.
A. -- I'm -- I--
Q. But this email doesn't say you need to be flexible when -- in regards to process and procedures, correct?
A. Well, this whole email chain is about deviating from the processes.
Q. Okay.
A. So it started off that way. And he's telling me I need to be flexible and work outside of procedures.

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as I'm directed. Y'all might want to brush up on your procedures, though, dot, dot, dot. Do you see that?
Q. Okay. So you were pushing back on that there?
A. That's correct.
Q. And you did that frequently, correct?
A. Only when it came to violating procedures and processes, yes.
Q. Uh-huh.
A. That was my responsibility.
Q. Right. And you took that seriously?
A. Absolutely.
Q. And you did it every time you felt like a process or procedure was being violated, correct?
A. Correct, or where I felt it might be a detriment to the aircraft, absolutely.
Q. And you were never placed on a performance improvement plan for that, correct?
A. For what?
Q. For pushing back and -- when process and procedures were at issue?
A. No, because I had the procedures to back me up.
Q. Uh-huh. And you were never demoted for doing that, correct?
A. Well, unless you want to look at my pay as -- yeah.
Q. Well, you were never --
A. I wouldn't say I wasn't -- not -- not in title, no.
Q. You were never demoted?
A. No. But my pay was -- suffered because of it.
Q. Your salary was never decreased?
A. Yeah, but I got a 15. I mean, that's an F on a PM.
Q. All right.
A. In order to -- so -- so the number that's identified on the PM is -- is -- is how they base how you get your raises and how you get your bonuses.
Q. Uh-huh.
A. So somebody with a 15 gets a fraction of the raise and a bonus --
Q. Uh-huh.
A. -- as somebody with 19 has.
Q. And then, five --
A. So it is a direct -- direct reflection on my pay.
Q. And then, five months later, you got a 17,
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But y'all need to follow up on your procedures so, when you give management direction, they're in line with the procedures.

Q. And he responded he didn't want you to violate procedures, right? He wanted to make sure the safety of the aircraft was maintained?

A. Well, on this response, he is. But before here, like I say, if you look at the detail, he's pushing us very hard to work outside the procedures.

Q. Okay.

A. And, in fact, I think this is the roundable discussion I talked about in my PM.

Q. Are we done with this one?

A. I think so, yes. And, actually, I think I -- unfortunately -- oh, maybe not. Okay. Let's look at this one real quickly. This is 11.

(Defendant's Exhibit No. 10 marked for identification.)

MR. TURKIEWITZ: Sorry. Thank you.

BY:

Q. Again, email from you to [Redacted] dated June 27, 2014. This is kind of the end of the chain. So let's start, kind of, in the middle of the chain. If you go to -- yeah, this is part of the chain that we

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just talked about. So if you go to page -- if you flip to the fourth page in this email chain and look at that top email, you'll see that's the email we were just discussing.

Q. Okay, yes.

A. Okay.

Q. So this is like a continuation?

A. It is.

Q. Okay.

A. It is. And you'll see -- let's see. There's an email from [Redacted] And the page right after that, where it says, John, let's get compliant; do you see that?

A. I do.

Q. And then you email, You know, we'll need a solid plan to address these non-compliance issues. It's obvious there is more research and investigation that needs to take place.

A. Where are you at? I'm sorry.

Q. It's right after -- if you go up one from [Redacted] email, you respond to that email. So it's --

A. I'm sorry. What -- what page?

Q. That's okay. It's the third page --

A. Okay.

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Q. -- of the document.

A. Here we go. So, John, let's get compliant.

Q. Yeah. And then you respond to [Redacted] --

A. And he goes on to say, Issue a reallocation on this fitted part --

Q. Uh-huh.

A. -- from 76 to 268. Again, like I stated earlier, the reallocation process is -- is for upstream airplanes. And this is way downstream. This is --

and, in fact, that airplane had already left the factory and was out flying around.

Q. Right.

A. So it's -- there's no way possible to reallocate a part from a plane that's been delivered --

Q. Uh-huh.

A. -- to one that's still in production. But, yet, that's the direction they were given.

Q. Okay. Was -- so [Redacted] responds on the first page, at the bottom of the page, John, this is your baby, so please track it through the --

A. I'm sorry.

Q. -- reallocation process and make sure --

very first page.

A. Okay.

Q. This is your baby, so please track it through

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the reallocation process and make sure we are all  
compliant throughout.

Did I read that correctly?

A. Yes, you did.

Q. And then you respond with a, Really, question  
mark?

A. Yeah.

Q. And he responds, Yes, indeed. You have  
identified a process failure and possibly a system  
failure with fitted parts traceability. And we don't  
just pull the pin on the grenade and walk away. I  
learned something new here, and I want to make sure  
this is -- this is done right. And being it is  
somewhat different and out of the norm, I have  
confidence you will see it through to the end.

Did I read that correctly?

A. You did.

Q. Okay. And so he is clearly giving you an  
instruction to make sure you get -- get compliant and  
that you maintain responsibility and -- and see it  
through to -- see that issue through to the end,  
correct?

A. Yes, that's what he's saying. But my concern  
is, he's a senior-level quality manager and -- and not  
familiar with the processes and procedures that drives

have to be addressed by the CA. That should be all we  
need, correct?

A. Correct.

Q. Okay. So you successfully resolved that  
issue?

A. Well, not -- not successfully because we did  
write a corrective action. And then --

Q. Uh-huh.

A. -- that corrective action was subsequently  
canceled because it didn't cause a defect. And that  
was one of [obscured] directions, was to cancel all  
CA's that don't -- he didn't want to investigate them,  
which was his job role.

Q. And you are certain that that particular CA  
was canceled at [obscured] direction?

A. Pin -- Pin -- I'm confident that I  
double-checked that.

Q. Okay. Do you have any evidence of that?

A. I -- it's possible. I think I did do a  
follow-up. And if I do, y'all have it because I've  
turned over everything. But I could go look and see:

Q. Okay.

A. Are we done with this one?

Q. I think so.

What time is it?
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BY: [redacted]
12:18.

Q. Yeah, if we could take a break --
A. Yeah, that's fine.
A. -- that'd be great.

We can -- we can either break for lunch or --
I'm sorry. We can go off
the record.

OFF THE RECORD: 12:19.
(A lunch recess was taken.)

BY: [redacted]

Q. Okay, Mr. Barnett. We're back from a lunch
break. And we were talking about the complaint that
you had made against [redacted] in 2014. And I
believe you had testified earlier that you worked with
[redacted] in ethics on that complaint; is that

A. That's correct. That's one of the people I
worked with, yes.

Q. Who - who else did you work with on that?
A. I believe [redacted] actually did the
investigation.

Q. Okay. So you are aware that an investigation
was conducted?

A. Right.

Q. And that witnesses were interviewed?
A. Yes.

Q. How -- how do you know that?
A. Just from reviewing documents and the
information Boeing sent.

Q. Did you know about that at the time or you
only know about it from the documents that were
produced in this lawsuit?
A. Well, so [redacted] interviewed me during
that time, so I knew he was working it, too.

Q. Okay.

A. Yeah. Yeah.

Q. Okay. So would you agree that an
investigation was conducted and witnesses were
interviewed?
A. Yes.

Q. Okay. And do you know what the results of
that investigation were?
A. So I -- so sometime afterwards, I did receive
an email from [redacted] saying that my complaint
was substantiated and that they had started an additional
investigation into behavioral --

Q. Uh-huh.

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A. -- aspects. And then, again, reviewing the
documents that Boeing sent, I see that no corrective
action was taken to correct --

Q. Uh-huh.

A. -- that situation, so...

Q. So in that email, was the

A. I guess I was talking about
the allegation about a process violation. That was
substantiated. And then they were sending the
behavioral issue complaints you had surrounding the
performance review and the action plan on for further

A. No. What -- his email was just very short.
It just said, we -- and he referenced the case number.

Q. Uh-huh.

A. And I don't have that. But he said, in case
number such and such, we found it was substantiated.
And we've started an additional investigation.

Q. Into the behavioral --
A. Into behavioral --
Q. -- issues?
A. -- right.
Q. Okay.
A. And I'm not sure where they drew the line on
that.
Q. Okay. And -- and so you don't know how that

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investigation was concluded?
A. Correct.

Q. Okay. Did [redacted] ever say anything to
you about that complaint?
A. So I recall -- so after I filed the complaint
and -- and when I was being reassigned to MRSA, I
recall us packing up my desk. And -- and [redacted]
broke by, and the only thing he said was, I can't believe you turned quality
in to ethics. It made the whole organization look bad.

Q. And who else heard that comment?

Q. Okay. Anybody else?
A. No. It was just -- I was packing my desk.
And he was -- we were sitting there talking. And

A. Probably the last thing I was informed I was being
transferred to MRSA.

Q. Okay. Is it a fair statement that ethics
complaints were pretty common at BSC?
A. From rumors and gossip, that's what I
understand --
Q. Uh-huh.
A. -- that there was quite a few ethics
complaints, yeah.

Q. You've had ethics complaints filed against you?

A. Right.

Q. -- correct? Okay.

A. Right.

Q. And to the extent that you know, is it Boeing's ethics policy not to reveal the identity of the complainant when they're conducting those ethics investigations?

A. Right. It's not only policy not to identify, but it's also policy that, if you file an ethics complaint against a manager, they can't remove you to a different location.

Q. Correct.

A. -- which would be a violation, which is what he did. He moved me to MRSA.

Q. I understand that's your contention. What evidence do you have for that?

A. Well, the fact that I had filed an ethics invoice -- ethics complaint against him. And prior to that, the ethics complaint being fully addressed, he moved me to MRSA.

Q. Uh-huh.

A. So...

Q. Uh-huh. So if you made the decision to send you to MRSA, without any regard to any complaint that you made against, over a year prior, that wouldn't be retaliation, right?

A. I disagree. I think it would be.

Q. Okay. But that's just your opinion?

A. Well, based on the training I received from Boeing.

Q. Okay.

A. Yes.

Q. You're basing that on training that you received from Boeing?

A. That's correct.

Q. Okay. You also, in addition to that complaint that you filed against, do you recall that?

A. I wouldn't call it an inquiry. I'd call it more like a, "this is unethical and this is BS and it shouldn't happen." But, yeah, I did go to and discuss that situation.

Q. And when you say "this is unethical and this is BS," what are you referring to?

A. The 60-day corrective action plan that he put me on and didn't tell me about.

Q. Well, you and already made a complaint about that, right, and were working with that?

A. At that time, no, because I had just gotten it -- I think it was September 13th. And that following Monday, I went straight up to the office.

Q. The corrective -- the corrective action plan, okay.

A. Yes.

Q. -- take a look at that, Mr. Barnett --

A. Okay.

Q. -- and tell me if you've ever seen that document.

A. I -- actually, I just saw this the other day for the first time.

Q. Okay. When you were reviewing the documents Boeing produced?

A. That's correct.
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Q. Okay. So this is a -- it's titled Case Details Report. It's an inquiry assigned to [redacted] dated September 18, 2014. And the Case Description there, close to the bottom, says, Manager requested advice on how to handle dispute with his manager.

Outcome: Provided several recommendations on what avenues reportant might consider.

Excuse me. And if you flip to the third page, there are just some notes. That second paragraph says, Reportant is a first-level manager in quality, reports to [redacted]. Reportant wanted advice from [redacted] on how to address an ongoing personality dispute between him and [redacted]. Reportant stated he was notified recently of an action plan, which is one step before a PIP. And [redacted] also made some remarks in reportant's mid-year performance management. Reportant believed [redacted] behavior is steadily getting worse but also sees potential improvement.

Do you see that?
A. I do.
Q. Did I read that correctly?
A. Yes.
Q. Does that accurately describe the conversation with [redacted]?
A. It does not. It's not even close. This has

on his desk. And I said, This is BS. There's no way this should be allowed to happen. And his comment was, I can't help you. You need to go to HR.

Q. Uh-huh.
A. I said, Fine, I picked up my -- my documents, start walking out. And as I was walking out, he said, And you might want to work on your approach.
Q. Uh-huh.
A. That's the only thing that was said. So I don't know who -- who he had this conversation with.
Q. He said you might want to work on your approach, meaning what?
A. I took it to mean that I came in there upset, and I shouldn't be.
Q. Uh-huh. In your experience as a manager, you testified that you've put employees on corrective action plans before, correct?
A. I've put on -- people on a PIP, possibly corrective action plans, not that I can remember any specifically right off the top of my head.
Q. Well, a PIP is worse than a corrective action plan, right?
A. Oh, you're talking about the 60-day corrective action plan? I don't think I've ever put

anybody on one of those. I went to a PIP --

Q. You went --
A. -- with a couple.
Q. -- straight to a PIP? You didn't even do --
A. I believe, yes.
Q. -- a corrective plan first?
A. That's correct.
Q. Okay. And your employees weren't happy when you did that --
A. That's correct.
Q. -- right? Yeah. So that's just -- employees aren't happy when they're given any kind of corrective action, correct?
A. Right.
Q. Okay.
A. Right. But, again, as a quality manager, it's my responsibility to make sure that the objective evidence is there to support it. And the PIP that I've initiated was supported by objective evidence.
Q. Okay. One of the other issues that you raise in your amended complaint relates to investigations that -- well, we'll talk about the first one, the E-Nut FOD investigation.
A. Okay.
Q. Do you remember that being included in your

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35 (Pages 134 to 137)
Q. Okay. And that investigation took place in or around 2013-2014; does that sound right?
A. Well, that's when -- I believe that's when we initially found the issue that I -- that made me aware of the issue.
Q. Okay.
A. I'm not sure when the investigation started.
Q. And just to -- and this is obviously a very brief explanation of that issue. But is it fair to say the E-Nut FOD issue was the result of nonconforming E-Nuts that were leaving behind titanium slivers in the aircraft?
A. I don't think they actually defined root cause. And, in looking at the documentation that's been provided since then, it -- it seems like there's assumptions made, like -- like the E-Nut isn't perpendicular or isn't -- you know, but -- but I haven't seen anything to -- to definitely say, yeah, this is the problem. And I've also noticed that it's a continued, even up -- it looks like to present day. It don't -- it don't -- I haven't seen anything that says it was finally addressed.
Q. Well, you haven't worked at Boeing since

---

A. Yes.
Q. Okay. And you allege in your amended complaint that you discovered this issue; do you recall that?
A. I do.
Q. And do you stand by those allegations today?
A. And just for clarification, I was notified by one of my inspectors. And I'm the one that brought it to [redacted]. So when I said I discovered it, my inspector actually discovered it and brought it to my attention. And I had to take action.
Q. Who was your inspector?
A. Oh, who was that? I'm not even going to guess. I'm not -- I can't remember who it was.
Q. Okay. Let's take a look --
A. I just remember --
Q. -- at some emails.
A. -- I was called out to the -- to the plane. Are we done with this one?
Q. Yes.

---

Q. Here you go.
A. All right.
Q. Okay. So this is another email chain. If you flip all the way to the end, that last page, it's where it starts, that email from [redacted].
A. Yes.
Q. -- to [redacted]. And then there's several people copied on this. You're not one of those people, though, correct?
A. No.
Q. And this is August 8, 2014?
A. Yes.
Q. And who is [redacted]?
A. He was a liaison engineer here at Boeing. Q. Okay. He wasn't one of your inspectors, correct?
A. That's correct.
Q. Okay. So he says, Good morning, and I'm looking for a point of contact for the BAC5064 process for installation of the -- a bunch of numbers -- E-Nut screw combination to discuss some new issues we are having duration installation of the floor panels on 787. About a year or so ago, we had issues with E-Nut FOD on line 37 to 90 or so, where the threads of the E-Nuts were peeling off, leaving little
A. Right.
Q. And, basically, the conversation is, you know, everyone's trying to figure out if this is an acceptable condition. You know, what -- basically, what's going on?
A. So if I may interject real quick?
Q. No.
A. Okay.
Q. Please, let's --
A. All right.
Q. -- I'm just trying to get through this email.
A. Okay.
Q. So then on the first page, if you look at the very bottom, from -- and, again, you've copied on this. Or this -- you're actually in the "to" column on this. Do we have any report of such FOD in Everett? My belief is that we have not seen such shavings, even with K1. It looks like isolated issue to me. Do you agree with this? Such kind of FOD as depicted in picture is not acceptable.
A. Yes. And that was --
Q. Okay.
A. -- what I was going to mention was, FODs are not acceptable.
Q. Uh-huh. And then the last email in this chain is from you to where you gave him a status, NC status, line 227 has to be mostly re-inspected as email did not include IRMS location, so we had to start from scratch. It should be done in a while.
A. Did I read that correctly?
Q. Yes, you did.
A. Okay. So then, the issue was identified by . It gets discussed among a whole group of people. And then you start to have your team correct it, correct?
B. MR. TURKEWITZ. Objection.
A. You can answer.
Q. So, again, this email's acting like he found it. But, like I say, we actually discovered it earlier. And my inspector actually lowered the cargo panel and saw all the FOD up there. So...
Q. Okay. So even though we looked at these emails that clearly show he saw it and no one knew about it until raised this issue, you're saying that you found it first?
A. I'm saying my inspector found it on the airplane and notified me of the condition.
Q. Okay.
A. And that's when I bring -- brought in.
Q. Do you have any evidence to support that?
A. Probably in what we turned over. I just -- I'd have to look. I'm not off the top of my head.
Q. Uh-huh.
A. I can't think of any.
Q. Uh-huh. You also allege in paragraph 16 of your amended complaint that ordered him-- ordered you to let the FOD issue go, because it would cost too much to remove all the ceiling panels. Do you remember asserting that in your amended complaint?
A. I do.
Q. You also allege that you were removed from the project another manager was put in charge of it. Do you remember that?
A. Yes, I do.
Q. Okay. And you stand by those allegations?
A. I do.
Q. Okay.
A. In fact, I provided documentation to support those, as well.
Q. Okay.
Q. So this is -- again, she's noting that [REDACTED] discovered this issue. And she is telling everyone that you have to act with urgency to correct it, correct?
A. Well, she said [REDACTED] observed it. He didn't -- she didn't say that he discovered it. But, yes.
Q. And --
A. We need to get on it ASAP.
Q. Right. And then [REDACTED] responds and says, [REDACTED] and [REDACTED] are working this. What's our status on this?
A. Right.
Q. Correct? So -- so you were working on this issue, correct?
A. This says [REDACTED] and [REDACTED]. And then [REDACTED] responds and says, John Barnett is the manager who's been involved. And we are currently looking at line 230 to see if the condition exists, correct?
A. Yes.
Q. And it says, An NC is being written for line 227, listen to that condition. John, please confirm?
A. Right.

Q. And an NC is a non-conformance, is that right?
A. That's correct.
Q. Okay. And so you were the manager involved in inspecting the aircraft to see if the condition exists?
A. I was involved with working with [REDACTED] and them at the time to try to remedy the situation, yes.
Q. Okay. And this was on August 8, 2014?
A. Right.
Q. Okay.
A. But there's some more to this, as well. So I don't know if you're missing it or -- because I -- I replied to this. I replied to [REDACTED] And -- and there were several other issues or several other emails.
Q. Uh-huh. Did you produce those to us?
A. I did. And I also provided y'all the documentation that [REDACTED] had with me and [REDACTED] where he told us to go take point and that -- so -- for [REDACTED] to keep in mind that it could be very expensive to remove the panels, and they might get damaged in removal. And I asked [REDACTED] specifically, How expensive would it be if it sheeted out a panel?
Q. Uh-huh.

MR. TURKEWITZ: Thank you.

38 (Pages 146 to 149)
BY: [Redacted]

Q. And this is just another email. This one's dated August 8, 2014. Again, [Redacted] an email to you and some others just talking about how they're going to resolve the issue. Am I, kind of, summarizing that correctly?
A. I think there's a lot more to it, so could you -- could you paraphrase that again?
Q. Well, the last paragraph says, The ball is in quality's court. They need to follow the appropriate process and start containment. I recommend second shift quality touch base with first shift quality management, John Barnett. LE will engage once the initial investigation is completed. I'll forward you the email chain that started this morning as soon as I can. So they're just talking about how they're going to resolve it. And then that quality -- the ball is now in quality's court. Did I correctly summarize that?
A. Yes.
Q. Okay. And then you email [Redacted] and ask if he was moving forward with an NC, correct?
A. Correct.
Q. So you're involved in the project at this point?

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A. I do.
Q. And what was your response?
A. I don't recall. I'd have to look at my records.
Q. So that was in September 3rd. And you were being asked to provide input into the investigation at that point, correct?
A. Right. Well, he was asking me what the status was, basically, on those issues.
Q. Uh-huh. So you were still involved in the project, correct?
A. Yes.
Q. Okay. All right.

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A. Yes.
Q. And I believe this is what you were referring to earlier. This is the email that you sent to yourself regarding the conversation you had with [Redacted]?
A. Yes.
Q. And this was sent on September 8, 2014?
A. Yes.
Q. Did you send an email -- did you write an

email to yourself to document the conversation?
A. Yeah, the face-to-face conversation. Yeah.
Q. Uh-huh. And -- and why did you do that?
A. Because I felt it was important to document the conversation we had.
Q. Okay. So you document things that are important?
A. Right. And -- and the way I was raised in Boeing is, if something's not quite right or something might come back later, you kind of, need to keep track of it so you have objective evidence.
Q. Okay. So this is a lengthy email. I'm not going to read the whole thing. But I will direct your attention to the third or fourth paragraph that discusses the E-Nut FOD. And it says, At this time, [Redacted] came in and asked [Redacted] how he wanted to proceed with the sample plan for the E-Nuts.
Do you see that first sentence?
A. Yes.
Q. [Redacted] asked how he thought we should move forward. He said he had QC inspect what was accessible on line 232 and he didn't have the results yet. I reminded [Redacted] that [Redacted] and I had sampled line 232 and found a lot of FOD and that those were the pictures I had sent to him. I asked him who

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1. was taking -- taking point on this issue because we had a lot of hands in it and several different directions.
2. He said would he need to sample line 230. Again, I reminded him that I had done that and found a lot of FOD and that I would not sign off on it. He told me to go look at the planes and to keep in mind the cost of taking the panels down. He said they could be damaged by removing them and cost a lot to replace them. I asked him how much damage would it create if the metal FOD dropped into the EE bay and shortened it out. Again, he didn't comment. I take -- is taking point on the E-Nut issue.
3. Did I --
4. A. Yes.
5. Q. -- read that correctly? Okay.
6. A. Yes.
7. Q. Okay. So you don't say, at any point in here, that you removed you from the investigation, correct?
8. A. That's correct, not in this one.
9. Q. Okay. And if he had done that, you would have put it in here, correct?
10. A. At that time, yes, I would have.
11. Q. Yeah. And -- well, he -- you say, is taking point on the E-Nut issue. So if he had said,

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John, you're off, so you would have put that in this document, correct?
1. A. Right.
2. Q. Okay.
3. A. At that time, yes.
4. Q. Well, when you say "at that time," it's clear in this email, after this discussion, that you were going to be taking point on the E-Nut issue --
5. A. Right.
6. Q. -- right? And so, if what you allege in your complaint is true, that you pulled you off this investigation, you would have included that in these notes, correct?
7. A. Yeah, if we had discussed it at that time --
8. Q. Okay.
10. Q. All right. Last one on this, 33. Or maybe not last, but almost last.
11. (Defendant's Exhibit No. 17 marked for identification.)
12. BY [redacted]
13. Q. Okay. This is an email dated September 10, 2014, from you to -- is this [redacted] or [redacted]?
14. A. [redacted]
15. Q. Okay. And it's, kind of, a lengthy email

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chain. But I'll direct your attention to the -- if you look on the third page of this chain, the bottom email is from you dated September 10, 2014. Do you see that?
1. A. I do.
2. Q. And it says, Hey [redacted] thanks for working this. I do have one concern. The line check just states to remove the FOD and move on. Shouldn't we be documenting where the FOD is or at least keeping track where we found it and that we cleaned it? I don't recommend just having a final stump buying off the line check without some OE showing we addressed it. I know this was taken from line 230 and 232 line checks. But I think we can be a little tighter on this. Your thoughts?
3. Did I read that correctly?
4. A. Yes, you did.
5. Q. So you were confirming that the FOD had been cleaned, correct?
6. A. We were discussing the -- the NCs, yes.
7. Q. Right. But -- but you say, We -- shouldn't we be documenting where the FOD is or at least keeping track where we found it and that we cleaned it?
8. So you were acknowledging that it was found and cleaned, correct?

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A. Right.
1. Q. Okay.
2. A. Well, yes, absolutely.
3. Q. And then he emails back. And then you email back on -- at 10:07 a.m. Do you see that? I recommend we be more specific?
4. A. Yes.
5. Q. I recommend we be more specific in the requirements. I suggest adding the requirement to track the three point locations of where the FOD is found. We can attach a spreadsheet to the line check to track the locations. I don't believe pictures will provide the location, unless we tell them to add that info. Just thinking, if these are ever reviewed, how can we show that took the needed action and assured the plane was FOD-free?
6. Did I read that correctly?
7. A. Yes.
8. Q. And agree with you and says, I think I'm following. How does this sound? And he proposes some language --
9. A. Yes.
10. Q. -- correct?
11. A. Yes.
12. Q. And then you respond with some other

40 (Pages 154 to 157)
Q. You don't say anything about that on these emails. You are actually -- you know, you and [redacted] are crafting language that you will use to document how the E-Nut FOD issue was remedied, correct?
A. Right, based on my experience with the company.
Q. Okay.
A. Yeah.
Q. So, at this point, you hadn't been -- [redacted] hadn't removed you from the investigation, correct?
A. [redacted] was leading the investigation. And, yes, they had told me that they was going to take it and I was going to go over POS 3.
Q. Okay. But you were still working on it, as these emails clearly show, right?
A. People were asking me --
Q. Okay.
A. -- questions. And I would provide my --
Q. And --
A. -- responses --
Q. -- and these emails --
A. -- yes.

the email. And when I do, you say something different. So I'm just trying to -- this email says how -- Just thinking, if they are ever reviewed, how can we show that we took the needed action and assured the plane was FOD-free?
A. Right, because it --
Q. So you're recommending --
A. Sorry.
Q. -- that you craft language to show that, language that [redacted] originally was not going to include. And you explained to him why you think it's needed;
A. Yes.
Q. Okay. All right. We're done with that one.
Okay.
And you didn't include the issue with the E-Nut investigation that you included in your amended complaint in your AIR21 complaint to OSHA, correct?
A. I'm sorry; say that again.
Q. You filed an AIR21 complaint --
A. That's correct.
Q. -- with -- you recall that?
A. Yes.
Q. You didn't include this issue with the E-Nuts in that complaint, correct?
A. That's correct.
Q. Okay.
A. In the original, yes.
Q. Uh-huh. And why was that?
A. Well, because, actually [redacted] had taken lead on it. And I, kind of, pushed it aside because I was no longer responsible for it. And then when I filed my AIR21 complaint, I had the other three major issues in front of me. And then, after I filed my complaint and was going through my documentation to pull out the objective evidence, I came across these emails and realized that it hadn't been addressed either. So I included that one.
Q. Uh-huh. That what hadn't been addressed?
A. The E-Nut FOD issue.
Q. Well, we just went over several emails showing that it clearly had been addressed, correct?
BY [redacted]
A. I --
Q. You can answer.
A. I disagree.
Q. Okay. What part of the email that we went through do you disagree with?
A. Okay. So -- well, you're -- you're -- so this sentence, just thinking, if these are ever reviewed, how can we show that we took the needed action to assure the plane was FOD-free, so this is from a documentation standpoint. I'm not saying that the planes were FOD-free. I'm saying, we need to create the documentation to show that they were FOD-free.
Q. And you wouldn't be documenting the fact that they were FOD-free if they weren't FOD-free, would you?
A. Well, so the way the processes work is, you identify what areas the FOD is located in. And then you -- and you draw up the appropriate paperwork so that the FOD is cleaned and bought off and verified by the inspectors.
Q. Uh-huh.
A. We didn't gotten to that point. That's what -- that's what they're talking about here, is, how do we create the paperwork to work the plane, to show that it is FOD-free?
Q. Okay.
A. And we're not there at this point.
Q. All right. Well, let's -- let's go back to that email for a second, then.
A. [redacted]
Q. Okay. Let's go to -- I think it's page 6 of this email chain. It's also in early September 2014.
These are dated September 8th. The first email on that page is from [redacted] to you. And it says, John, See note below. Several areas have been inspected with incremental buy-offs, so please review and let me know if we have completed the inspection of all accessible areas that were available without dis-- disassembly per disposition.
Did I read that correctly?
A. Yes.
Q. Okay. So that's in -- again, on September 9, 2014. And [redacted] is asking you to, again, be a part of the investigation, inspect the areas that have incremental buy-off, correct?
A. Well, he's telling me to review the work that was --
Q. Or review --
A. -- done.
Q. I'm sorry. You're -- yes, you're exactly right, review what was done.
And then you respond and you say, Line check complete for lines 230 and 232. NC's line 230 have been canceled, written in error. Let me know if you would like additional information.
He responds and says, Awesome, and, Thanks, John, I appreciate how well you worked through this complicated and confusing issue with operations to find a way forward.
Did I read that correctly?
A. Yes.
Q. Okay. So that's [redacted] paying you a compliment, right --
A. Right.
Q. -- about this very investigation?
A. Yes.
Q. Right? And this is the same investigation that you allege in your complaint that he pulled you off of?
A. Right. Well -- so, again, this is the paperwork side. This is not actually working the airplane and the -- and the FOD on it.
Q. Okay. Okay. Let's move along. Okay. So you were assigned to the MRSA in February of 2015, is that correct?
A. I was reassigned. I'm not positive the date.
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but, yeah, okay.
Q. Okay. And the MRSA stands for Material Review Segregation Area?
A. Yeah, correct.
Q. Okay.
A. [Redacted]: I think I've got to go to the next binder. Thanks.
Q. [Redacted]: Is the mic on? Does that have the clip on it?
A. [Redacted]: Did it come apart?
Q. I do want to go off the record for a minute.
A. [Redacted]: Off the record, 14:16.
Q. I want to go off the record, 14:21.
A. [Redacted]: Back on the record, 14:21.
BY [Redacted]:
Q. Okay, Mr. Barnett, we were just discussing your transfer to the Material Review Segregation Area, otherwise known as the MRSA, right?
A. Correct.
Q. Okay.
A. [Redacted]: Oh, sorry. 37. I keep wanting to do that.
(Defendant's Exhibit No. 18 marked for identification.)
BY [Redacted]:
Q. Okay. Can you explain a little bit about what the MRSA is?
A. Yeah, the Material Review Segregation Area is responsible for correcting all the non-conforming or -- yeah, nonconforming, defective parts, keeping them -- control of them, and assuring that they meet the final disposition of the NCR that they were rejected against.
Q. Uh-huh.
A. And then, say, if the parts scrap, it's our responsibility to scrap it. If it's sent back to the supplier, then we send it back to the supplier.
Q. Uh-huh. And so it's a way to ensure that defective parts aren't on the production floor, correct?
A. Correct.
Q. Okay. So it's an important part of the --
A. Absolutely.
Q. -- organization? Yeah, okay.
A. So this is an email from [Redacted], some of this is hard to read -- but the part that I am interested in is not, so then that's good -- from [Redacted] to several people. It looks like mostly quality -- the quality -- quality managers and folks in

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the quality organization. And the subject is FAD/QTS quality organization announcement. And [Redacted] writes, It's my pleasure to announce the following management assignments effective February 11, 2015. These changes are designed to develop and strengthen our quality leadership team and further align quality with operations in support of BSC rate readiness.

And he announces that [Redacted] who is currently the MRSA quality manager, will replace [Redacted] as the MRBD manager, and that you, currently position 3 quality manager, will replace [Redacted] as MRSA manager starting February 16th.

Did I read that correctly?
A. Yes, you did.
Q. Okay. And then he ends with saying, Please congratulate and extend your full support as they transition and assume their new roles.

Did I read that correctly?
A. Yes.
Q. Okay. So he was -- celebrating those transfers to the new positions, correct?
A. He was celebrating them, but I wasn't. Yes.
Q. Okay. And why is that?
A. Well, because a -- a quality manager actually on the airplane, touching the airplane, working with

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the airplane, is a much more critical job function of the quality organization because you're dealing -- actually dealing with the airplane and the final product. MRSA is an important part as far as keeping control of nonconforming parts. But as far as managing MRSA, I considered it was a slap in the face.

Q. Uh-huh.
A. If -- it was pulling me off production line, where I was working, like I say, with the airplane, to where I'm just handling parts.
Q. Do you think [Redacted] was slapped in the face when he was transferred to the MRSA? He was your predecessor there, right?
A. Yes. Yes.
Q. Do you think they were -- they had transferred him to the MRSA to punish him?
A. You'd have to ask him. I'm not sure.
Q. Well, didn't go on to be the manager of the quality assurance investigations department?
A. Yes. That was another role he took.
Q. Uh-huh.
A. Yes.
Q. Would that be a department that you would consider to be something better than the MRSA?
Q. So it wasn't a demotion, correct?
   A. Not as far as title. But as far as responsibility, yes.
   Q. And you were -- received a raise at the time you were transferred, correct?
   A. Not as part of the transfer, no.
   Q. Well, I can show you the work records. I believe --
   A. Okay.
   Q. -- you received about $3,000.
   A. Was that based on my PM review or my -- or because I was moved?
   Q. At the time you were moved, you received about a $3,000 raise.
   A. So that was -- right. So that had been for my performance in 2014 --
   Q. Okay.
   A. -- not for being moved.
   Q. Okay. And isn't it true -- we discussed this a little bit earlier -- but managers were moving around
to different departments frequently during this time period; isn't that correct?
   A. There were some, yes.
   Q. Yeah.
   A. Not all.

Q. And we just went over email where they were moving into different areas, correct?
   A. Correct.
   Q. Are you aware that, at the time, there was a thought among Boeing senior management that they wanted
their managers to get experience in different areas of the plant?
   A. I was never told that, no.
   Q. Okay. So you just don't know?
   A. Right.
   Q. Okay. And when you moved into MRSA, became your supervisor, correct?
   A. That's correct.
   Q. Okay. And you said told you you would never leave the MRSA? Did I --
   A. No.
   Q. -- understand your testimony correctly?
   A. No. What I said was, per our conversations, I received -- I was -- it was made very clear that I wasn't going to.
   Q. And what -- what did he say, exactly?
   A. So a couple of times he told me he was going to push me until I broke. He was constantly
undermining me, setting me up for failure, basically,

because what he would do is, as my manager, was he would -- he would assign me work to have my team work.
And, at that time, I was over all three shifts. So he expected me to cover all three shifts at all hours of
the night. And he would assign me work to get done, like, on second shift that night. So I would take that
assignment and I would spread it amongst my team. I'd delegate and assign it to who I felt best would work
it. And, several times, I would come in the next morning, and he would catch me first thing in the
morning and take me up to the office and just chew me out because my team didn't get the work done the night
before. Well, it was second shift, so I had to wait until they came in. So when they came in, I'd go down
and talk to who was my lead at the time. I'd say, Hey, guys, you know, why didn't we get the work done last
night? And they -- several times, told me, Well, after

you left came down and pulled us off to another assignment, so we couldn't work this.
Q. Uh-huh.
   A. So he came in, reassigned my people, and then they chewed me out because my people didn't get the work
done that I was supposed to get done.
Q. Uh-huh. So what does that have to do with
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Q. Okay. Let's discuss another issue that you raise in your amended complaint, an investigation into the backlog of the nonconforming parts that hadn't been properly dispositioned. Do you -- do you recall raising that in your amended complaint?
A. Backlog of non-conforming parts. No.
Q. You referred to it as the missing parts investigation or the lost parts investigation.
A. Oh, the lost nonconforming parts.
Q. Yes.
A. Yes, yes.
Q. Okay. And you recall raising that in your amended complaint?
A. Yes.
Q. Okay. So my understanding is, shortly after you came into the MRSA, you and your team quickly realized there was a significant backlog of nonconforming parts that hadn't been properly dispositioned; is that accurate?
A. No.
Q. Okay.
A. That's not accurate.
Q. All right. So -- so there wasn't a significant backlog of nonconforming parts --
A. No. So --

Q. -- in the MRSA?
A. -- so what the issue is is, when you have a nonconforming part, it's -- it's put on -- what's called a NUT tag. It's a --
Q. Uh-huh.
A. -- non-unitàzaed tag. So what I found, after doing an audit in MRSA, that we had a significant number of open non-unitàzaed tags.
Q. Right.
A. And we didn't have the parts.
Q. Right. So they --
A. So the parts --
Q. -- and they hadn't been properly --
A. -- had been lost. Q. -- dispositioned in Velocity, correct?
A. They had been lost, yes.
Q. Well, how do you know they had been lost?
You had to do an investigation to -- to determine whether or not they had been lost, correct?
A. Well, no. Because the way we reconcile an MRSA is, we pull a list of the open NUT NCRs and we compare it to the parts we actually have on our shelves. And then, any NCRs that do not have associated parts, they're lost.
Q. Uh-huh.

A. They're no longer in our control. And we don't know where they went without a complete investigation.
Q. Okay. And did you give an investigation, correct?
A. On which ones?
Q. There was an investigation that was involved in, correct?
A. So there were several different investigations.
Q. Okay.
A. There was about five or six different ones.
Q. Okay. So let's look at some emails. ([Redacted])
39. (Defendant's Exhibit No. 19 marked for identification.)

