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6 April 19, 2002

9 **RECORDED STATEMENT**

10 Eric Zetterberg

11 At: Grass Valley, California

12 Permissive Recorded Statement – Investigator Keith Jackson

13 April 13, 2002

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15 Jackson: This is April 13, 2002, I'm doing a recorded statement with Eric Zetterberg.
16 Mr. Zetterberg...

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18 Zetterberg: Just call me Eric.

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20 Jackson: Okay. Eric, we're in Grass Valley, California, and that's the location where you
21 reside at am I correct?

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23 Zetterberg: Yes.

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25 Jackson: May I have your permission to record your statement for an insurance claim?

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27 Zetterberg: Yes, sir.

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29 Jackson: Eric, you were onboard a boat a few months ago that was involved in a sinking
30 off of Ensenada. Is that correct?

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32 Zetterberg: Correct.

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34 Jackson: Can you tell me for that period of time who was the skipper of that boat?

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36 Zetterberg: Tom Duncan.

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38 Jackson: How do you know Mr. Duncan?

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40 Zetterberg: He and his wife and I met at my condominium in Puerto Vallarta quite a few
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years ago...may be, oh, 5, 6, 7, 8 years ago, something like that.

Jackson: And a relationship developed at that time?

Zetterberg: Yes, we just became buddies and since then we visit each other back and forth and so on.

Jackson: And he lives in the Long Beach area?

Zetterberg: Long Beach, yes.

Jackson: All right. What caused you to go down and eventually board this particular boat was it a contact of Mr. Duncan?

Zetterberg: Yes, we had talked about it because his friend, Dennis, I think the reason Dennis didn't want to go, he's the owner of the boat, he's got like a medical condition where he gets like palsy. I don't think he would be comfortable with a couple days in the water.

Jackson: So, they length the trip was possibly a concern?

Zetterberg: Yes, and then also it was a busy time of year for him to go. He's a tax accountant.

Jackson: Okay, so then Mr. Duncan advised you to come down to Southern California?

Zetterberg: Yes, and then to take Dennis' boat to Ensenada.

Jackson: Do you have prior experience with a boat that large navigating out in the ocean, or is that Mr. Duncan's forte?

Zetterberg: That's his forte but even though we have...Tom and I took a trip with his boat to Ensenada a while back a couple years ago...I think.

Jackson: What size boat was that?

Zetterberg: Same size 38'.

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Jackson: You know what brand name?

Zetterberg: Brand name. Thomas' boat?

Jackson: Yes.

Zetterberg: It's a Bayliner and this boat was a Hatteras I think.

Jackson: When you took his boat to Ensenada a few years ago, was that a round trip or to drop it for repair?

Zetterberg: No, we dropped it and then waited, I think, he had some bottom work done on it that kind of stuff. Then sometime later, it was probably a couple, three months later, we went back down and drove it home again.

Jackson: Okay, so the boat stayed for about three months for repair and then you what...did you drive or fly back down to Southern California?

Zetterberg: I usually drive.

Jackson: Okay. Then you went back down to Ensenada to bring the boat back?

Zetterberg: For his boat yes. Same trip as this one from Long Beach to San Diego, San Diego to Ensenada.

Jackson: All right. This particular trip do you recall which day that you board the boat and was this in Long Beach for this trip?

Zetterberg: Yes, we left from Long Beach.

Jackson: Do you know what day of the month it was and what month?

Zetterberg: We left February 8th because the boat sank on February 9th. So we must have left Long Beach on the 8th.

Jackson: Do you remember about what time you left the slip in Long Beach, was it day or afternoon?

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Zetterberg:

Early morning.

Jackson:

Okay, early morning hours.

Zetterberg:

We went to San Diego and stayed overnight there.

Jackson:

So you took it from Long Beach to San Diego the first night...

Zetterberg:

Spent the night in the marina there.

Jackson:

In San Diego?

Zetterberg:

In San Diego. I think it was probably Southwest Marina. I'm not quite sure.

Jackson:

All right. Something along that line Southwest Marina?

Zetterberg:

Yes, I think that's it.

Jackson:

When you departed Long Beach, who was onboard the boat, besides you and Mr. Duncan?

Zetterberg:

Thomas' wife and Sue Jones.

Jackson:

That'd be Susan is the wife, right?

Zetterberg:

Susan Duncan or Spreuer. Sometimes she goes by Spreuer.

Jackson:

And the other person is Sue Jones?

Zetterberg:

Jones.

Jackson:

Had you known Ms. Jones prior to that date?

Zetterberg:

Yes. Sue and I had met many years ago at La Palma in Mexico the same place I met Tom and Susan.

Jackson:

Okay, so this is another mutual friend.

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Zetterberg:

Yes.

Jackson:

So leaving Long Beach it was Thomas Duncan, his wife, Susan, you, and Sue Jones?

Zetterberg:

Yes.

Jackson:

Overnight down to San Diego, at the Southwest, or something....

Zetterberg:

I'm pretty sure it's the Southwest Marina.

Jackson:

Okay, did you take provisions on in San Diego or in Long Beach?

Zetterberg:

In Long Beach?

Jackson:

What did you do, if anything, in San Diego? Other than stay the night there?

Zetterberg:

Yes, we spent the night on the boat and then went and had dinner at the marina clubhouse.

Jackson:

Was there anything else done to the boat?

Zetterberg:

No.

Jackson:

Okay let's go back to when you departed Long Beach, was there any mechanical difficulties that were experienced in Long Beach when you were present?

Zetterberg:

No. As a matter of fact, when we got aboard the boat mechanic had done some work on the boat and just about ready to leave when Sue and I got there.

Jackson:

Do you know that man?

Zetterberg:

No, I don't know him. I've never met him before. Somebody that Dennis had hired to do some repair work.

Jackson:

Did Thomas or anyone else tell you what type of work he had performed?

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Zetterberg:

No.

Jackson:

Okay, so the boat did not experience any mechanical difficulties going down to San Diego?

Zetterberg:

No, none.

Jackson:

Obviously, at one point of time, I'm going to make an assumption here, you were down in the lower portion of the boat and didn't notice any water?

Zetterberg:

That's where the bedrooms are, yes.

Jackson:

Okay.

Zetterberg:

I stayed in the master suite, so to speak, it's in the aft of the boat. I never got in there because that was Thomas and Susan....and the other...Sue and I stayed in the front. In the bow. Smaller room.

Jackson:

Okay. That brings us to Sunday the 14th...I'm sorry Sunday the 9th.

Zetterberg:

....Saturday...the accident ?????Saturday.

Jackson:

Okay, so, 2/8 would that be a Friday?

Zetterberg:

The 8th would be a Friday, yes, that's the day we left Long Beach. Then Saturday morning we left San Diego.

Jackson:

Any problem getting the engine started then?

Zetterberg:

No.

Jackson:

Anything else you noticed that was an issue having to do with this...or mechanical abilities, or lack thereof of the boat when you departed San Diego?

Zetterberg:

No.

Jackson:

All right why don't you describe to me what happened. You left San Diego and

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obviously started to head toward Ensenada, that was your intended destination?

Zetterberg: Yes.

Jackson: Did you...did Thomas speak to you about the approximate day and time he estimated that you would end up in Ensenada?

Zetterberg: Last time we did it, it was, I think, like a 7 or 8 hour trip.

Jackson: Okay, and about what time did you leave Saturday morning?

Zetterberg: I really recall but it was sometime before noon. I know it was sometime between 10:00, 10:00 - 12:00. I'm not really sure.

Jackson: But before noon?

Zetterberg: Before noon, yes.

Jackson: Could you describe the weather conditions at that time?

Zetterberg: It was nice and sunny, it was a little bit windy but...

Jackson: Would you describe it as a light wind?

Zetterberg: Yes, and then once we got outside and started heading south, I guess you call it Santa Ana Winds in Southern California, started to get worse, and worse, and worse. Then by the time we got past the halfway point he says well there's no need turning back we have....it's tougher going north anyway than going south. So we just kept going towards Ensenada.

Jackson: What made you think it was a Santa Ana Wind? Was it a warm wind?

Zetterberg: Yes, yes, I was wearing a sleeveless T-shirt and I wasn't cold.