Q. Okay. This is an email chain. If you think to the last page of the chain, we'll start with that email. This is dated May 27, 2016. It's to --
A. And you --
Q. Okay. I'm reaching out for some assistance with a project. We currently have 420 open NC SOIs for parts to be reworked. The issue

45 (Pages 174 to 177)
is, most of the NC OIs [sic] have partial buy-offs, but the parts have been lost, thrown away, or other. Some of the SOIs go back to 2011. Attached is a plan that will allow us to do some investigating and make a business decision to close out the open SOIs. But I need MMO and manufacturing support to work this. Please review the attached and let me know if you're willing and able to support it. If able, please let me know who in your org I can work with in order to get those -- these investigated and closed out, please.

Did I read that correctly?

A. Yes.

Q. So this is the investigation I'm referring to. It's over 420 parts, correct?

A. Okay. So this is just one of them. And the -- this is the ones that we had in MRSA control or that had come through final assembly MRSA. This is not including the ones in the other two buildings' MRSA or the other areas. Like --

Q. And --

A. I say, we've had about five different parts. And, at one time, it was up to, like, 1,800 non-conforming --

Q. Okay,

A. -- that were --

Q. -- that's the one that you're talking about in your amended complaint. We just confirmed that.

A. So read that again. I'm sorry.

Q. You -- you're welcome to take a look at it.

You have it there. In July of 2016, Barnett was assigned to handle lost nonconforming parts Shop Order Instance -- SOI -- closure activity at NMR -- at MRSA, and was given two days to close out over 400 lost nonconforming parts SOIs without investigating them.

And this email refers to. We currently have 420 open NS -- NC SOIs for parts to be reworked.

So this -- you're -- what you're referring to in this amended complaint and that paragraph refers to this investigation into these parts, correct?

A. I disagree.

Q. Okay.

A. Because there's another email where it specifically says we have two days to close out 400 SOIs.

Q. Okay. Do you have that email?

A. Y'all do. I know we -- we turned it over.

Q. Okay.

A. But, actually, I have three or four of them where I've sent it to different people because there was several different buckets.

A. Right.

Q. Okay.

A. On that bucket. That --

Q. Well, that's the --

A. -- don't include all of them.

Q. Uh-huh.

A. So it's not just one comprehensive list.

Q. Uh-huh.

A. There's several different buckets everywhere.

Q. Well, yeah. It -- it'd be great to see that email. Because --

A. Y'all have them.

Q. -- we're about to go through --

A. Yeah.

Q. -- several emails where --

MR. KNOWLES: You want to take a break and let's try to find it?

Sure.

MR. KNOWLES: All right.

Off the record, 14:37.

(A brief recess was taken.)

Back on the record, 14:44.

BY

Q. Okay, Mr. Barnett. I'm going to show you an email -- oh, did she just -- yeah, thank you -- dated August 1, 2016, or -- the top email is dated August 2, 2016. The -- but it's from But it's responding to an email from you dated August 1st. Why don't you take a look at that email?

A. Yep.
Q. Is this the email you were referring to a little bit ago?
A. This is one of several that I sent. But yes, this is an example.
Q. Okay. So you say -- let's see -- We need your help in tracking down these parts or having a lost part form signed to show we have looked for the part and not -- were not able to locate them. I will get more detailed in the meeting, but wanted to give you an idea of what help I need beforehand in case you want to have one of your seniors take this on. Attached are the list of parts we are looking for and, when possible, the BIMs of the person we gave it to.
Q. Is that the -- like, an employee ID?
A. Yes.
Q. This is a very high-visibility concern, and we are limited to two days to get these addressed. I could really use your help and support on this, please. So that's the two days that you referring to in your --
A. Correct.
Q. -- amended complaint?
A. Correct.
Q. Okay. But you don't say anything in this email about there 400 parts, correct?

Number 38.
(Defendant's Exhibit No. 21 marked for identification.)
BY [Name]
Q. Interesting, okay. All right. That email is in here. Here we go. Okay. So if you -- this is actually the email we were just looking at.
A. Yeah.
Q. If you flip to the second page, you'll see an email from you where you say, This is a very high-visibility concern. We're limited to two days to get these addressed, right? We just --
A. Yes.
Q. -- just read that.
The [Name] responds. Wait a second.
That's interesting.
A. August.
Q. Yeah. Okay. All right. Let's look at the first page of this. I'm not exactly sure what's happening there. But --
A. Oh, this is two different emails.
Q. Yeah.
A. Okay.
Q. So May 27, 2016. Subject is, MRSA open SOI Burndown Plan.

What does that mean?
A. So it's a SOI burnout plan. And what they did is, they listed all the NC SOIs that were lost or we couldn't locate the parts for. And they had a very steep expectation to get them closed out as soon as possible. So, that's what the burnout plan was.
Q. And when you say SOI, that's SOI-1. Does that stand -- what does that stand for?
A. Shop order instance.
Q. Okay. And what does that mean?
A. It's basically a work order to --
Q. Okay.
A. -- perform work.
Q. And -- and so this is referring to the not open -- the nonconforming parts that hadn't been properly dispositioned in Velocity, so you didn't know where they were, correct?
A. Right.
Q. Okay. And [Name] responds and says, You have until the end of July. Add [Name] --
He's very interested in helping this cause and he normally has 0 JBS and can help, correct?
A. Right.
Q. Okay. So giving you till -- well, let's go back and look at your email.
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Q: You say, Talking with [redacted] is that [redacted]?

A: Yes.

Q: -- it took him over a month to get their 189 parts cleared up. So I'm guessing, with the right resources in place, we could have these knocked out by the end of August if we hurry. Let me know if you approve of this plan.

And then [redacted] said, You have until the end of July.

Did I read that correctly?

A: Yes.

Q: Okay. So he -- so that's not two days, right? He's giving you till -- this was in May. He's giving you almost two months?

A: For these, yes --

Q: Uh-huh.

A: -- which is a different batch.

Q: Okay.

A: Yes.

Q: So why would he give you two months for these and two days for another?

A: That would be a question for him.

Q: Okay. And do you recall -- again, we're going to go through the emails. But do you recall this batch of 420 in particular? Do you recall the investigation into that?

A: I believe, if I'm correct, the 420 are the ones that I had [redacted] my lead, work. And, like I say, there was five or six different lists. Some had 400. Some had a couple hundred. So it was -- it was pretty chaotic at that time. We had different people involved with different --

Q: Yeah.

A: -- lists. And nobody really --

Q: I mean, this was --

A: -- was sure.

Q: -- an extensive investigation that went on for months, right?

A: Well, it was an extensive issue --

Q: Yeah. And -- and --

A: -- not so much --

Q: -- an extensive --

A: -- an investigation.

Q: -- investigation --

A: Right.

Q: -- that went on for months, correct?

A: Yeah, as far as MRSA. Yeah.

Q: Yeah.

A: Yes.

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Q: Okay. Okay.

(Defendant's Exhibit No. 22 marked for identification.)

BY [redacted]

Q: All right. This is a pretty lengthy email chain with some attachments, some kind of PowerPoint-like attachments. But the first page, it's an email from [redacted] -- excuse me -- dated July 14, 2016. He says, John, your progress is looking good so far. Just need to get more aggressive getting all Orgs involved. What help is needed? How's completion progress coming along on the NUT S0s and NUT EPDs with the other org support?

So he's referring to the issue that we just discussed, the lost parts issue?

A: Well, he's talking about two different things. "The progress is looking good" is -- is talking about the inventory we have in MRSA. And the, "how is the completion progress -- process," is a different subject.

Q: Okay. But he says, How's completion progress coming along on the NUT S0s and the NUT EPDs with the other org support, correct?

A: Correct.

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Q: And that's referring to the missing parts investigation that you referred to in your complaint, correct?

A: I -- I wouldn't say as referred to in my complaint. I would say that it was a batch of the lost nonconforming parts that I was responsible for, that I had [redacted].

Q: Well, this is -- the subject line is, 2006 BSC Site NUT Backlog Metrics? Yes?

A: Yes.

Q: Okay. So he's not talking about one batch. He's talking about the metrics for the BSC site NUT backlog, which is -- would be the -- the backlog that we were just discussing and would be the missing parts investigation that you all conducted, correct?

A: No, that's incorrect. And if you look at the charts back here, top five aging NUT NC EPDs for final assembly, delivery, that's the -- that's the backlog he's talking about, the top five aging NUT NC EPDs for A&I.

And if you look at the next one, it says, Aft body A&I and mid body A&I. So those are all different areas. And those are all -- all different groups of parts and different projects, right. Does that make sense?

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Q: Okay.

(Defendant's Exhibit No. 22 marked for identification.)

BY [redacted]

Q: All right. This is a pretty lengthy email chain with some attachments, some kind of PowerPoint-like attachments. But the first page, it's an email from [redacted] -- excuse me -- dated July 14, 2016. He says, John, your progress is looking good so far. Just need to get more aggressive getting all Orgs involved. What help is needed? How's completion progress coming along on the NUT S0s and NUT EPDs with the other org support?

So he's referring to the issue that we just discussed, the lost parts issue?

A: Well, he's talking about two different things. "The progress is looking good" is -- is talking about the inventory we have in MRSA. And the, "how is the completion progress -- process," is a different subject.

Q: Okay. But he says, How's completion progress coming along on the NUT S0s and the NUT EPDs with the other org support, correct?

A: Correct.
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Q. No.
A. Sorry. So let's start with the charts.
Q. Well, no. 1 --
A. Okay. I'm sorry.
Q. The subject line is BSC site, which is the whole BSC site, correct --
A. Right, which these --
Q. -- not --
A. -- charts are a part of.
Q. Okay. Understood.
A. They're not all of them.
Q. Not -- and then it says, NUT backlog metrics.
When he says "NUT backlog," that refers to the issue that we were just discussing, that you had nonconforming parts that had not been properly dispositioned in Velocity. And you weren't sure where they were located, correct?
A. No. He's talking about this NUT backlog that's in the charts.
Q. Okay. What is a NUT backlog?
A. It's -- it's a non-qualified tag. And again, like I say, MRSA is responsible for controlling the parts that have NUT tags on them.
Q. What's a non- -- what's a non-qualified tag?
A. It means it's not associated to an airplane.

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So it's a stand-alone NCR, basically. It's a stand-- it's a part that's been rejected, that's not attached to any airplane.
Q. Okay.
A. And a unitized NC is actually attached to the airplane.
Q. It's been installed in the airplane or it's been identified as attached to the airplane?
A. It's been identified to go to that airplane.
Q. Okay.
A. Yes. Yes.
Q. So these are nonconforming parts --
A. Right.
Q. -- that are not attached to any airplane?
A. Right. They're non-qualified.
Q. And what's the -- why is there a backlog concerning about that? Why is it concerning to have a backlog of those? Why was this an issue that you all were dealing with at all?
A. Well, because leadership didn't want parts in the cage. They just wanted them out. They wanted to get rid of them. So they held me to very strict and, actually, unreachable or un-- unmanageable deadlines on how to get rid of them. And I argued that point with him many times. It was like MRSA is the recipient identification.)

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BY
A. Yeah. So this is -- I think these -- yeah, these are the ones that and myself were working. So, again, this is a different batch than what we were talking about, I believe.
Q. Okay. I'm going to show you another email chain, same subject line. If you look at the bottom of the chain, it's from
A. Let me see this.
Q. It's dated July 20. And he says, What's the holdup getting the NUT SOIs in MB and FAD burnt -- burnt down? Do you see that?
A. Yes.
Q. Okay. Wait. Oh, yeah. And you respond and say, Hey, boss. Hope your day's swell. This is a fairly long, tedious process to investigate each part. and are doing a great job in the time they are allowed. After talking with they are able to support about 60 percent of their time on most days. They're still required to complete their RTT jobs as well. Since these are going to be disclosed, I want them to do a good job in -- of investigating and trying to find a way to close the SOI without canceling it. If we want these closed sooner, we can just bite the

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bullet and say we lost them and cancel them. That will create a much longer list to provide to the FAA -- FAA, but that can be done. Just let me know your preference.
A. Okay
Q. Did I read that correctly?
A. Yes, you did.
Q. Okay. So -- so this is talking about the issue that there were -- well, let me ask you. Why were you going to need to disclose this to the FAA?
A. Well, because, like I say, a lost nonconforming part is -- is a pretty significant violation of -- of our processes and procedures.
Q. Uh-huh.
A. And we actually have a procedure that tells us when we need to disclose to the FAA.
Q. Okay.
A. So if we have a lost nonconforming part, and we can't prove that it's not on an airplane --
Q. Uh-huh.
A. -- then we have to disclose that so that that air [sic] can -- the authorities to be can decide if that airplane needs to be inspected or not.
Q. Okay. Right. So --
A. Yeah.

there were other buckets that you didn't investigate at all?
A. There were other buckets that wasn't assigned to me to investigate, that other people were doing.
Q. So the buckets that were assigned to you, you did investigate?
A. That's correct.
Q. Okay. Who were they -- what buckets were assigned to other people?
A. Well, I know [redacted] was working quite a bucket. That was separate from the one I was working.
And --
Q. So your testimony --
A. -- I believe there were --
Q. -- is that --
A. -- some more.
Q. -- you weren't working with [redacted] on that?
A. Not directly, yes, that's correct.
Q. Okay.
A. He kept me in the loop, but I was not -- he didn't report to me. I didn't give him direction, anything like that.

(Defendant's Exhibit No. 24 marked for identification.)
BY [redacted]
Q. So this is an email from you to [redacted] and [redacted] correct?
A. Yes.
Q. It's dated September 14, 2016. And the subject is, Open NC SOI Plan, correct?
A. Yes.
Q. And you say, Hi, all. Below is the burndown plan for the open NC SOIs. Our going-forward plan:
We've been able to track down objective evidence on 38 of the original 171 open NC SOIs. And those SOIs have been closed. We determined that, instead of closing them, they all need to be revised and completed. That action is in work. Out of the remaining 113, 20 of them are from miscellaneous part types. We plan to have those investigated and either revised and completed with objective evidence or identified as lost by the end of this week. If any are identified as lost, we will have a lost part form signed, processed and attached to the SOIs and the SOIs completed. Did I read that correctly?
A. Yes.
Q. [redacted] is who you were referring to.
earlier. He reported to you, correct? 
A. That's correct. 
Q. And you were sending that to [redacted] as well? 
A. As a cc, yes. 
Q. Right. And you refer to this as the open NC SOI plan, which is what the subject line was on some of these other emails that we were just discussing. So this was the plan to address the missing parts problem, correct? 
A. That I was working, yes. 
Q. Okay. 
A. Not all of them, yes. 
Q. All right. Well, you've copied [redacted] on this, so he must have been working on this, too, correct? 
A. No. It was just to keep him in the loop so he could see where ours was. 
Q. Okay. 
A. And we could -- we could keep the notes together, so we could -- we could have a -- what they called a closed-loop investigative process. And I know this is very confusing, trying to pick out the details of the emails. But, like I say, there was multiple people and multiple lists on it. I was assigned to work the ones that were under my control. And [redacted] was assigned to work the other ones, like from mid body and aft, that I didn't have responsibility for at that time. So we had several different -- several different groups and several different people working on it. So I don't -- I don't know that there's an email that captures everything because it was just so sporadic. 
(Defendant's Exhibit No. 25 marked for identification.)
Q. This is an email dated September 22, 2016, from you to [redacted]. Again, the subject, Open NUT EPD SOI. Here are the final results of the investigation for the lost parts. The ones that are white are the ones that we have no idea where they went. The ones in yellow are multiple parts and we can account for some but not all. The ones in green are complete. Let me know when the lost form part is complete so we can start clearing out the ones that are still open. Did I read that correctly? 
A. Yes. 
Q. And then [redacted] responds, John, the team did a great job deep-diving the lost parts and dramatically reduced the count. I requested [redacted] to compile a summary of the results. When can you provide it for us to review with [redacted]? Did I read that correctly? 
A. Yes, you did. 
Q. Okay. So do you remember receiving this email? 
A. Yes, I do. 
Q. Okay. So he's asking you to provide the summary then compiled -- 
A. Is working on. 
Q. -- correct? 
A. Right. 
Q. Right. So this -- so you and [redacted] were working together on this, correct? 
A. No. Because, like he said, he requested [redacted] didn't know anything about it. And then he told me to let him know when it was done. So I had to go see [redacted] to see what he was talking about -- 
Q. Uh-huh. 
A. -- and see when he'd have it ready. 
Q. So your testimony -- 
A. He, kind of, used me as -- 
Q. -- is that -- 
A. -- a middle man. 
Q. And [redacted] asked you to present a summary that you had no idea of what it would be about? 
A. Well, I didn't know what he had requested of [redacted] other than a re -- compile a summary. I didn't know what he was looking for. So I had -- 
Q. Well, you -- 
A. -- to go ask [redacted]. 
Q. Okay. Well, this was an email in response to the email you sent, which was a -- a high-level summary of where you were with the investigation, correct? 
A. Right. 
Q. Okay. 
A. Right. 
Q. And this was dated September 27 -- 22, 2016, correct? 
A. Right. 
Q. And the first email that we looked at on this issue was dated, I believe, the end of May 2016, correct? 
A. Right. It was a long, long, drawn-out issue. 
Q. Yeah. So it was a long investigation, right? 
A. Issue, yeah. 
Q. Well, you use the term, Here are the final results of the investigation for the lost -- lost parts.
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A. Right.
Q. Okay.
A. Do we have those charts that were attached?
Because I think there were --
Q. I do not.
A. -- several hundred that we couldn't locate.
Q. Well, in the -- in a previous email, you give
the numbers. Out -- out of the remaining 113, 20 of
them are -- I'm sorry. We've been able to track down
objective evidence on 58 of the original 171 open NC
SOIs. And those SOIs have been closed.
A. Right.
Q. So --
A. When's the date?
Q. -- that's what we're dealing with on that
one. September 14, 2016.
A. Right.
Q. [Marked for identification.]
(Taken by TURKEWITZ.)
A. Okay. 46.
BY
Q. Okay. So I just handed you an email dated
September 23, 2016. It's another email chain. If you
go to the bottom, it starts with an email from

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... dated September 22, 2016. And it's to
... who's [Marked for identification.]
A. Okay. So ce'ing you and who was working on this project, and
B. Right.
Q. -- who was working on this project with you.
Okay.
... we need to go back to our
... original [Marked for identification.]
... list of 57 -- 56 total open nonstranger SOIs I was
given to work on. It was only open nonstranger SOIs
highlighted in blue, [Marked for identification.]
... highlighted in red. She's been swapped out
... some more time to dig through the MMO system for us to research
... the open SOIs highlighted in red. She's been swapped out
... and hasn't had a chance to do anything this week.
Did I read that correctly?

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A. Yes, you did.
Q. Okay. So this is an email from
... and copying you and
two members of your team --
A. That's correct.
Q. -- correct? And they're, again, talking
about the open NUT EFF SOIs. And he refers to it as
"our project," correct?
A. Where did you see that? Anyway, yeah, it's
all --
Q. They're --
A. -- it's all of our project, really.
Q. Yeah.
A. Yeah.
Q. Okay. So -- so this was one project, and --
and a very time-consuming investigation, correct?
A. Right.
Q. Okay. So then people respond. How do
we know the parts we can't find [Marked for identification.]
are not on an AP?
A. Yes.
Q. Can you put this into a part -- a pie chart
by type, e.g. blankets, panel, stringer, etcetera?
Thank you

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And when he says "AP," he means an
airplane --
A. Correct.
Q. -- right?
A. And then you respond and you say, We don't
know that they're not on an AP. That's been the issue
all along.
Q. Did I read that --
A. Right.
Q. -- correctly? Okay.
A. And then he responds, We will need to have a
talk with [Marked for identification.]
at some point. We must have confidence
in our QMS there are no defective parts on the AP.
There's a way to get a more confident analysis.
Perform an analysis on the ISI reports by part number.
When can this be accomplished? By Monday or Tuesday?
Q. Did I read that correctly?
A. You did.
Q. Okay. So he's saying, We need to get
confidence that we know where these parts are, correct?
A. Right.
Q. Okay.
A. Do we have the rest of this email? Because
this email chain was longer than this.
Q. We might.
A. Because I replied to him and, I think, Let's actually do this one.

By
A. So if you read my complaint, I think we're getting a little off track.
Q. Okay. Well, I'm going to show you that one. This is an email from you responding to an email from
on the same date as the email we just read. It says you reached out to SEOL, and we can see if he can provide a report that can be searched by part number for in-service investigations to see if any of the ones you guys are working show up.

And then you respond. What's the end game on this? Just trying to understand what an in-service investigation will do to help address our lost parts since they are not serializes or ARR -- ARL controlled.
All it will be is a part number and a wild guess based on dates. Is this a wise decision to spend our valuable time on?

A. He was working on the lost parts that we couldn't find objective evidence for. But we haven't gotten into the ones that were already bought off yet, so...

Q. Okay.

BY
Q. You guys like to email. (Defendant's Exhibit No. 28 marked for identification.)
MR. TURKEWITZ: Here you go.

Q. This is an email, starts with you, from you to. This cc'd on September 29th. Lost parts needing MMO assistance.

A. What's MMO?
Q. Do we have the rest of this?

A. What's MMO?
Q. Materials management organization.
A. Okay. We've been tracking down nonconforming parts that still have open NC SOLs against them. We have searched through all rec -- all through old
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And I know there's a couple more where it specifically states in there we have two days to close these out.

Q. Okay. Well, if -- that email may have said that. But you took months. The -- the team took months to close them out, correct?
   A. Right. Exactly right.
   Q. Okay. So you -- you didn't just have two days. You had several months. In fact, the investigation, as we'll see in a later email, wasn't completed until January of 2017.
   A. Right.
   Q. Okay.
   A. Right.
   Q. Okay. So you didn't -- you didn't just have two days. You had several months, correct?
   A. No. I had two days. It's in the email.
   Q. But you didn't take --
   A. He told me I --
   Q. -- two days, right?
   A. It drug out --
   Q. Correct.
   A. -- past the two days.
   Q. Yes. Okay.
   A. But I still was given two days --
   Q. Okay.

54 (Pages 210 to 213)
Q. Well, we have multiple emails where everyone is talking about investigating and getting the resources you need to make sure you can complete the investigation, right?
A. Right.
Q. Okay.
A. When I didn't meet that two-day turnaround, yes.
Q. Let's do this. Yeah.
(Defendant's Exhibit No. 29 marked for identification.)
BY:
Q. Okay. Another email chain. If you flip to the second page, it's an email from cookies -- it's to cookies and... copying you and... Subject, List of Paris. Missing.
A. So it's -- I.D. says, we determined to go in a more directed direction on Wednesday. I thought we would have mentioned it to you because he was in the meeting with the team. He was putting together foursquare on the 36 items in question. The foursquare will include the following: Pic of defect with the NUT if available; IVT pic of the... squares in it. And it -- and it gives the status and provides data to leadership.
Q. Okay.
A. So this is more the administrative side.
Q. Right. You're trying to do a report out to senior leadership on this investigation --
A. Right.
Q. -- correct? Okay.
And then, (redacted) responds. Please schedule a 60-minute meeting on Thursday, November 3rd with the folks to do. Topic: MRSA list part status, correct?
A. Correct.
Q. So senior leadership wanted a meeting to discuss this investigation and this issue, correct?
A. Yes.
Q. And then you sent an email to that says, Sharing. Need the deck by Thursday morning. You want to come pitch it?
Q. Right.
A. Right.
Q. -- smiley face, right?
A. Yep.
Q. So this was a project that you and... were working on. And you were working on the deck together. You even invited him to come pitch it.

Q. Part identifying where the defect is located; copy text from NUT describing the defect in detail; quality to identify what the impact is if assembled on the airplane; identify within a two-to-four-week window from NC initiation that APs this could have been installed on.
Q. When this is completed, quality leadership will have enough details on each part to review each one and determine next actions.
Q. John -- referring to you -- upon... and 1 reviewing the initial foursquare yesterday, you were given approval to move forward in completing the balance of the 38 foursquares. What's the CD to complete them?
Q. Did I read that correctly?
A. You did.
Q. Okay. And then you respond on October 28th. And you say, ECD for the remainder of the foursquares is November 2nd, Wednesday --
A. Right.
Q. -- correct?
A. Right.
Q. So you're still conducting this investigation as -- in late October. And what is the foursquare?
A. It's an actual -- it's a chart that has four...
Bless you.

MR. TURKEWITZ: Thank you.

Q. The subject line is, BSC Site NUT Backlog Metrics. And, again, this is dated January 4, 2017. It's from (redacted). The second page that you showed me was an email from (redacted) on February 10, 2016 that was sent to you and says, John, I didn't see this one this morning. Is it missing in the deck?

And then you say, Yes, it seems to have dropped off. I will get it back in.

So was this part of the presentation that you all did to leadership on the missing parts?

A. No. This is -- there was a big metric for the number of parts that they had put together, and all the parts were under the heading of -- and the -- there were quite a few that were ready to go when we had some special training and -- and special access to computer programs to gather the information.

Q. Okay. Then you --

A. Okay. Then I asked (redacted) to email (redacted) and (redacted) and ask how this one is coming along. John -- and then (redacted) emailed you and said, John, I didn't see this one this morning. Is it missing in the deck?

And then you say, Yes, it seems to have dropped off. I will get it back in.

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part forms that were filled out. And those lost part forms were used to close out the NC SOIs.

Q. Uh-huh.

A. And if you look at those lost part forms, they did no investigations. They did no looking. They -- they blatantly went through there and said, No, no, no, no. We didn't look for them. We're not going to look for them. Close them out.

Q. Okay.

A. Based on those lost part forms, the NC SOIs were closed out and --

Q. How -- how did you discover those lost part forms?

A. When we were dealing with this, I went and talked to (redacted) -- because (redacted) was over in the area. And I asked him how they dealt with them.

Q. Uh-huh.

A. And he explained that they had -- the leadership over there had come to an agreement to use the lost part form process for parts in place that deal with lost non-conforming parts. Again, going back just the fact that you have a -- non-conforming parts that is lost is a violation of QMS. So there's no process to deal with that. Because, really, the expectation to complete these decks. And so what that's talking about is the overall status of MRSS, not one specific thing.

Q. Okay. Okay. Okay. So returning to your amended complaint, that paragraph 23, I think we dealt with that -- those first two sentences. We just discussed that investigation, you know, given two days to close out the over-400 lost nonconforming parts SOIs without investigation them.

Then you go on to allege, Barnett had discovered close to 200 SOIs had already been pencil whipped and closed out by another group without investigating them.

Who is the other group that allegedly pencil whipped over 200 SOIs?

A. It was the other two buildings. So in

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Charleston, you have final assembly, mid body and aft body. And, at the time, it was called XPO. So you have four different areas. So the other groups was the mid and aft bodies.

Q. Okay.

A. 8819 and 8820s.

Q. Okay. And -- and what evidence do you have of that?

A. Well, I -- I've submitted there was 176 lost.

is, you don't lose them. It's pretty simple to keep track of them. You don't lose them. So they, kind of, created the lost part form process -- they use a lost part form process so that we could show objective evidence that we did our due diligence --

Q. Uh-huh.

A. To locate the parts.

Q. Uh-huh.

A. But then, after I found out that these had been closed, I asked him to send me the records. And -- and I noticed that had they had all just been pencil whipped.

Q. So you're saying just pencil whipped them?

A. No. What I'm saying is, MMO -- and I think we have -- in fact, I know I sent you all copies of it. But if you look at the lost part form, it's MMO's senior manager. It's MMO manager. So that would be the materials management organization.

Q. Okay.

A. And they just went down and checked, No, no, no, no.

Q. Okay. So -- but (redacted) was involved in that investigation, correct?

A. Right. He was -- he's the one that did.
Q. Okay. So are you alleging that [redacted] was the one that pencil whipped those?
A. No. I'm saying, MMO pencil whipped it because that's who filled out the last part form.
Q. Okay. Well, when you say he closed out the SOIs, what do you mean?
A. That means he attached the last part form to the NC SOI where the -- that the -- is associated with that part.
Q. Uh-huh.
A. And he attached that form and -- and completed the SOI out.
Q. Uh-huh. And did you do any research in Velocity to confirm that no investigation had been done?
A. I looked at a few. But the main thing I was looking at was the last parts form --
Q. Uh-huh.
A. -- and the fact that quality hadn't even filled out the bottom --
Q. Uh-huh.
A. -- of it at all.
Q. Okay. Let me show you an email. I think it's 57.

This is an email from [redacted] to [redacted] so you probably have not seen this before. Have you ever seen this before?
A. I think we've got different emails.
Q. Let me see. Oh, I'm sorry. I'm looking at the wrong -- that's my fault. This is an email from you to [redacted] dated June 6, 2016?
A. Yes.
Q. Okay. And [redacted] asked you if you have talked to [redacted] And if you go back to the second page, the email from [redacted] says, John, did your team

get with [redacted] to show them how he processed the same time of situation in MB, correct?
A. Yes.
Q. So -- so this is -- that -- that refers to what you were just referring to, that department had already dealt with this issue before --
A. Correct.
Q. -- correct? Okay.
And you responded, No, sir. I'm running this. I don't have enough team left to.
And then he responds, Okay. Did you talk to [redacted]
And you respond, Yes. We chatted. It's a lot of work, but it requires manufacturing manager investigation and sign-off on each form. And it requires an MMO manager investigation and buy-off on each form, correct?
A. Yes.
Q. So was that based on a discussion that you had with [redacted]?
A. [redacted] and looking at the form and seeing the requirements.
Q. Okay.
A. Yes.
Q. So, again, I ask you -- you know, when you

57 (Pages 222 to 225)
Q. And when was that?
A. I'd have to go look. I think it was April 2016.
Q. Well, these emails are in --
A. I'm not --
Q. -- June --
A. -- sure.
Q. -- and July 2016.
A. Okay.
Q. When you became aware of that issue that you allege -- these 200 parts that you allege were pencil whipped, did you tell anybody about it?
A. I did.
Q. Who did you tell?
A. [inaudible]
Q. Uh-huh. Did you put that in an email?
A. I didn't. I went up and put them on his desk and showed them to him.
Q. Okay.
A. And explained it to him.
Q. So you never put that issue in an email at all?
A. I -- actually, I may have, but not that I can recall right off --
Q. Uh-huh.
A. [inaudible] gave me the records.
Q. Uh-huh.
A. So you know --
Q. Uh-huh.
A. -- yeah, they were there. Plus, the leadership in the mid body and aft, at the time that this was done, were -- were aware of all that.
Q. Uh-huh.
A. Because they were involved.
Q. And you didn't --
A. So, yeah.
Q. -- make an ethics complaint about it, correct?
A. No. No.
Q. And why is that, if it was such a huge issue?
A. Well, because it had been done. We had the objective evidence. I was pushing my leadership to reopen them because they weren't done properly. And my leadership told me to let it go.
Q. And why would you not report that --
A. So...
Q. -- to ethics? I mean, that seems like a, you know, potentially very dangerous issue, correct?
A. Right. Right.
Q. Why would you not report that to ethics?
A. So when was this? This was right towards the end. I'd seen what happened with my other ethics - ethics investigations, you know.
Q. This -- this -- this --
A. It's --
Q. -- this was happening in July 2016.
A. Right.
Q. And you had --
A. But when --
Q. -- filed an ethics complaint in 2014?
A. Right.
Q. So you're saying you did not report this potentially very dangerous issue to ethics because of what happened in -- with a complaint that you filed in 2014?
A. So it's very dangerous that they were pencil whipped?
Q. Well, according to -- I -- I mean, from what I understand, from your testimony and your complaint, if these parts were -- if they were truly missing and had not been properly investigated, and they were nonconforming, then they could potentially be on an
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A. That's correct.
Q. Okay.
A. That's correct.
Q. So that seems like a very important issue that should be reported to ethics; would you not agree?
A. Depending on the part, absolutely.
Q. What do you mean, "depending on the part"?

You --
A. Well, like --
Q. -- you're --
A. -- if it's a side --
Q. -- referring --
A. -- panel --
Q. -- to two --
A. -- it's not --
Q. -- excuse --
A. -- a safety issue.
Q. Okay. Well -- so -- well, you tell me,
Mr. Barnett. Do you think it's a serious safety concern?
A. What is?
Q. That these 200 parts were -- were not properly investigated.

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A. So it's a major quality management system violation.
Q. Uh-huh.
A. But, again, you have to look at the parts. And if it's sidewall panels on the interior, that type of thing, no, it's really not a safety concern.
Q. Okay.
A. Right.
Q. So --
A. But if you do have parts in there, then it would be a safety --
Q. Okay.
A. -- concern, yeah.
Q. So what -- what about these 200 parts that you're talking about in your amended complaint?
A. What about them?
Q. Are they the type that would pose a safety concern?
A. Well, I don't know because I didn't close them out at the time --
Q. Okay.
A. -- right? I got you the lost --
Q. So they could --
A. -- parts forms.
Q. -- and you didn't --

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A. Yeah, they could.
Q. -- you didn't --
A. They could.
Q. -- bring an ethics complaint about it?
A. Right.
Q. Okay.
A. Because I was trying to work it through my management, which is what's required, to go through your management --
Q. Okay. Well, if you --
A. -- to try to work it.
Q. -- if you actually believed that there were defective parts that had been installed on airplanes, that posed a safety issue, and you didn't report that to ethics, do you not think that would be a violation of Boeing policy and a -- and a --
A. So now you're putting words. Because --

MR. KNOWLES: Object to the form.

BY [REDACTED]
A. -- would -- I'm sorry. So you -- repeat what you just said. You said if I thought there were --
Q. Parts -- nonconforming --
A. Installed on a plane?
Q. Let me finish.
A. I'm sorry.

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Q. If you believed that there were parts -- nonconforming parts -- that had been installed on an airplane that posed a safety concern, and you didn't report it to ethics, wouldn't that be a violation of Boeing policy?
A. Absolutely.
Q. And your duties as a manager?
A. Absolutely.
Q. And -- okay.
A. However, I didn't say that I thought these were on an airplane. I said they were pencil whipped without being investigated. And we don't have any idea if they're on an airplane or not.
Q. Exactly. So you didn't know --
A. So I --
Q. -- if they were on an airplane or not at the time?
A. That's correct.
Q. So they could have been, correct?
A. Possibly, yes.
Q. And you didn't report it to ethics?
A. No.
Q. Okay.

[REDACTED]: Do you want this one now?
[REDACTED]: Let me see. Oh, [REDACTED]
Q. Okay.
A. So...
Q. Okay. So in -- do you have your complaint handy?
A. I do.
Q. In paragraph 91, the second sentence you allege, it is a criminal felony offense to not properly document the build record of an aircraft.
A. Did I read that correctly?
Q. Where are you at? I'm sorry.
A. Paragraph 91, the second sentence.
Q. Yes.
A. It is a criminal felony offense to not properly document the build record of an aircraft?
Q. Yes.
A. So you're referring to the investigations and the missing parts that we were just talking about, when you talk about a criminal offense to not properly document the build record of an aircraft?
A. No. So this would be actually the aircraft itself. And just, kind of, as an example, we were talking about nonutilized tags and utilized tags. The utilized tag is assigned to an airplane; whereas, a nonutilized tag is not. So what this is talking about is NCRs, EPDs that are associated to that the open SOIs, which make a list of who the last party was that had possession of the part. This will drive splitting everything out between things we need lost parts forms for before we can close out SOIs we can complete, since we have an inventory records [sic] of parts, shipping, and other things like that.

Do you know what he was talking about here?
A. Yeah, the ARCO.
Q. Yeah. Well, then he goes on to say, Without first categorizing things and knowing which party was responsible for the physical part, we can't jump in and start doing things in Velocity yet --
A. Right.
Q. -- right?
A. Right.
Q. So he -- it sounds like he's discussing conducting an investigation into each of these parts. Does it sound like that to you?
A. It sounds like what they're trying to do is figure out who owns what, and -- and what group it goes in. You know, when he points out ARCO, that was another major issue that we identified there. They were actually storing nonconforming parts off-site in the ARCO warehouse. And manufacturing had free access to them.
Q. So let's go one by one. Let's go by -- let's go one by one. So you've alleged criminal offense to not properly document the build record of an aircraft and that you were pressured to not properly document defects in the build record. So let's go one by one by what you mean by that.
A. All right. So, as an example, if you find a defect on an airplane, and it requires an NCR, and you're told not to write -- document it on an NCR --
Q. Nonconforming --
A. Nonconforming record. I'm sorry. I'll slow down.
Q. So this relates to allegedly being instructed not to write NCRs?
A. That's one of them, yes. But it really --
Q. And --
A. -- it -- it expands to anything working --
Q. Okay.
A. -- outside the BPHs and procedures.
Q. Okay. And who alleged -- I'm sorry. Strike that.
A. Who instructed you to not write NCRs?
Q. Well, I was told not to document quality concerns and defects, so...
A. Again, we -- okay. So that -- that's --

Q. That's where I'm -- one -- one point I want to get to.
A. So when you allege that you were told not to put defects in -- or raise issues with defects in emails, you're interpreting that to mean he told you not to doc -- -- document defects, correct?
A. So the way it was -- the -- what he told me was, Stop putting quality concerns --
Q. In an email?
A. -- in emails.
Q. Okay.
A. Right.
Q. So would you consider that instruction to be a pressure to not properly document defects in the build record?
A. Not that particular one. But I've -- I've taken over several teams there -- and we haven't talked about that. But several teams I've -- talking to. And I believe it was even in one of the ethics reports that y'all submitted, was that I had told people they didn't have to document defects. Or they could document a defect that should be on an NCR on a -- or a pickup, that type of thing.
A. Okay.
Q. So --
A. So --
Q. So -- all right. So this is very specific.