Jackson: In February, yes, in February so obviously it was warm wind. It wasn't a winter storm type of situation it was an onshore type wind?

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Zetterberg: Well, they're referred to as Santa Anas down there...from the beach out instead of the other direction. That's the same weekend they had the big fire in Fallbrook.

Jackson: Okay, this is the same time frame we're talking about...Fallbrook fire.

Zetterberg: The same weekend, yes.

Jackson: You mentioned the halfway point, if we could use that as a reference, when you get to the halfway point, if you could try to recall that issue, and before describing the weather and sea conditions, could you tell me at that point in time, the halfway point if anyone had mentioned anything about mechanical difficulties or flooding within the boat at about the halfway point?

Zetterberg: It's pretty hard for me to recall. I hadn't seen any water and Susan was taking a nap, she does that a lot on the boat. She seems to lie down and read books instead of being upon the helm listening to music and getting the wind blown in her face.

Jackson: Let's go to the weather and sea conditions at the halfway point. You indicated...it sounds like that the winds had been steadily increasing?

Zetterberg: Yes, they were steadily increasing all day.

Jackson: Could you describe the halfway point, or as we progress in time heading towards Ensenada, the condition of the sea and about when it started to get larger?

Zetterberg: The condition of the sea, well, it was heavy swells I'd guess you'd call them and white caps on top of that. Blowing towards Hawaii.

Jackson: All right, could you estimate how large the swells were?

Zetterberg: I'm not that experienced in the ocean. I really don't know.

Jackson: Were the swells coming over any portion of the boat, such as the bow, or...

Zetterberg: No, what we got was mostly spray over the bow.

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Jackson: What was your approximately speed if you know?

Zetterberg: I don't know. I don't know knots from miles per hour. I don't know anything about that.

Jackson: No one told you how fast you were going?

Zetterberg: No.

Jackson: Could you estimate? Was it under 10 knots, or approximately 10 knots, or miles per hour?

Zetterberg: It's really hard to judge in the ocean, you don't have a bunch of trees going by. I really couldn't tell you.

Jackson: Did you have sight of land?

Zetterberg: Oh, yes.

Jackson: At the halfway point or just past that, again when the winds continue to increase, could you tell approximately at let's say at about the halfway point, about how far you were from land at the point of time?

Zetterberg: At the time, it sank?

Jackson: No, let's say about at the halfway point?

Zetterberg: Oh, probably four miles. That's a guess on my part. I think by the time we sank we were probably, Thomas seemed to think two miles, I thought more like a mile.

Jackson: Okay. Now you past the halfway point and other than the wind and sea conditions there's no mechanical difficulties at this point?

Zetterberg: Not that I...the boat was running fine. The motors were both running along.

Jackson: And you said it's approximately a what...6 to 8 hour trip depending upon...

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Zetterberg:

I think more like 7 a little bit over 7.

Jackson:

Your speed of course...depending upon...

Zetterberg:

Yes, right, right.

Jackson:

Now you're past the halfway point. Why don't you tell me about when the first difficulty...whether it be mechanical, or water onboard the boat?

Zetterberg:

Water. The motors were still running. Everything was running fine. Two engines, two diesels. At some point, Susan came upon the bridge, on the flybridge, and said that there's water coming into the...her stateroom.

Jackson:

And that would be at the stern of the boat, the back of the boat? Right?

Zetterberg:

Yes, right. So I take the wheel and Thomas went down and looked at it. He came back and he says 'we made need some help.'

Jackson:

Did he indicate if he saw where the water was coming in through?

Zetterberg:

No, he didn't say.

Jackson:

When Susan came up and said water was coming in, did she indicate if she knew where the water was coming from?

Zetterberg:

No, I think she'd been sleeping and woke up and saw it and then Thomas went down there.

Jackson:

At one point in time, after that, did you go down and observe water?

Zetterberg:

No. No. I never went down ??????. I went down to the forward room and got Sue's bag, packed everything I could in her bag, and took my money out of my bag and my wallet, which was in my bag, cause I had my immigration card in my wallet, in case we got into trouble I didn't want to lose it. I brought her bag up on the aft deck. Then when we sank the fishermen went about the accident site and had a big gaff and they got Susan's bag except they didn't get it by the handle they got it through the whole canvas bag and ripped a bunch of clothing....they were trying to help.

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Jackson: Let's go back a little bit to where, obviously the water continued to come in....and what you were up above on the bridge?

Zetterberg: On the flybridge.

Jackson: So you didn't observe how deep, you wouldn't know if the water was 6" or 6' deep underneath?

Zetterberg: No.

Jackson: Because you were above?

Zetterberg: Right. The water I did see was when I went down into our stateroom, if you want to call it that, that little V-berth....

Jackson: Yes, up forward.

Zetterberg: There was water in the kitchen and then I pulled the carpet back and lifted up the little trap door there, which looks into the engine compartment. That department...compartment down there and I looked in the engine compartment and it was bone dry. No, water.

Jackson: So...that would have been below the kitchen area?

Zetterberg: Same level.

Jackson: Same level as the kitchen.

Zetterberg: The motors and the floor of the kitchen was sitting at the same level.

Jackson: So where would that compartment level....

Zetterberg: Well, then you have a few steps going up so when you're standing in the salon so to speak, the room in the middle?

Jackson: Yes.

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Zetterberg: You're above the engines. Then you have steps down to the bathroom and kitchen area.

Jackson: Then what would this hatch give you visibility of the engines?

Zetterberg: From the floor, you know, pull back the carpet and there was the hatch.

Jackson: So the engineroom was dry?

Zetterberg: Yes, at that time. ????????????????

Jackson: Okay, but having to do with the levels of the boat would the engine compartment that was dry would those levels have been above or below the front or rear areas that were taking on water?

Zetterberg: Well the way boat sits the engine compartment would have been above the very aft of the boat.

Jackson: How about your portion that you'd noticed...or was that the kitchen that was....

Zetterberg: That was the kitchen. I don't if the boat...if there were two separate leaks in the boat. I don't know.

Jackson: How much water was in the kitchen floor?

Zetterberg: Oh, probably 8" to 10".

Jackson: Then you took the items you mentioned of above?

Zetterberg: I took Sue's bag up and just laid it on the floor in the salon and my boom box I took that up too.

Jackson: Was anybody...did anybody make a statement up until the time the boat went down, indicating they had a belief or had observed where this water came from?

Zetterberg: All we were doing is we got busy and started calling for help.

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Jackson: Who was calling for help?

Zetterberg: Both of us I started while Thomas was fighting the wheel. He says just try that channel and that channel and nothing. I called Mayday, Mayday and got no response from either, I think it was channel 9 and channel 16. I think those were the ones he said try those. Those are frequently used as emergency channels. Now I started going through each channel. I went through every channel and called Mayday, Mayday on the CB. Nothing. I didn't get a response. He finally said 'take the wheel Eric.' He started messing with the radio and he made contact with somebody.

Jackson: You mentioned a CB radio. Did it have ship to shore radio, marine radio?

Zetterberg: I don't know it reminds me of a CB where you switch channel, you know.

Jackson: You don't know if it's a CB or ship to shore marine radio?

Zetterberg: No.

Jackson: Do you remember how many numbers it had on it?

Zetterberg: No.

Jackson: What channels it went up to the highest number?

Zetterberg: No.

Jackson: Did anybody have a cell phone?

Zetterberg: Oh, yes. Thomas was in touch with the owner of the boat quite often. Asking for help, you know.

Jackson: In addition, to putting out this Mayday was an attempt made to contact someone for assistance through the cell phone and in what order was that done if you know?

Zetterberg: I don't know if Thomas tried to call somebody on the cell phone or not, or if he asked Dennis to call somebody. I know he talked to Dennis on the cell phone.

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Jackson: The owner?

Zetterberg: Yes.

Jackson: Do you know at that point in time if someone had been reached on the 2-way radio?

Zetterberg: No, I don't know.

Jackson: What did Thomas tell you in regards to assistance responding to your location?

Zetterberg: When he finally was through jabbering away on the radio, he said the Vessel Assist people were coming. They said they could catch up to us in an hour and a half and they said 'can you stay afloat that long.' He said 'I'm going to try ??????' But we never saw them. They never showed up.

Jackson: They never arrived?

Zetterberg: No.