So you're not -- when you say, I'm not -- I'm not talking about -- saying not to put defects in an email that would -- that is not what you mean when you say you were pressured to not properly document defects in the build records?
A. Well, yeah. Because he told me to stop documenting quality concerns in -- in -- in email, right. But --
Q. So that would be a criminal offense, because you're not properly documenting defects in the build records?
A. Yeah, if you don't document the defects --
Q. So --
A. -- in the build records --
Q. -- so instruction to not --
A. -- then --
Q. -- put issues in writing, you contend that is a criminal offense that -- and that you were pressured to not document defects in the build record by -- by the instruction to not put them in emails?
A. So I think that's -- revisit this. Make sure we're on the same page. By pressuring Barnett to -- not following processes and procedures -- so that one --
Q. And to not --

A. -- is one violation.
Q. -- properly doc --
A. And to not properly document defects in the build records --
Q. Uh-huh.
A. -- Boeing was -- Barnett -- yeah --
Q. Right.
Q. -- ordering me to --
A. So -- so -- yeah. I agree; there are buckets. So there's the bucket of follow process and procedures. And then there's another separate bucket that you've alleged it's a criminal offense to not properly document the build record of an aircraft. And so I'm trying to figure out what exactly are examples of you being pressured to not document the build record of an aircraft?
A. So let's see. Back to -- So, yeah, I would have to fall back on the -- on the fact that he put in my PM not to document quality concerns.
Q. In emails.
A. And -- and --
Q. Okay.
A. -- and I viewed it as a defect, as a quality concern. So...
Q. And -- and that -- that affects the build
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A: If it's not documented, absolutely.
Q: Okay. But just because he told you not to put it in an email doesn't mean it wasn't documented somewhere else, is it?
Q: -- Velocity --
A: -- he said it was --
Q: -- or somewhere else --
A: -- email.
Q: -- correct?
A: Yes, as far as that particular one.
A: Well, there's a whole list of -- of -- you mean as far as this particular --
Q: Okay. That's fine. Anything else?
A: That's a criminal offense, all right. Let's take a 10-minute break.

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BY

Q: Okay, Mr. Barnett. I'd like to move on and talk about some other complaints that you raised in your amended complaint.
A: Sound correct.
Q: With ethics?
A: Yes. Actually, no, that's incorrect. I went to HR and reported an issue that I found concerning.
Q: Did you report that to HR?
A: Yes. It's an ethics issue.
Q: Okay. And was that an issue that he had improperly removed a part from the MRSA?
A: That's correct. He had taken it out of the scrap bin.
Q: Okay. And did you witness that?
A: I did not.

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Q: Was that [redacted] who told you that?
A: Actually, I think there was three or four of your people that was assigned to me that told me that, yes.
Q: Okay. And were you interviewed as part of that investigation?
A: I was.
Q: Do you know if others were, as well?
A: I believe they were, yes.
Q: Okay.
A: [Redacted] Yeah, we can put this in, 62, uh-huh.
Q: Okay.
A: (Defendant's Exhibit No. 33 marked for identification.)

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Q: And have you seen a copy of the document I just handed to you before?
A: I believe I have, yes.
Q: And it's the report out on the investigation of the ethics complaint that you made against [redacted] correct?
A: Correct.
Q: And it looks like they interviewed several people; is that correct?
A: Yes, that's correct.

Q: And it's a pretty lengthy report?
A: Yes.
Q: And do you know what the results of the investigation were?
A: Yeah. They said it was unsubstantiated because they said he had the authority to do that.
Q: Okay. And that -- and, again, that report was made in September of 2016; is that correct?
A: Where is that at? This says November 29th.
Q: Yeah, the date of the report is November 29.

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October 20, 2016?
A. Right.
Q. And then it says, under -- in the second paragraph of your -- this is your statement. Then, in the second paragraph it says, I submitted a complaint to HRG [redacted] on Saturday, September 17, 2016.
A. Yes.
Q. Okay. All right. Okay. So that was after you would have discovered the -- the 200 parts that had allegedly been pencil whipped, correct?
A. Correct.
Q. And you didn't make any allegation about that in this complaint, correct?
A. No, not at this one.
Q. Uh-huh. Well, I mean, we've already established you didn't make any. And you didn't do it in -- at this point, either?
A. Well, this was against [redacted] And the pencil whipping happened, like I say, under different leadership.
Q. Uh-huh.
A. So...
Q. But I -- I thought your testimony was that you presented the evidence that those parts had been

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pencil whipped to [redacted] and he told you not to do anything about it?
A. That's correct.
Q. Okay. And so you didn't make a complaint about that in this complaint --
A. No.
Q. -- that you raised in 2016? Okay. And you didn't make any other complaints against [redacted] in this complaint, correct?
A. Right. This was strictly about the part he took out of the scrap bin.
Q. Uh-huh. You didn't allege he was retaliating against you in any way?
A. By taking a part out of the scrap bin?
Q. Or just -- you know, I mean, you're making a complaint against him. I'm just confirming that you didn't make any -- you didn't use that opportunity to make other complaints against him?
A. No. When I went to talk [redacted] my sole focus was the fact that he had taken a part out of the scrap bin and gave it to --
Q. Okay.
A. -- production, yes.
Q. And -- and you don't --
A. That was --

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Q. -- have an allegation in your amended complaint that [redacted] treated you any differently after you made this complaint against him, right?
A. No. That was ongoing. So, yes, I would -- I would agree with that.
Q. Okay. All right. Let's -- we're finished with that one. Let's -- let's talk about the oxygen squib investigation.
A. Yes.
Q. All right. So in paragraph 24 of your amended complaint, you allege that you objected to the --
A. 24?
Q. -- investigation of oxygen squibs being shut down, do you see that?
A. What page?
Q. It's page 10, paragraph 24. The -- the heading says, Barnett's objection to the investigation of defective oxygen squibs being shut down. Did I read that correctly?
A. Where do you see that? Oh, at the top, yes.
Q. Uh-huh.
A. Yes.
Q. Okay.
A. Yep.

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Q. And you stand by that statement --
A. Yes.
Q. -- under oath today? Okay.
A. I do.
Q. All right. So let's just talk a little bit about that issue, the oxygen squib issue. So, as I understand it, around July 2016, there was an issue with defect -- defective oxygen cans -- canisters, nonconforming oxygen canisters. And they were brought into the MRSA; is that correct?
A. Right.
Q. Okay. And the -- and the immediate issue, at the time, was, you all were trying to figure out a safe way to de-energize those canisters; is that correct?
A. Right.
Q. And, in the course of trying to figure out how to do that, it was discovered that some of the oxygen squibs were not properly dispensing oxygen; is that correct?
A. They were not initiating, yes.
Q. They were not initiating at all?
A. Yeah.
Q. Okay. Okay. I'm just going to show you a couple of emails.

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<table>
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| **Q.** -- correct?  
A. Yep.  
Q. Okay. And then [redacted] responds, Who has the action for each of these tasks and ECD?  
And I should have asked you earlier, what does ECD mean?  
A. Estimated completion date.  
Q. Yeah. And he says, Need to start with BR+T providing ECDs and the then other tasks can be planned out accordingly.  
So that's [redacted] responding to your plan, correct?  
A. Correct.  
Q. Okay. Okay. And, unfortunately, this is just a terrible copy.  
[redacted] But, yeah, let's do this one, 69.  
(Defendant's Exhibit No. 35 marked for identification.)  
**BY [redacted]**  
Q. And in that email that we were just talking about, Mr. Barnett, you see it goes on for several pages behind that. So it was --  
A. Yeah.  
Q. -- had -- it was a lengthy issue or -- |

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| A. It was.  
Q. -- a lengthy investigation to get to the point, where you felt like there was an issue with the squibs themselves, correct?  
A. Correct.  
Q. Yeah. And you were involved during that whole process --  
A. Correct.  
Q. -- correct? All right.  
A. And just to clarify, I was actually kind of, leading it --  
Q. Which --  
A. -- not just been involved.  
Q. There we go. Okay. So we're all going to do our best to try and read this. I think I can -- can do it. This is an email from -- well, it's an email from [redacted] responding to an email from you on Friday, January 13, 2017. You sent it to [redacted] and [redacted] And you say, I have a serious safety concern I feel needs to be addressed. As you know, last year we discovered that the oxygen bottles that were being removed from the airplane due to the panel damage were showing a 25 percent failure rate when they were being discharged for scrap. I had taken numerous steps to define root cause and determine if the following rate was indeed accurate or if there were other courses for the failure. As you recall, the investigation was turned over to QA for continuation and root cause analysis. To date, I have not seen much action on this issue and the investigation seems to have stalled. We still have over 200 bottles in our area that are slated for defect analysis. But, as I said, the investigation seems to have stalled. The oxygen bottles are still in our area. I believe it is imperative that the proper resources are dedicated to this issue to determine if there is actually a failure rate with the squibs on the bottles.  
**Did I read that correctly?**  
A. So far, yes.  
Q. So far. I'm trying to see if I need to go on. The -- these are -- oxygen bottles are the ones that would supply oxygen to the passengers in the event of decompression and/or the pilots and flight attendants. I can't imagine being on a plane and have a 75 percent possibility of having a functioning oxygen supply in the event it is needed. I urge you to please take action to get the investigation moving forward, the root cause identified, and, if found, we need to take the necessary actions to assure our fleet and the flying public are safe. I am more than willing to get |
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reinvolved to help drive the root cause and take the necessary action. Let me know how I can help.

Okay, did I read that correctly?

A. Yes.

Q. Okay. So it sounds like you -- you had identified the issue because the canisters had come to the MRSA, which is where they belonged because --

A. Right.

Q. -- they were defective --

A. Correct.

Q. -- and had done a lot of work to identify that there was this potential failure rate, correct?

A. Yes.

Q. And then you say, The -- the investigation was turned over to QAI?

A. Right.

Q. That -- that's quality assurance investigation, correct?

A. Correct.

Q. And so it's their job to do the investigations into an issue like this, correct?

A. Yes.

Q. So that would be the appropriate department, correct?

A. It -- it would have been, in the initial

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beginning. But, like you say, I'd been running this for months. And we were literally, like, two days away from finding root cause when I told me to turn it over to QAI. So, yeah.

Q. Okay. And so, did I tell you in a -- in a face-to-face conversation or over email?

A. Yeah, face-to-face.

Q. Okay. And did you document the fact that I told you to --

A. Actually, it's --

Q. -- turn it over to QAI?

A. I'm sorry. Go ahead.

Q. Did you document the fact that I told you to turn it over to QAI?

A. It's in the emails that we supplied to y'all.

Q. Uh-huh.

A. And -- and it was turned over to (ph), I believe was her name.

Q. Okay.

A. And she was QAI working under (ph), and she took it over, like, first part of September. I believe.

Q. Okay.

A. And that's when he told me to turn it over to her.

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Q. Okay. And -- and, again, just confirming.

Q. -- I mean, the name of the organization is, Quality Assurance Investigation. So it's my understanding --

A. Right.

Q. -- that that -- that falls within their purview, to investigate those kinds of potential failures, correct?

A. Again, it -- it would be, if it was the initial. But, at that point, I had already done the investigation, and we were ready to define root cause.

Q. Uh-huh.

A. And that's why I sent...

Q. Uh-huh.

A. --

Q. Well, the email that we just looked at, you know, you have a multi-step plan in there about what's needed. Because I -- my understanding is, you had just performed some kind of informal test and had come up with this approximate 15 percent failure rate number, correct?

A. No. It really wasn't an informal test.

Q. Would you like for me to explain what I did or --

A. Okay.

Q. -- maybe. I'll come back to that.

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You say, We need to perform a failure analysis of the parts we currently have on hand in MRSA so we can fully document the issue and determine next steps.

And then you have a seven-part, kind of, plan of, here's what's needed --

A. Right.

Q. -- correct? So it sounds to me like this is -- would be the natural point where QAI would get involved, correct? Because this sounds like a lot of work. And you have your own work to do in MRSA --

A. Right.

Q. -- correct? Okay.

A. So -- so says, Let's get QAI involved so we can get this investigated, correct?

A. Not there he didn't.

Q. No. But you -- you said earlier that...

A. He told me that in September.

Q. He told you to -- that QAI was going to handle it, correct? Okay.

A. So then you're emailing in -- January 13th to...

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A. Correct.
Q. And how did you know that?
A. Well, because [deleted] was reaching out to me and asking me question and -- we were
communicating.
Q. Uh-huh.
A. And at that point --
Q. So she was asking you questions about what
you had found when you had the issue originally?
A. It was more questions of, Well, could it be
handling or could it be something else, or --
Q. Okay.
A. -- that kind of thing.
Q. Okay. And so how did you know that not much
progress had been made on the investigation?
A. Well, because talking with [deleted] like I say,
in September -- the first part of September -- I was
working with [deleted] up in BR+T. And he's the one
that actually was initiating the squibs to -- so we
could scrap the parts. We had to initiate them so we
could deionize the oxygen, so we could --
Q. Right.
A. -- scrap the parts. Right.
Q. Uh-huh.
A. And we sent him 100 that we had received.

And just in passing, in a meeting, he said. Okay, we've
done these. But we had about 15 percent that didn't
initiate. And that raised red flags to me. It was
like, Wait a minute. We need to -- we need to take
a closer look at this.
Q. Uh-huh.
A. So then -- and you can see this all through the
e-mail stuff that you have. I reached out to all
the appropriate organizations and said, you know, We
need to get on this and figure out if we have a problem
or not. I worked with MMO and actually pulled fresh
stock out of stores, still in the packages, so we could
evaluate whether it was handling or -- or -- that cut
twines or that type of thing.
I spent hours having my team trained up to
where they were appropriately, at least, certified and
qualified to take the PSUs apart and remove the oxygen
components without doing any damage. And we sent
that -- what I can call a control group up to [deleted]
to have him initiate them, to either verify it or id go away.
And that's show us that it was
handling. And, at that point, I fully expected the
failure rate to go to zero.
Q. Uh-huh.
A. But then when he came back and said it

actually went up to 25 percent, that set off all kind
of alarms. And I was like, Okay, this is a serious
issue.
Q. Uh-huh.
A. So I continued to work with the group that I
had already established and put together. And we had
gotten to the point where [deleted] had removed
those 75 squibs that did not fire. And we had them
in an explosives cabinet. And what he told me is -- his
said, Okay, it will take me about two days to take
these apart and identify root cause on why they didn't
fire. But we need a budget. My -- my management's not
going to pay for it.
I said, Well, I'll go talk to my manager and
have him pay for it.
I approached [deleted] and I said, Look, we're
two days away. All we need is a budget, so he
can tear these apart and figure out why they failed.
And, at that time, [deleted] looked at me and he
said, Well, why are you investigating it? Turn it over
to QAI.
Q. Uh-huh.
A. I was like, Well, the investigation's just --
we're right there at -- at root cause analysis.
Q. Uh-huh.

A. So he had me turn it over to QAI. [deleted]
took it. And from what I was gathering in her emails
and her communications with me, it seems like she was taking
people's opinions instead of actually working the root
cause.
Q. Okay.
A. Yeah.
Q. So in your opinion, the investigation hadn't
progressed --
A. That's correct.
Q. -- quickly enough? Okay. And so you sent an
email to [deleted] on January 13th with -- raising
this concern?
A. Yeah.
Q. And [deleted] responds and says, [deleted] --
and sends it to [deleted] -- who's the manager of QAI,
correct?
A. Correct.
Q. And he said, [deleted] can we get QAI to look
into this ASAP, correct?
A. Right.
Q. So he was elevating it and trying --
and had -- had some urgency around that, correct?
A. Right. But they had already had it for three
months.
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Q. Okay.
A. So I don't know why he would say, Let's get them to look into it. They've been looking into it for three months.
Q. Well, you were saying that you didn't feel like it was going quickly enough. And so he's saying -- he's forwarding this email that you sent to the manager of [redacted], raising all of -- excuse me -- to the manager of MRSA, raising all of your concerns. He forwarded that to [redacted].
A. Who was the manager of QAI?
Q. Of QAI -- I'm sorry -- of QAI. He forwards those concerns and says we need someone to look into this ASAP, referring to your below email?
A. Right.
Q. Okay. So he was taking your concerns seriously, correct?
A. I don't think so. Because, like I say, he's the one that told me to turn it over to them three months earlier.
Q. Uh-huh.
A. So for that have -- to have fallen through the cracks, I --
Q. Right.

A. Correct.
Q. Okay.
A. Because [redacted] was --
Q. Okay.
A. -- playing with it.
Q. And -- and as a, you know, K-level manager, you had the full ability to go and knock on [redacted]'s door and have that conversation with him, correct?
A. Sure. Sure. And him and [redacted] sit right next to each other.
Q. Uh-huh.
A. So --
Q. Uh-huh.
A. -- yeah.
Q. But you don't do that?
A. No, I didn't.
Q. Okay. So, again, in paragraph 24, I think you allege -- you allege -- you say, Barnett was criticized for documenting this issue and was immediately removed from any responsibility for investigating this problem.
So based on what we just discussed and the emails we just looked at, that's not accurate, is it?
A. I --
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Q. Okay.
A. Yes.
Q. Well, not ever did -- were -- was there a criticism about documenting this issue.
A. He was criticizing me for -- for pushing it because he didn't really want to have to deal with it, obviously, because it was three months between that.
Q. When you say he criticized you, you mean he put QA in the investigation, correct?
A. Well, that -- yeah, he removed me from it and put QA in it.
Q. Okay.
A. Yes.
Q. But -- so what did he say that was critical to you in that conversation?
A. Well, it -- again, it was, you know, Why are you doing this? You know, What are you doing? You know, that type of thing. So that's --
Q. Right. Why --
A. To me, that's criticism.
Q. Okay. But during the course of you documenting the issue with the oxygen squibs, no one criticized you for documenting that issue, correct?
A. Actually, we do have an email where I was trying -- let's see. What was it? It was -- oh, we

were talking about how to initiate the squibs and -- and how to capture that data. And i kept -- had -- you know, getting -- trying to get [redacted] to help. And he sent -- fired off an email. And it was pretty nasty.
I and explained to him. And he's like, Okay, just fire them. Just stop the madness. You know, that's the kind of attitude he had.
Q. Uh-huh.
A. He just --
Q. Uh-huh. We didn't see that in any of the emails we just looked at?
A. Not these.
Q. Okay.
A. But you have my copies, yes.
Q. Okay. Okay. Let's -- let's talk about the other issue you raised in your amended complaint, about the missing or incomplete serial number data.
A. Yes.
Q. Okay. So in your amended complaint, you allege -- so your allegation regarding this investigation is just that you were removed from -- removed us the SNC FAA audit response team leader; is that right?
A. That's not all of it. But, yeah, that's -- that's the bottom line, yes.
MR. TURKEWITZ: Oh, okay.

So we're just going to talk about this one first.

MR. TURKEWITZ: Which one's 35?

MR. KNOWLES: They got out of order.

MR. TURKEWITZ: Oh, I see. So this is 36 or 37?

37, so we don't have to mess up the order.

BY

Q. Okay. So this is an email dated July 7th, from -- it starts with -- well, it actually starts on the second page, from [insert name] to you. The subject is, Serial Number Control Ad-hoc Audit?

A. Yes.

Q. Is the serial number issue that you -- you reference in your complaint?

A. Yes, it is.

Q. And who is [insert name]?

A. He was the internal auditor, I believe.

Q. Okay.

A. Yeah, I read this one.

Q. And he says, I'm writing to inform you of a pending audit finding related to BSC's processes for serial number control?

A. Right.

Q. And I wanted to inform you of the results before I begin to transfer the data. Please see the attached document for a draft of what the finding will look like. Also, please let me know if you have any questions or concerns.

A. Right.

Q. And you send this to [insert name] and say, Sharing. And [insert name] responds a little later and says, Sat something up and explain it to me.

Did I read that correctly?

A. Yes, you did.

Q. And then you explained it to him. In a nutshell, BSC is awful at getting the right serial numbers recorded and we have a big problem with the entries being N/A in the serial number block. Our internal audit group was instructed to perform an audit by corporate, and they found all the errors and inquiries we have sent to our customers. They are writing an audit finding against it. Not sure who will be responsible for the CA, but I am guessing it will be [insert name] since it is a quality responsibility to assure we capture the serial numbers.

Did I read that correctly?

A. Yes.
some help, please. I'm sure you were made aware we had an internal audit finding for significant shortcomings regarding ARL. The effects -- this affects the entire 787 program. FAA is to get copies of our internal audit and are very aware of this issue. Everett is fully engaged; however, I'm trouble [sic] finding help in putting the information together and additional resources to help with this endeavor. And, they are fully engaged, but we need help, please. Any assistance you can provide is greatly appreciated.

Did I read that correctly?
A. Yes.
Q. And there is no response. And it basically says, I wasn't aware of any audit finding. And, I'm not seeing in-service escapes for ARL. But he asked.
A. Please get with John and team for specific help needed. Engage QI managers and [redacted] And touch base with [redacted] for any appropriate coordination at FAA is noted below, correct?
A. Yes.
Q. So he was trying take some action and get you the help you needed?
A. Yes.

Q. And then?
A. Uh-huh.
Q. [redacted] leaving or --
A. Uh-huh.
Q. Uh-huh.
A. Right.
Q. Is -- is -- so you would be working the BPSMs for the -- the serial control number, the ARL?
A. So a BPSM is a Boeing problem-solving model --
Q. Exactly.
A. -- right?
Q. Uh-huh.
A. And it's a template you follow.
Q. Right.
A. So in this particular case, I was working the CAs for the issues I -- they identified in the audit finding, where the -- our -- anticipated --
Q. Uh-huh.
A. -- that we were lacking.
Q. Okay.
A. So I had started gathering a group -- a team of members to start working a BPSM. Again, [redacted] told me I shouldn't be doing that, so he assigned [redacted] and [redacted] or he had [redacted] come help us out because they were the only two BPSM exerts, if you will --

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And -- and did you complete that?
A. Yes.
Q. Yes, but that because you no longer had
responsible for that group.
A. No. So we were in the process of doing this.
And --
Q. And I -- let me interrupt you. When you --
A. I'm sorry.
Q. -- say "CAS," you mean corrective actions?
A. Corrective actions.
Q. Okay.
A. Yes. And we were starting to identify
corrective actions that need to be taken. But, at that
time, I also realized that, prettymuch, every airplane
we delivered had incorrect data. So I went to
[redacted] and I said, Look, the -- here's the CAS for
what we have in-house and to address the audit finding.
But we also need to push back and -- and notify our
customers so we can fix those airplanes that are already
been delivered.
Q. Uh-huh.
A. And then, shortly after that is when he
pulled me off and gave it to somebody else --
Q. Uh-huh.
A. -- and turned it over to [redacted] or
Q. Uh-huh.

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A. Yeah.
Q. And was that because you no longer had
responsibility for that group?
A. Yes. He pulled me off of that and the ARLSNC
team --
Q. Uh-huh.
A. -- because he didn't want me to go back and
look at the other airplanes.
Q. Uh-huh. Did he tell you that's why he did
that?
A. Yes. It's just that that's the same time that
he did that, so...
Q. Uh-huh. And --
A. It would -- it would have left me to --
Q. And in that serious safety issue, what you
just described?
A. Not immediately with the SNC ARL deal. So
the -- the issue there comes in, say, with a life vest.
They have a five-year life limit. They're all serial
number controlled. And so the issue would be that,
after five years, if the customer doesn't have the right
information and serial numbers, then they won't know
that the life vests are expired.
Q. Uh-huh.
A. So they wouldn't -- they wouldn't necessarily

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be flagged to go replace them on the airplanes.
Q. Uh-huh. Okay. And so -- did -- when you
[redacted] told you not to -- or -- or took you off
the investigation, put someone else on it, do you know
if the investigation was concluded?
A. From my understanding, they completed the
corrective actions that we identified to correct the
things in-house.
Q. Uh-huh.
A. But they still didn't go back and notify the
previous customers --
Q. Okay.
A. -- from what I understand.
Q. But you don't know that, right?
A. I don't have any objective evidence, right.
Q. Okay. And you did -- did you document
anywhere that [redacted] instructed you to no longer
be a part of the investigation --
A. I --
Q. -- or took you off of the investigation?
A. -- I believe I did.
Q. You didn't make an ethics complaint about it,
correct?
A. No.
Q. Okay.

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A. That wouldn't -- that wouldn't fall in that
category; I don't think.
Q. Why is that?
A. Well, again, where's my objective evidence?
You know, that's what it -- that's what it is.
Q. Well, you're bringing a lawsuit about it.
MR. TURKEWITZ: Objection.
BY [redacted]
Q. Don't -- don't you have enough to -- to
complain to ethics about it?
A. At that time? Let's see how it goes. So at
that time, it was turned over. Well, actually, I don't
know when it was turned over to [redacted]
Q. Yeah. We have not seen any emails where it
was turned over to anyone else. The last email we have
seen is the email just showed you saying that you
were going to handle the BPSMs.
A. Oh, yeah.
Q. So your --
A. There's --
Q. -- your testimony is that there are other
emails on this topic?
A. Yeah. Yes.
Q. Okay. All right. Okay. Let's talk about
the -- your -- the last ethics complaint you made to

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Boeing, that you made on October 19, 2016, where you allege that you were being retaliated against by an unknown -- an unknown person for reporting quality issues to ethics by being blocked from moving into certain positions. Do you remember that complaint?
A. I do.
Q. Okay. So you alleged in that complaint that you were -- that you applied for the New Orleans -- I think it's the aerospace position -- the New -- position in New Orleans, correct?
A. Right. SLS.
Q. Yes.
A. Yes.
Q. And that -- you did not get it. And you allege that that was in retaliation for the complaint that you made against -- in 2014, correct?
A. That I was blacklisted, yes.
Q. And you also allege that you did not get the propulsion -- the -- you had applied for a manager position in propulsion. You did not get that. And you believe that was a result of the ethics complaint you, again, made against [redacted] correct?
A. Where's that at? I want to make sure we're reading it right for the record.
Q. Well, it's not in your complaint.

A. Not according to the documents Boeing sent.
Q. Well, you were working with him.
A. Right.
Q. He was no longer your manager?
A. Right.
Q. Right?
A. They moved him.
Q. Uh-huh.
A. Right.
Q. Okay.
A. But I didn't know he was demoted. I wasn't there --
Q. Okay.
A. -- when he was demoted.
Q. So when you say he wasn't demoted, you're just basing that on your interpretation of documents that we produced in this lawsuit?
A. The objective evidence provided, yes.
Q. They're documents that we produced in this lawsuit, correct?
A. Correct.
Q. Okay. And so, when you were working at Boeing with [redacted] everyone believed that [redacted] had been investigated and had been demoted, correct?

A. Where is at?
Q. It's -- I don't know that it's in your complaint at all, Mr. Barnett. I'm just --
A. Yeah, it's in here.
Q. -- asking you, from your memory, what you complained to -- complained about to Boeing ethics.
A. So, like -- like I stated earlier, the actions of pushing me to violate -- work outside procedures and the BPIs and processes, and violating FAA regulations had been going on for six years. With each manager I had, I had issues with. And shortly after [redacted] left and [redacted] took over -- or, actually, right before [redacted] left, my team had filed an ethics complaint against him. It wasn't me. They filed it unbeknownst to me.
Q. And that was investigated. And he was demoted, correct?
A. Actually, that's not correct. Based on the information Boeing sent me -- and, at the time, that's what we were told; he was demoted and put on special assignment. But looking at the records that Boeing sent, if you look at that investigation, they said that it was not substantiated and -- and no corrective action was taken.
Q. He was demoted, correct?
reportant states that Manager [REDACTED] announced to the hiring group, John Barnett isn't going anywhere, and also stated, He must have really p*ssed someone off.

Reportant doesn't know who this direction is coming from, but surmises it is probably [REDACTED] because he has sufficient influence over the team.

Okay. Did I read that -- that correctly?
   A. Yes. And that's page 5, not 4.
   Q. Sorry. Thank you.
   A. And so do you remember having a phone conversation with anyone about this complaint in ethics? Page -- the second page, summary details. Where are you? Maybe it's the third page.
   It's the third page, sorry. Or it may be -- oh, okay.
   Wrong. I'm totally wrong. Hang on. Two, three, four -- the fourth page. Sorry about that.
   A. Fourth, okay.
   Q. And it says --
   A. Okay.
   Q. -- Reportant states that ever since he submitted the allegation against [REDACTED], a South Carolina senior manager, things have felt different.
   It wasn't until he advised -- he was advised that [REDACTED] made a statement on October 17, 2016, to the hiring group, that his suspicion was confirmed. The

Q. So -- is it this letter? Oh, are you referring to the letter that we discussed earlier, that -- that [REDACTED] was helping you write?
   A. No, different letter.
   Q. Okay. I have this letter.
   [REDACTED]
   (Defendant's Exhibit No. 40 marked for for identification.)
   [REDACTED]
   This is 40.
   [REDACTED]
   Uh-huh.
   BY
   Q. So this is an email from you to [REDACTED] on October 26, 2016. Is this the letter you're referring to?
   A. Yes, that's it.
   Q. Okay. So it says, Recently, I contacted corporate ethics regarding what I feel is retaliatory actions taken against me by -- by my executive leadership. And in my complaint, I stressed the importance of the investigation being conducted by someone outside of BSC due to the potential for additional retaliation. After only a couple days, I received a note from the investigator telling me my concern was being turned over to HR here at BSC. I now feel at risk and have requested my complaint be
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canceled. Having been with The Boeing Company for 30-
32 years, over 16 of which was has been in
management, I'm familiar with the zero tolerance stance
the company takes on retaliation. However, I'm highly
concerned that my issue was not dealt with in a serious
and discreet manner but rather minimized and pushed off
on the local HR. I'm sure they would have done their
best. She is new, overwhelmed with her workload. And,
from what I -- what I've seen, these types of items do
not remain anonymous here at BSC. If I can't count on
corporate investigations to research and validate my
complaint, who will? This issue has affected me in
many ways to include my career growth, career
opportunities and earning potential. It seems the lack of
zero tolerance for retaliation is minimized by the
lack of actions being taken.

Did I read that correctly?
A. Yes, you did.

Q. Okay. So where in this letter does -- do you
raise the concerns about being taken off of the oxygen
squad investigation or the serial number investigation
or pencil whipping lost parts?
A. So I pretty much sum it up in that last
paragraph. This issue has affected me in many ways,
including my career growth and career opportunities, to

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is for. But in your internal complaint, you attribute
it to the complaint you filed against [redacted]. And
then you give as kind of, evidence that you were being
blocked a statement that you -- someone told you [redacted]
made. Do you recall talking to ethics about
that?
A. Yes.
Q. Okay. And what was that statement?
A. As far as what?
Q. What did [redacted] say?
A. So the information I received was pretty
much -- well, it is -- this is part of it. John
Barnett isn't going anywhere. Or -- yeah, John Barnett
isn't going anywhere. And he stated that he must have
really pissed somebody off.
Q. And -- and who --
A. And --
Q. -- told you that [redacted] said that?
A. Uh-huh. So the way it worked was, they had a meeting with [redacted]
and [redacted] was retiring.
Q. Uh-huh.
A. And they were backfilling for him.
Q. Uh-huh.
A. And they had used this -- they had done a no

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start the investigation so that I could provide the
objective evidence.
Q. Okay.
A. Right.
Q. Well, so that's not accurate; is it,
Mr. Barnett? Because we just looked at the case
details report that reflects the conversations and
notes that the ethics investigator had with you. And
it details what your complaint was. Your complaint was
about being blocked from those two positions. And you
--

A. Where are you reading? I'm sorry.
Q. Well, I'm just going back to where we were
reading before. That's the fifth page, where you say
ever since you submitted the allegation against
[redacted], a South Carolina senior manager, things have
felt different. Or -- I'm sorry, the ethics
investigator is noting what she discussed with you.
A. Where are you at? I'm sorry.
Q. It's the case report document that we were
just looking at it -- at. And -- page 5 of 7. And
so -- so the -- according to this and, you know,
everything we've seen, I mean, the -- the -- I think
you -- even your amended complaint, you allege -- let's
see. Yeah. Well, you don't say what the retaliation

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-- what's called a no post job requisition. So they
sent it out in an email.
Q. Well, they -- and they -- they sent the email
to you, correct?
A. Correct.
Q. And when you say "they," that was [redacted]
correct?
A. Yes, correct.
Q. Okay. And they sent it to a limited number
of people, correct?
A. Correct.
Q. But they did include you on it?
A. Yes, that's correct.
Q. Correct. Okay. So -- okay. So my question
is -- and you answered it. You said [redacted]
was the one that overheard the statement from
[redacted],
A. No, [redacted] told me that
b-- he had told her about it.
Q. Okay.
A. And then I circled back and asked [redacted]
myself. I was like, What -- what happened in that
meeting?
Q. Uh-huh.
A. You know, Is this what was said? And she

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said, Yeah. And I said, Do you think I was blocked?
And she said, Yeah.
Q. Uh-huh.
A. So...
Q. And ____ was -- was be the hiring manager for propulsion?
A. My understanding was, yeah, he was temporary assignment from Washington and --
Q. Uh-huh.
A. -- yeah.
Q. And during the investigation, do you remember -- I believe ____ was the one that was investigating this and interviewed you. Do you recall --
A. That's correct.
Q. -- that?
Do you recall her asking you to disclose the identity of the person that told you this comment from
A. She did.
Q. And you refused to do that, correct?
A. No. I gave it to her. In fact, y'all have the documentation where I gave it to her.
Q. Why do you think we have documentation where you gave it to her?
A.

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A. Because we provided it.
Q. And what -- what is that documentation?
A. Let's see. That was -- The notes.
BY
A. Not sure if it was an email or a statement, but I'd have to go back and look. Oh, in the ethics investigation, it spells it out in there. Do we have a copy of that?
Q. Yeah. Okay. These are notes that look of the -- all of the interviews that she did in connection with your complaint.
A. Where does it say it's from
Q. Let me switch this with you. Well, I'll represent to you it's, Complainant, John Barnett. Respondent, Unknown. And then it lists summaries of all of the conversations that she had, the interviews that she did. And if you look on the second one, it's a conversation with John Barnett on December 6, 2016, first page. Do you see that?
A. Yes.
Q. And four sentences down it says, He stated that someone was in a meeting with ____ And heard the comment and told him about

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it. He declined to give that person's name. I explained to him that I would try to substantiate his concerns with the information I had. And if I was unable to do so, I would give him an opportunity to share additional witnesses.
Did I read that correctly?
A. Yes.
Q. So according the information we have, you never shared the name --
A. Well --
Q. -- with -- with Boeing.
A. -- so she's got -- she's got -- she interviewed ____ So I -- I had to have given her a name.
Q. Well, she's saying that you did not. But that -- that's fine. If you -- if you recall that differently, that's fine.
A. Well, it says right here I met with ____ from ____ So I don't know how she can just...
Q. Well, if you look at the second page, the 12/14/16 conversation with you, she says, I spoke with John Barnett on the phone and let him know at this point I've been unable to substantiate his allegations. I told him that, if he would like me to continue the investigation, he would need to provide me with additional witnesses.
Did I read that correctly?
A. Yes.
Q. So she's still looking for additional witnesses that would substantiate the comment that you heard --
A. Right.
Q. -- correct?
A. But go further down. 12/16/16, correspondence with John Barnett and ____
Q. Yeah.
A. That's where I told her, ____
Q. Right. But I -- I think -- but I don't think you ever revealed the source of where I heard it from.
A. Sure, I did.
Q. Okay. Well, it's not -- it's not in these notes.
MR. TURKEWITZ: It never asked her, did she say that.
BY
Q. Okay. So you mentioned it to the investigator, I think, that you thought it was ____ that was blocking you --
1. A. That was --
2. Q. -- is that correct?
3. A. -- an assumption.
4. Q. Uh-huh. And -- and why do you make that assumption?
5. A. Well, again, because shortly after [redacted] left and [redacted] took over, [redacted] had a meeting. And -- with all --
6. Q. Okay. Just to -- just to stop you. I'm sorry. I don't mean to interrupt you. But I just want to get the time frames right. [redacted] left in what, 2013?
7. A. Somewhere around in there, yeah.
8. Q. Okay. So this --
10. Q. -- several years --
12. Q. So -- so what evidence did you have that [redacted] was behind this blocking in 2016?
13. A. Well, based on his -- what he stated in a meeting back in 2013, he's -- he told us that, if we had any issues with our management, he expected it to work out -- work it out with our management and not go to ethics or HR.

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Q. Okay. When was that?
A. Shortly after I filed my complaint, she
  called me and said that she found my complaint on the
  printer, with my name and everything on it, and wanted
  me to know. And I asked her, Would you please go put
  it face down on [redacted] desk?
Q. Okay. And where was the printer located?
A. Down and around the corner. It was a -- it
  was common area --
Q. Uh-huh.
A. -- versus RQSO area.
Q. So had -- was -- do you think
  was printing it out?
A. I think so, yes.
Q. Okay. And he -- was he the legitimate
  recipient of that AIR21 complaint, so he should have
  been printing it out?
A. Yeah. But my understanding is, my PIT
  shouldn't have been on there.
Q. I'm sorry, what's PIT?
A. Personal identifiable information.
Q. Oh. What -- what was -- position
  again?
A. K-level manager over the RQSO group.
Q. Okay. Did anyone other than -- I think you

Q. Okay. When did you receive a 40?
A. I need to correct that. After I sent that, I
  received information that the process had changed.
Q. Uh-huh.
A. So they basically reversed how they were
  counting points. So based on my first PM in
  Charleston, I added the same numbers in the same
  columns. And I found out that was the incorrect way to
  do it.
Q. Okay.
A. So it would actually be, like, a 20 or a 21.
Q. So you never received --
A. Right.
Q. -- a 40?
A. Right, right.
Q. Okay.
A. I'm sorry. That was --
Q. So when you --
A. Yeah.
Q. -- made that allegation in your amended
  complaint, that was not accurate?
A. Yes.