Jackson: Tell me about how much longer it was until another boat came around you?

Zetterberg: Two and a half hours at least.

Jackson: So that hour and a half, that's from about the time period, if we could start at the beginning from Dennis said it would be...or Thomas said....

Zetterberg: Yes, I'd say it's from the time we made contact, or realized we were in trouble, until the time we sank was approximately 4 to 4 ½ hours. We saw this Mexican fishing boat and we steered toward them, of course we had a communication problem. The guy just kept pointing us towards the beach, you know, and we said well, you know, the motors are running, the engines running and we were going to Ensenada and we could see the city lights of Ensenada so we tried, you know. Well, then it started getting really really bad and started rolling over to the right...the starboard is the right?

Jackson: Yes, it's starboard.

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Zetterberg: Okay. Then we started listing very heavily over to that side, we were all sitting on the upside of the flybridge, we were almost sitting straight in the chairs like this.

Jackson: And the motor is still running?

Zetterberg: Right. Right. And then Thomas called somebody and here comes this little American pleasure boat. Probably about the same size as ours. It looked a little smaller because we were sitting way up by this time looking down. It was an American couple on the maiden voyage of their boat and we tried to throw a rope to them and, of course, the husband was driving the boat and the wife couldn't hang on to it before they got hooked up or nothing. At that same moment, I looked over to the left and there was the Mexican fishing boat that we had talked to about a half-hour earlier.

Jackson: How big was that fishing boat?

Zetterberg: Oh, it was big.

Jackson: 100'?

Zetterberg: Yes, I'd say close to that. Anyway we rigged up a rope with them. We threw them...we had a small rope then he took that a tied his big rope to that. By this time, Thomas had walked around to the bow of the boat and he pulled it back, their big rope tied to our little rope. So, Thomas tied that to the front and they tied it up to the fishing boat. Then they started pulling us towards Ensenada.

Jackson: Now everyone remained aboard your boat?

Zetterberg: Yes.

Jackson: At one point in time, you said they tried gaffing some items off your boat?

Zetterberg: That was after we had sank. After they had rescued us.

Jackson: Okay, don't let me interrupt you.

Zetterberg: That's okay.

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Jackson: So now they are pulling you, towing you?

Zetterberg: Yes, they are towing us.

Jackson: Is it still under power your boat?

Zetterberg: No, by this time it died. Then all of a sudden the towboat, the big fishing boat just stops and we just kept on gliding for a little bit. I guess he must have seen that it started listing really heavy. As soon as he stopped, about probably less than a minute later our boat just finally rolled over, we just slid down into the water. Sue and I swam out the back and Tom and Susan swam out the right hand side.

Jackson: Did anybody have personal floatation devices?

Zetterberg: We all had life jackets. We put them on, oh probably, a half-hour before we sank.

Jackson: How long was that Mexican fishing boat able to tow you until you rolled?

Zetterberg: They probably pulled us for a half an hour at least may be more.

Jackson: Towards Ensenada?

Zetterberg: Of course, towing us with that rope and the way the sea was he was being careful, he didn't want to snap the rope, you know, break the winch part or whatever the chrome stuff that Thomas had tied the rope to in the front.

Jackson: It's called a davit on the very front of the boat.

Zetterberg: Okay.

Jackson: The aft part has a chain to it also?

Zetterberg: Yes.

Jackson: Okay.

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Zetterberg: Then so he wasn't going as fast as he could because of that rope because of the waves that rope would get taut and then slack off then taut then slack off. I guess he didn't want to snap it.

Jackson: A lot of stress was being put on it.

Zetterberg: Right.

Jackson: Depending upon the swell like you're describing.

Zetterberg: Right. Then when he stopped, when we rolled over, he stopped his boat and we kept gliding forward and the tow rope wound up underneath his boat, you know, so he...I think he shut his engines down because it was going to get in the prop and then he couldn't have helped us at all. So, he just stopped everything, I think, at least he didn't move. I don't know if he shut the engines off or not. Then his two helpers...there were three guys on the boat. His two helpers cleared the rope, got rid of it, got it out of the way. Then he started maneuvering to help us. By this time, Thomas and Susan had started toward the fishing boat. Sue and I kept...I think the way the wind was blowing because we were in different locations in regard to the fishing boat we kept getting blown out.

Jackson: Were you farther out to sea than the fishing boat?

Zetterberg: Yes, the fishing boat was between us and the beach. So then Thomas and Susan got aboard. Sue is not a very good swimmer I guess. I pushed her toward the fishing boat. Then eventually they threw a rope out and I swam and got it, swam back out to her, got a hold of her, pulled us together, wrapped the rope around her, then I hung onto her, and then the guys pulled us in.

Jackson: You and Sue?

Zetterberg: Yes.

Jackson: They had already boarded Tom and Susan?

Zetterberg: Yes, they were already aboard. Then they picked up Sue and then I was the last one.

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Jackson: Tell me about, if you know, everybody's personal belongings because we had had bags, etc., setup on the aft deck. Anything happen to those?

Zetterberg: The one that the fishermen found belonged to Sue. The one that they gaffed and tore up some clothing inside, a leather jacket that was torn, stuff like that. I know when I picked her up to go to Long Beach she was wearing that same jacket and it was in her bag. Then there was the handbag of hers that they also picked up..what was inside it I don't know. Her's I hung around my neck, of course, she had her wallet, drivers license, pictures...all that kind of stuff. So, my bag, apparently Tom and Susan told me, I was looking out there, you know, the fishermen were pulling stuff out of the ocean and I said 'I don't see my bag, you know, I see Sue's bag.'

(Off tape with Eric Zetterberg on 4/13/02)

Jackson: We're back on tape. We're talking about the bags and how your bag was the missing bag apparently.

Zetterberg: So then I looked up and Susan said 'what'd your bag look like?' I said 'you know long like this with pockets in the end and had a red stripe across it.' She said 'Oh, we used that for a floatation and we let it go.'

Jackson: Okay, so that was being used and that went its own way?

Zetterberg: Yes.

Jackson: Can you describe if any bag made it onto the fishing boat?

Zetterberg: Yes, Sue's bag. The one that was gaffed.

Jackson: Sue Jones' made it? Damaged?

Zetterberg: Yes.

Jackson: Not Thomas Duncan's or Susan's?

Zetterberg: No.

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Jackson: Let me go back a little bit. During any time that you were onboard that boat....backup. Had you ever been onboard that boat before?

Zetterberg: No.

Jackson: Had you been back in the rear stateroom where Tom and Susan were staying at? Any time during the trip or prior to boarding?

Zetterberg: No. That was there room and I didn't....

Jackson: Did they give any indication to you, when you started the trip, what their plans were for staying in Ensenada once the boat was delivered properly to Ensenada?

Zetterberg: Well, the plan was for us to spend two nights on the boat and then a friend of a mutual friend of ours was coming down from California to pick us up and drive us back home.

Jackson: All of you.

Zetterberg: Yes.

Jackson: Did Mr. Duncan indicate...did he have any other business other than the intended delivery and connection with the repair facility on this boat. Did he have any other personal business on his own other than assisting the owner of this boat?

Zetterberg: It would have been just like a pleasure trip you know. Just go down there and have dinner.

Jackson: So you're talking altogether approximately four nights away from your home base and his home base in Long Beach. The first night which would have been San Diego?

Zetterberg: Yes, we came home the same day we were supposed to come home had things gone okay. We came home on Monday.

Jackson: So it would have been three nights. It would have been Friday night, Saturday night, Sunday night? And you got home Monday night?

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Zetterberg:

Let's see. We left on Friday.

Jackson:

That's overnight in San Diego.

Zetterberg:

Overnight in San Diego, then we're supposed to stay in Ensenada. We would have arrived in Ensenada Saturday night. And then....

Jackson:

By the way, by the time you got into Ensenada, what time was it that night, Saturday night?

Zetterberg:

Probably 10:00 something I guess. That fishing boat didn't move very fast.

Jackson:

Okay, so you arrived about 10:00 p.m., that would have been Saturday night?

Zetterberg:

Saturday night, yes. Then we took a motel room that night.

Jackson:

Where was that at?