Q. said her name was [redacted].
A. [redacted].
Q. -- correct?
A. [redacted].
Q. Did anyone else say anything to you about
  your AIR21 complaint?
A. Being found on the printer or --
Q. Yes.
A. No, she was the only one.
Q. Okay. Okay. Have we covered all of the
  complaints and issues that you raised in your amended
  complaint against Boeing in this action?
A. That's a good question.
Q. If we haven't, it's going to be a long night.
A. [redacted] -- I know -- I know we covered a lot. But I --
  I don't know that I'd say everything. But I know we hit
  the big ones.
Q. Okay. Okay. Let's take five minutes and
  regroup.
BY [redacted] Off the record, 17:17.
(A brief recess was taken.)
BY [redacted] Back on the record, 17:27.
Q. Okay. All right, Mr. Barnett. You have
  alleged that your performance review rating was

Q. Okay.
A. I've since learned that the way I calculated
  it was incorrect. And I've gone back and redone that.
Q. So the -- the highest score would be a 20 or
  21 --
A. 21, right.
Q. -- you think?
A. Yeah.
Q. Okay.
A. Yeah.
Q. Okay. And then you've also alleged that the
  corrective action plan that [redacted] put you on was
  an adverse action, correct?
A. Absolutely.
Q. And I just want to re -- I just want to go
  through a couple things on that, just to make sure.
He -- never put you on a performance
improvement plan, correct?
A. Correct.
Q. And that --
A. That I'm aware of.
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Q. -- and that corrective action memo didn't contain any reference to any discipline or possible termination, correct?
A. It did not reference it. But per the process, that's -- that's what it's leading to.
Q. Well, you would have to get a PIP first --
A. Right.
Q. -- correct? Okay.
A. Right.
Q. And no one ever threatened you with termination, correct?
A. Other than being told they were going to push me to -- until I broke and that type of thing, no. They didn't come out and actually say, I'm going to fire you.
Q. And -- and that reference -- the statement you just made, push you till you break, you -- you say said that to you?
A. Right. Right.
Q. But, again, you never made a complaint with HR or ethics about that --
A. Right.
Q. -- correct? Okay.
A. And we discussed that you've put employees on corrective action plans before, or at least performance

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improvement plans, correct?
A. Correct.
Q. Were you aware that one of your employees filed an ethics complaint against you for putting him on a performance improvement plan?
A. I am.
Q. And when did you become aware of that?
A. When we received the documentation from Boeing, I believe.
Q. So you did not know about it at the time?
A. I didn't recall. I might have heard something about it was going to but I -- I don't know that -- I don't remember actually seeing it. But I may have. I mean, that was quite a while ago.
Q. Okay. Okay. And then, we talked briefly about this when we were talking about the complaints that you raised, but let's talk about the positions that you allege you were blocked from, briefly. So you applied to the quality manager position at Boeing's aerospace division in New Orleans, Louisiana, in 2016, correct?
A. I applied for it. I can't swear to the date, but I'll go with that, yeah.
Q. Okay. And there wasn't going to be a change in your pay, correct?

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A. Well, we hadn't got that far yet, so I'm not sure.
Q. What was the -- it -- you were still going to remain a K-level manager, correct?
A. Yes.
Q. It was a lateral transfer, correct?
A. As far as job title, yes.
Q. Okay. And you were flown down there and had an interview; is that correct?
A. That is correct.
Q. Do you know of any of the other candidates that interviewed for the position?
A. I know of one.
Q. Who was that?
A. I think that was -- what was the name?
Q. Yes.
A. Yes.
Q. Okay. And neither of you were selected for the role, correct?
A. That's what I hear, yes.
Q. Okay. When did you learn that you didn't receive the position?
A. [Redacted] called me.
Q. Okay. What did she say?

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A. She called me and said, Thank you for taking the time to apply. I've decided to go a different direction, and she hung up on me.
Q. Okay. When you say she hung up on you, she didn't say goodbye or -- okay.
A. Nothing.
Q. Had -- had you and [Redacted] been friendly when she worked at BSC?
A. We worked together.
Q. Uhh-huh.
A. I knew her. We worked close together. Like I said, we were part of the same team that helped [Redacted] with his PIP.
Q. Uhh-huh.
A. So, yeah.
Q. So you knew her from your time at BSC?
A. Correct.
Q. And your testimony is that she just hung up on you?
A. Right.
Q. Okay.
A. Which was very uncharacteristic.
Q. Okay. And -- and you've said elsewhere -- I think in your amended complaint and in other pleadings -- that you -- you thought she was under
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duties?
A. Correct.

Q. And -- and what made you think that?
A. Well, again, just her tone of her voice when
she called me. Having worked with her before, it
just didn't sound like her. I knew something was off. And
the way she hung up on me, I -- I knew that wasn't --
that's not how a manager tells somebody they didn't get
a job.

Q. Uh-huh.
A. You know, you -- you try to ease them down
and talk to them and -- and tell them what kind of
direction you're going. But just to say, You didn't
get it, I'm going a different direction, and hang up,
that was a big red flag that --

Q. Uh-huh.
A. -- something wasn't right.

Q. You don't have any evidence?
A. I do not.

Q. -- that she was under duties? And she
certainly didn't say that to you, correct?
A. No.
Q. Okay.
A. Just indications.
Q. And she never told you that she was

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instructed by anyone not to hire you because you had
brought safety complaints, correct?
A. I haven't talked to her and asked that. So
she -- she didn't call me and tell me. But I hadn't
reached out and asked her --

Q. Okay.
A. -- either.

Q. And no one else told you that about that
position, correct?
A. Tell me?
Q. That you were not given the position because
you were blocked for raising safety concerns?
A. That's correct. Nobody's actually --

Q. Okay.
A. -- told me that.

Q. So you're just speculating on that?

MR. KNOWLES: Object to the form.

BY

Q. You -- you can answer that.
A. Based on what I just described, yes.
Q. Okay. And do you know who was eventually
selected?
A. I think it was a somebody.
Q. Uh-huh. Okay.

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a different notebook.
(Defendant's Exhibit No. 42 marked for
identification.)

BY

Q. Here we go. Here you go. Okay. So I just
showed you your talent profile. There are three talent
profiles here, yours and

\[\text{Redacted}\]

Do you see that?
A. Yes.

Q. Excuse me. And if you -- just want to call
to your attention this score. Under Performance
Leadership Attributes, there's a kind of, total score
there on the left-hand side of the page.
A. Yes.
Q. For 2015, it says 17; do you see that?
A. Yes.

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Q. Okay. And that -- this was -- this was your
talent profile that we're looking at?
A. Yes.
Q. And so you scored a 2017 [sic] on the
performance metrics, correct?
A. A 17 on the 2015 metric.
Q. Yes, 2015. Yes. And so can -- if you flip
the page, this is

\[\text{Redacted}\]

or

\[\text{Redacted}\]

Or talent profile. And for 2015, he scored an 18?
A. Right.
Q. Do you see that?
A. Yes.
Q. And then the next page is

\[\text{Redacted}\]

talent profile. And for 2015, he scored a 20; do you
see that?
A. Yes.
Q. Okay. So you would agree 20 is higher than
17?
A. Yes.
Q. Okay. You don't contend that he wasn't a
qualified candidate?
A. I can't attest to that. But, again, based on
my previous discussions about PMs --
Q. Uh-huh.

A. -- the PMs I was put under were a violation

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of Boeing processes and procedures. And to put this --
use this as a guide, I don't think, is right. Because
you're looking at apples and oranges.

Q. And that's just because you have an opinion
that your performance management reviews were a
violation of Boeing's processes and procedures?
A. Right. They don't meet the SMART goals.
Q. Okay.
A. And I was unfairly judged.
Q. And your contention is that all of your
performance reviews violated Boeing's processes and
procedures?
A. No, just the ones in Charleston.
Q. So all of the -- all of your performance
reviews that you received while you were an employee at
Boeing, did Boeing's processes and procedures?
A. I don't believe they met the requirements of
SMART goals where you can measure them and achieve them --
Q. Okay.
A. -- and relevant --
Q. Okay.
A. -- yeah.
Q. And you -- you -- you have no idea if
had any knowledge of the ethics complaint you

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filed against you in 2014, correct?
A. I have no knowledge of that.
Q. Yeah.
A. Right.
Q. Okay. And was there any indication in the interview
that you had for this New Orleans position?
A. He was not.
Q. Okay. To your knowledge, was he involved in
any way in that interview process?
A. He was not.
Q. Okay. Or the selection process?
A. That I'm not sure of.
Q. Was I'm not
A. He was not.
Q. And he was not involved in this selection
process, correct?
A. Not as far as I know.
Q. Okay. And at this point, I didn't

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been your manager for over two years, correct?
A. When was that?
Q. 2016.
A. Somewhere around there, yes.
Q. Okay. And was I in the interview, correct?
A. That's correct.
Q. And he wasn't involved in the hiring process,
correct?
A. Not that I'm aware of.
Q. Okay. All right. Let's talk about the pro-
-- the quality manager position for the propulsion
division at BSC. That also was a lateral transfer,
correct?
A. In title, yes.
Q. Well, you were going to remain a K-level
manager, correct?
A. Right, which is title.
Q. Yes. And you would say that you had the same
pay, correct?
A. We hadn't got that far. Because, typically,
then they send out a job offer, when they select the
person, that's when you talk about pay raises or what
have you. So we hadn't got that far in the process.
Q. Well, I think Boeing's pay scale is based on

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your level at the time, correct? So K-level
managers -- there's a range K-level managers can make.
A. Right, there's a range.
Q. -- would make something within that range?
A. Yes.
Q. Okay.
A. Yes.
Q. But there was no offer of additional pay that
accompanied this -- this invitation to apply for this
job, correct?
A. Right. We hadn't got that far --
Q. Okay.
A. -- in the process.
Q. And the benefits were going to remain the
same, correct?
A. Correct.
Q. And you just mentioned that you received an
email from inviting you to apply for this

position, correct?
A. Yeah. She sent out a standard email.
Q. Uhh-huh.
A. And I -- I responded.
Q. But she didn't include everyone on that
email, correct?
A. I have no idea.
Q. Okay. But, as -- as you said before, it was kind of, an unusual -- or not unusual, but it was -- it was not your regular job posting. It was an email that went out to a select group --
A. Right.
Q. -- of individuals, correct?
A. Right.
Q. So they included you in the invitation to apply.
A. Right.
Q. Okay.
A. I was on the distribution list.
Q. Okay.
A. Yes. **[Redacted]** All right. Let's look at 84 real quick. (Defendant's Exhibit No. 43 marked for identification.)
BY **[Redacted]**
Q. Okay. This is an email between you and **[Redacted]** And if you look down at the last email on the first page, it's you to **[Redacted]** January 21, 2016. And you are telling **[Redacted]** that you're very interested in the opportunity to work at the propulsion center. And then you ask him, if you get a minute, can you review my resume and provide pointers or advice on what I can do to make it flow better and be more appealing? I would really appreciate it.

Did I read that correctly?
A. You did.
Q. So you were asking **[Redacted]** to provide feedback on your resume?
A. Correct.
Q. And his response was, What? Question mark, smiley face; is that right?
A. Right.
Q. And then he says, Glad to help. Thank you --
A. Yes.
Q. -- correct?
A. Yes.
Q. And you say, Thank you, sir?
A. Right.
Q. And did he provide feedback to you?
A. He just said, Looks good. Send it on, I think. Yeah, Looks good. Send it on.
Q. Okay. Were you aware that **[Redacted]** provided favorable feedback to **[Redacted]** when she inquired about you to him?
A. I did not.

Q. And you weren't interviewed for the propulsion position, correct?
A. Right. Nobody was.
Q. Who ended up being selected for that position?
A. I believe it was **[Redacted]**
Q. Did you know him?
A. I knew of him. He was, kind of, a K-level manager with me. And we'd crossed paths. I knew he was working on flight line. I was in the factory.
Q. Uh-huh.
A. We -- yeah.
Q. Were you aware of his credentials?
A. No, not really, no.
Q. You're not contesting that he wasn't qualified for the position, are you?
A. I wouldn't have the knowledge to contend that.
Q. Okay. And then we talked about your claim that **[Redacted]** had said -- had made a comment about Barnett's not going anywhere, something to that effect. Do you remember us discussing that?
A. Right. That's what he was told.
Q. Okay. And who told him that?
A. He didn't say. But based on the process and -- and how things worked, when -- so this no post job that they did, again, was actually a violation of the processes. Because you're not allowed to do that, to backfill a person that's retired. But when they do a no post job, they send everybody that applied, just a list of names, over to the hiring manager, which, in this case, was **[Redacted]** And typically, what happens is, they review the list. And if they don't know the whole list, they'll talk to their team and get feedback. And they'll decide on who they're going to hire. No interviews, no structured interview --
Q. Uh-huh.
A. -- no -- nothing like that, just based on opinion and resumes.

And, at that time, like I say, **[Redacted]**, and both -- and **[Redacted]** said they wanted to work with me. And **[Redacted]** told them, if Barnett's who you want, Barnett's who you'll get.
So then he left and a few hours later came back. So based on the process and the way it works, when he left, he went to the skill team, which is led by **[Redacted]**. And **[Redacted]**. So, based on the way things worked out, I would say that they decided on me. He went to the skill team to say he wanted to hire me.
And after learning that, I believe the one that told him, Barnett's not going anywhere. I don't care how bad you want him.

Q. So you think it was that --
A. Correct.
Q. -- gave that instruction? And what evidence do you have of that?
A. Just following the process, like I just explained.
Q. Uh-huh.
A. The way the process is supposed to work.
Q. Uh-huh.
A. You know, that would be the nod-the logical step for him to go.
Q. And what motivation would have to make that comment?
A. Well, so I have some stuff in the documentation against me, as well. He had told me he had started a folder on me, which, again, is a violation of company policy. You can't start a folder against a single employee because you're singling them out and targeting them. But he told me directly. And I have -- I sent you all the documentation, as well. He had -- he had started a folder on me. And -- and he was holding me accountable to different things that he was holding other people accountable to. So he was -- he was --
Q. Okay. So let's -- let -- I don't mean to interrupt you.
A. That's okay.
Q. But let's unpack that.
A. Okay.
Q. That's the first time I'm hearing of that.
A. I'm sorry.
Q. When did -- when did he tell you he started a folder on you?
A. It's in the email we sent. I think it was back in 2012, 2013.
Q. Okay.
A. That time frame.
Q. And what does that mean, starting a folder on someone?
A. That means you're targeting them and you're to -- you're going to -- if they make one step out of line, you're going to take corrective action.
Q. And he said that --
A. That's what that means.
Q. -- to you in an email?
A. No. He told me that face-to-face. But then I documented it in an email and sent it back to him.

And y'all have that email.

Q. Okay. So in 2012 --
A. Or '13 --
Q. Or 2013 --
A. -- somewhere around --
Q. -- which --
A. -- maybe even '14. I'm not sure.
Q. Again, we're talking about 2016 now. So you're saying three or four years prior, you had a discussion with you where he told you he was keeping a file on you?
A. He had started a folder.
Q. He had started a folder. And did he tell you why he had started a folder?
A. He didn't have to. When you start a folder on somebody, that means you're tracking them in an attempt to take corrective action or to terminate them. That's the only reason -- reason to start a folder on somebody.
Q. So is this a common term around Boeing, "start a folder"?
A. It's a common term. But, again, we've been directed flat out by HR. You are not allowed to start a folder on somebody --
Q. Uh-huh.

A. -- by name, because that shows that you're targeting them and singling them out.
Q. Uh-huh. So was that a problem at Boeing, that problem were -- were, quote, start -- unquote, starting folders?
A. I've heard -- I've heard things.
Q. Okay.
A. Yeah.
Q. I've never heard that term before.
A. Okay, yeah.
Q. So he told you that your -- so your allegation is, he told you that in 2012, 2013. Why would he have said that to you?
A. Well, because, again, at that time we were -- and that was back when we was still around. And they kept pushing us to violate procedures. And I kept pushing back.
Q. Uh-huh.
A. And, at that time, he started holding me accountable for things he wasn't holding other people accountable for. And all that's in your email. As an example, he sent me an email, basically chewing me out for not doing my tie-in correctly and having my lead do it instead of me doing it.
Q. Uh-huh.
A. Well, every other area in the neighborhood had their lead doing it. And he didn't say a word to them.

Q. Okay.

A. But he calls me out on it.

Q. Okay. But, again, this -- this -- these are all events that took place in 2012 or 2013, correct?

A. Right, those did.

Q. Between that time period --

A. But it carries on, yes.

Q. -- between 2012, 2013, and the time that you're applying for this position in 2016, what -- what actions did [redacted] take against you that you felt were retaliatory or improper?

A. Shortly after that -- and I think it was right around the time [redacted] event away. I think he was moved over to the other building, so he was no longer in my management stream.

Q. Okay. So you didn't have any interaction with him after that?

A. For those couple of years, yeah.

Q. And he's not mentioned a single time in your amended complaint, correct?

A. That's correct. Because, at that time, I was thinking [redacted]. But, after hearing how the pro-

Q. [redacted] knowledge: Object to the form.

BY [redacted] Q. So you heard that [redacted] made this comment about you allegedly, what -- what did you do?

A. What did I do?

Q. Did you go speak with him about it?

A. Oh, no. I don't -- I don't know [redacted]. I wouldn't know him if I walked by him.

Q. You said there was another -- you said [redacted] was in the meeting when he said that there. And there was another employee as well. Who is the other person?

A. I didn't -- I didn't see him. That was -- they're in a completely different site.

Q. Okay. And you were men -- you mentioned that it was [redacted] that relayed this comment to you, correct?

A. Correct.

Q. And were you and [redacted] dating at the time?

A. No.

Q. Okay. But you did start dating shortly thereafter, correct?

A. No.

Q. When did you start dating?

A. We didn't really date. Would you like me to explain?

Q. Let's hold off on that. Let's hold off on that. Okay. We have limited time.

A. Okay.

Q. Okay. But you all had a close relationship?

A. Sounded weird, didn't it?

Q. Yeah. You had a close relationship, correct?

A. We did.

Q. Okay.

A. She was my best friend.

Q. Yeah.

A. Yeah.

Q. Okay. And just to -- just to clarify, you -- you don't believe [redacted] had anything to do with you being blocked from these positions, correct?

A. I don't believe he played a hand. I believe he knew about it, based on his reaction. And all that's documented, too.

Q. When you say "that's documented," is that also in an email to yourself?

A. Actually, I think it's part of the complaint.

Q. Okay. What did --

A. But I'm not sure. Yeah --

Q. -- what -- what was his reaction? What are you referring to there?
A. What paragraph?
Q. 75.
A. Okay.
Q. Or, I'm sorry, 34.
A. Barnett was continuously designated, humiliated and treated with scorn and contempt.
Q. Uh-huh.
A. Do you see that?
Q. Yes, I do.
A. And there are one, two, three, four paragraphs under that heading.
Q. Yes.
A. And so those paragraphs mention, on numerous occasions, announced in front of the team that Barnett was responsible for a certain production delay or that Barnett was responsible for the entire team having to work overtime and being away from their families. These comments were the result of Barnett's documentation of processes, procedure violations and defects in writing, and refusal to work in the gray areas.
Q. Did I read that correctly?
A. I believe so.
Q. Okay. And so your contention is that's an example of being continuously designated, humiliated and treated with scorn and contempt?
A. So what I'm talking about here is over the whole six-year period. It's not just one or two days. It's pretty much, every day for six years.
Q. Okay.
A. That's what I'm --
Q. Well --
A. -- trying to describe here.
Q. Okay. Well, we have to be specific when we're talking about these kinds of allegations. So I'm trying to get --
A. Okay.
Q. -- as specific as possible. And you've actually put specific allegations in your amended complaint.
A. Correct.
Q. So in paragraph 77 it says, When Barnett questioned decisions that violated standards, raised his hands in the air, waving them around in an animated manner, and loudly and aggressively stated, John, are you just waving your hands in the air or do you have an idea?
A. Yeah. You skipped quite a bit, but, yeah.
Q. You got the gist of it.
A. Well, I didn't --
Q. Yeah.
A. Yeah, I mean, I can -- I can read the whole thing. But I think --
A. No, that's --
Q. -- that --
A. -- fine.
Q. -- that --
A. You captured it.
Q. -- conveyed the meaning of that paragraph.
A. Right.
Q. Correct?
A. Yes.
Q. So your -- that's an example of the harassment, designation --
A. Correct.
Q. Okay. And then in paragraph 78, it -- you go on to say. These meetings were always very tense and the comments made about Barnett were disrespectful, denigrating, degrading, humiliating, mean and unprofessional.
Q. Did I read that correctly?
A. Yes.
Q. Nota -- notably, this gaslighting campaign...
against Barnett was done in order to punish Barnett for identifying problems, insisting on the roles being followed and documenting in writing all process and procedure violations and defects?
A. Yes.
Q. Okay. This gaslighting was also directed against Barnett publicly, in front of his team, to discourage Barnett and others from complying with the law.
Did I read that correctly?
A. Yes.
Q. And so all -- so, at the beginning of this paragraph, it says, "These meetings were always very tense," and "This gaslighting campaign." That's all referring to paragraph 77 and 76, correct, the interactions with [redacted]?
A. Yes.
Q. Okay. And then in paragraph 79 it says, The denigrating comments caused Barnett a tremendous amount of stress, made it very difficult for Barnett to concentrate and perform his job and caused him emotional suffering to the point of taking medical leave of absence and, ultimately, leaving Boeing.
Did I read that correctly?
A. You did.
Q. And you haven't alleged that --
A. Fair enough.
Q. -- [redacted] participated in continuously denigrating, humiliating or treating you with scorn and contempt, correct?
A. Correct.
Q. Or [redacted]?
A. Not in my complaint, yes.
Q. Or anyone else by name, correct?
A. Correct.
Q. It's all [redacted] correct?
A. Yes.
Q. And the last time [redacted] was your supervisor was 2014, correct?
A. Yes.
Q. Okay. And you didn't have any interaction with [redacted] after 2014, correct? Well, let me just clarify. All of these allegations that you're making in your amended complaint that relate to [redacted] relate to the time when he was your supervisor, correct?
A. Yes.
Q. Okay. And just to confirm, you never filed a single retaliation complaint against [redacted] correct?
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to the lost nonconforming parts. He called me 19 times in one day and then 21 times another day. And each time he had called, that's what, about every 15, 20 minutes in an eight-hour shift. Every time he had called, it started off the same. John, is this part controlled? It's like, what part are you talking about? Where are you at? And he's like, I'm down here on the factory floor, and I need to make sure this part's controlled.

Q. Uh-huh.
A. And as I talked to him, what I realized he was doing is, he was walking through the -- the store area -- which the store areas is where we -- what we call where we stage the -- the parts to be installed on the airplane. So that store area, it's all controlled by MMO. And these are new parts with different color tags. MRSA uses red tags to identify defective parts, whether it's DPT or DPRT. MMO and stores use, like, yellow tags and green tags. So they're marked and that type of thing. And what I realized he was doing, just going around randomly picking up parts and calling me to give me a hard time about lost nonconforming parts and trying to make sure that every part in the factory's under control. And -- and each time I had to explain to him, you're in an MMO store. They're controlling them. They're not defective parts. And it just -- like I say, 19 times one day; 21 times --

Q. So you think he was --
A. -- another one.
Q. -- intentionally doing that to just mess with you?
A. Rub my nose in it because I kept complaining about the nonconforming parts being closed out.
Q. Uh-huh.
A. Yeah, absolutely.
Q. Okay. So you thought that. But again, you didn't bring any complaints to HR or ethics about him?
A. That he's calling me? He's my boss. I mean, they're -- you know, what am I going to say?
Q. Well, what you're saying now is that he was essentially harassing you?
A. Right.
Q. Okay.
A. Right.
Q. But you didn't -- you never told anyone at Boeing that?
A. Oh, absolutely. So on these phone calls, actually, --
Q. No. I'm sorry. I don't mean to interrupt.

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Q. Okay. But he never instructed you to not do that?
A. Right.
Q. And he never told you that safety wasn't important --
A. Oh, no.
Q. -- did he? Right. He never said, We're going to put profits over safety, did he?
A. No, not -- not in his words, no.
Q. Okay. Or in any way?
A. Well, again, by pressuring people to -- and not just me -- but anybody, pressuring them, setting them on deadlines that, the only way they can achieve them, is by violating procedures, absolutely, you're putting --
Q. Well, again, going back to the missing parts --
A. -- you're putting the schedule --
Q. -- investigation that he initially said, I'd like this to be done in two days, that it became clear that was unrealistic, and he gave you months and months to complete that investigation, correct?
A. He didn't give me. It's just, that's how long --

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Q. Long it took?
A. -- it took.
Q. Okay. And during 2016, did anyone ever instruct you to not follow process or procedure?
A. 2016?
Q. Leading up to your retirement.
BY [REDACTED]. Object to the form.
A. 2016? So that'd have been under.
Q. So, again, based on his actions his requirements set before me, absolutely. Because he's -- he's putting expectations on me to complete jobs or complete functions that there's no way to do --
A. Okay.
Q. -- while meeting procedures.
A. Okay. So when you say, "absolutely," you're referring to your claim that [REDACTED] put unreasonable time expectations on you?
A. Correct.
Q. Okay. During 2016, your pay wasn't decreased, right?
A. Correct.
Q. In fact, from Boeing records, it looks like you actually got another pay increase in 2016 of $2,000. Does that sound familiar?

A. No, I don't -- well, I don't believe I did. If you don't -- if we don't have the records, then I didn't.
Q. Okay. So did you take any vacations during this time period, 2016, the -- this is -- you know, the fall, winter of 2016?
A. I may have taken a couple days here and there. You -- typically, I take all my vacation over Christmas so I could go home.
Q. Okay. What were you doing during your free time?
A. My free time when?
Q. During this time period, in the fall, winter of 2016, leading up to your retirement? Did you go out? Go out to dinners? Go out with friends? Did you --
A. Yeah, we went out.
Q. -- and [REDACTED].
A. I went out --
Q. -- go out?
A. -- a few times.
Q. Okay.
A. Yeah.

A. Yes.
Q. And your benefits remained the same in 2016?
A. Yes.
Q. And you remained on the same shift up until your retirement in 2016?
A. Correct.
Q. And your hours remained essentially the same?
A. Well, again, I was responsible for all three shifts and --
A. Right.
A. -- yeah.
Q. They weren't reduced, though?
A. Right.
Q. If anything, you were working more hours?
A. Right.
Q. Right? Yeah.
A. And not getting paid for it, yeah.
Q. Okay. You didn't seek any medical treatment for any work-related stress during the 2015 or 2016 time frame, did you?
A. I believe I did. Didn't we turn over my medical records?
Q. You did. And they do not contain any documents from the 2015-2016 time period, any medical documents.

A. Okay. You have an allegation in your amended complaint that you were informed by someone that your name was on a list of 49 people to get rid of. Do you recall that allegation?
A. I do.
Q. And the allegation includes an allegation that this was on [REDACTED] computer. Do -- do you recall that?
A. Yeah, [REDACTED] desk is what I was told.
Q. Okay. And -- and who told you that?
A. [REDACTED].
Q. Okay. And who is [REDACTED]?
A. She was his office administrator.
Q. And when did she tell you that?
A. I have the conversation documented. I'll sent it to y'all. I believe it was January of 2017.
Q. Was this before you left on leave of absence, medical leave of absence?
A. Correct.
Q. Okay.
A. That -- yeah, that added to my stress, yes.
Q. And what did you do when -- did she tell -- was this on a phone call or an email or a text message that she told you this?
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A. No. She came down and -- and talked to me and --
Q. So it was while you were both working?
A. Right. Right.
Q. So she came down and told you that?
A. Right.
Q. Okay.
A. I think it was, like, the day before I went out on medical or something like -- they were real close.
Q. Okay. Did you talk to anyone about that?
A. No. Like I say, it -- it was par for the course. I had been dealing with this for six years. And, I mean, what can you do, you know, you're -- if you're on a list to be gotten rid of? And [redacted] told me he had started a file on me. I mean...
Q. Well, according to your testimony, you allege that [redacted] said that for three to four years prior to -- to this happening --
A. Right.
Q. -- right?
A. Right.
Q. Okay. So, I mean, in -- in that time period, you had not had anyone else threaten to terminate you or talk about putting you on a folder or anything like

out on leave.
Q. Okay. Who did you tell?
A. I -- just my family, I guess. I don't know.
Q. Well, did you tell a family member?
A. I don't know if I actually specifically talked about that to my family members because they don't really understand the inner workings of Boeing.
So when I talk --
Q. Did you tell --
A. -- to them --
Q. -- any friends?
A. -- it's --
Q. Did you tell any friends?
A. I don't recall.
Q. Okay. And you never saw this email, correct?
A. That's correct.
Q. And where were you when [redacted] told you that?
A. Right outside the MRSA cage, right outside my office.
Q. Was anyone else around?
A. No, just me and her.
Q. Okay. And when was your last day of working at Boeing? January 18, 2017?
A. Somewhere around there, yes.

A. Actually, I was told that, if I didn't do something, then they'd find somebody who would. And it was a constant discussion about, There's a thousand people lined up outside. If you don't want to do it, we'll bring somebody else in --
Q. Uh-huh.
A. -- that will. So, yeah.
Q. And -- and when was that conversation?
A. That was -- that was [redacted]
Q. Uh-huh.
A. She was sitting in as senior manager.
Q. Uh-huh. And what was she referring to?
A. She had told me to -- again, set an uma -- unrealistic expectations and said, You need to go do it. I'm like, I'm not going to make it in time.
Q. Okay.
A. And she said, Well, if you can't, we'll find somebody who will.
Q. Okay. So you didn't tell anyone at work that you were notified that you were on this list of 49 people to get rid of, correct?
A. Yes. Yeah.
Q. Did you tell any family members about that?
A. I think I probably mentioned it after I went

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Q. Anything out of the ordinary happen on January 18th, though, that led you to start having those symptoms?
A. I can't think of anything specific. It's just a culmination --
Q. And you didn't have any --
A. -- accumulation --
Q. -- confrontations with anyone?
A. I -- I really don't recall. Yeah.
Q. I meant to ask you, did you ever yell or scream at you?
A. No. He was -- he -- he would just sneak around behind my back and do things. But, no, he didn't yell at me.
Q. Okay. You actually called out sick on January 16, 2017, so two days -- the day that you filed your AIR21 complaint; is that correct?
A. Okay, yeah.
Q. Okay. Let's look at 90. [Defendant's Exhibit No. 44 marked for identification.]
BY
Q. Here you go. [Redacted] He's got two of them.
BY
Q. Oh.
A. Oh.
Q. Okay. So this is an email. If you kind of scroll down to the -- look at the bottom, the beginning of the chain, it's an email from
A. Yeah.
Q. -- on January 18th at 6 a.m. or 5:57 a.m. And it says, John, can you answer this CA? Do you see that?
A. I do.
Q. And you respond, This is the first I've seen of this CA being assigned to me. This looks like the CA for all the missing parts with open NC SOIs that has been investigating. I will need your help and guidance on how to address this CA, please. So what are you referring to there?
A. Well, because there's certain things that must be addressed in the CA task, in the CA issue --

and this particular issue, this -- this particular CA task had been written a couple of months earlier. And it was -- or, actually, several months earlier. It was due. It was already overdue when it was assigned to me.
Q. Right.
A. So I told him, I -- I -- you know, I don't know why this is the first time I've seen it. But I'm going to need some help.
Q. Okay. And he responds after that and says, I will assist you in the CA response. Set up meeting for tomorrow to address it, correct?
A. Yes.
Q. So he is agreeing to give you the help you need, correct?
A. Correct.
Q. And then at 2 p.m. that afternoon, you email him and say, [Redacted] I trust you heard your voicemail letting you know I had to leave. I went to the ER and then to my doctor.
And this says, She told me to take a few days off. I'll need the rest of the -- this week off. I'll be in on Monday.
A. Yes.
Q. And then [redacted] responds, Yes, I got the VM, so you're off the rest of the week. Anything you need from me? Take care of yourself and get back here for more fun.

Did I read that correctly?
A. Yes.
Q. Okay. And you asked him to have someone cover an ADR meeting. What -- what's the ADR meeting referencing?
A. So, I'm sending that to me. Oh, no, that's me to him.
Q. Would that be an alternative dispute resolution meeting, potentially, with one of your employees?
A. I'm not sure what that was.
Q. Well, ADR is the alternative dispute resolution that Boeing has to deal with employee disputes --
A. Right.
Q. -- is that correct?
A. I'm familiar with that.
Q. Yeah.
A. But I'm just thinking, there might another -- for that acronym.
Q. So you don't recall what that was?
A. I really don't.
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Q. Okay.
A. No.
Q. So you -- so on the morning of January 18th, you get this notice that you have to deal with this corrective action. And that seemed like a lot -- that was going to be a lot of work to you, correct?
A. Well, it was already overdue. And it -- and another issue to criticize me. But, also, you skipped this last paragraph where I'm talking about so many people having keys to our cages and missing parts.
Q. Uh-huh.
A. And that was another part of this, is they handed out keys to everybody. And then, when parts would go missing out of my cages, it was my fault. So all of that added up.
Q. Uh-huh.
A. Right.
Q. So the -- the job was stressful?
A. My management was stressful --
Q. Uh-huh.
A. -- for not supporting --
Q. And the job --
A. -- me.
Q. -- was stressful, too? You would --
A. No. The job was pretty easy itself, if

Q. Uh-huh.
A. Right.
Q. So prior to leaving Boeing? We don't have any medical records that you talked to doctors about being stressed at work --
A. Right.
Q. -- prior to leaving Boeing.
A. Right.
Q. So prior to -- lead- -- in the -- in the days leading up, and the month, weeks leading up to you leaving Boeing, did you go to any friend or family member and -- and seek, you know, help, assistance, support, for the stress that you were under at work?
A. Well, we talked -- I've talked to peers, you know, and -- and a lot of the peers would see what I was under.
Q. Who did you talk to?
A. As far as -- well, I know when [redacted] and [redacted] and [redacted] were there, we talked about it. And on the 60-day action plan, all of that brought up stress. And it -- you know, like I say, it's six years. So as -- as time went through, yeah, I would talk to my peers and ask them, Are you seeing the same thing? You know, why is this just me? Why -- you know --

Q. Uh-huh.
A. -- why are they treating me different, that kind of thing.
Q. Uh-huh. So [redacted].
A. So, yeah, I --
Q. -- are the people that you talked to about --
A. That's two of them --
Q. -- being --
A. -- yeah.
Q. -- excessively stressed?
A. I'm sorry. Yes, that's correct.
Q. And any -- anyone outside of work?
A. Outside of work? Well, again, my doctor.
Q. Well, again, you didn't talk to your --
A. I talked to my --
Q. -- doctor --
A. -- general practitioner.
Q. -- prior to leaving Boeing about being stressed. Accord- -- we don't have the medical records that illustrate that.
A. Okay. Well...
Q. So any -- any friend or family member? No?
A. No.
Q. Okay. And so -- so when you left on January

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Q. So -- so where -- what was the name of this doctor that said that to you?
A. [redacted]

Q. Okay. And -- and where -- where was that?
A. It was in the notes we sent you. It was -- yeah, you have those documents.

Q. I'm asking you.
A. Oh, I'm sorry. What --
Q. Was -- was -- did you go to the hospital or did you go to see this doctor in a doctor's office?
A. [redacted]

Q. -- a doctor's office. Yes.
Q. Okay. Is that like a Patient First?
A. I'm not sure. It -- it's -- it's like a small clinic.