Zetterberg:

Mardigra was going on in Ensenada. We couldn't find a room but Tom talked some clerk in a downtown hotel into searching for us. He found us a room south of town it was a \$25.00 cab fare to get there. But he got us a room for \$40.00 per night, there was no heat and it was colder than hell in there. That was Saturday night and Sunday we moved up to a marina that he knew about where he took his boat.

Jackson:

Was that in Ensenada but just far south...

Zetterberg:

We went way south Saturday night that was the only place we could find a place.

Jackson:

Do you know the name of that hotel?

Zetterberg:

No, it was some weird name I know that.

Jackson:

Did you get a receipt or anything like that? Who handled the accommodations and paying for that?

Zetterberg:

Tom and Susan did.

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Jackson: Okay, they handled all...

Zetterberg: When they took care of checking in, I stayed with the cabbie and the cabbie took me to a taco stand where we could buy some food cause we hadn't eaten all day. So, I brought home a bunch of tacos.

Jackson: So then everybody stayed at that hotel on the south end of town...

(Side B turn tape)

Jackson: We're on side 'B' of the interview with Eric Zetterberg on 4/13/02. We were talking about that you had stayed in a hotel on the south side of town and then Tom Duncan made arrangements to stay at another place the next night?

Zetterberg: We didn't want stay in the hotel. There were no amenities around there it was pretty bleak...no dining area, no cocktail lounge, nothing.

Jackson: When did you depart that hotel, that Sunday and how did you get to the next location?

Zetterberg: Well, the owner of the hotel called a cab for us and then.... he spoke good English, the owner, he told the cab driver to take us to a...there was a second hand store a few blocks away...he dropped us off so that I could buy a pair of used crutches and this shirt. All I had was a sleeveless nylon jacket on and I had no crutches. I got a pair of used crutches for \$6.00 and this shirt. Then we went from there to the other hotel.

Jackson: Do you know the name of that hotel?

Zetterberg: El Corral.

Jackson: Is that in town?

Zetterberg: Just on the north end of town.

Jackson: In Ensenada?

Zetterberg: Yes.

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Jackson: Did you stay there Sunday night then?

Zetterberg: Yes.

Jackson: So one night there?

Zetterberg: Yes.

Jackson: Who took care of paying for the accommodations there?

Zetterberg: Thomas.

Jackson: How many rooms were involved in the rental the first night?

Zetterberg: Two.

Jackson: Okay, and the second night?

Zetterberg: Two.

Jackson: That's one thing I wanted to get to was your prostheses device. Now you're off this boat...you're on the boat it's affixed to you and you're able to walk around?

Zetterberg: No, I took my leg off when I felt we were going to have trouble I took my leg off.

Jackson: Could you go into that?

Zetterberg: Yes, I've been told that you don't swim too well with these things.

Jackson: Okay, what's the approximately weight of it?

Zetterberg: 10 pounds that one weighed 10 pounds. He told me, the guy that does these, told me that you might as well tie a lead weight around you're leg, like jumping into the water with a pair of boots on. It fills up with water and it weighs you down. I didn't want to take the chance, you know, he said even with a life jacket on he said it would have been questionable.

Jackson: Okay, so you knew that at some point in time...

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Zetterberg:

I probably took it off an hour and a half before.

Jackson:

Where was it kept at then?

Zetterberg:

It was laying right next to me on the flybridge.

Jackson:

When was that lost?

Zetterberg:

When the boat sank.

Jackson:

When it listed over?

Zetterberg:

Yes, you know, sitting up in the flybridge and looking down at the salon floor, Sue's bag, my bag, my phone books, I looked down and I said 'Oh, here goes right in the drink.' And it all slid down..and the next thing look back about 30 seconds later and here come the water and Tom said 'Ok, it's time to leave.'

Jackson:

Okay, if I could back up a little bit, when...just to clarify it. You were delivered to Ensenada Harbor by the fishing boat. Did you ever learn the name of the people, or the name of the boat, that was involved?

Zetterberg:

Thomas has all of that with him.

Jackson:

He does. Okay. Do you recall independently who it was?

Zetterberg:

No, I don't. Three guys. Really nice guys that's all I know.

Jackson:

How was their English?

Zetterberg:

Lousy. One guy could say a few words and I know very limited Spanish.

Jackson:

What type...you said a fishing boat a commercial fishing boat?