Q. Okay.
A. -- you go to, yeah.
Q. Is [redacted] a doctor that you saw regularly?
A. She is my general practitioner.
Q. Okay.
A. Yes.
Q. And you could go in without making an appointment?
A. Yes.
Q. Okay. Okay. And did she perform any tests?
A. I believe she did an EKG and several others. I don't know what all those acronyms are, but, yeah.
Q. Okay. And so [redacted] is -- and what -- is she a physician?
A. Yes, I believe so.
Q. And she's the doctor that you allege told you that you needed to take a leave, that the job was going to kill you; is that right?
A. Yeah. She actually put me out on leave for a couple of days. She told me to take a few days off.
Q. Okay. And -- and what -- what were the exact words she used, to -- to the extent you remember?
A. Take a few days off.
Q. Okay. Anything -- I mean you -- you -- your testimony earlier was a little more elaborate than that. Did she say anything else about why you should take a few days off? Or what --
A. Because I was --
Q. -- what was the conversation?
A. Right. Because -- so I was explaining to her what I was going through at work and what I felt was the stress causers. And after a pretty lengthy conversation and her checking my vitals and that type of thing, she said, Yeah, your -- you know, your stress level is way up there.
Q. Okay.
A. You need to -- you need to get out of that environment.
Q. Okay.
A. Yeah.
Q. You testified earlier that she said something about you're going to drop dead? She --
A. No. I said --
Q. You were --
A. She said I was going to have a heart attack and die, or I could have a heart attack and die in that environment, yes.
Q. She said to you, during this appointment, You could have a heart attack and die if you don't leave work? That's your testimony?
A. If I don't get out of that environment --
Q. Okay.
A. -- yes.
Q. So you allege you had to resign because of the stress you experienced because Boeing insisted that you engage in illegal conduct. Do you -- do you recall that allegation?
A. Yes.
Q. And we talked a little bit about this earlier, the -- but I really want to get the specifics about what illegal conduct you're alleging. So we talked about that it was illegal to not document defects in the build record, correct?
A. It's illegal to violate any BPI or process --
Q. Okay.
A. -- anything under the quality management system.
Q. Okay. So you're -- so, basically, when you make that allegation, you're -- the support -- your contention is, any time anyone told you to violate any process or any procedure, that's an illegal act?
A. Absolutely.
Q. Okay. Okay. Let's take a short break and then I think we'll be able to wrap up.
A. [A brief recess was taken.]
Q. [Back on the record, 18:41.
BY] Mr. Barnett, just going back real quickly to what we were just discussing, the weeks and months leading up to you leaving Boeing on that day, January 18, 2017, you were working during that whole time,
correct?
A. Yes.
Q. So you were able to work?
A. Yes.
Q. And how were -- how was your diet? Were you eating well?
A. Yeah.
Q. You were able to sleep well?
A. "Teh."
Q. Okay.
A. Yeah.
Q. Is that -- is that an issue that you have generally?
A. Not typically. And -- and just, like I say, over the years, it just got worse and worse, but, yeah.
Q. But you were sleeping through the night --
A. Yeah.
Q. -- for the most part?
A. Yeah.
Q. Okay. So you just testified about a doctor's appointment that you had when you left Boeing that day, January 18, 2017. I believe you testified you went to see your doctor. [Redacted] is that correct?
A. Correct. I believe, yes.
Q. Okay.

A. Yes.
Q. I want to show you -- let's see where it starts.
A. [Redacted] Okay. We can -- it's one exhibit, so we'll just do the whole thing and we'll go from there, right?
A. Yeah. We might just have one copy of that. Let me look first.
Q. [Redacted] Of course. All right.
A. We're on the clock, so...
Q. Yeah. Those are the injury and illness reports. So --
A. Okay.
Q. And we've just got the one.
A. Can we go off the record for a minute?
A. [Off the record, 18:43.]
Q. [Defendant's Exhibit No. 45 marked for identification.]
A. [Back on the record, 18:43.
BY] Mr. Turkewitz: By the way, did you receive the latest --
Q. Yes, we did.
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Q. It wasn't --
A. My--
Q. [redacted]
A. Right.
Q. Okay.
A. My apologies.
Q. And your -- so the ad-- -- admit date is 1/18/2017, in that -- that top?
A. Right.
Q. Okay. So this is the visit where you left work because you were having chest pains. And you went to [redacted] correct?
A. Right. Right.
Q. And your -- looks like you were accompanied by [redacted] is that right? Or she's listed as your spouse or companion.
A. Companion, yeah. I think -- I think I was -- yeah, person to notify.
Q. Well, she's listed as your person to notify. But she's also listed as your spouse or companion. So, at that point, were you all living together?
A. No.
Q. Okay. All right. If you flip to page 17, there are some comments here. It says -- these are, I guess, symptoms you were exhibiting: Sweaty, chary

Q. So have you been taking antidepressants since 2005?
A. Yes.
Q. At -- what about anti-anxiety medication?
A. No. So, again, the clonazepam would stop. And, again, because it was related to my back -- well, they put me back on clonazepam.
Q. Well, I --
A. So...
Q. -- I don't know that they did on this visit.
There's another document we can look at.
A. Okay.
Q. It looks like all they prescribed you was baby aspirin. I'm just trying to confirm how long you had been on anti-anxiety medication.
A. Well, I was on Cymbalta for the depression, right?
Q. You'd been on -- right. You had been on antidepressants for, I think you just said, ten years?
A. Right.
Q. Okay.
A. Right. Right.
Q. The anti-anxiety medication, had you been on that for ten years, as well?
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1. A. The clonazepam, no, I don't think so. I think that's when they put it on.
2. Q. You said that was -
3. A. -- me on it.
4. Q. -- prescribed to you when you hurt your back, as well?
5. A. Right.
6. Q. Okay.
7. A. And I went to a pain clinic. And they got me off all that.
8. Q. Okay. So -- so you think you had been off it for about a year and a half?
9. A. No, because I went to the pain clinic back in 2006.
10. Q. Okay.
11. A. I believe.
12. Q. Okay.
13. A. Yeah, this -- this don't really add up here.
14. Q. So -- so just looking back at those notes, it says, Under tons of stress recently, right?
15. A. Yes.
16. Q. And then it says that you're -- you checked to smoke, yes?
17. A. Yes.
18. Q. So you were smoking then?

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1. A. Yes.
2. Q. Do you still smoke?
3. A. Yes.
4. Q. Okay. If you look at Medical 12 --
5. A. Okay.
6. Q. -- this is the radiologist's impression and report. And they say, Mild pulmonary vascular con- --
7. A. I do.
8. Q. Okay. So that was the outcome from the tests that they ran that day.
9. If you look at the next page, Medical 13,
12. Did you -- did I read that correctly?
13. A. Yes.
14. Q. Okay. So this doesn't say your vital signs were elevated, right?
15. A. Well, right. This was later, I believe. It says, Feels better. So that indicates that it was a little later than when I first showed up.
16. Q. Okay.
17. A. Yeah. In fact, down here in the tables, it shows both times they took it.

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1. Q. Uh-huh. Yeah. And I'm not a doctor. But if you look at those numbers, some are higher the second time. Some are higher the first time. So -- but -- so they just said, as a general matter, your vital signs were stable?
2. A. The second time they checked it, yes.
3. Q. Well, as I said, some of these numbers on the second time are higher than the first time. So I --
4. A. I don't know that they were making that distinction.
5. Q. They were just saying they were stable. I -- I don't -- I haven't seen anywhere on this document -- and you're welcome to flip through it -- where it says your vital signs were elevated, which I believe you testified to.
7. Where does this one start?
8. Q. Well, it's -- it --
9. A. Here it is.
10. Q. Yeah. And -- and there's nothing in this document that indicates that you need to take a leave of absence or you'll have a heart attack, correct?
11. A. This is one hour heart shortness of breath, nausea. Yeah, here you go. Reports chest pain, palpitations.

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1. Q. Yeah.
2. A. That's Medical 008.
3. Q. Right. Yes. We've already established that you went to the doctor because you were having chest pains and shortness of breath. But you have testified that your -- that a [redacted] told you that, if you don't leave work, you're going to die of a heart attack. And we've confirmed that you didn't see [redacted] that day.
4. A. On that day --
5. Q. And this --
7. Q. -- and this medical record does not establish or doesn't support that testimony at all.
8. MR. KNOWLES: Object to the form. Is that a question or a statement? BY [redacted] Q. And I understand it's a detailed document, but it was produced by your lawyers. So the assumption was that you would have reviewed it. Okay. Let's -- let's move on because we're short on time. The -- the next medical record -- we have it -- we have a medical record from you -- for you from February 2016, where you also visited the ER for chest pains. Do you -- do you recall that?
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Q. 2016? Where's that at?
A. Well, I was trying to avoid actually getting into the documents because we just don't have a lot of time. Do you recall --
Q. -- visiting --
A. Right.
Q. -- the ER for chest pain in February 2016?
A. I remember going a few times. I can't remember exactly what --
Q. Okay.
A. -- the date without seeing it.
Q. And --
A. Yeah.
Q. -- and they prescribed Lipitor for high cholesterol. Do you take Lipitor?
A. Where are you at?
Q. I'm just --
A. I did, yes.
Q. -- asking you to go --
A. Yes.
Q. -- from memory.
A. Oh.
Q. Do you -- were you prescribed Lipitor during that visit --

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A. 1 was.
Q. -- to the ER?
A. Well, I was prescribed Lipitor. I'm just not sure --
Q. Okay.
A. -- when, yeah.
Q. So -- and do you recall that you were given nitroglycerin to treat your chest pain?
A. I don't recall that.
Q. Okay.
A. But, okay.
Q. But you weren't given any medication to treat any kind of panic attack or anything, were you?
A. Again, I'd have to look at the record --
Q. Okay.
A. -- to be sure.
Q. All right.
A. I -- I just don't remember. That was quite a while ago.
Q. And do you -- do you remember your doctor at this visit, or any visit, saying you had high risk factors for coronary heart disease because you smoke, you have high cholesterol and you have a family history of premature coronary heart disease?
A. Vaguely.

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Q. Okay. All right. The next medical record we have for -- for you is not until May 2020. Actually, I take that back. Let's -- let's talk about this real quickly.
A. Yeah.
Q. Okay.
(Defendant's Exhibit No. 46 marked for identification.)
BY [Redacted]
Q. So on February 2, 2017, you went to see [Redacted] who's a licensed clinical social worker, I believe. Do you recall that?
A. Yes.
Q. And this was the first time you had seen [Redacted] is that right?
A. That's correct.
Q. Okay. And how -- how did you learn about [Redacted]? What motivated you to go see her?
A. So this is February. So I -- I do recall seeing [Redacted]. And she did tell me that I just got mistaken on the dates. And -- and -- but [Redacted] had put me on a few days leave of absence, telling me to take some time off.
Q. Uh-huh.
A. And my -- it was, kind of, over a weekend.

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So that Monday, I had gotten up and gotten ready for work, planning on going back to work. And walked out the door. And as soon as the screen door closed, I had an anxiety attack again. And that led me to -- to follow up and try to find somebody to talk to and figure out how I could get --
Q. Okay.
A. -- this addressed.
Q. Was -- did someone refer you to her?
A. I can't remember if [Redacted] did or not.
Q. Okay.
A. I'm not sure. I -- I don't --
Q. I -- I don't --
A. -- recall.
Q. -- think we have any medical records from a.
BY [Redacted]
MR. TURKEWITZ: I know we've requested them.
BY [Redacted]
Q. I think -- yeah, we do. I think -- yeah, I saw them.
A. Any -- anyway, we can -- we can address that --
Q. -- in a minute.
A. Yeah.
Q. -- in a minute.
A. Yeah. I know I saw some.

95 (Pages 374 to 377)
John Barnett - Confidential - 3/7/2024

A. Yeah.
Q. Okay. And your deposition was originally scheduled for the - last Thursday; is that correct?
A. I -- I believe so. I -- yeah.
Q. Well --
A. I don’t remember specifically.
Q. -- well, you traveled here to attend your deposition --
A. Right.
Q. -- last -- last week, correct?
A. Well, I’ve been here three weeks. But, yeah.
Q. Okay.
A. I believe it was Thursday. I’m just --
Q. Okay.
A. I’m not arguing. I’m just --
Q. Okay.
A. -- trying to clarify.
Q. Do you know why it was canceled?
A. I have an idea, but not legally. I mean, I don’t really know.
Q. What was the idea? What’s the idea you have?
A. That we had received a lot more forms and we hadn’t had a chance to review them --
Q. Okay.

Q. Okay.
A. Yeah.
Q. All right. You can --
A. Tried to handled it on my own.
Q. Uh-huh.
A. But -- but after I, kind of, got things squared away, I decided it was time to go back to work. And -- and I went to -- it’s called A Million Air. And it’s two different words. And what they do is, they work on millionaires’ airplanes and service them and maintenance and that type of thing.
Q. Okay.
A. So I went up there, picked up an application and took it home to fill out. And I was filling it out, just thinking about having to report to somebody in that type of structure. I just broke out in an anxiety attack. So I threw that away. And then, probably a month or so later, we have a place called Union Cars -- or Union Rails -- right there in Alexandria, that produces railroad cars. So I thought I’d go down there and try to apply for some type of inspection job or something, because that’s what I’m -- my background is. And, again, I took it home, tried to fill it out and just -- I -- I just -- the anxiety and stuff -- I just couldn’t do it, so I threw it away.

And I got to thinking, how am I going to do this? So I started, kind of, working towards opening my own business, so I didn’t have to report to anybody. I’d be my own boss. And I’m still working towards that today. I’m getting real close to starting my own business.
Q. And -- and what is that going to be?
A. It’s going to be a handyman, auto, little bit of everything, you know, small construction, working --
Q. Okay.
A. -- on cars, that type of thing.
Q. Your counsel hasn’t produced any applications for employment that -- that you have submitted to anyone. So are you -- is your testimony that you don’t have any applications?
A. Well, right. Like I say, when I was --
Q. You -- your --
A. -- I threw them away.
Q. -- so you’re saying you tried twice and you threw them away?
A. Right.
Q. Okay.
A. That’s correct.
Q. So you haven’t applied for any jobs since you left Boeing, correct?

97 (Pages 382 to 385)
A. That's correct.
Q. Okay. I just want to talk briefly—briefly about your media appearances. You have been in several newspaper articles, podcasts, a Netflix special; is that correct?
A. Yes.
Q. How many media appearances do you think you've had?
A. As far as, like, video or just interviews?
Q. Inter-- any -- yeah, inter-- interviews --
A. Probably --
Q. -- whether over the phone or in person.
A. I'd say probably eight or ten, somewhere around there.
Q. Uh-huh. Do you enjoy doing that?
A. Not really. But I think it's important to get the information out.
Q. Uh-huh. That doesn't cause you stress and anxiety, talking about the -- those issues with the media?
A. Absolutely.
Q. But you do it anyway?
A. Right.
Q. Have you received any financial benefit from the -- I just want to make sure that the transcript from these proceedings is designated confidential pursuant to that protective order. Thank you.
A. Okay. This will conclude Volume One of the video deposition of John M. Barnett. Off the record at 19:10 on March 7, 2024.
(The deposition adjourned at 7:10 p.m.)

CERTIFICATE
STATE OF SOUTH CAROLINA:
COUNTY OF CHARLESTON:

I, [Name], Registered Professional Reporter and Notary Public, State of South Carolina at Large, certify that I was authorized to and did stenographically report the foregoing deposition of John M. Barnett; and that the transcript is a true record of the testimony given by the witness, and was sworn as such.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND OFFICIAL SEAL this 21st day of March, 2024, in the City of Charleston, County of Charleston, State of South Carolina.

[Signature]
RPR, CLR
Notary Public
My commission expires:
January 13, 2031

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Attachment 4
Deposition of:

John Barnett - Vol. 2 - Confidential

Barnett
v.
The Boeing Company

Case #: 2021-AIR-00007

March 8, 2024
John M. Barnett, Complainant,
v. The Boeing Company, Respondent.

*****************************************************************

VIDEOTAPED DEPOSITION OF:

JOHN M. BARNETT - VOL 2

DATE TAKEN: Friday, March 8, 2024

TIME: 10:00 A.M.

PLACE: 

REPORTED BY: 

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Case Number: 2021-AIR-00007

*** CONFIDENTIAL TRANSCRIPT ***

John Barnett - Vol. 2 - Confidential - 3/8/2024
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Excerpts from John M. Barnett
Cross-Examination by Mr. Knowles

CERTIFICATE

INDEX OF EXHIBITS

Plaintiffs Exhibit No. 1: Email

Plaintiffs Exhibit No. 2: Complainant’s Attorney to Empowerment Board

Plaintiffs Exhibit No. 3: Emails

Plaintiffs Exhibit No. 4: Emails

Plaintiffs Exhibit No. 5: Emails

Plaintiffs Exhibit No. 6: Emails

Plaintiffs Exhibit No. 7: Emails

Plaintiffs Exhibit No. 8: Interim Manager Comments

Plaintiffs Exhibit No. 9: Review Results

Plaintiffs Exhibit No. 10: Boeing Coder Complaint/Emails

Plaintiffs Exhibit No. 11: Emails

Plaintiffs Exhibit No. 12: Emails/50 Day Action Plan

Plaintiffs Exhibit No. 13: Notes

Plaintiffs Exhibit No. 14: Emails/Employee Survey

Plaintiffs Exhibit No. 15: Emails

Plaintiffs Exhibit No. 16: Emails

Plaintiffs Exhibit No. 17: Emails/Results Summary

Plaintiffs Exhibit No. 18: Emails

(The deposition recommenced at 11:07 a.m.)
Now on the record at 11:07 a.m.

ON March 8, 2024. This is Volume 2 in the video deposition of John M. Barnett.

CROSS-EXAMINATION BY MR. KNOWLES:

Q: Good morning, Mr. Barnett.
A: Good morning.
Q: Yesterday, you were asked, related to Defendant’s Exhibit 4 — if you could take a look at this.
A: Yes.
Q: And could you tell us what that is?
A: So this is the email I was preparing for.

2 (Pages 2 to 5)
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Q. And then, if you flip over the page, what is it?
A. Let me start by saying I'm a 29-year Boeing employee.

Q. All right. So is that the continuation of that?
A. Of this one?
Q. Yeah.
A. Yes.
Q. Okay.
A. Yes.
Q. You talked a bit yesterday about MFP?MFP?
A. Correct.
Q. Do you know if the FAA would have to approve MFP?
A. Yes, they would.
Q. Did -- do you know when the FAA approved MFP?
A. I don't know. No, I don't.
Q. Would it surprise you to know that they didn't approve it until around 2014 or '15?
A. That would surprise me.
Q. If that was the case, that the FAA did not approve MFP until 2014 or '15, would that program have been conducted legally?
A. Had they implemented it prior to approval, absolutely.
Q. Absolutely what?
A. That it would have -- they can't legally implement it unless -- until it's actually approved by the FAA and -- and the documentation is incorporated into the processes and procedures.
Q. And when did you say Boeing started pushing and implementing MFP?
A. Well, they started around the first part of 2011.
Q. Did you ever have any discussions with anybody about whether or not running MFP -- strike that.
Q. Did you ever have any conversations about MFP not being approved by the FAA yet?
A. So in the discussions we were having, they -- they -- they were pushing us to -- to implement it and get it out there. I remember, in several meetings, we did discuss needing FAA approval. But I -- I wasn't on that side of it to know how the conversations were going or who was approving what.
Q. I'm going to hand you Defendant's Exhibit 2.

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Q. You had discussed this before, that if they decided to file a lawsuit or go to court, that there would be an amended complaint.
A. Yes.
Q. If you could turn to paragraph 23.
A. Okay.
Q. Could you read paragraph 23?
A. [Redacted] SOIs without investigating them. [Redacted] had discovered close to 200 SOIs had already been pencil whipped and closed out by another group without investigating them. [Redacted] strongly objected and pressed that they be reopened and investigated. He was ordered to let it go, which would be a violation of FAA regulations which required that lost parts be documented and reported to the FAA.
Q. Again, who told you to let it go?
A. [Redacted]
Q. We talked pretty extensively about the 200 parts that MMO pencil whipped yesterday?
A. Yes.
Q. Explain more about the lost parts that you were directed to pencil whip.

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A. So those were the ones -- again, in the -- my bucket in the MRSA cage, as the MRSA manager. There were some that we had to investigate. And they wanted me to just close them out and not -- not track them down. So we -- we did that, anyway.
Q. How many parts are we talking about?
A. I really don't recall. Because, like I say, there was so many lists bouncing around, with different groups and different buckets. Like I say, we had mid body, aft body, my group. So it really hard to say how many of those were...
Q. What does it mean to pencil whip?
A. Just means to -- to check the boxes and close it and get -- get rid of it, close it out and --
Q. Does that --
A. -- finalize it.
Q. To pencil whip something, does that conform to BPls?
A. Absolutely not.
Q. Would it be falsification of paperwork?
A. So, yeah. It -- if I can refer to the last parts form that was actually done, those were checked off, pencil whipped. And those were attached to the NC SOI, which the NC SOI has specific steps you have to follow. And by not following those steps and relying
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Q. Should that be reported to the FAA, that being --
   A. Yeah.
Q. If -- if Boeing was directing people to pencil whip paperwork, should that be reported to the FAA?
   A. I believe so, yes. It's a violation of our QMS and FAA regulations.
Q. Would Boeing be required to self-report that?
   A. Yes.
Q. Do you know if Boeing did, indeed, self-report that?
   A. I was told they weren't going to. And --
Q. Who told you that?
   A. I don't remember.
Q. And who is --
   A. So, (Name) -- at that time, he was the director of mid and aft bodies. And in the documentation, you'll see that I went to what's called an ESAM. I forget what that acronym stands for. But -- and I was pitching the fact that we had all these lost norm -- nonconforming parts. And during my discussion, I informed the entire leadership team,

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...it was a whole group of leaders -- and I explained to them, I said, you know, We -- we really need to find these. And if we can't find them, any that we can't find, we need to report to the FAA. And (Name) said, Absolutely not. We are not reporting anything to the FAA.
Q. You say he was the director of what?
   A. So he was the director of mid and aft bodies, which were the 8819 and 8820 buildings.
Q. And then there were, like I say, probably 10 or 12 other managers in there. So (Name) --
Q. So there was a meeting where (Name) said -- was this raised, about needing to report it to the FAA. And (Name) said, We're -- we're not going to report it to the FAA?
   A. Yes.
Q. And that was in a meeting with a dozen managers?
   A. Yes.
Q. Did he say why they were not going to report it to the FAA?
   A. He just said, We're not going to report anything to the FAA. Yes.

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Q. What would happen if this was reported to the FAA?
   A. Well, again, it's a violation of the QMS. It's a violation of FAA regulations. And I would imagine FAA would really frown on it. I'm not sure what action they'd take, but they wouldn't like it. I can promise you that.
Q. Who directed you to pencil whip the forms for those lost parts?
   A. So that direction, like I say, came from (Name), by pressing me to just close them out is -- what I took him to mean was pencil whip it. Because there's no way I could have done it in the amount of time that he was wanting me to.
Q. So explain to us nonaviation folks how -- how would this work with lost parts and documenting and reconciling where the part is?
   A. Lost parts or lost nonconforming parts?
Q. Lost nonconforming parts.
   A. Okay. So lost nonconforming parts, like I say, they're -- it's not allowed. There's no procedure at Boeing that allows -- that defines what to do if you lose a nonconforming part. Because the procedures are set up and, if followed, you're not going to lose a lot -- a nonconforming part. That's the whole intent

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of MRSA and -- and keeping them in cages and keeping control of them, so you don't -- you don't lose them. And to lose a part is -- is a violation of our QMS, period.
Q. So who came up with this plan to draw up some paperwork if you lost a part --
   A. So that --
Q. -- a nonconforming part?
   A. -- so that was actually done in the 8819 and 8820 buildings before I had responsibility for them. So that -- that leadership was (Name), I think. I was over there.
And when we were working our side in final assembly, a different group over there was working theirs. And when (Name) was no longer with Boeing and I took it back over, I -- that's when I found what -- what had been done over there.
Q. Is it a safety issue to lose a nonconforming part?
   A. Well, again, depending on what the part is, it -- it very well could be. But it also goes to configuration control of the airplane and -- and compliance and -- and that type of thing. It -- if a nonconforming part's installed on an airplane, then that would create a false build record. If you will.
because now you have a nonconforming part that hasn't been worked. But, yet, the paperwork has been bought off. So -- so it, kind of, branched out to a bunch of different things. And -- and like I was explaining yesterday, you know, as far as whether it's a safety issue or not, again, it depends on the type of part and where it's at.

But more -- more critical is, where it's at. Because, again, when we're talking about not torquing fasteners and not verifying they were installed, on the surface, that don't look like a big deal. But if it's holding a critical part on, then it is a big deal. So it really, really depends on the situation.

Q. You say it's not allowed to lose nonconforming parts?
A. This is correct.
Q. What's that based on?
A. That's based on the fact that our quality management system is designed and -- and approved by the FAA on how you do things. And one of the things that FAA's drilled into us over years and years is, Say what you do; do what you say. And what that means is, your QMS is supposed to lay out exactly what you're going to do. And then you have to follow those BP -- those -- the QMS by the letter. And the fact that

came to the cage wanting a defective part, held hand -- they'd hand it over to them. And it had -- had -- didn't have to be quality.
Q. And this was a?
A. Correct.
Q. And who was -- what was his position?
A. He was the quality manager over MRSA before

Q. So, in reality, does that mean that mechanics could come up to the cage and ask for parts?
A. Yes, according to his email.
Q. Did mechanics come up and ask for parts?
A. That's what I understand. And not only did they ask for parts, but, after I took over MRSA and -- and we found that all these lost nonconforming parts were going out, I performed a key audit. And all the MRSA cages have locks on them. And just the people that worked the cage are supposed to have the keys so we can keep control on the nonconforming parts. So I did a key audit. Actually, I had -- I contacted security and had them do a key audit. And I found that manufacturing managers had keys. Manufacturing lead had keys. And they were just able to walk in, unlock the cage, and take any part they wanted.

So I -- again, going through security, I

there's not a procedure to allow you to basically investigate lost nonconforming parts is because they expect you not to. You know, if there's not a procedure for it, you can't do it. So the -- the expectation is that you don't lose them.

Q. Well, how are they getting lost? Do you know, in general?
A. So when I first took over MRSA, I -- I'd been sent a letter from the previous -- from the group -- from the pre- -- that the previous manager had sent out. And -- and if you followed the BP it -- it tells you that, if MRSA is going to release a part, then it has to be released to quality, so quality can take that part down, write the NCR and attach it to that airplane, so you don't lose track of it. We weren't allowed to hand out parts on NUT tags. They had to be constrained to a SOI that was attached to an airplane. And that's how it's -- you are to maintain the whereabouts of these parts.

And what I learned was, the manager -- it was before His name was actually
He had sent the team a letter basically saying that they could issue it out to, pretty much, anybody that came up. And they didn't have to write a unitized tag. And they -- he instructed his crew that anybody that

said, We need all the locks changed on the cages. I need to keep control of who has keys and who has access to these cages. And they did that. We went through the expense and changed all the locks on the cage -- cages. I made sure all my team had keys and my managers had a key. And then, it wasn't a couple days after that, I guess, somebody went and complained to
because, the came down and he said he wanted us to issue keys to all K-level managers. And I pushed back. So, I was actually the one that issued all the keys out. And I can't tell you how many he let out, but I know he issued quite a bit.

And immediately after those keys were issued out, we noticed lost nonconforming parts were disappearing again. We found parts pulled out of our scrap bin that was cut out on the production floor being used. We had nonconforming parts out on the floors being used. It was just totally out of control.

Q. You said scrap parts were cut out on the production line, being used?
A. Yes. We actually found scrap parts out there. And the way I know they're scrap parts is because our processes say, before you scrap a part, you paint it red. And we found numerous parts out in

5 (Pages 14 to 17)
production that were painted red, that had come out of the scrap bin.

Q. So you -- your testimony is that people would come into the cage, take parts, take it out to the airplane?

A. Right.

Q. And put it on planes?

A. They were out on the production floor. I couldn't tell you how many ended up on airplanes. I just knew that we found an awful lot out there.

Q. Well, what else they would be doing taking the parts out and putting them on the production line, if they weren't going to put them on a plane?

A. Right. Right.

Q. Is that --

A. That's the only -- that's the only reason I could think of.

Q. Was there -- was there a shortage of parts that would be requiring mechanics to try to take an alternate route and use scrap parts?

A. Yeah. We were having a lot of struggles with our suppliers keeping up. It was hard to get parts in.

They were behind schedule. And part of that is because I believe it was 2016, first part of 2016 -- leadership on the production floor gave direction that,

if a mechanic screws up a part, scrap it and go get another one. Excuse me. So by doing that, they really created a lot of extra -- a lot of parts came into MRSA to be scrapped. And then they'd go to get another one, and they wouldn't have a part. And they wouldn't be able to get one for who knows how long. So then they'd come back in and take it out of the scrap bin.

Q. Were there parts that were too large to fit in the cage --

A. Oh, yes.

Q. -- that were nonconforming?

A. There was.

Q. Like what?

A. I know we had two -- two 47 sections, 48 sections that had been lost. We had stringers. We had strap joints. I forget what they're called, but some -- some pretty major ones. You know, a lot of them were minor. But a lot -- there was a lot of major ones out there.

Q. You say there was a 47 or 48 section that was lost?

A. Two of them.

Q. What do you mean they were lost?

A. The paperwork -- trying to find the paperwork. Nobody knew where they went. Nobody could find them. My understanding is, they weren't anywhere to be found.

Q. How do you lose a 47 or 48 section?

A. That's a good question. That's -- that's what I couldn't understand.

Q. Were they tagged?

A. Yeah, they were, per -- yeah. The process says put a hang -- a red tag on it. So I didn't actually verify them because, obviously, I didn't see them. But if the process was followed, then, yeah, they should have been tagged.

Q. Do you believe those -- there -- that there are two 47 or 48 sections that's been -- that were nonconforming, that were installed on an aircraft?

A. I have no idea. I mean, that's -- that would be a theory.

Q. Well, where else would you go?

A. Well, it -- it's possible that they may have gotten scrapped out and sent to a college or something like that for use. I don't know. I'm just --

Q. How would --

A. -- theorizing.

Q. -- how would Boeing be able to trace that?

A. So, again, you'd have to follow the paperwork and see who released it, how it was released, and where

it went, right. So --

Q. What if there is no paperwork?

A. Well, and that's what we ran into was, there was no -- the paperwork came to a dead end. So we didn't know where they were.

And -- and when I say "we," I mean Boeing. Because these were all done in the other buildings before I had any control over them.

Q. Do you know how a mechanic would document, for instance, one of these fuselage sections being used on a plane, that -- that was nonconforming?

A. As far as I know, there wouldn't be a documentation because, as far as the mechanics are concerned, they get the parts. They put them together. They -- they don't really check to see if it's lost or nonconforming. They just get the part and put it on. And that's why it's so important to have the paperwork, show where the part went.

Q. What are stringers?

A. So stringers are inside structure. And -- and I said "stringers," but I, kind of, misspoke. Because a 787, they're all embedded. That was going back to my 747 days. But -- but it's structural components and -- and that type of thing, like bathtub fittings that hold on the wings and that type of thing.
Q. What other large parts were kept outside the cage?
A. So outside the cage we had a lot of large parts, anything like the cells, exhausts, engines, landing gear. We've had some wings that were rejected. We had -- I mean, just really anything that the airplane is built out of, if it gets rejected, then it's got to be controlled by MRSA. And that could be anywhere from a -- from a bolt to a, like I say, a landing gear and everything in between.
Q. Who else was aware that two -- two fuselage sections were lost, other than you?
A. So, like I said, that was all done prior to me. So it would have been that whole -- that whole mid body and aft body. That's -- that's the groups that were working those. And -- and --
Q. Is that --
A. -- again --
Q. -- where --
A. Right. --
Q. -- said --
A. -- that group.
Q. And -- is the one that said he --
We're not reporting this to the FAA?
A. Correct.
Q. Would that not be a fraud on the FAA, to not report lost nonconforming parts?
A. I'm not familiar with the legal term. I can tell you that it is a definite violation of our quality management system, which would have then violated federal aviation requirements.
Q. Because you're concealing from the FAA a substantive fact related to your quality control -- control system, correct?
A. Correct.
Q. And you're having directors tell you not to follow process and procedure --
A. Yes. That's --
Q. -- in essence, by not --
A. In essence.
Q. -- telling you, We're not going to report this to the FAA, I'm -- that means that --
Q. Is saying. We're not going to follow BPIs?
A. Yes, that would be a logical conclusion.
Q. And that means we're not going to follow the law, correct?
A. Again, that would be a yes.
Q. Because if you don't follow your --
A. Correct.
Q. -- BPIs, you're not following the law, right?
A. Exactly right. Yes.
Q. So directors are telling you to violate the law, correct?
A. Bottom line, yes. When you -- yes, when you follow it through exactly.
Q. And how did -- how did -- how did that make you feel, when directors and others are telling you to violate the law?
A. So that's -- that was a big part of my stresses and concerns at the time. Because, like I say, I had had close to 30 years experience. And I knew the procedures and processes. And -- and for them to direct me to -- to not follow them, I knew was putting me in a position to where I had to do as I'm told and violate the law, or not do as I'm told and be insubordinate. And if you look at Pro 1909, which is the employee corrective action process, if you violate a procedure, it's a written warning. But if you're insubordinate, you're terminated on the spot. So it really puts any employee in a very bad spot because it's either violate the BPI, which you're violating the law, or, if you don't, you're going to be terminated for insubordination. So it's a very tough spot to be in.
Q. Would you consider that a hostile work environment?
A. I would, yes.
Q. Did you know --
A. Briefly, yes. He was there, prior to -- like I say, he was over the other two buildings. And then, after he left The Boeing Company, I took over his areas. And prior to him leaving, yeah, we worked quite a bit together because we shared the same statement of work.
Q. In MRSA?
A. Correct.
Q. Did you know that -- was fired?
A. That's what I learned later. I just -- I -- I knew he left, but I didn't know why. And later I found out he was fired.
Q. Do you know why he was fired?
A. Actually, I do. Because after he was terminated, HR called me into their office. And I forget his name. But he was very honest with me. He said, you know, I got a case here. It looks a little weak. He said, It was the same statement of work you're working. I want your input on -- on this PIP that was used to terminate this employee.
And I said, Okay. And -- and I'm, kind of, fair -- paraphrasing our conversation. It's all documented. But I said, Okay.

And he said -- and he asked me if I knew which, at that time, I didn't. And he asked me if I knew And, again, at that time, I'd seen him around. I hadn't really worked with him that much. So I said, you know, I've heard of I didn't really know. I said, So I'll give you my honest opinion. I don't have a bias one way or the other.

And he handed me the PIP. And he -- and we went down line by line. And just the more I read in that PIP that was used against me the more really angry I got. Because the things that were in there were just, in my opinion, picking fly poop out of black pepper. You know, I mean, he was being criticized for just the minutest things. And I think it was, like, the fifth item -- fifth or sixth item down -- there was actually a line in there about he was given two months to close out the lost nonconforming part SOIs, and it took him, like, two and half months. So they used that as him not meeting schedule.

And by the time we got through reviewing that PIP -- and, again, like I say, before this, I didn't know either one of them. But by the time we got through, I told him flat out, I said, This is a bunch of crap. I said, Somebody's got an ax to grind with him -- and they're using this to do it.

Q. Did you believe that his termination was retaliatory?
A. Based on what I saw in the PIP, yes.
Q. And after reading that, did you fear that you would also be terminated?
A. Oh, absolutely. You know, if -- if they can terminate somebody for those minor issues, you know, they're -- no telling what they could do, yeah.
Q. What position was he in again?
A. He was a senior quality manager.
Q. So you had a senior quality manager call you in as a K-level manager to review a PIP? I didn't -- maybe I'm misheard that.
A. Yeah, let me rephrase or restate. I had been terminated because of the PIP. HR called me up --
Q. Hi --
A. -- there,
Q. -- HR?
A. HR called me up there to review the PIP and give them feedback on what I thought.
Q. Who in HR called you?

A. I forget his name. I -- I think I have it documented. But it was -- it was a gentleman.
Q. Why would somebody from HR call you to review PIP?
A. Well, what he told me was, he said he felt it was weak and he wanted to get my opinion on what I thought because I had the same statement of work.
Q. And this was before or after he was terminated?
A. I believe it was after because he said this was -- or it might have been right in the same time. I'm not -- I'm not sure exactly when. I don't know what day he was terminated and what day -- but it was right in the same area.
Q. And this HR person wanted your input for what reason?
A. Because I -- he -- because I had the same statement of work as. So he was wanting me to compare and get my input because I was very familiar with his statement of work.
Q. Understood. So you -- you allege that Boeing South Carolina was a hostile work environment at the time you were there, correct?
A. Correct.
Q. Describe the day-to-day actions or inactions that were taken around you that led you to feel like you were in a hostile work environment.
A. Well, again, this was over a six-year period of time. And -- and without any kind of chronological order, I'll just, kind of, go through as they bounce through my head. But --
Q. Actually, let me stop you. Okay. Sorry.
Q. I'm going to withdraw that question and I'm going to --
A. Okay.
Q. -- get to it later. Brian, I think you need to let him answer.
A. All right.
Q. Could you repeat the question?
A. On a day -- I don't know. Do you want to read it back?
Q. Could you read -- Ms. Court Reporter -- sorry. (Requested portion read back.)
A. So as we've discussed, you know, being pressured to work outside the quality management system, violation of FAA regulations, that type of
thing. I know of several occasions -- I can't even count how many times -- an issue would come up with manufacturing, say they wanted to violate procedures or work outside the procedures, like the incidence we had -- we talked about where they were wanting to use a spreadsheet. I would push back and say, No, we can't do that. We need to follow the process. And instead, he'd -- like in that example, You can't use a spreadsheet. You have to write pickups and -- to document it that way. And constantly, whenever I'd push back to manufacture -- or identify the correct path for manufacturing, my management team, oftentimes, would come down and they'd stand over me with their arms folded, you know, intimidating manner, asking me, you know, What stops them from doing it? And, Where does it say they can't? And I'd explain to them, Look, if it doesn't say you can, then you can't, you know. And -- and it was just a constant, you know, Show me -- show me exactly where it's at that says they can't do this. It's like, The processes aren't set up to tell you what you can't do. They're set up to tell you what you can do.

And I remember specific incidents where we -- I found out that we had a supplier working on our plane. And if you followed the requirements, whenever suppliers come in, there's a whole thing of things you have to vet. You have to make sure they have the proper training, the proper certifications. There's some training they have to go through before they can work on Boeing airplanes. And there's a whole list. But also in the BPIs, in very bold, black print, it says, Boeing quality will inspect. And there's, like, six different line items that were supposed to inspect when a supplier's working on our airplane. And I found out that we had suppliers in there from Labinal working on our airplanes without Boeing inspections, without anybody verifying that held -- they'd gone through the proper processes and trainings to be working on the airplane.

And I recall. I was in a meeting. And -- and MMO was leading the meeting. And we were discussing this. And I brought the BPI with me so we could talk about it. Actually, it was on Zoom. So I was ready with the BPI. And the leader of the meeting, he was the buyer. I forgot his name. But when I brought this concern up, I said, You know. We have Labinal out there working on our airplanes. And I'm not seeing any quality inspectors out there supporting them. And I don't see any evidence that they had the stuff they need, you know, the training and that type of thing.

And the leader asked me, Well, you know, what do you think we should do, John? Think we should pull them off until we get inspectors? Or how do you think we should handle that? I said, Well, if it was my choice, I'd go ahead and pull them off the airplane. Let's get inspection. Let's make sure we're doing this right.

And he agreed, you know. And it wasn't three minutes later, [redacted] coming, you know, chomping me out about stopping production. I was like, Look, I didn't stop it. I just gave my opinion in a meeting.

And -- and I was called up to the office.

And I brought the BPI with me. And they put me in the corner, in a chair. And there's about five of them standing over me with their arms crossed. Where does it say we can't do this? And I'd show them the BPI.

And I said, Look, right here in black and white it says, Boeing quality will inspect. And we -- we just argued it for several minutes. And, basically, what it came down to was, they were telling me that I was miscoding the BPI, that that's what it meant, and that that just meant that we had to verify the work.

And I said, Well, you can't verify it without inspecting it. And then it was, Well, yeah, all we have to do is make sure that they stamp the paperwork to verify it. And I strongly disagreed. And I said,

No, that's -- that's not what the BPI says. And they said, Well, that's -- that's our interpretation, so that's what we're going with.

Q. Five of them, you said? Five -- who's "them"?

A. So it was [redacted]. I believe, was there, and a couple others. I'm not sure who they are. I had to look at the documentation I provided.

Q. Remind me, what position was [redacted]?

A. [redacted] was a senior quality manager, so he was my boss.

Q. Why would a senior quality manager be worried about slowing down production?

A. Well, that's -- that was -- the environment at Charleston was, it's all about production. And, Don't want to hold them up. You know, I was told several times I'm not allowed to tell manufacturing no, that it's their responsibility to follow procedures. And we're just a support organization and -- and we support what they want to do. And I argued. And I was like, Absolutely not. Quality's chairman of the MRB board -- material review board. And we have the last say. And I was told, That is not correct. And we are -- we are to allow manufacturing to do what they
want, and we support them.

Q. Who told you that?

A. So that was actually told to me a couple of times. He actually put it in writing. That's the two I can think of right off the top of my head.

Q. Isn't quality the last line of defense?

A. Absolutely. And, like I said, quality's chairman of the board. So we have -- we should have the last say, you know.

But in -- and at Puget Sound, we did. You know, quality had the final say. And I -- I can't tell you how many times I had there where I would stand up and push back and say, No, you know, this isn't right.

We're not going to allow it. And my leadership would support me. Whereas, in Charleston, down here, I would do that and push back, and my leadership would jump on me for pushing back. So...

Q. You raised a lot of complaints in this case, right?

A. I did. I did.

Q. Did -- did -- did you have the same experience in your prior 25 years at Boeing?

A. Oh, absolutely not. It's like night and day. Like I say, my leadership up there knew the procedures

and they supported me because they knew I was right. The leadership here didn't know the procedures and didn't support me because they were trying to support manufacturing.

Q. Why were they trying to support manufacturing?

A. Well, again, the environment and the culture here is, manufacturing is allowed to do what they want to do. And we're just here to support them and make sure that, you know, we support them. I mean, that's what we're here for...

Q. So did you -- you took it, then, by [redacted] and those other five managers or four managers telling you that you're misreading this BPI and that that supplier can inspect without you guys inspecting?

A. Right.

Q. And telling you that it was slowing down production?

A. Right.

Q. Did you take that as pressuring you to look the other way and violate process and procedures?

A. Well, it was clearly violating procedures, you know. But what -- what -- what they were doing is what we call wasn't wording it, you know. When it's

ass because, you know, I'm holding up production and slowing things down. We don't have time to follow processes, we're building airplanes. You know, and -- and that was a common theme all the time, was, We don't have time to follow processes, we're building airplanes.

Q. Wait a minute. You've got quality managers telling you, you don't have time to follow processes?

A. Right. We're building airplanes.

Q. Who's telling you this?

A. Oh, it -- well, like I say, this has been going on for six years. And I've heard it over and over. I've heard it from quality managers. I've heard it from manufacturing. I was in the EI -- so EI is what they call employee involvement team. And I was in the EI meeting. I was invited there because they were doing a report-out. And they were going through the report-out and talking about the different changes they were going to do and how they're going to save time. And I said -- you know, I kind of raised my hand. I said, That sounds great. But I said, We've got to make sure that the processes are changed to support what you all want to do. You can't just do it. And the lead of the EI team even said, We're building -- we don't have time to follow
manufacturing.

And the problem -- the purpose of it is to come together, figure out ways to improve the processes, figure out ways to eliminate waste and -- and continuous quality improvement. You know, that's what it's all about, is continuous quality improvement.

And that's what they were focused on, was, How can we still get the work done and still improve the process to try to eliminate waste? And that's -- that's the whole premise around the EI team, I guess. And, like I say, they came up with ways to make it a shorter process.

Q. Would that be by eliminating quality inspections?

A. So, in that particular case, they were -- I forget exactly what they were talking about. But they were talking about doing different things. And -- and, as they were talking, I knew they were violating processes. And that's why I raised those. I was like, you know, These sound good, as long as they can get approved. Because, regardless of what idea you come up with or -- or what improvements you make, until the BPIs, the pros -- or the procedures are changed, it's not approved. You know, until it's documented in the -- in the QMS, it's not approved. I don't care --
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Q. How -- well, how often -- were you subjected to folks telling you to violate process and procedures in BPIs on a weekly basis? A monthly basis?
A. I'd -- well, I -- I can --
Q. At what frequency?
A. I could say it was constant, you know.
Q. Well, what's "constant"?
A. I don't know if it's -- I could say absolutely every day, but I'd say at least once or twice at week, at the very minimum. It was always -- like I say, I was arguing more with my own leadership than I was dealing with manufacturing when it came to processes.
And -- and I remember, when I was talking to one day, he was the operations manager over the 787 there in -- in Charleston. And we had had a -- we had identified a defect on a supplier part that looked like it was caused by the supplier. Well, again, going back to the procedures, if -- if a -- if you receive a defective part from a supplier, you're required to write an NCR. And the purpose of that is not only to document the defect and be able to rework it in-house, but that NCR is also sent off to the supplier to make them aware, you know, that, hey, you sent us a defective part. Look into your processes. And that's true if it -- if it's isolated, chronic or conditional or -- or systemic, right. And I know I kind of jumped there. But -- but in Boeing and with the FAA, you have three criteria for issues, whether it's defects or process violations or anything that works outside, is, if it happens once, it's isolated. If it happens twice, it's chronic. And if it's three or more time, it's systemic. And based on the level, it requires a different corrective action process.
So, in that particular case, it would have been isolated because it was the first time we -- we knew about it. And I told -- I said, We're going to need to write an NCR on that so -- and he's like, Why? It takes too long. I said, Well, you know, we've got to document it. But we also need to notify the supplier. He said, Oh, we ain't worried about that, just -- and they ended up -- I don't know -- working on pickup or something. But... Q. Would that violate the BPIs?
A. It would.
Q. And you said they ended up working it as a pickup?
A. Right.
Q. So they violated --

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A. And that was the argument.
Q. -- BPIs --
A. Right. Right.
Q. -- in that instance? And that was the director of plant operations?
A. Yeah. That was -- he was operations manager at the time.
So it was constant, you know. And it -- and, like I say, these are examples. And if -- if we really think back, it -- you know, I could come up with more and more and more. But it was just a constant pressure.
Another time, I was working the travelers out on flight line. And I was working with -- at the time. And she actually requested that she be able to work with me because I was knowledgeable and I'd give her the right direction and she'd know what to do. And we received an email from -- my boss, quality -- senior quality manager, chewing on how come we're not selling jobs faster? You know, it's like, You're quality senior manager. That's not even your responsibility. Why are you chewing me out for not buying off jobs fast enough?
You know, and -- and like I say, --

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A. Yes.
Q. She was quality or production?
A. No. She was the manufacturing manager that I was working with.
Q. But you say at least once or twice a week?
A. Oh, at least, yeah.
Q. Did --
A. It was constant. It was constant. And --
Q. And why --
A. -- like I say, the biggest argument was, you know, show me where it says we can't do that, or -- or, it takes too long to follow the processes. Or, they'd set schedules that were just not achievable if you follow the procedures. It's just one thing right after another.
Q. And this was coming from your quality leadership?
A. My leadership, yes.
Q. How high up the chain did it go? I mean, we just talked about the director of operations, but --
A. Right, we just talked about one.
Q. -- but what about -- how far up the quality line did it go?
A. As far as -- how far up the quality line?
Q. Push -- pushing people to not follow process

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12 (Pages 42 to 45)
and procedures.

A. Well, I can tell you it at least came from

Because I had a meeting with him. And,
again, this is all provided. But I had a meeting with
him one day. And we were talking. And I was -- I was
listening on him because I was just getting hammered all
the time for things that were out of my control. I'm
like, "you know, what can I do?" And he told me,
he said -- one of his quotes was, "Anybody can write
a -- read a BPI. We, as quality, need to find a
work -- a way -- ways to work in the gray areas to help
manufacturing out.

So that tells me that at least came from

I'm not sure if it came from above him or if
he made that up, but at least that high.

Q. Who was above -- okay. So what position was

in.

A. [redacted] was my superintendent. So he'd
be, what, M -- M level.

Q. Who was above [redacted]?

A. [redacted]

Q. Did you ever have any conversations with

about any of this?

A. I had some conversations with [redacted]. In
fact, I sent him a couple of emails about the pressures

from our leadership was pushing us to violate processes
and procedures. And I know, at the time, it was --

there was a bunch of us there, other quality managers
heard -- that heard the same thing.

Q. Like who?

A. You know, [redacted] probably a bunch of others.

That's -- I'd have to go back and look.

That's the ones right off the top of my head.

Q. So this isn't something unique to John

Barnett being told and pressured to violate procedures,

is it?

A. That's correct. Yeah. From what I
understand, it -- everybody was being pushed to
work in gray areas.

Q. Wouldn't this be a systemic issue at Boeing

South Carolina?

A. Yes, absolutely. Because, obviously, it
happened all the time, yeah.

Q. And you raised concerns about it to your

leadership?

A. Yes, I did --

Q. And your --

A. -- on multiple occasions.

Q. -- but your leadership is the same people

and being pushed to work outside the procedures and
that type of thing. I sent him two of them, actually.

And, a little later, I ran into him in the hallway.

And I asked him, I said, Did you read those emails?

You know, I'd like to talk about it. He said, Yeah, I
read them. I don't believe you. Work it out with your
manager, and turned around and walked off.

Q. And he's the director of quality?

A. Right.

Q. The director of quality is telling you he
doesn't believe you?

A. Right.

Q. And you're -- you're complaining to him, as
the director of quality, about people not -- pushing
you guys to violate process?

A. Correct, and specifically my boss pushing me
to violate process. And he said he didn't believe me,
so...

Q. And when was that?

A. 2012, I believe.

Q. All right. Did you hear any other managers
talking about encountering the same issue, this issue
we're talking about of violating BPIs and processes and
procedures?

A. Well, I know a lot of the direction we got

trying to get you guys to violate procedures?

A. Correct.

Q. Did you feel in -- intimidated --

A. Oh --

Q. -- in that circumstance?

A. Well, again, going back to -- I've been doing
this long enough to know that these issues are -- are a
problem, you know. And it's a violation of the
process. So for me to be being told that I don't know
what I'm talking about and, you know, Show me
specifically where it says you can't do that, you know,
I -- that's not how the procedures are written.
They're written to tell you what you can do. They're
not written tell you what you can't do.

Q. So, again, you weren't the only one being
pressured to violate BPIs?

A. Right. It was a constant pressure every day,
not only for the managers, but also for the inspectors.

And, again, you know, in Ever -- in Puget
Sound, we had a ratio. So it was a nine-to-one ratio.

So for every nine mechanics, there was one inspector.

Well, the first thing they did in Charleston was did
away with that ratio and -- and said, We're not going
to work to a ratio. We're just going to handle it.

And I've seen times where one inspector was trying to
Q. You can still answer.
A. So based on my experience and time with Boeing, what they would do is -- is pull or suspend Boeing's production certificate. And what that means is, Boeing would no longer be able to certify their own planes as safe and airworthy. It would require the FAA ODAs to come in and inspect Boeing planes to certify them. So it's a major impact to the production and the production schedule to Boeing, or it could be. And over my time with Boeing, that's actually happened a couple of times where they pulled the PC700. And, instead of Boeing being able to certify their own planes, we'd have to wait for the FAA to come in, which really slowed things down and jammed up the production system.

Q. Did you believe that Boeing South Carolina was eliminating quality or adding quality?

[Redacted]

A. So --
Q. I'll -- I'll read:

Was Boeing South Carolina eliminating quality inspectors and quality inspectors?
A. Yes. So the -- the push for probably the last 15, 20 years at Boeing is to eliminate quality points were eliminated without changing the -- quality management system.

Q. Well, that would be a violation of the law, wouldn't it?
A. That's correct. Yes.
Q. There was an issue at Boeing South Carolina related to shimming when they were joining the fuselages together; do you recall that?
A. Yeah, I recall reading that in the news.

Yeah.
Q. Do you know if they eliminated quality inspections related to joining of the fuselage?

[Redacted]

Q. What time frame are we talking about? Oh, I think Bo -- Boeing didn't come out to the public until, like, 2020.

But it may have been an issue going back in time.
A. So I can tell you that 2012 -- let's see -- '12, '13, '14, in that time frame, I -- during my rotation through the different positions, I had Position 1, at one time. And I can tell you that, in all of our SOIs -- in -- in all the SOIs working on the airplane, there were specific requirements to measure gaps, measure -- measure your fillers, you know, the
shims, and document those in the S01s prior to installing them. And it was very -- a lot of inspection requirements, inspection points to verify that the gaps and the shims and all of that were -- were recorded properly. And so I can tell you that those were there then. And I noticed the response was -- when this issue came up -- was that engineering didn't call out the measurement of the shims and the fillers. And I'm like, Well, exactly right. Because that was a quality management system requirement. And it was, more than likely, eliminated. But I can't verify for sure. But based on other issues, you -- you can only assume that, yeah, those were eliminated, as well.

Q. What would be the point in eliminating quality inspections?
A. To speed up production, you know. Because, like I say, for the last 15, 20 years, Boeing has looked at quality as non-value added and -- and overhead and basically a waste. So they've been working on things.

And that goes back to the process improvements and the EL teams, which was a good approach, you know. Get your teams together and work on ways to improve and -- and -- and help reduce waste.

But when you just start eliminating inspections and -- and, you know, telling -- saying that we're -- don't have time to follow procedures, we're just going to build airplanes, you know, that -- that really swings the needle in the wrong direction.

Q. That, to me, sounds like that Boeing South Carolina was putting profits and production over quality and safety.

Q. Does it to you?
A. So I would totally agree with that, again, based on the fact that they're eliminating inspections. And if -- and if you look back at the MFP process, you know, that's basically the same thing they were wanting to do with that is, have the mechanics buy off their own work. And I know that was getting drug out and not getting approved as quick as they wanted. So, in my mind, I'm thinking they just went and eliminated the inspection points rather than waiting on MFP process to kick in, right. So -- so by eliminating those inspection points, you're essentially leaving it up to the mechanic to buy off their own work.

Q. Would Boeing be misrepresenting itself if it made statements such as, Safety and quality are our top priority?

A. Absolutely. Based on what I've seen in Charleston, I'd say just the opposite. They're -- they're trying to push quality out and have manufacturing take it all over.

Q. Right. I mean, how -- if quality and safety are your top priority, how -- how could you be eliminating quality and quality inspections?
A. Right.
Q. Correct?
A. Yes, absolutely. Take a break? Not yet. Actually, do you mind if we do?

Q. Okay. Well, we can, yeah. Off the record, 12.15. (A brief recess was taken.) Back on the record, 12:25.

Q. Mr. Burnett, could you take a look at the Amended Complaint and Footnote 2?
A. Okay.
Q. If you could read the last sentence on page 4 there.

A. Furthermore, intentionally falsifying an aircraft build record is a violation of 148 CFR 43.12, maintenance records, falsification, reproduction or alteration. In addition, falsifying or concealing material fact or making material false writing is in violation of 18 U.S.C. 37.

Q. If you'd take a look at Footnote 2, which is 18 U.S.C. 38.
A. Yes.
Q. Just review it.
A. Okay.
Q. It goes on to the next page.
A. Okay.
Q. I'm not asking a legal opinion here. But after reading 18 U.S.C. 38, what -- what's your interpretation of that?
A. So what I'm really zeroing in on is falsifying and -- and fraudulent representation, false writings, that type of thing. So, again, the quality management system is set up to where everything that's done is supposed to be documented and -- to the airplane is supposed to be documented and part of the build records. So, as an example, if you don't write an NCR when you should, and you just go by other --
some other route that's not in the quality management system, then, you know, you're -- you're violating some of those because it's -- you're -- you're not providing accurate information for the actual build of the aircraft.

Q. Well --
A. So...
Q. -- 18 U.S.C. 38 says that's a criminal felony.
A. I see that. Yes. Yeah, that's pretty serious.
Q. And how often would this be occurring, where the paperwork is being falsified like you gave the example with the NCR?
A. Oh, there's countless. Again, you know --
Q. Countless, you said?
A. Countless, yeah. Because the spreadsheet that we talked about earlier, you know, that's -- that's -- I think there was 25 or 28 parts on there. So if you look at the quality management system, each end -- each incident is a violation. So in that -- in just that one case, you know, say there was 25 parts on there, that's 25 pickups that didn't get written. So there's 25 violations just there.
Q. Well, that mirrors 18 U.S.C. 38, which says sitting at a desk -- which we found over and over again -- if they're sitting at a desk and buying off paperwork without actually inspecting the plane, that's a violation, a stamping violation. If a mechanic stamps off a job saying they did it -- and this is something else we found common, was the jobs -- the SOIs would be bought off on the airplane, but we'd find the parts on the -- on the shelf. They weren't installed.
Q. How is that possible?
A. Somebody stamping it that didn't do the work.
Q. There's -- doesn't allow the plane to keep moving down the line, though?
A. Right, yeah. Because, again, the way the production is set up, is -- it's it -- it tracks by job. And internally we called them beans. You know, you sell a job, you get a bean. But that's the focus in Charleston is, get your bean, you know, regardless of what it takes.

And I remember one day, again, back when I was working out on -- out in travelers on the flight line, there was a manufacturing manager...
You know, so we were very diligent in making sure that the planes maintain configuration control and -- and, again, were in a safe and airworthy condition. So the focus was on the planes. But in Charleston, it was -- the focus was on schedule and production speed.

Q. Were there any good managers at Boeing South Carolina?

A. Oh, we had a lot of good managers, in my opinion. But, again, it means, you're just 'cause of "good."

Q. Well --

A. It's -- sorry.

Q. What's your definition of "good"?

A. So, to me, a good quality manager understands the processes and is not afraid to ask someone, right. That -- that would be a good quality manager. From what I've seen in Charleston, and based on who got promoted and who got demoted or held back or whatever, the people that seemed to rise to the top were the people that aren't afraid to work outside the procedures or violate the procedures. And what they would say was, Well, so-and-so really gets the job done. It's like, yeah, but you've got to look at how they're getting the job done. Are they following procedures or are they just breaking stuff off? You know, so there was what I felt were some good quality managers because I'm speaking strictly from quality. And I know there were some real good manufacturing managers, too. \[redacted\] was one example. She was an excellent manufacturing manager. I loved working with her. And, like I say, she requested working with me because we both knew our business and we worked good together. But I can tell you, there's -- I can't tell you how many times I would consider bad manufacturing managers and bad quality managers. They just didn't -- they either didn't understand the procedures or they didn't care to -- to read up on them. And they would just, kind of, wing it as they went. And that's -- that's how you're supposed to build airplanes --

Q. Or --

A. -- you know.

Q. -- or, as you testified earlier, they were telling you to violate procedure --

A. Or violate procedures or --

Q. -- to keep production --

A. -- work outside or weasel word the BPs. It was just constant. Like I say, it was just constant. It was constant pressure to keep the line moving.

Q. What issues, if any, do you have with \[redacted\]

A. So, like I mentioned earlier, I did have a sit-down meeting with him. And -- and -- and -- and he told me that out we needed to know how to work in the gray areas. So that was one big concern I had. We had a superintendent that didn't seem to want to follow the quality management system and was -- is more worried about keeping the production line moving than making sure that it was a good quality product.

THE WITNESS: Oh, very.

THE REPORTER: \[redacted\]

THE WITNESS: \[redacted\]

THE REPORTER: Is that good?

THE WITNESS: \[redacted\]

THE REPORTER: Did I knock it over?

THE WITNESS: \[redacted\]

THE REPORTER: \[redacted\]

THE WITNESS: \[redacted\]

A. \[redacted\]

THE WITNESS: \[redacted\]

THE REPORTER: \[redacted\]

THE WITNESS: \[redacted\]

THE REPORTER: \[redacted\]

THE WITNESS: \[redacted\]

THE REPORTER: \[redacted\]

THE WITNESS: \[redacted\]

THE REPORTER: \[redacted\]
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schedule an hour meeting with them. You sit down. You discuss the PM. You discuss the issues. And then that's what the PM did. We'd schedule an hour meeting. And everything, pretty much, in my PM I disagreed with and I pushed back on. And I said, No, this isn't right. And ultimately, everyone, pretty much, in my PM I disagreed with and I pushed back on. And I said, No, this isn't right. And I would keep calling out details of things that he misstated or wasn't correct. And finally, towards the end of the meeting, he was -- he was visibly shaken up. And he told me, he said, I'm going to tell you something. If you say anything, I'm going to deny it. I said, Okay. He said, [redacted] gave you your score. And they told me to justify it. And he said, These are the only ones I could come up with to justify it. And I said, Well, these are wrong. And I said, You need to change my score. And he said, No, I can't. Because they're the ones that -- that told him to do it.

Q: Well, is that following process and procedures?
A: Absolutely not.

Q: That's --
A: The procedures state that your immediate manager's responsible for -- for reviewing your performance, reviewing your -- your data, reviewing everything you're doing. Because you're reporting directly to them. I didn't report to -- you know, directly to [redacted]. They didn't have a clue what I was working on. But my boss did. So the process is set up so that you do your PM reviews and you do your judgments with your immediate direct reports. You know, so by skipping a level or two levels, yeah, they're violating process.

THE WITNESS: Bless you.

Q: Why do you believe they'd want your performance lowered.
A: Yeah, that's correct. So I tied it back to the fact that I made ethics complaints and that I was pushing back and I wasn't just bending over and saying, you know, let manufacturing do what they want. You know, I worked with manufacturing quite well and -- and gave them clear direction. But I was constantly overridden and -- and argued with by my own leadership. And -- and I feel that was a lot of it, and I was pushing back to follow the quality management system. And they -- they didn't like that. They -- they pretty much wanted me out.

Q: Wouldn't it be retaliation, the conduct

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A: I think it would be. Yeah. Because -- because the reason it happened, you know, I was pushing back to follow the requirements. And -- and here I'm getting punished for doing it, you know. I'm punished for following requirements and not working in gray areas.

Q: And did you feel like it was retaliation?
A: I did. I felt like there was a lot of retaliation going on in Charleston.

Q: And when would that have been? What time period?
A: So he told me that, believe it or not, in my 2014 PM review. And it led to -- yeah, I think it's -- so when we finished up our review, that would have been the first part of 2015. So right around there, the end of 2014, first part of '15.

Q: You said there was a lot of retaliation going on in Charleston?
A: From what I could tell, yes.

Q: Like what?
A: Well, I -- I'll give you my specific example again, you know, the fact that I filed an ethics complaint against [redacted] and he moved me to MRSA shortly after I filed my HR complaint against [redacted]

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for the -- pulling a tube out of the scrap bin. You know, shortly after that, he removed me from the ARLSNC and the squall investigation. So I felt like they were doing that because of the complaints I made.

Q: And all the while this is going on, they're telling you to violate the law and violate HIPAs, correct?

A: Yes. They were either telling me verbally, like I say, Work in the gray areas, which I don't care; how you spin it, it's me, that means work outside the process. There are no gray areas in quality management system. Boeing's been building airplanes for over 120 years. They know how to do it. That's what the quality management system is based on and set up on. And it's evolved over the years to incorporate issues and concerns that have been brought up in the past so they don't happen again.

Q: Right. Do you think, if you had abided by management's instructions to not follow procedures and policies, your life and career would have been easier at Boeing South Carolina?
A: I think, without a doubt. Because it -- the pushback, retaliation, you know, harassment and all
that was all directly tied to the fact that I was pushing back and saying, you know, No, this violates our procedures. You know, so --
Q. This was a --
A. -- yeah.
Q. -- continuous issue you were having at Boeing South Carolina, from the time you got there until you left?
A. Right. That's correct. Yes, all six years.
Q. It was pervasive, correct?
A. Pervasive. And you know, like I say, it was so common and so -- you know, I can't give you every last detail. I can just tell you the different examples we went through, you know. But there's so much more that happened that I just -- I either don't have objective evidence for or I don't recall. But it was pervasive. It was constant.
Q. Let me see the complaint here. I'll give you the amended complaint again. Could you read paragraph 76?
A. For example, there were weeks -- quality meetings scheduled for the senior manager. During these meetings, in numerous occasions announced in front of the team that was responsible for a certain

and -- you know, I mean, call -- singling me out is what he was doing, you know, singling me out in front of the entire team that --
Q. Well, that's harassment --
A. -- you know --
Q. -- isn't it?
A. -- because I'm following procedures, you know, they've got to work overtime. It's like, Come on. Really?
Q. That's harassment, isn't it?
A. That too, yeah. Object to form.
A. Sorry.
Q. Would you consider it harassment?
A. Yes, I would.
Q. Could you read paragraph 72?
A. These meetings were always very tense. And the comments made about me were disrespectful, denigrating, sarcastic, degrading, humiliating, mean, and unprofessional. Yeah. Not to be -- not to be gaslighting campaign against me was done in order to punish me for identifying problems, insisting on the rules being followed and documenting in writing all processes and procedure violations and defects. Excuse

production delay or that was responsible for the entire team having to work overtime and being away from their families. The comments -- these comments were the result of documentation of processes, procedures, violations and defects in writing and refusal to work in the gray areas and conceal problems.
Q. Was that just one meeting we're talking about or is this a constant -- routine issue?
A. So this was, again, something repetitive, over and over again.
And a couple of examples, if I may. It -- several times, would have what he called a team meeting where all the QTs and -- and the quality managers that reported to him would be in a meeting. And it was -- it was commonplace for him to announce, Well, you know, we've got to work this weekend because you've found an issue. And now we've got to work it. So, instead of being here -- or, instead of being home with your families, you're going to be here working, you know. And it was constantly, you know, 
Q. Did you take that as being retaliation?
A. I took it as degrading and -- and hurtful

This gaslighting was also directed against me, openly, in front of his team, to discharge and others from complying with the law.
Q. So there were instances, too, where you were singled out in front of your team?
A. Yeah. That was -- that was one example.
Another example was -- and this happened several times. Again, would have a managers meeting. And all of us managers would be in there. And they'd all be discussing issues or concerns or what have you, you know. And -- and everybody was cooed and talked about things and just, kind of, airing things out and trying to figure out how to handle things. And -- and any time I'd speak up or raise my hand, you know, I'd get the, are you just going to sit there and raise your hand or are you going to do something, you know, that kind of thing. And I've never --
Q. Literally?
A. Oh, absolutely, literally -- that was no exaggeration, hands and everything. And -- and that happened a couple of times. And I've never seen him do that with anybody else. So, I mean, it -- like I say, it's constant. We can talk all day and talk about examples. But it was just constant.
Q. I mean, how were the people treated that would bend rules and not follow procedure?
   A. So the ones I've seen that -- internal term
   was -- we call them yes -- yes men or yes women, you
   know, yes people. They're just bobble heads shaking
   their head. If you had a bobble head-type manager that
   just did anything he was told to do, those are the ones
   that excelled at Boeing. Those were the ones that were
   promoted. And those -- those that actually raised
   their hands or brought up concerns were held back.
   And -- and they'd find ways to say that -- you know, to
   keep you down.
   Q. Let's see. Could you read paragraph 79.
   A. The denigrating comments caused Barnett a
   tremendous amount of stress and made it very difficult
   for Barnett to concentrate and perform his job and
   caused him emotional suffering to the point of taking
   medical leave of absence and ultimately leaving --
   ultimately leaving Boeing at the advice of Barnett's
   physician and mental health counselor.
   Q. And paragraph 80.
   A. These retaliatory attacks were continuing
   throughout Barnett's time at BSC and occurred within 90
   days of filing of Mr. Barnett's AIR21 complaint.
   Q. All right. I -- I missed a question I was
   going to ask you earlier.
   Do you know what the corrective action is for
   falsifying the build record?
   A. As far as from the Boeing quality management
   system Pro 1909 or --
   Q. Employee corrective action.
   A. Employee corrective action?
   Q. And if you don't, that's fine.
   A. I'm not sure. I'm not sure.
   Q. You testified yesterday that you attempted to
   reach out to your former colleague. Was that correct?
   A. Correct.
   Q. That was a couple of weeks ago --
   A. Correct.
   Q. -- correct?
   A. Yes.
   Q. And you testified that she told you that she
   was instructed not to talk to you, correct?
   A. Correct.
   Q. Would you consider that retaliation?
   A. I mean, yeah, I would. I mean, I don't know
   why it would affect somebody's friendship. I mean,
   it -- it, kind of, goes back to -- you know, it seems
   like I'm being isolated and treated different from
   everybody else. So, yeah, I would -- I would -- I
   consider it.
   Q. So even today, Boeing's still retaliating
   against you, correct?
   A. Based on that example, absolutely. Yes.
   Q. Okay. What's your opinion on why you think
   Boeing would tell employees not to talk to you or that
   they wouldn't be -- or that they're not allowed to talk
to you?
   A. He can have an opinion.
   Q. Go ahead and answer.
   A. Yeah. So --
   Q. He can have an opinion.
   A. He's only testified that
   one person --
   Q. Oh, I'm asking him about --
   A. Okay. You said plural, but
   go ahead.
   Q. Reask the question, please.
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She said, 'Hey, Mr. Walking BPP, you know, I got a process here. What do I do?'

You know, I've -- manufacturing managers came to me. You know, it was like, 'Hey, I know you really know your stuff. This is the situation. What should we do?' And I'd run them through the process, you know. My peers, you know, other quality managers, we were constantly talking and working together. And -- and I got the impression that they were all looking to me for guidance and help and navigating through the processes and the right way to handle it. So, yeah, I'd say it was probably pretty widespread that I was -- I was viewed as a subject matter expert in the -- in the area.

Q. Let me take a look at the complaint here.

At the time you were there, did Boeing ever give employees training on AIR21?

A. No. I'd never heard of AIR21 until after I left there. No, I didn't know anything about it.

Q. Do you believe an aviation manufacturer should train employees about AIR21?

A. I would say absolutely. Because I know other issues have come up and -- and other people have tried to raise issues. And -- and one of the things with AIR21 is, you're limited to 90 days from the time an

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adverse action is taken against you related to a safety violation, which I think is very narrow. But -- but you're only given 90 days from the time of that action taking place. But the law also says that you have to have -- allow your employer time to work it or address it before you can go to AIR21. And at Boeing, I know -- I don't know very many -- so at Boeing, the only way to do that is to notify HR ethics. And I -- and I can't say there are too many HR ethics complaints that was closed out in less than six or eight months. So, automatically, if you go to HR with an issue, and they take eight months to investigate it and they come back and tell, no, you're wrong, and then you want to go file an AIR21 complaint, you missed your 90-day window. It's too late. So I think the system is set up and I -- and -- and within Boeing, I think there's just a lot that falls through the cracks just because the way the laws work.

Q. Did people at Boeing openly encourage employees to speak up and raise safety or quality concerns?

A. So they would tell you that verbally. Oh, yeah, speak up. Raise your hand. We take it seriously. But then, when you actually do it is when you start getting actions that, you know, you're a

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troublemaker or you're -- you know, you're -- you're just trying to hold up production. You know, I was told -- I can't tell you how many times -- Barnett's just holding up production. You know, it's like --

Q. Was it just you or other people, too?

A. Well, the ones I heard was me. But I'm sure there was other people, too. I -- I don't know. I can't be sure about that. But -- but it -- like I say, it was wide -- it -- it's the environment. It's --

Q. I can represent to you now that Boeing has an internal -- they call it Speak Up -- system for employees to raise concerns internally. Did they -- did Boeing South Carolina have a system like that in place when you were there?

A. So we actually implemented what's called, Raise Your Hand. You know, see an issue, raise your hand. And, again, they pitched it and they talked it. But they didn't practice it, you know. And that's the breakdown, is, you know, they can tell you all day long, Raise your hand. But then, when you do raise your hand and you receive some type of retaliation or some type of, you know, disciplinary action or lower PM score -- or any of that adds into it, to where, okay, so I'll never raise my hand again, you know. Because

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that's -- it hurts.

Q. So employees -- so it creates an environment where employees are fearful to speak up, right?

A. Absolutely. Yes.

Q. Were you fearful to speak up, at times?

A. No. I was not because of the -- the experience and the knowledge I had. But I can tell you, I've talked to a lot of QTs and a lot of other quality managers. And they told me -- flat out told me, you know, that, We're, kind of, watching you to see what happens. Because we're afraid to speak up.

And also, during that time, I had countless QTs from other -- quality technicians -- from other areas approaching me and bringing issues. And I'd say, How come you don't take it to your manager? Well, they won't do anything about it. They don't know the processes, you know. So it's just the whole picture, you know. You can't -- you can't just pinpoint one thing. It's the whole environment. It's just -- for every action, there's a reaction. And the reactions there were negative and...

Q. Well, you testified yesterday along the lines that you were fearful to raise the issue in 2016 related to the job blacklisting complaint. Do you re-- recall that?
know very many people that did trust the HR and ethics in Boeing Charleston. So I requested the corporate investigations handle it, to not only keep it out of the local group, so my name wouldn't be passed around, but also that they would maybe take appropriate corrective action. And [redacted] had initially wrote to me and said he -- he understood my concern and he was going to take on the investigation. And then he sent me another one that said they were going to turn it over to the local HRG -- human resources generalist. And so they were going to hand it locally. And I -- you know, I was like, Oh, no, we can't have that, you know. Because, hell, I'm already in enough trouble. I don't need to be in any more. So I said, No, I want to withdraw my complaint. I don't feel it's appropriate. And I -- you know...

Q. You said just now you were -- you were already in trouble; you didn't need any more trouble?

A. Right.

Q. What do you mean --

A. I mean --

Q. -- by that?

A. -- look at the -- look at the last three, four years before that, you know. I mean, like I say, every time I raised my hand, I'm criticized.

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humbled, denigrated. My PMs are -- are crap, you know. I mean....

Q. So, again, your complaint's over the whole period of time that this was a continuous environment of retaliation and harassment, correct?

A. Absolutely.

Q. Why did you withdraw the complaint in 2016?

A. So in 2016, that's the one -- yeah. That's the one where I wrote [redacted] and sent me an email. And in my complaint, I asked that it be handled outside of Boeing Charleston because, not only myself, but I don't

Q. Did that concern you, when you heard that?

A. Oh, absolutely. You know -- you know, you're -- you're getting physically assaulted at work trying to do the right thing and follow the quality management system, you know. And then that's the kind of reaction you get from your own leadership. Again, that goes back to the -- you know, various different ways of trying to get you to violate processes.

Q. Was [redacted] a quality manager?

A. She was, yes.

Q. Let me show you the amended complaint again. Would you read Footnote 5?

A. BSC quality leadership has told three different stories in response to Barnett's AR -- AIR21 complaint on why they have failed to perform the failure analysis on the defective spools. BSC first stated that Barnett reported the bottles were already empty, so there was no concern. BSC then claimed it didn't perform a defect analysis because they were -- there was no damage from handling that caused the failures. BSC later told the FAA there was a very large investigation ongoing with spools that included the supplier. However, upon information and belief, no large investigation has to date been conducted.

Q. So what are your concerns about Boeing's
alleged investigations into these issues?

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A. So in this particular case, you know, they keep changing their story. And -- and the information I've seen so far, even the ones produced from Boeing, shows that they didn't take any action. They didn't -- they haven't identified root cause analysis. Like I say, where was working it, she -- she wasn't -- didn't seem to be worried about doing a failure analysis on the 75 squibs that we had already identified. And she was going off on the handling issues.

Q. So bottom line is, this particular issue that I've seen has not been addressed, has not been resolved. And from what I've seen, we still have 25 percent of the squibs out -- out in flight -- that aren't going to work if needed in -- in the event of a decompression event.

A. Based on what I've seen and their story changing, then, yes, I do believe they are.

Q. It wouldn't be the first time that Boeing's

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alleged investigations into these issues?

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Q. Do you believe Boeing is concealing information from the FAA?

A. Based on what I've seen and their story changing, then, yes, I do believe they are.

Q. It wouldn't be the first time that Boeing's

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A. Yeah.

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Q. That's an interview part with.

A. Right.

Q. What does state was the type of part that was --

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A. I'm sorry, can you hand me that.

Q. -- removed?

A. Oh, it was an oxygen tube. And it contained red paint and a scratch.

Q. You've worked with oxygen system components, correct?

A. I have. I've been certified in them. I was a quality manager over the oxygen lab and receiving inspections. So, yeah, I'm very familiar with oxygen requirements.

Q. What's the problem with using -- well, with pulling a defective oxygen tube out and using it on a plane?

A. So this really exponentially increases the concern for this part. When I was first made aware of it, they were thinking it was a hydraulic tube. But since he's stating it's an oxygen tube -- so oxygen system components are required to be sterilized and they're required to be packaged in sterilized packaging. And the reason for that is, the slightest little contamination inside the system will actually cause it to react with the pure oxygen and -- and could cause it to explode. So this is very concerning because this shows, by objective evidence, that he took an oxygen -- a contaminated oxygen tube out of the -- out of the scrap bin and gave it to production to install. So we could very well have a contaminated oxygen tube out there on an airplane right now that, if that part of the system is activated, it will bring the whole plane down.

Q. How would it bring the whole plane down?

A. Well, because, like I said, it -- it -- based on my knowledge and experience and what I've learned dealing with the oxygen components and, again, going back to Boeing's quality management system, they're very particular -- very particular -- on how handle oxygen parts because they're so sensitive to, again, the chemical reaction. Say there's just a little drop of hydraulic fluid or something, or a little piece -- little bit of coke in there, it -- the way I've learned about oxygen is, it will actually cause it to react and ignite. And if it ignites, it's going to pretty much
A. In my opinion, this definitely needs to be reported. Because, based on this statement and based on the fact that they said it was red -- the red paint right there shows it was contaminated. So knowing that this is out there, flying around, I would say they need to get on this, like, yesterday.
Q. Should Boeing notify the customer about this --
A. I believe --
Q. -- issue?
A. -- I believe so, absolutely. I think it's a requirement within the quality management system to notify them.
Q. Let's see. Oh, okay. Oh, thanks.

Q. Talk a little bit about those last two job applications you had put in for.
A. Yes.
Q. If you could read paragraph 74 of the amended complaint.
A. A few hours later, [redacted] stated he was told that we will not be getting John Barnett. They didn't care how bad I wanted him. They said, John Barnett is not going anywhere.
leadership would give hugs and high fives of his departure. Technically, one of the best and has the ability and knowledge. Lacks in people skills. It's known most his QTs have signed cards. Not good under stress, manipulative. Damn.

Not a good account for either candidate. And I do value and trust [redacted] professionalism. Sorry to be bearer of poor news.

Q. Did you know [redacted]
A. For a short time, he was my senior manager, probably -- maybe a couple -- three months, four months, somewhere around in there.
Q. So he would have been in a position like [redacted] same level?
A. Yes, I believe he was, at that time. He since moved up, I understand. But, at that time, he was a senior manager.
Q. And he's -- was he your senior manager in August of 2016?
A. No, he was not.
Q. How long had he been gone from being your senior manager?
A. I'd have to say at least two or three years.
I'm not positive on that. But it's -- it had been quite a while.

you know?
A. I have no idea. Never heard of him.
Q. There's -- above that, there's a "from" and "to" line. Do you see that?
A. I do.
Q. Who is that? Who says that's from and to?
A. It says from [redacted] back.
Q. And what's the date of that?
A. March 2, 2017.
Q. Who's [redacted]
A. So she was the hiring manager down at -- in New Orleans. When I applied for that job, she was the hiring manager that I interviewed with.
Q. Is she the one you testified to that called you and said you didn't -- called you and then hung up --
A. Yes --
Q. -- abruptly?
A. -- that's correct. That's the same -- same person.
Q. Who -- who is [redacted]
A. I have no idea.
Q. Do you know who [redacted]?
A. Don't ring a bell.
leadership, you know, couldn't -- like [redacted] was telling me, you know, he was trying to find ways to justify the rating that he gave me. So that's kind of what they tried to focus on. You know, they tried to focus when I don't get along with people and that kind of thing, which was all untrue.

Q. You say -- why do you think they said not good under -- why do you think [redacted] says you're not good under stress?
A. So what I think he means there is -- I -- I mentioned earlier about having to push back on my leadership, my every time they wanted to violate procedures or work outside the process. And I told you about the several times they were standing over me in an intimidating fashion.

Q. Well, they were creating -- creating the stressful environment, weren't they?
A. Well, exactly right. You know, I mean, them standing over me and -- and, no, I don't appreciate that at all. You know, as far as the stress of the job, it -- it's pretty simple. It -- it wasn't that stressful. It was just the stress came in because they were trying to work -- work outside the processes and procedures. And -- and then, when I refused to do it, you know, they were getting me in any way they could.

Q. They know that most of my QTs had signed cards. I mean, I was moved around so much. How do they know? I don't -- I don't -- and I don't know that's a right metrics to hold against me. I mean, gees.

Q. You can't hold whether or not somebody's in the union or not against somebody --
A. No.
Q. -- in order to evaluate him getting a job, can you?
A. Yeah.
Q. It's known -- he said, it's known most of his QTs have signed cards.
A. Right.
Q. -- I --
A. -- I --
Q. Were -- well, weren't you in the union, were you?
A. Not at this time. I was previously.
Q. Right.
A. Yeah.
Q. What's this anti-union training you were talking about?
A. [redacted] Object to form.
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<td>Q. You mentioned an anti-union program.</td>
<td>that was, kind of, removed from the process. But, yeah, they did skits and how to react if a union—or an employee comes to you about the union. And it was talking about cards. And I remember something said about, you know, you're— it's not legal to take cards. Or if you accept the signed cards, and then it's your responsibility. And -- and they said, So whatever you do, don't take them. And just -- if they approach you, have them put it on a desk. And if you accidentally knock them off in the trash, oh, well, you know, so be it, and that kind of training. And it was just — it was a whole several-hour-long training. And it was all centered around, what I gathered, trying to keep the union out.</td>
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<td>A. Yeah. It was —</td>
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<td>[redacted] Misscharacterizes testimony.</td>
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<td>A. So they --</td>
<td>Q. Can you describe one of these skits?</td>
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<td>Q. Let me ask you this --</td>
<td>[redacted] I'm going —</td>
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<tr>
<td>A. I'm sorry.</td>
<td>A. No.</td>
</tr>
<tr>
<td>Q. -- for now.</td>
<td>[redacted] to object —</td>
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<td>A. Yes, sir.</td>
<td>A. It's been so long.</td>
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<td>Q. Did Boeing South Carolina ever send employees to a training in North Charleston, at a hotel, involving the union?</td>
<td>-- as outside the scope of the direct examination.</td>
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<td>A. So, yes, we were -- I believe it was called PLM leadership or something like that. And an outside group had come in. And we were all told we were going to go to this hotel, and we were going to take training on -- on the union. And -- and we got to this hotel. And they had a big skitch (ph) -- sketch set up. And they assigned different people different job roles. And -- and they had quality managers and manufacturing managers, all the typical job roles, act it out by -- by these managers. And, at that time, they stuck me over in the corner and had me, the MMO manager. So I remember any details about the skits. But I do remember the part about knocking the cards off the desk.</td>
<td></td>
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<tr>
<td>Q. All right. So was -- were you led to believe, when you were down in New -- excuse me -- New Orleans, that you were going to get that job?</td>
<td>even set up. And he said, We need somebody to help set up the receiving inspection, work with our suppliers, push the defects back. And I said, Well, I -- you know, I'm your man. I've worked receiving inspection for ten years. I've worked with suppliers for years. I've pushed back supplier defects for years. I said, you know, I -- I can do that. I can set it up. I can run it. I can get it running good. And -- and he seemed to really like that. They didn't actually come out and tell me I had the job. But, like I say, everybody I met, they would bring up an issue, their biggest concern, and it just so happened I had quite a bit of experience in those areas. And -- and I don't know of any of them I told that I've never had experience. Every one of them, I said, I've had experience in doing it and I could -- I could help them with that. So,</td>
</tr>
<tr>
<td>A. So the way the interview process went, and everybody I met, and talking to [redacted] in fact, [redacted] told me flat out, you know, I had the skills they were looking for. She took me around. She introduced me to all the different groups that it —</td>
<td>Q. All right.</td>
</tr>
<tr>
<td>Q. All right. So was -- were you led to believe, when you were down in New -- excuse me -- New Orleans, that you were going to get that job?</td>
<td>(Plaintiff's Exhibit No. 2 marked for identification.)</td>
</tr>
<tr>
<td>A. So the way the interview process went, and everybody I met, and talking to [redacted] in fact, [redacted] told me flat out, you know, I had the skills they were looking for. She took me around. She introduced me to all the different groups that it —</td>
<td></td>
</tr>
<tr>
<td>Q. All right.</td>
<td>Q. I'll mark this document as Plaintiff's Exhibit 2. Can you take a look at that and identify it, please?</td>
</tr>
<tr>
<td>A. So the way the interview process went, and everybody I met, and talking to [redacted] in fact, [redacted] told me flat out, you know, I had the skills they were looking for. She took me around. She introduced me to all the different groups that it —</td>
<td>[redacted] It's our answer.</td>
</tr>
</tbody>
</table>
A. Plaintiff’s Answers to Respondent The Boeing Company’s Second Interrogatories.
Q. All right. Take a look at page 7.
A. Okay.
Q. Read Interrogatory Number 3, please.
A. Identify and describe every event that you allege support your hostile work environment claim. Include a brief description of each event, including date, location, persons involved and witnesses, and an explanation of how your alleged protected activity related to each event and the names of every person you told about each event.
Q. All right. And the answer was? Read that top paragraph.
A. Answer: Due to the hostility lasting six years and considering the number of events that took place over that time, several of them occurring multiple times, the below is a list of major events, which does not represent every single instance an event occurred.
Q. All right. Read Number 1.
A. Employees were removed from complainant’s team without Mr. Barnett being informed. This left Mr. Barnett’s area of responsibility needed specialized skills and manpower [sic]. This left Mr. Barnett understaffed and subjected him to criticism from leadership and manufacturing.
Q. All right. And after that, you reference certain documents we produced, correct?
A. Correct.
Q. And there are Bates stamp numbers, right?
A. That’s correct.
Q. Can you read those numbers?
A. Barnett 405, 430, 1475, 2077, 2388, 3047 through 3050.
Q. All right. So I’m going to hand you those grouped together and marked as Plaintiff’s Exhibit 3. (Plaintiff’s Exhibit No. 3 marked for identification.)
A. Go off the record one second.
(Off the record, 14:54.
A brief recess was taken.)
Back on the record, 14:56.
Q. Have you had a chance -- well, we’ve seen these documents --
A. I have --
Q. -- before?
A. -- yeah. I’m just refreshing my memory.

Okay.
Q. What are these documents?
A. So these are documents over, looks like, a couple of months where, basically, in a nutshell -- I can’t -- I was notified that -- which, at that time, was [redacted]. She was my metrics person. And she was really the only one on my team that was trained to -- to pull metrics and data. You had to have special training and special access and all in order to pull that data. And so, [redacted] notified me that he noticed that [redacted] had pulled it again, without telling anybody. And then, when he sent me that, I went to look in and -- and pulled up the org chart. And I asked him, Who made that decision? Who will cover New Breed? I hear I lost [redacted]. Who else? We will not survive this.
And then the top one, I called [redacted] yesterday and asked him what was going on and why my team had been broken up. He said he was told to stay out of it. So -- so, basically, what I did was, I came in and half my team was gone. They had been reassigned without me knowing, and left my areas unsupported with some of the critical skills that we needed. And, as a result of that, manufacturing went to my leadership and complained that I wasn’t supporting them. And -- you know, and I told them, Y’all took my team. You know, how -- how am I supposed to support them?
Q. Well, and there are other instances here --
A. There is.
Q. -- in 2016, even, where employees were being removed from your team, is that right?
A. Yes, that’s correct.
Q. And would you consider removing folks from your team without you being informed, leaving you understaffed while being demanded to do all this work, was retaliation?
A. I believe it goes to retaliation and -- and, really, hostility. I mean, how are you going to steal somebody’s crew without telling them and leaving their areas uncovered, and then blaming them because they’re not covering the areas? I mean, it’s just -- it’s ridiculous to -- to manage like that. It’s just --
Q. Did you feel like --
A. -- you’re -- you’re setting them up for failure.
Q. Did you feel like that was a hostile work environment?
A. I did, yeah.
Q. All right. I’m going to give you a -- if you
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Did you complain to [redacted] about that?
A. Actually, I talked to him both times. I was like, dude, what's going on? You know, I mean, you're wasting your time and my time. You're harassing me. What's going on? And that's when he kind of looked at me and smirked and said, I'm going to push you till you break.

Q. Have you ever had somebody call you 29 times in one day? Anybody?
A. No. No, not even a girlfriend. It's just unheard of, really. It's crazy.

Q. When you say -- you say [redacted] -- what's her name?
A. [redacted], yes.

Q. And [redacted]...
A. And [redacted]...
Q. And [redacted]...
A. So I was -- we shared a cubicle. And I was in the cubicle with them a lot of times when I'd get the phone calls. And a couple of them, I put him on speaker phone and -- so they could hear. And -- and I remember, after a couple of these, [redacted] got mad. And she said, You need to take him to the ethics. That's harassment. You know, I'm like, you know, Well,

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what can I do?

Q. Well, you'd been -- you'd been to ethics before, right?
A. Right.

Q. Do you have any idea if the ethics investigators have any training in aviation?
A. I really have no idea. But I can tell you, based on the investigators I've worked with and seeing the ethics complaints that were filed, I noticed that an awful lot of them were closed out based on opinion and assumption and not actually the requirements driven by Boeing policy. So, just by looking at that, that, you know, they closed -- they unsubstantiated an investigation because so-and-so said they could do that, you know, obviously, they're not familiar with the processes and procedures. Because they know -- they would know that that's not allowed. So, based on that, I would say they -- they seemed to be pretty unqualified.

Q. Uh-huh. Could you read paragraph 4 of Interrogatory A?
A. Boeing assigned complainant's team members other work without telling Mr. Barnett and then chastised Complainant for his team not getting their standing work done.
Q. You would consider that retaliation, correct?
A. I would, and hostile and --
Q. Right.
A. -- inappropriate behavior of a manager.
Q. Would you read -- let's see. What do you mean he -- you said he would try to make you look bad.
In what way?
A. Well, again, this is -- so, in this case, my team didn't get their work done. And he blamed me for it, even though he's the one that had reassigned them.
So I'm being blamed for his actions. And, you know, that's -- that's making me look bad.
Q. Right. Right. If you could read paragraph 5 of Interrogatory Number 3.
A. Complainant was pushed to work in the gray areas of processes, procedures and federal regulations.
Examples given, 267 684, 865, 13-- --
Q. That's --
A. Oh, I'm --
Q. -- that's all right. We'll --
A. Okay.
Q. -- I'm going to give you an exhibit that has every one of those Bates-stamped pages in it.
A. Okay.

Q. We're going to mark that as Plaintiff's Exhibit 4.
(Plaintiff's Exhibit No. 4 marked for identification.)
Q. Have you had a chance to look -- flip through those?
A. Skim through it, yes.
Q. And you've seen all those documents before, correct?
A. I have. They all look real familiar, yes.
Q. Those are documents we produced to Boeing, right?
A. Yes, that's correct.
Q. And what are those documents, in -- in general?
A. So, again, these are -- are documents where we're either being told to do -- to work outside procedures or leadership's making a decision to work outside of procedures and -- and -- and violate FAA requirements. I mean, they're -- they're all pretty much the same, except for the PMs.
Q. So those are all evidence to support that you were being pushed to work in the gray areas of process, procedures and federal regulations?

Q. And we'll mark that Plaintiff's Exhibit 5.
A. Okay.
Q. There's also some Bates stamps that were in Plaintiff's Exhibit 4.
A. Okay.
Q. I think Number 2400 and 2401 and 3386.
A. Yes. 21 --
Q. Number 2400, 2401 and 3386.
A. 401.
Q. Let me see if I can help you. I don't want to get these mixed up here.
A. Okay.
Q. Could you generally -- well, you've seen these documents, correct?
A. Yes.
Q. And, again, these are documents we've produced to Boeing, correct?
   A. That's correct.
Q. And what -- generally, what are these documents?
   A. So these are various documents talking about process violations and CAs, CAs not being worked, talking about me using email to discuss issues, and more missing parts from MRSA that disappeared, that I was notifying them about. Several nonconforming parts that disappeared, that -- oh, and then we've got one talking about the repair station, I believe. Yes, repair station. So several different things -- process violations and issues that I was bringing up, parts disappearing, process and procedures being violated, repair station issues.
Q. Would you consider being directed to not document quality concerns a hostile work environment?
   A. I would, because as -- as a job -- as a quality manager, that's my job. That's one -- one of the things I'm supposed to be doing. And be told not to do it, I mean, it's basically telling me not to do my job.
   
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Q.: Exhibit 5.
   A.: All right.
Q.: If you'd take a look at Interrogatory Answer Number 9 or to Interrogatory Number 3, paragraph 7. Can you read that?
   A. Complainant was penalized on his PM for being too knowledgeable on processes and procedures, 3064.
   Q. That was in --
   A. Exhibit 5.
   Q. Here it is, right here, Exhibit 5.
   Q. Right. We've -- you testified about this yesterday?
   A. I did.
Q. Would you consider being penalized on your PM for being too knowledgeable on processes and procedures to be retaliatory?
   A. I consider it retaliatory, hostile. Because, again, that's my job, is to know what I'm doing. So to tell me I'm too knowledgeable, I mean, that's counterproductive and against my job. Yeah, absolutely, hostile, retaliatory, trying to force me not to do my job correctly, all of those, yeah.

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Q. Could you read -- take a look at Interrogatory Number 3 and read paragraph 8.
   A. Complainant was penalized on his PM for not working the gray areas of Boeing's processes and procedures and federal regulations, 2400, 2401, 3064 and 3720.
Q. So all these prior Bates stamps have already been entered except 3720. I'll mark that as Plaintiff's Exhibit 6.
   (Plaintiff's Exhibit No. 6 marked for identification.)
   Q. Just for the record, Bates stamp 2400 and 2401 are in Plaintiff's Exhibit 5. And 3064 was just marked as 6.
   A. That's 3720.
   Q. Oh, 3064 -- sorry. Is 3720.
   A. Is in 5.
   Q. It's getting -- sorry. It's in Exhibit 4.

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Q.: Exhibit 4.
   A.: What in -- what's Exhibit 4?
   Q.: So let's take a break. Take --
   
Off the record, 15:19.
(A brief recess was taken.)

Back on the record, 15:36.
Q. All right. Let's see. Mr. Barnett, could you read paragraph 9 of Interrogatory 3.
   A. Complainant was penalized on his PM for putting quality concerns in writing, 2401, 2409.
Q. So I'm going to mark 2409 as Plaintiff's Exhibit 7. 2401 has already been admitted,
   A. Yep, under Exhibit 4.
   Q.: Okay. Can -- so this is 2409?
   A.: Yes. (Plaintiff's Exhibit No. 7 marked for identification.)

Q. Did you have a chance to read 2409?
   A. There it is. Yes, okay.
   Q. And, again, this is a document that you've seen before and you've -- we've produced to Boeing, correct?
   A. Correct. Yes.
   Q. And that document, along with Document 2401, support your complaint that you were penalized on your PM for putting quality concerns in writing?
A. Yes.
Q. And, again, would you consider that retaliatory?
A. Yes, and -- and harassment because they're keeping me from doing my job the way I should be doing it.
Q. All right. If you could read paragraph 10 of Interrogatory Number 3.
A. Complainant was penalized on his PM for adhering to processes and procedures, 2400, 3076, 3720.
Q. So 3706 I'm going to mark as Plaintiff's Exhibit 8.
A. Plaintiff's Exhibit No. 8 marked for identification.
Q. The other two are already in the record. Sorry.
A. Uh-huh. When you're referencing these Bates numbers, when you're asking him questions, can you reference the exhibit number that the Bates number is part of--
Q. Uh-huh.

A. Yes.
Q. And, again, would you consider that retaliatory?
A. Yes, that's correct.
Q. -- to Boeing in this litigation?
A. Yes, that's correct.
Q. And could you just describe these documents, generally?
A. So these are all part of my performance management review. We have some in here from the -- the -- the survey that we sent out. I forgot. We talked about it earlier. But I think there's a 360 assessment or something like that. These are the results, comments from those assessments, and then another PM, and then a documentation I produced talking to -- about my PM that he had just given me at that time, and then the emails to -- showing where he held -- withheld information. So that's a high summary.
Q. Explain the -- about him withholding information.
A. So I think we talked about this yesterday on -- on one of my PMs. And this is probably in here. But he -- he marked me down for not getting my PMs -- my crew's PMs completed on time. But he had not given me the data I needed. And he had -- had not notified me that the deadline had been moved up a month and a half from the company deadline. So it was an unknown deadline to me that I was trying to meet. And, yeah, I got -- I got dinged for that because I didn't get it done because I didn't have the data. So that explains it.
Q. And all these Bates-stamped documents related to paragraph 11 support that you were issued
unwarranted low PM scores?
A. Yes, I agree, especially when you compare it to the assessments and the comments that were made about my leadership from, not only my team, but my peers, my customers. So, yeah, I would say these are pretty strong evidence they were unwarranted low PM ratings.
Q. Again, was this -- would you consider this retaliatory conduct by management?
A. I'd consider it retaliatory and harassing, again, because the PMs don't meet the requirements of the processes. And they're -- they're -- they're unjustly low based on the information that we have.
Q. And you testified yesterday, too, that the PMs violated Boeing policy, as well, correct?
A. That's correct. Yeah, they don't -- don't -- they don't meet the SMART goal requirements.
Q. Just a little more about that. What are SMART goal requirements?
A. So SMART's an acronym. And it stands for specific, measurable, achievable, relative and time-bound. And in order to fairly assess somebody's performance, those are key -- key qualities that must

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be part of their review. And without those, it really turns it into a personality review instead of a performance review because you're not measuring their performance. You're really measuring their personality. So...
Q. Where is that in Boeing policy, that you have to have -- what do you call it again?
A. SMART.
Q. SMART. Where -- where is SMART in Boeing policy?
A. So if you go into the policy -- and I can't tell you the number right off the top of my head -- but if you go into the Boeing intranet, which I was able to do when I was working there -- you can go into the search field and put, like, performance management. And it'll list all the documents associated with putting together a performance management.
And also, as I was going through the training in management to learn how to do PMs for my people and what's required, they cover that very heavily, that -- that, you know, you can't just base a PM review on opinions and -- and -- and numbers. You have to have strong objective evidence showing why you're rating them low. Because if they want to push back and argue, you're not going to have anything to justify it. So...

Q. Is there, like, a template in the policies that have this -- have these metrics, or is there a go-by?
A. A metrics? I'm not --
Q. I'm sorry. Tell me -- I'm -- it -- it's Friday, I'm sorry. Tell me the name of this acronym again.

A. SMART.
Q. SMART.
A. S-M-A-R-T.
Q. So is SMART a guide to use as go-by to base PMs on?
A. So, again, when I was going through the training, I was taught that those are requirements for the Boeing processes and procedures. Because, again, they don't want -- they don't want opinions crowding in somebody's performance review. So, yeah, the way I was trained is, those are required.
Q. All right.
A. Required. They're a requirement.
Q. Okay. If you could read paragraph 12 of

Interrogatory 3.
A. Complainant was pressured to violate and was penalized for following Boeing's processes, procedures, code of conduct. Boeing's job expectations for a quality manager, and Policy 2, ethical business conduct. And there is a whole bunch of numbers.
Q. All right. So what I'm -- I need --

Thanks,
(Plaintiff's Exhibit No. 10 marked for identification.)
I'm going to mark Plaintiff's Exhibit 10, which has all the Bates stamp numbers referenced in paragraph 12, except for 2409, which is in Exhibit 7, 3289, 3320, 2400, 3741, 3744, that's in Exhibit 4.

This is 10?
Yes.
You are okay with

starting at nine o'clock on Monday?
I'll have to check with

him. We'll have to talk.
Q. These are documents, Mr. Barnett, that you produced to Boeing in this litigation?
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A. Yes, that's correct. Appears to be all of them, yes.
Q. And you've previously reviewed all of these documents, correct?
A. Yes, that's correct.
Q. All right. Take a look at Bates stamp 267, which is in Exhibit 10.
A. Yep.

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Q. This is an email from [redacted] to you.
A. Yes.
Q. -- part of what document?
A. So this is D2 -- part of Policy 2, which is a high-level requirement. All of our -- at the high level are policies. And then it drops down to procedures. And BIIs is, kind of, the hierarchy. So this would be the highest -- one of the highest levels.

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Q. What does D2 say under Requirements?
A. So the D is Boeing ethics and business conduct program, at a minimum will -- and which one?
Q. One.
A. Promote an organizational culture -- culture that encourages ethical conduct and commitment to compliance.
Q. Based on what you experienced for a majority of your time at Boeing South Carolina, do you believe that provision was being adhered to?
A. I can assure you it was not being adhered to because compliance, meaning you're in compliance with processes and procedures and the quality management system. So again, every time they step outside of those requirements, they're violating this policy, as well.

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Q. How about Number D2?
A. Provide procedures and processes to assist employees in obtaining guidance, resolving questions, expressing concerns, and reporting suspected violations of the Boeing code of conduct and applicable laws.
Q. Do you believe that was being adhered to?
A. Based on the issues I raised, no, I do not. I believe they were -- were violating this, as well, especially the code of conduct part.
Q. Let's take a look at that. That's marked 184?
A. Yes, front page.
Q. What -- what part of the code of conduct do you believe was being violated, based on your experiences?
A. So I'd say the one, two, three, four -- no, three. Three up from the bottom. Without exception I will comply with all applicable laws, rules and regulations.

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Q. Who does the Boeing code of conduct apply to?
A. This applies to every single Boeing employee, all the way up to the CEO. All of us are required to sign this as a condition of continued employment yearly. So every year, we're expected to sign it. And they keep track to make sure everybody's
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Q. All right. So all the folks you mentioned, like [redacted] and others, would have had to sign this?
A. Absolutely, yes.
Q. What's the last sentence say?
A. The dotted or below that? Every employee, or I will?
Q. After "every employee," the last sentence after that.
A. Every employee has a responsibility to ask questions, seek guidance and report suspected violations of this code of conduct. Retaliation against employees who come forward to raise -- sorry, I skipped over --
Q. No --
A. -- a period.
Q. That's okay.
A. Retaliation against employees who come forward to raise genuine concerns will not be tolerated.
Q. Was that your experience at Boeing --
A. No. I --
Q. -- South Carolina?
A. I'm sorry. It -- no Boeing South Carolina.

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it was just the opposite. You -- if you raised a concern or especially a genuine concern, you were retaliated against.
Q. Do you know if Boeing had a written definition for retaliation in their policies and procedures?
A. Actually, I don't believe they do. Any type of training or any kind of discussions about retaliation from Boeing is -- their def -- definition is given by examples.
Like I mentioned yesterday, one of the examples we were given is, if one of your employees files an ethics complaint against you and you turn --
Q. How about ID4 on 645?
A. D4?
Q. Right.
A. Establish enterprise-wide criteria for a development -- for and deployment [sic] of effective ethics and compliance education and awareness programs to -- designed to ensure that all employees have an understanding of the Boeing code of conduct and the ramifications of unethical behavior, including providing new hires with a clear understanding of the

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ethical expectations for all Boeing employees.
Q. Do you believe that Boeing was adhering to that at Boeing South Carolina, based on your experiences?
A. So I believe they were providing this information to the employees with clear understanding of the ethical expectations for all Boeing employees. So I believe they told them. And -- and -- and so this -- this includes management. But, again, by not adhering to this, they're violating or not following the policies. They're violating it.
Q. And what about ID3?
A. Maintain and publicize the internal reporting mechanisms, including the ethics line and ethics advisers through which employees may confidentially or anonymously report or seek guidance regarding suspected or actual instances of improper conduct without fear of reprisal. Web-based portals are also provided for reporting.
Q. Based on your experiences, do you believe Boeing South Carolina was adhering to that paragraph?
A. No, I do not believe they were adhering to this.
Q. Why not?
A. Because I know several times anonymous

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employees were actually route -- rooted out, I guess, or identified. And when I went to ethics advisors and -- and, again, looking at some of their close-outs, it seems like they're clearing them out unsubstantiated, very quickly, without actually following procedures.
Q. Do you think Boeing South Carolina employees, in general, had a -- had the feeling that they could report suspected instances of improper conduct without fear of reprisal?
A. So I know I had fear of reprisal. And I can't tell you how many other employees have talked to me. And, like I mentioned yesterday, you know, I -- people came up to me. And I'd ask them, Why don't you report it? And they're like, I'm not -- you know, I'm -- there's going to be retaliation, you know. So it was -- it's pretty much common knowledge in Charleston that, if you raise an issue, you was going to -- you was going to be retaliated against.
Q. Can you give any examples of that with names of folks that chose --
A. That --
Q. -- not to report, if you can recall?
A. I can't recall right now. But I could, I'm
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Q. There's a ton of emails attached here, too. Are all these examples in support that you were pressured to violate and was penalized for following Boeing's policies, procedures, code of conduct, Boeing's job expectations for a quality manager, and policy -- Pol 2 -- ethical business conduct?
A. Yeah, I believe this is all supporting evidence that they weren't following them.

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Q. He looked through them. I asked him if he's reviewed all these before and have -- have these been produced to Boeing.
A. Okay. So he immediately -- I mean, we -- identified them just without -- we can sit here and go through each one of them, if you want.

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Q. Interrogatory Number 3, the answer here, all --
A. Yes.
Q. -- all of these, numbers 1 through 40 -- you had thousands of pages of documents, correct?
A. That's correct. Yes.
Q. Who was it that helped myself and

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Q. All right. Would you read paragraph 13 of Interrogatory 3?
A. Complainant was assigned half the number of inspectors than other quality managers, then criticized for his team not keeping up -- keeping up with manufacturing. For example, assigned twelve QTs to work travelers. When moved he assigned Complainant to travelers and only assigned him six QTs. When Complainant objected and asked why just six QTs, they said Complainant did not need that many. After eight months, Complainant was moved back inside. Took over travelers and was assigned twelve inspectors within two weeks of taking over.

Numbers 2955 and 2956.
Q. I'm going to mark those two pages as Exhibit 11.
A. All right.

(Plaintiff's Exhibit No. 11 marked for identification.)

Q. Can you take a look at those?
A. I'm sorry, 11?
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A. Okay.

Q. And what are those two documents?

A. So those are -- every day, we were required
to send an email in showing how many team members we
are assigned, how many we have, who's out on sick
leave, who's working what, that type of thing. So
these are -- these are examples of some of the daily
reports I had to send in.

Q. All right. And, again, you -- you've
reviewed these documents in the past, correct?

A. Yes, that's correct.

Q. And these are documents we produced to
Boeing?

A. Yes, that's correct.

Q. And you assisted us, as counsel, in preparing
this answer to this Interrogatory Number 13?

A. Yes, that's correct.

Q. And providing us with examples in support of
what's stated in Number 13 with these two Bates-stamped
documents?

A. Yes, that's correct.

Q. All right. So could you read Interrogatory

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Number 3, paragraph 14?

A. Complainant was placed on a 60-day corrective
action plan without being informed. 2420, 2421, 3268,
3273, 3317. Complainant was placed on a corrective
action plan for putting quality concerns in writing,
2423. In addition, the facts justifying the 60-day
corrective action plan were false.

Q. So I'm going to mark each of those
Bates-stamped pages as Exhibit 12.

(Plaintiff's Exhibit No. 12 marked for
identification.)

A. Sorry, got to straighten them up. Okay.

Q. All right. And are these all documents that
you provided to us, as counsel, to help you answer
Number 14? I'm sorry. Are these -- are these
documents that you provided in this litigation to
Boeing?

A. Yes, that's correct.

Q. And are these documents you re-- reviewed
before?

A. Yes, that's correct.

Q. And are these documents the documents you
pulled to help assist us, as counsel, in answering this
interrogatory?

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A. Yes, that's correct.

Q. All right. And do these documents support
paragraph -- what's stated in paragraph 14?

A. Yes.

Q. All right. So let's move on to Interrogatory
3, paragraph 15.

A. Complainant's team and Complainant were split
up after his team made a substantiated complaint to
ethics, 444, S81.

Q. So I'm going to mark those two pages as
Exhibit 12.

(Plaintiff's Exhibit No. 13 marked for
identification.)

Q. Exhibit 13?

A. Yeah.


A. 13?

Q. Yeah. This is 13.


A. 13.

Q. Yeah. This is 12.

A. I'm sorry. I -- I -- I picked
this up and somebody --

A. Oh, okay. I read the wrong
one. -- to make your life easier.

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So it--

A. This is 13.

Q. Can I just place this over?

A. 13.

Q. What -- what is this -- are these two
documents?

A. So this is the -- the email that -- I think I
testified yesterday that my team had turned
in to ethics while I was out. And they had written a
letter. This is the letter that they wrote. A copy of
the letter that they wrote.

Q. All right. And you -- you've seen these --
this document before?

A. I have.

Q. And you've provided -- we've provided it to
Boeing in this litigation, correct?

A. That's correct.

Q. And this is the document you provided to us,
as counsel, to support what's stated in paragraph 15?

A. Yes, that's correct.

Q. All right. Read paragraph 16 of
Interrogatory 30.

A. Boeing held Complainant responsible and

37 (Pages 142 to 145)
So I reached out to [redacted] and I said, Hey, you know, you got a QT that bought this off. Do you want to take care of it? And it was probably a month later or so, I went back in and looked. And it hadn't been done yet. So I asked him again. It's like, you know, you going to -- you going to take care of this? And I ended up saying I'd be happy to do it. And then, [redacted] had come back and I don't know if we have it all, but he had come back and said that he found a bunch of -- that it was common throughout a lot of the airplanes there, and that it was going to be a lot of work to go do. And then he told me to go fix it all, basically. Because he said a lot of the people identified were on my team. And I'd just assumed another team. But, anyway, he told me -- it's all these.

So I reached out to [redacted] earlier that day. And he said he had four or five inspectors not doing much. So I said, Hey, you mind if I borrow a couple to help me out with this project? And he's like, Sure, no problem. Just send an email request, you know, so [redacted] knows. So I did that. And you can see that at the bottom. I -- you know, you and I exchanged, I need some help on flightline.
said. I was told not to respond to Barnett's email. 
Wow. I feel sick.
And I said, That's okay. I'll handle it.

Thanks.

So another example. I was reaching out for help, to try to find you know, get something done that needed to be done. And I was shot down by my leadership and told to go fix it all without any help or delegation.

Q. How about --
A. And that's just one. Sorry.
Q. Where's the amended complaint?
A. Right here.
Q. No, this --
A. Oh.
Q. Did you ever have that instance in MRSA, in 2016, where you were being held accountable for things you had no control over?
A. Yes, quite frequently.
Q. Explain that.
A. Well, here's another example that feeds right into it. And this is when -- was -- was my boss temporarily, 2005. So, again, if you look at the charts and stuff, they -- they're -- were holding me accountable for different queues that we weren't able to control. Like the validation queue was not our statement of work. So if -- if the validation queue started growing, they were -- in this case, done the same thing -- told me to go knock it down. I was like, Well, that's -- that's not our statement of work. We're not authorized to do that.

And then, also, with the -- when a nonunitized NC goes through the process, it gets its disposition and type -- that type of thing. Well, one of the end routings of that goes to MMO for their concurrence. And I think we saw some of those charts yesterday, the -- with the yellow bar charts and stuff on it.

But -- so it's up to MMO to complete the -- their function and send it back so we can process it. And, again, I was getting hammered constantly because the MMO would -- queue was full. And they were expecting me to get it knocked down. And it was out of my responsibility and authority. I couldn't. I'd have been violating processes to go in there and do that.

Q. Why were they singling you out to do that?
A. Because I was the manager of MRSA. And all that -- that's what they had control over. Because MMO was an entirely different organization, entirely different leadership structure. So they just --

Q. So --
A. -- ignored them and beat me up for it.
Q. So that's another example of them trying to get you to violate Boeing processes and procedures, right?
A. It's that and it's a very good instance of them forcing me to do something that's outside of my control. You know, I just -- I had no control over it. Matter of fact, once day I was in the lobby, standing there. We had a large parts area. And that's where the bins are, and like I was talking about earlier, that's the finishing area and that type of thing. And they had sectioned out a place out on the factory floor. And we were told -- came down and said, I want this cleaned out, you know, within a couple of days. It's like, Well... you know, I need help from MMO. So he takes off.

And comes out and --

I think, was his name -- so -- a senior manager, MMO. Was my manager. And we all three were sitting there looking at the large parts area. And -- on this side and -- on this side. And -- just chewing me out. Get this cleaned out. And I was like, -- get this cleaned out. I need your staff put in my queue. And he, kind of, laughed. He said, I'll let them sit there all month. I don't care. I looked back at -- I said, This is what I'm dealing with. I said, I need your support. And just said, Find a way.

So they were pushing me to -- and holding me accountable for things I had no control over.

Q. Did you find that to be retaliation?
A. Harassing, retaliation, trying to force me to work outside the procedures. Because the only way to work MMO's queue was for me to go in there and override his stuff and try to get it pulled back, you know. Yeah.

Q. So this e-mail you're referencing on 05-2005, what is the date of that?
A. April 8, 2016.

Q. Okay. I mean, would it be accurate that you perceived -- to be pressuring you and retaliating against you, as well?
A. Absolutely. You know, and this is just one example. But, yeah, he was -- he was right there with -- and driving the same -- same expectations that I had no control over. And -- and he knew it.

Q. All right. Let's move on to paragraph 17 of Interrogatory 3, if you could read that, please.
listing all the things that he wants me to transition over to "[redacted]" who -- he actually -- he was my lead on first. But then, when [redacted] sent me to second, he made me a temporary supervisor over where I just left. So he kicked -- kicked me out and made [redacted] temporary manager. And the rest of them were all various emails I've sent requesting to come back to first, come back to first. And there was always an excuse or, No, I didn't know or -- you know, and this went on for 18 months. So, yeah, that's it in a nutshell.

Q. All right. Take a look at paragraph -- excuse me -- 18 of Interrogatory 3.
A. Complaintant was blacklisted, blackballed, 3257, 3261.

Q. We'll mark these two documents as 16.
A. (Plaintiff's Exhibit No. 16 marked for identification.)

Q. What are these two documents?
A. So what these are, when you go through the careers at Boeing -- so when -- when you go to hire a manager or hire anybody you post it in a -- in a jobs portal for employees to go in and apply for. And these are just two examples of -- of positions I'd applied for. And these were the responses. I got them as a result of me sending my applications in.

Q. Was this the propulsion job and the New Orleans job?
A. I don't see a date here.
Q. At the top.
A. I believe -- level K.
Q. When did you apply for the New Orleans job, around what time?
A. In 2016, probably first part, mid part of 2016. So, yeah, yeah, these -- yeah, these could very well be them. I mean, I don't see anything on here to say for sure. But this is about the right time frame for those.

Q. Well, I mean, did you apply for any other jobs you were declined?
A. Oh, I applied for about 35 jobs. I was trying to get out of the organization. I was applying for just about anything I could apply for. Some of them, I'd actually performed before, in the past. And out of those 35 jobs, I didn't even get an interview. You know, it was like I had years of experience. I met all the requirements. But I couldn't even manage an interview. You know, I applied for second level positions. I never got an interview for a second level. So, yeah.

Q. What's the skill team?
A. So the skill team is a group of managers.

Q. Any employee that's going to be offered a job must be approved by the skill team. So if -- anytime I applied for a job -- and say they wanted to send me a job offer, they had to go to the skill team and approve it. And the same with the no-post jobs. They select who they want as a candidate. And then they have to go back to the skill team to get it approved before they can actually send out a job offer and work with HR and all that. So they're kind of, kind of, deciding who gets to go where, when.

Q. So [redacted] was on the skill team for both the NASA job and the propulsion job, correct?
A. (redacted) was the leader of our BSC skill team. So as the leader of that skill team, yeah, any -- any requisites or job offers that were going to be sent out would have had to go through his team. And [redacted] was also there. Basically, everybody
leader of the skill team. It was common knowledge. Everybody knew who was leading the skill team, who was working in it, and at that time, had responsibility for it. But he had position in charge of it. And so that's how I know, you know. It was common knowledge. Everybody knew who was the head of the skill team.

Q. And what years was the head of the skill team? Do you know?
A. I'm not positive when he left. But I know -- I know it was at least through 2016. And then, after that, he went to New Orleans and became the leader of them hiring down there. And he handled New Orleans and Florida.


(Plaintiff's Exhibit No. 17 marked for identification.)

Q. I'm going to mark all of those Bates numbers as Exhibit 17.
A. Okay.
Q. Again, these are documents you've reviewed before, correct?

---

I'm -- I mean, to me, this is -- just screams and -- and what I mean by that is -- so each one of these -- let me explain it. So each one of these bar -- bar charts are elements of the leadership attribute survey that I'd sent out, the 360 review. And if you just look down the list at the bar chart, you know, I mean, all my -- so it's all broke out. It's all -- it's self, manager, other managers, direct reports, peers and leads, customers and suppliers. So this was sent out to all of those people to rate how I'm doing as a Boeing manager. And if you look -- I mean, I'm getting threes and fours from everybody, pretty much, except for my manager. And my manager's the only one that's knocking me down to ones and twos. Everybody else -- you know, so, to me, this is a -- a picture proving that you know, the retaliation and the hostility is real. Because everybody else thinks I'm doing pretty dang good. But my manager's saying, no, I'm not. So...

Q. This is dated October 30, 2014. Who was your -- who would have been your manager at that time?
A. That was...
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Q. Where are you reading from?
A. Oh, I'm sorry. 3205.
Q. Okay.
A. And everybody that rated me was three through four, except my manager. He gave me a one. I was like -- like -- like I said, I think that's pretty blunt, but...
Q. All right. And these aren't all the examples of retaliation; these are just some examples, correct?
A. That's correct, yes, that is.
Q. I mean, we've talked about --
A. These are examples, yeah.
Q. -- numerous other actions that constitute retaliation, correct?
A. Yes, absolutely. And, like I say, you know, not only by pushing me to violate procedures, but then, you know, giving me low PM ratings. Now they're undermining my -- my survey scores. It's just across the board. It's like everywhere I turned, I was getting dinged by my own management. And everybody else thought I was doing a great job, or a pretty good job, anyway. So -- so, yeah.
Q. It was not just [redacted] either; was it?

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A. No. This is -- this is the -- this is when he was my manager. But, like I say, it was -- it was constant the whole six years I was there.
Q. How -- how often were these -- what do you call this on page 3200 we were talking about? An employee survey?
A. Yeah. These are a results survey for -- I think it's called a 360 assessment. But, yeah. What you do, as a manager, is you go through.
Q. And -- and it lists your direct reports. It lists your manager. And then you -- you go through and assign it to peers and different other people that you want to send it to. And then, once I go through and -- and fill out who all it needs to go to, I send that to my senior manager. In this case [redacted] so he could approve or change anything he wanted. And then, once he approves it, it automatically goes out. And the people fill out the survey way -- survey. And this was actually another item I think I had on my action plan or one -- in my PM that -- I had filled this all out to who it was going to be sent out to. And I'd sent it to him for approval. And he didn't do anything with it. He didn't approve it or send it out. And then he dings me because I didn't send out a survey.
Q. Well, you had one of these [redacted],

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Q. Well, no, because there's -- they should be done every year. I don't know if it's actually a requirement. But BSC didn't have -- didn't push it every year. It's just --
A. Okay.
Q. -- this particular year, they were telling us to do it. We had to do it.
A. Okay. Look at paragraph 20 of Interrogatory 3 and read that, please.
A. Complainant was reassigned to MRSA by [redacted] and [redacted] after filing an ethics complaint against [redacted] 1172.
(Plaintiff's Exhibit No. 18 marked for identification.)
Thanks.
Q. So what is this document?
A. So this is the one we talked about where [redacted] was proud to announce that I was going to MRSA. And this was during the ethics investigation. I sent it to [redacted] -- or [redacted] was working. So you can see that, when [redacted] sent that out, I forwarded it to [redacted] and -- to let her know that,

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you know, I'd filed -- she knew I filed an ethics complaint. She was working it. But it was like, Look, I'm being assigned. And so this was the email [redacted] sent out showing that I forwarded it to [redacted]
Q. And what was the date of that?
Q. And did you consider being transferred to MRSA as a -- as retaliation?
A. I felt it was retaliatory. Absolutely, it was retaliation. Because, like I say, we've talked about several times here, you know, I filed an ethics against -- or ethics complaint against my boss, and then he moves me. I mean, that's -- that's -- yeah, that's definitely retaliation.
Q. What -- is it considered like a demotion to have to be in MRSA?
A. It's not a demotion like pay. But, absolutely, it's considered a demotion because, like I was explaining yesterday or earlier today -- I don't know, it's Friday -- but I was actually hands on the airplane. And that's -- as a quality manager or quality inspector, that's really where you want to be. You want to be working on the airplane, touching the airplane. That's -- that's great job. So, by removing me from working production to basically

42 (Pages 162 to 165)
manager of the parts store was -- yeah, it was a pretty hard slap in the face. I mean, with 30 years' experience, they're putting me in a parts store. I mean, that's -- a parts segregation area -- that was pretty, pretty humiliating.

Q. I mean, if -- strike that.

The -- read paragraph 21 of Interrogatory 3.

A. Complainant had his career growth sabotaged.

Q. All right. Was part of that being transferred to MRSA?

A. That was part of it. Part of it was being blacklisted from the other jobs. Because, like I say, it had been a different responsibility, different -- different statement of work. So it added to my value as a Boeing employee, right. So -- and that's another thing that's kind of, got lost in the transition, is in Puget Sound, they valued their employees. And they -- the way it was put to us was, they've got so much invested in us that they really want us all to succeed because they've spent a lot of money on us. They want us to -- to do good. Whereas, down here, it seems like they didn't really care about that as much as -- I lost my train of thought on that. But, anyway...

Q. Well, you had learned that.

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A. Can we take a few minutes?

Q. Yeah.

(A brief recess was taken.)

Back on the record, 17:51.

This will conclude Volume 2 and the video portion of the video deposition of John M. Barnett. Off the record at 17:51 on March 8, 2024.

(The deposition adjourned at 5:51 p.m.)

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CERTIFICATE
STATE OF SOUTH CAROLINA:
COUNTY OF CHARLESTON:

I, [Redacted], Registered Professional Reporter and Notary Public, State of South Carolina at Large, certify I was authorized to and did stenographically report the foregoing deposition of John M. Barnett -- Volume 2, and that the transcript is a true record of the testimony given by the witness, and was sworn as such.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND OFFICIAL SEAL this 24th day of March, 2024, in the City of Charleston, County of Charleston, State of South Carolina.

[Signature]
[Seal]
[Redacted] RPR, CLR

and Notary Public.
My commission expires:
January 13, 2031.
Attachment 5
Mr. Robert Turkewitz  
Law Offices of Robert M. Turkewitz  
768 St Andrews Blvd  
Charleston, SC 29407

Freedom of Information Act (FOIA) request 2018-002240

Dear Mr. Turkewitz:

This letter is in response to your December 15, 2017 request under FOIA, 5 U.S.C. 552. You are requesting a copy of the following documents (or documents containing the following information) be provided to you:

"All documents related to the FAA's investigation and its findings with respect to the Whistleblower Complaint EWB17544, including reports, photographs, notes, correspondence, memoranda, emails, faxes, statements, interview transcriptions and notes, and audio and video recordings."

A search was conducted of the Office of Audit and Evaluation's Whistleblower Protection Program (WBPP) files. The search revealed twenty-four (24) pages that pertained to your specific request and twenty (20) pages will be released to you. Four (4) pages belong to the Department of Labor and will be returned to them to respond separately. Your FOIA request is considered a request for first-party information since it seeks information related to a report filed by your client through the Whistleblower Protection Program (WBPP). Therefore, the information pertaining to you and your client in the enclosed documents are not redacted to protect information that would otherwise be withheld under Exemption 6 of the FOIA, 5 U.S.C. 552 (B)(6). When applying Exemption 6, the FAA weighs the privacy interest of an individual against any public interest in the records.

However, a portion of the records you requested contains privacy-related information about parties other than your client. For that reason, your request has been partially denied and portions of the enclosed documents containing names, phone numbers, and addresses of others have been redacted and are being withheld from disclosure. Two (2) of the 20 pages have been redacted under Exemption 7c of the FOIA. Exemption 7c provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

Five (5) of the 20 pages are being redacted under Exemption 5 of the FOIA. Exemption 5 protects inter-agency or intra-agency memorandum or letters which would not be available
by law to a party in litigation with the agency. The three most frequently invoked privileges are the deliberative process, the attorney work-product, and the attorney client-product. Exemption 5 allows agencies to withhold recommendations, opinions, and analysis under the deliberative process privilege.

If you owe fees for the processing of this request, an invoice containing the amount due and payment instructions will be enclosed.

The undersigned is responsible for this partial denial. You may request reconsideration of this determination by writing the Assistant Administrator for Finance and Management (AFN-400), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591 or through electronic mail at: FOIA-Appeals@faa.gov. Your request for reconsideration must be made in writing within 45 days from the date that the initial determination was made, and must include all information and arguments relied upon. Your appeal must also state that it is an “appeal” from the above-described denial of a request made under the FOIA and include your assigned FOIA control number. The envelope containing the appeal should be marked “FOIA.”

You also have the right to seek dispute resolution services from the FAA FOIA Public Liaison via phone (202-267-7799) or email (J-AWC-ARC-FOIA@faa.gov) noting FOIA Public Liaison in the Subject or the Office of Government Information Services (https://ogi.archives.gov) via phone (202-741-5770 / toll-free--1-877-684-6448; fax--202-741-5769); or email (ogi@nara.gov).

Sincerely,

[Redacted name]

Director

Enclosures
Memorandum

Date: MAR 21 2017

To: [Redacted] Manager, Audit and Analysis Branch, AAB-100

From: [Redacted] Director, Aircraft Certification Service, AIR-1

Prepared by: [Redacted] Manager, Transport Airplane Directorate, ANM-100

Subject: Whistleblower Complaint EWB17544, The Boeing Company -- Boeing South Carolina

The Federal Aviation Administration (FAA) Aircraft Certification Service completed the investigation of whistleblower complaint EWB17544, alleging The Boeing Company -- Boeing South Carolina failed to:

1. Follow their quality system for nonconformance records.
2. Properly track nonconforming parts.
3. Properly investigate oxygen bottle squib failures.

The investigation substantiated a violation of a regulation or standard of the FAA. Accordingly, the FAA is taking the appropriate action and will monitor followup corrective actions until they are complete.
The FAA CMO received Whistleblower complaint FWB17544 on January 19, 2017. The complainant alleged BSC, located in Charleston, SC failed to:

1. Follow their quality system for nonconformance records.
2. Properly track nonconforming parts.
3. Properly investigate oxygen bottle squib failures.

OTHER INVESTIGATION ACTIVITIES:

The FAA contacted the complainant on January 30, 2017. The allegations were discussed and no additional information was provided.

The complainant submitted several allegations relating to the BSC facility, which is responsible for Boeing Model 787 manufacturing and delivery.

The initial investigation determined the first two allegations pertained to the same quality system concerns. Therefore, the investigation and response was combined below.

FINDINGS & FOLLOWUP ACTIONS:

Allegations 1 & 2: BSC failed to follow their quality system for nonconformance records and properly track nonconforming parts.

Investigation: The complainant alleged that there are a total of 220 Boeing Model 787 nonconforming parts lacking traceability documentation. The complainant also claimed Boeing does not have objective evidence showing the current manufacturing status of these parts.

The FAA conducted interviews with BSC MRSA personnel. The FAA also reviewed Boeing Commercial Airplanes (BCA) approved quality system documentation, associated procedures and nonconforming part records. The BCA quality system requires a nonconforming part to be identified and segregated. BCA procedures also address control of nonconforming parts records.
During the FAA interviews, BSC MRSA disclosed there is an ongoing internal BSC investigation relating to open nonconformance records. The BSC investigation determined nonconforming parts lacked sufficient documentation to determine if they were scrapped or reworked to meet design requirements. The FAA determined the location of these parts is unknown and they are considered lost. An FAA review of the BSC investigation showed 45 nonconforming part records have been researched so far and BSC has identified 53 nonconforming parts that are considered lost. The BSC investigation is still in progress and 176 nonconforming part records need to be researched.

The FAA concluded, after review of the BSC investigation documentation/records and BCA nonconforming part processes, that BSC personnel did not follow approved quality system processes to track and disposition nonconforming parts. As a result, 53 nonconforming parts are known to have been lost.

Finding: A violation of a regulation or standard of the FAA was substantiated.

Corrective Action: The FAA issued a Formal Compliance Action to Boeing in accordance with FAA Order 2150.3B, FAA Compliance and Enforcement Program. The corrective action plan from Boeing is due on or prior to March 21, 2017. After review of the corrective action plan, the FAA can provide AAB-100 an update of when the Formal Compliance Action is expected to be closed and verified.

Allegation 3: BSC failed to investigate oxygen bottle squib failures.

Investigation: The FAA conducted interviews of BSC MRSA and BR&T personnel on February 8, 2017. The FAA reviewed BCA’s approved quality system, including the associated oxygen system test procedures. BCA approved quality system processes require corrective action investigations to contain the effect of nonconformances on other processes or products.

The FAA investigation discovered each Boeing Model 787 Passenger Service Unit (PSU) contains one emergency oxygen bottle and a squib. The purpose of the squib is to initiate the flow of oxygen when commanded. The PSU electrical circuits are tested twice during the airplane production assembly phase and in the event of a failure, the PSU is removed from the airplane. After removal, BSC personnel discharge the emergency oxygen bottles and there have been some cases where the squibs failed.

Based on interviews and documentation reviews, the FAA confirmed BSC is aware of the squib failures and is actively investigating the issue. A Boeing supplier of the PSU, BE Aerospace, is also engaged in the investigation and corrective action process. Preliminary BSC investigation findings have attributed squib failure to wire harness damage occurring during storage, handling, and installation. BSC and BE Aerospace root cause analysis and corrective action activities are ongoing at this time.

Finding: A violation of a regulation or standard of the FAA was not substantiated.

Corrective Action: None
Allegation 4: BSC failed to notify customers of deficiencies of delivered airplanes.

Investigation: The whistleblower hotline report further clarified this allegation. The complainant alleged BSC failed to notify customers of incomplete/incorrect/missing data relating to serial number control of installed components.

The FAA conducted an interview with the BSC ARL. The FAA reviewed BCA’s approved quality system, associated procedures and ARL records. The FAA also reviewed post-delivery customer notifications. BCA utilizes the ARL to capture and document the serialized parts installed in a Boeing 787 airplane prior to delivery. The FAA investigation determined the ARL must be complete prior to issuance of an airworthiness certificate. If an error or missing information is identified in the ARL after airplane delivery, the BCA quality system requires notification to the customer. The FAA confirmed when an error in the ARL (e.g., incomplete, incorrect, and missing information related to serial numbers) is found that impacts a delivered airplane the customer is notified as required by the approved quality system procedures.

Finding: A violation of a regulation or standard of the FAA was not substantiated.

Corrective Action: None
Attachment 6
May 18, 2021

File Number: EIR2021NM420001

The Boeing Company
Attn: [REDACTED]
Vice President of Commercial Airplanes Quality
P.O. Box 3707, MC 687-05
Seattle, WA 98124-2207

Dear [REDACTED],

The Federal Aviation Administration (FAA) is investigating Verification Optimization, Process Surveillance, Manufacturing Assurance and Process Surveillance (MAPS), and Functional Test Surveillance to ensure compliance with Title 14 of the Code of Federal Regulations (14 CFR) and your FAA approved quality system.

REQUIREMENTS:

Title 14 CFR § 21.146 Responsibility of holder, states in part, “The holder of a production certificate must…
(b) Maintain the quality system in compliance with the data and procedures approved for the production certificate;

(c) Ensure that each completed product or article for which a production certificate has been issued, presented for airworthiness certification or approval conforms to its approved design and is in a condition for safe operation.”
(Supports all allegations)

Boeing Quality Manual (BQM), Revision H, dated April 21, 2020, General, states in part, “[Boeing Commercial Aircraft] BCA’s primary business is the design, production, maintenance, and support of Commercial Transport Category Aircraft certified to the FAA requirement 14 CFR part 21.”
(Supports all allegations)
BQM Clause 3, Definitions, states in part, “Product: Any items (e.g., raw materials, consumables, detail parts, assemblies) used in, or a result of, processes intended for or required by a customer. A product may include a service, hardware, processed material, software, or any combination thereof.”
(Supports all allegations)

BQM Clause 8.5.1, Control of Production and Service Provision Inspection and Testing Status, states in part, “14 CFR § 21.137(e) requirements are met through [Boeing Procedure] PRO-219, [Boeing Business Process Instruction] BPI-219, and BPI-219 or [Boeing Canada Winnipeg] PR-PR-219 (BCW) and other documentation identified on the BCA CFR/QMS [Quality Management System] Matrix for inspections and tests used to ensure that each product and article conforms to its approved design. Appropriate inspection and test activities are conducted in accordance with PRO-219 and BPI-219 to assure the process, products, or service conforms to established requirements, including in-process inspection when adequate objective evidence to show conformance cannot be obtained at later stages.”
(Supports allegation 1, 2, 3, 4, 10)

BQM Clause 8.5.1, Control of Production and Service Provision Inspection and Testing Status, states in part, “14 CFR § 21.137 (g) requirements are met through PRO-219, PRO-219, PRO-219, and BPI-219 or PR-PR-219 (BCW) and other documentation identified on the BCA CFR/QMS Matrix which document the inspection and test status of products and articles supplied or manufactured to the approved design.”
(Supports allegation 1, 2, 3, 4, 6, 10)

BQM Clause 8.5.2, Identification and Traceability, states in part, “The inspection and test status of BCA products is recorded by authorized personnel to purchasing documents, work instructions, nonconformance records, log books, or identification that is applied directly to the product in accordance with clause 8.5.1. Appropriate security controls are established to ensure only authorized personnel (refer to PRO-219) are issued controlled stamps and permitted to make either electronic or manual entries.
(Supports allegation 1, 2, 3, 4, 6, 10)

PRO-219 Verification Systems, Issue Date: December 5, 2019, Section 1, Requirements, states in part, “Verification planning will ensure that each product and article conforms to its approved design (reference Code of Federal Regulations [CFRs] 14 CFR 21.137 and 14 CFR 21.146).”
(Supports allegation 1, 2, 3, 4, 10)
Section 3, Terms, states in part, “Acceptance – A decision resulting from comparing OE [objective evidence] to specified requirements that has determined a product or article conforms to approved design.”
“Conformance Decision – The determination of acceptance or rejection based on the comparison of OE to the approved design.”
“Inspection Status – Recording a conformance decision; results from a verification system.”
(Supports allegation 1, 2, 3, 4, 6, 10)

Authority Media for Product Acceptance and Manufacturing Process Operations, Issue Date: April 15, 2020, states in part, “This procedure details the requirements and responsibilities for authority media users, managers, endorsers, and stamp custodians. Authority media applied to product or product records represents a legal signature and the individual affirming acceptability of the deliverables in compliance with governing requirements.”
(Supports allegation 1, 2, 3, 4, 10)

Section 1. Requirements states in part, “A. Establish a process for authority media that addresses validation of user need, traceability of ownership, and proper usage. The supporting enterprise processes are defined in BPI- BPI- and BPI-...

B. Ensure authority media is legible, reproducible, and traceable to:
1. An authorized person performing the work, also known as an authority media user, who is authorized by their management to perform specified activities requiring the use of authority media.
2. An authorized process (e.g., nondestructive testing, acceptance, manufacturing, configuration documentation)...

C. Ensure employees requiring authority media possess and maintain all skills, certifications, and authorizations required by the process being performed...

F. Conduct authority media audits for physical stamps, at a minimum, once a year. Conduct audits on electronic stamps in accordance with D...
(Supports allegation 1, 2, 3, 4, 6, 10)

Section 2. Responsibilities B. Quality Management states in part, “1. Ensure authority media requirements are defined, communicated, and deployed for authority media reserved for use by Quality personnel or approved delegates [e.g., Product Acceptance, Supervisor (Product Acceptance), Designated Customer Representative, Nondestructive Inspection/Nondestructive Test].

2. Endorse authority media reserved for use by Quality personnel or approved delegates to indicate approval of authority media issuance and delegate approval.”
(Supports allegation 1, 2, 3, 4, 10)
BPI-XXX: Perform Product Verification, Issue Date: July 25, 2019, section F. Definitions, states in part, “Authorized Product Verification Personnel – Personnel authorized by job role, job code, skill code, or process to perform product, article, and process verification activities.” (Supports allegation 1, 2, 3, 4, 6)

D-document D-XXX: “Computing Security Standards Manual,” dated 9/22/2020, Section 5.2.2, states in part, “Segregation of duties criteria for roles and responsibilities that describe segregation of duty to prevent individuals from subverting control processes must be documented in the Access Control Policy (ACP)” (Supports allegation 1, 2, 3, 4, 6)

Document Number, XXX dated May 29, 2020, states in part, “Job Role Description: Mechanic: The MFG [manufacturing] is able to accomplish the following manual tasks: complete the task on the process plan, stamp the required paperwork that will become the as-built documentation for parts, tools, and airplanes.” “Job Role Description: Inspector: The Shop Floor inspector assures that operations of the Production Order are complete and accept or reject per engineering drawing and Purchase Order planning requirements.” (Supports allegation 1, 2, 3, 4, 6)

Boeing Specification Support Standard, BSS XXX: Employee Certification General Requirements, Rev. W, dated July 18, 2016, states in part, “Specifications are used to define employee certification requirements. Certification of employees has been established as a means of formal control for designated operations or activities.” “Activities that require employee certification are documented in the BSS XXX series of specifications. These specifications provide information necessary to grant and maintain certification, including a description of the activity requiring certification, employees who require certification, the source of the certification requirement, and processes for certification/recertification.” “Managers shall ensure employees hold the necessary certifications for work to be performed.” (Supports allegation 1, 2, 3, 4, 6, 9, 10)

BSS XXX: Employee Certification General Requirements, departure 6-16, states in part, “They are not authorized to inspect and accept work performed by themselves.” (Supports allegation 1, 2, 3, 4, 6, 9, 10)

BPI-XXX: Use and Control of Authority Media, Issue Date: August 13, 2020, Purpose, states in part, “This BPI defines the process for requesting, approving, using, applying for, owning, and controlling authority media. Authority media applied to processes, products, or product records provide objective evidence of the status of products during the development, manufacturing, modification, and repair process. The application of authority media, a physical or electronic stamp, on company documentation/records represents the signature of the individual performing the work and reflects all work performed conforms to specified requirements.” (Supports allegation 1, 2, 3, 4, 10)
BPI- Section 1.5 "Endorse Authority Media Request" states in part, "When endorsement of authority media is required by a process, the endorsement will be performed by a Quality manager or an authorized endorser prior to issuance. Stamp types requiring endorsement are reserved for Quality personnel and approved delegates." These stamp types are Quality Product Acceptance and Self-Acceptance (SI&A) PRO- (Supports allegation 1, 2, 3, 4, 6, 10)

BPI- (Inspection Requirements - Request for Planning Changes), dated August 1, 2018, states in part, "Quality engineering approval is required if the change request adds, revises or removes an inspection." (Supports allegation 7, 8)

ENCOUNTERED CONDITION 1:

Boeing Process Surveillance as implemented on the Model 777X program, does not meet FAA regulatory requirements for inspection or recording inspection status to ensure that each completed product or article conforms to its approved design and is in a condition for safe operation. Process Surveillance is a process audit using a sampling approach (not statistically based) to establish audit frequencies, and is not intended for product verification. Process Surveillance does not meet Boeing quality system requirements or FAA regulatory requirements related to inspection or recording inspection status.

Therefore, the FAA found Boeing procedures are not adequate for determining the required inspections and tests used to ensure the product conforms to its approved design and for documenting the inspection and test status of products manufactured to show the product conforms to its approved design.

ENCOUNTERED CONDITION 2:

Boeing implemented Process Surveillance (i.e., Manufacturing Assurance and Process Surveillance (MAPS)) on the Model 787 program by removing required in-process Quality inspections.

The FAA found that Process Surveillance (i.e., MAPS) is a process audit not intended for product verification and acceptance to ensure conformance to FAA-approved design data, and concluded Process Surveillance does not meet Boeing quality system requirements or FAA regulatory requirements related to product verification and acceptance in support of ensuring conformance to the FAA-approved design data. BPI- (Process a 787 Shop Order Instance Revision Request) dated
September 11, 2019 circumvents BPI-124 by enabling the removal of in-process and end-item inspections performed by Quality Inspectors and assigns in-process inspections to manufacturing personnel for acceptance. BPI-124 only references BPI-124 when an Installation Plan (IP) or Shop Order Instance (SOI) has been split and bundled to support work duration preferences, but does not reference BPI-124 requirements when determining risk, other business decisions or engineering requirements for changes to IPs or SOIs. BPI-124 also does not reference PRO-124, BPI-124 or BPI-124 for determining appropriate assignment of product acceptance (i.e., inspection status) to the appropriate personnel.

ENCOUNTERED CONDITION 3:

Boeing product “inspection authority” was given to manufacturing personnel without qualification or authorization.

The FAA found evidence that Boeing inappropriately delegated inspection authority to Manufacturing personnel who did not have the appropriate training or certification, inappropriately delegated Quality inspections associated with certain engineering requirements to Manufacturing personnel, and allowed the indication of product verification and acceptance with a Manufacturing stamp, in violation of the Boeing quality system requirements. BPI-124 circumvents PRO-124 and BPI-124 by enabling Quality Engineering to delegate product acceptance to Manufacturing personnel by disregarding training, certification, and engineering requirements. PRO-124 defines a “Conformance Decision” as the determination of acceptance or rejection, which is an "Inspection Status. Per PRO-124 and BPI-124, "Inspection Status" can only be recorded using an Endorsed Authority Media (i.e., Quality stamp) held by Quality personnel or Self Inspection and Acceptance (SI&A) per PRO-124. BPI-124 circumvents PRO-124 and BPI-124 by allowing Authority Media (i.e., Manufacturing stamp) to be used for product acceptance (i.e., Inspection Status).

ENCOUNTERED CONDITION 4:

Boeing assigned inspection “conformance decision” to manufacturing personnel without the training or controls necessary to perform product acceptance.

The FAA determined Manufacturing personnel do not have the required qualification or certification and training necessary to perform the product verification and acceptance tasks assigned to them and make the associated conformity decisions.
The FAA also determined Manufacturing personnel use Manufacturing stamps to indicate product verification and acceptance, which is in violation of the Boeing quality system procedures. BPI-□ section 4.3 circumvents PRO-□, PRO-□ BPI-□ and BPI-□ by assigning the conformance decision (i.e. Inspection Status) to the process operator not the quality departments. A process operator is not a defined role assigned to compare objective evidence to the requirements and make conformance decisions. A process operator is not granted product acceptance as defined in BPI-□ and BPI-□. A process operator is not an authorized person in an authorized process as defined by job code or skill code per PRO-□. Manufacturing is not granted product acceptance as defined in PRO-□ and BPI-□.

The FAA found these Manufacturing personnel did not have the appropriate inspection certification and training necessary to conduct Quality inspection steps and make conformity decisions (i.e., product verification and acceptance) as required by the Boeing product definition data, BAC specifications and BSS training requirements, and Boeing quality system requirements.

ENCOUNTERED CONDITION 5:

Boeing assigned product inspection to Manufacturing personnel that are not authorized to perform product acceptance. BPI-□ allows the replacement of inspections without defined requirements.

The FAA determined there are no process or procedures in the quality system that defines mandatory inspection requirements to support Boeing's position that required inspections are only defined by an engineering requirement that specifically states, “inspection required,” for an Endorsed Authority Media held by the Quality department or delegate to be used for product acceptance.

The FAA found no process that describes how Boeing determines potential risk of removing an inspection. Without a defined process to determine potential risk or issues beyond those specified by engineering requirements, the FAA found these points were not adequately considered when business decisions were made to remove inspections from work orders and inspection plans (IP). The FAA found no process that describes how Boeing determines appropriate business decisions to justify the removal of mandatory Quality inspections.

ENCOUNTERED CONDITION 6:

Boeing assigned product inspection and acceptance to Manufacturing personnel that are not authorized to perform inspections or product acceptance.

The FAA found numerous examples where Boeing assigned Manufacturing personnel to perform product acceptance without an endorsed authority media and without authorization by job role, job code or skill code to perform product, article or process verification activities as required per BPI-□, PRO-□, and BPI-□.
The Manufacturing Job Role description does not include product acceptance or conformance decision as an assigned responsibility. Manufacturing personnel are not authorized to perform the process of acceptance or conformance decisions per PRO-[-] and PRO-[-]

ENCOUNTERED CONDITION 7:

Boeing removed in-process and end-item inspections performed by Quality Inspectors, and assigned in-process inspections to Manufacturing personnel.

The FAA investigation found the use of Process Surveillance performed by manufacturing personnel as part of Boeing verification systems and in place of Quality inspections performed by Quality inspectors does not comply with Boeing quality system requirements and FAA regulations.

The FAA determined that the assignment of in-process Quality inspections to Manufacturing personnel and use of an authority media (i.e., Manufacturing stamp) to indicate acceptance does not comply with Boeing quality system requirements.

The FAA found evidence where IPs were inappropriately changed using the Inspection Record Change Requests (IRCRs), allowing product acceptance authority to be given to manufacturing personnel without an endorsed authority media (i.e., Quality stamp). BPI-[-] (Inspection Requirements - Request for Planning Changes) dated August 1, 2018 circumvents PRO-[-] by enabling the removal of in-process and end-item inspections performed by Quality Inspectors and assign in-process inspections of acceptance to Manufacturing personnel. BPI-[-] does not reference BPI-[-] when determining risk, business decisions or engineering requirements when making changes to Installation plans (IP). BPI-[-] also does not reference PRO-[-], BPI-[-] or BPI-[-] for determining appropriate assignment of product acceptance (i.e. Inspection Status) to the appropriate personnel.

The FAA found in-process and end-item inspections performed by Quality Inspectors using IRCRs were removed from the approved process, and that in-process inspections and acceptance are assigned to manufacturing personnel who are not qualified to make conformance decisions.

ENCOUNTERED CONDITION 8:

Boeing inappropriately changed IPs by using IRCRs to remove Quality inspections without the acceptance and required signature of Quality Engineering, in violation of BPI-[-], section C.3, thus allowing product acceptance authority to be given to manufacturing personnel without an endorsed authority media and without the qualifications to make conformance decisions or perform product acceptance.

The FAA found the IRCR process has adequate controls in place to ensure proposed planning changes meet FAA regulatory requirements and Boeing quality system requirements.
ENCOUNTERED CONDITION 9:
Boeing document BSS[redacted] departure 6-16 references Aviation Maintenance Technician Inspector (AMTI), but not manufacturing personnel.

This is contradictory and ambiguous. Manufacturing personnel should not be authorized to inspect and accept work performed by themselves, as AMTIs are not authorized to do so as stated in BSS[redacted]departure 6-16.

ENCOUNTERED CONDITION 10:
Boeing implemented Process Surveillance on Functional Test manufacturing planning in a supplemental writing that removed Quality Inspection and assigned Product Acceptance to Manufacturing personnel for Boeing Legacy programs, which does not meet the requirements of the Boeing Quality Manual (BQM).

The FAA found Boeing implemented functional test surveillance to replace certain Quality inspections in the manufacturing planning documents for product acceptance and recording of inspection status.

The FAA found numerous examples where Manufacturing personnel were assigned to perform functional test acceptance without an endorsed authority media and without authorization by job role, job code or skill code to perform product, article or process verification activities as required per BPI[redacted], PRO[redacted] and BPI[redacted]. The Functional Test manufacturing planning supplemental writing also circumvents the BQM and Verification System procedure by enabling the removal of a Quality inspection/witnessing of the from functional tests.

The FAA determined Quality cannot accept a completed functional tests by relying on document review alone. If the Quality organization does not witness the functional test, then it cannot verify the accuracy of the information collected during the functional test to confirm product verification and acceptance. Acceptance through verification by analysis applies to Boeing Defense and Space (BDS) only.

The FAA determined the misapplication of BPI[redacted] Section 1.3, circumvents PRO[redacted] and BPI[redacted]. A process operator is an undefined role assigned to compare objective evidence to the requirements and make conformance decisions. A process operator is not a defined role assigned to compare objective evidence to the requirements and make conformance decisions. A process operator is not granted product acceptance as defined in BPI[redacted] and BPI[redacted]. A process operator is not an authorized person in an authorized process as defined by job code or skill code per PRO[redacted]. Manufacturing is not granted product acceptance as defined in PRO[redacted] and BPI[redacted].

The FAA determined that Boeing’s implementation of functional test Surveillance for the manufacturing processes in place of Quality inspections (acceptance) does not meet Boeing’s quality system requirements for ensuring product conformance or recording the test status of a functional test to the FAA-approved design or the associated FAA regulatory requirements.
This letter is to inform you that the FAA is investigating this matter. We would appreciate receiving any evidence or statements you might care to make concerning this matter within ten (10) working days of receipt of this letter. Any discussions or written statements will be given consideration in the final conclusion of our investigation. However, if we do not hear from you within the specified time, our report will be processed without the benefit of your statement.

Your response should contain all elements of the Boeing Problem Solving Model. This includes a proper root cause of the encountered conditions, products/articles affected, service impacts, the extent of any immediate/long-term action taken to correct and prevent similar noncompliance and recurrence, and any mitigating circumstances which you believe may be relevant to this case.

Sincerely,

[Signature]

Date: 2021-06-10

for

[Redacted]

Aviation Safety
Acting Manager, Boeing
Certificate Management Office Section

cc: [Redacted]