Zetterberg:

Yes.

Jackson:

Do you know what their catch would normally be did they indicate?

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Zetterberg: Oh, they had a bunch of it in the back. They had lobsters, they had crabs, they had...then I asked them...

Jackson: So they must have had pots or something....

Zetterberg: Yes, then they keep pumping....

Jackson: Was this with a winch did you see a winch system and the actual traps themselves or just a winch system?

Zetterberg: No, it was dark. It had a light in the back of the tower, the pilothouse, just enough to light up the back area of the boat. It was not a search type of light that he could move around it was fixed to light up the back of the boat.

Jackson: Was this shellfish down the hole below deck?

Zetterberg: No, in plastic barrels upon top.

Jackson: So crab and lobster?

Zetterberg: Yes, and there was another kind of fish I asked him what it was and he told me but I can't remember. A red fish with black fins. That's all I know.

Jackson: Do you recall a name on the back of the boat at all?

Zetterberg: Thomas knows it I'm sure. I think he also wrote down the address....

Jackson: When you go back to Ensenada, you obviously had a problem getting around to continue the story, because you lost your device?

Zetterberg: Well, you know, I lost my leg when I was 7 years old so I get around pretty well with one leg. It's not like it's new to me. I have no memory of ever having two legs.

Jackson: Right but difficult I would image.

Zetterberg: Well, it's hopping around it gets cumbersome, you know, hopping around on one leg.

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Jackson: Then you became much more mobile the next day when you were able to purchase the used crutches?

Zetterberg: Right. The tallest crutches I was able to find in Mexico were about 6" to short for me.

Jackson: All right. Is that the device that you utilized until you got back to the United States?

Zetterberg: Yes.

Jackson: If I can continue with the medical device, do you normally keep a spare?

Zetterberg: Leg?

Jackson: Yes.

Zetterberg: No, they cost too much.

Jackson: So, eventually you made it back to Long Beach?

Zetterberg: Yes.

Jackson: Now did the friend come down and pick you up on Monday?

Zetterberg: Yes.

Jackson: And what's that gentleman's name?

Zetterberg: Fred. I can't think of his last name.

Jackson: And whose he a friend of?

Zetterberg: Thomas'. I met him through Thomas and Susan.

Jackson: And what type of vehicle did he take you guys back up in?

Zetterberg: A van.

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Jackson: Did he bring you back to Long Beach?

Zetterberg: He brought us back to Long Beach, yes.

Jackson: And where did you stay Monday night?

Zetterberg: I stayed at Thomas'.

Jackson: And how about Sue?

Zetterberg: I took her in my car to her house.

Jackson: That night?

Zetterberg: Yes.

Jackson: About what time did you get back to Long Beach?

Zetterberg: I think it was still daylight.

Jackson: That afternoon?

Zetterberg: Yes, something like that. I know it was dark when I dropped her off at her house. It might have been about 8:00 o'clock.

Jackson: Did you drive back home on Tuesday?

Zetterberg: Yes, home to here, yes.

Jackson: To Grass Valley?

Zetterberg: Right.

Jackson: At that point, were you still utilizing the same Mexican crutches?

Zetterberg: Oh, yes. I had my own crutches at home. A better type that goes....Canadian crutches.

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Jackson: If we can go to the seat....I have two pages here and although we don't have them here right now what I'd like you to do is..... if I can refer to this one page, we talked before going on tape here about this hand written page that says 'Eric' is the first word in the upper left and lists a number of items. You indicated that you worked with somebody when you arrived back in Long Beach. Am I correct? To write this out by hand?

Zetterberg: Yes, this is Susan's hand written. Susan Duncan's hand writing. We sat down in her kitchen after I came back from dropping Sue Jones off at her house, I came back to Long Beach and Sue, Susan Duncan, and I sat down in the kitchen and wrote this.

Jackson: I'd like to go over this item by item if I could, okay. The watch could you describe...I'm not going to mark on this but what I'd like you to do is in the next few days, type up for me.... do you have a word processor?

Zetterberg: Yes, like a computer, yes.

Jackson: And give me a more detailed description if you could, may be based upon our conversation now, of what these items are realizing that the belt you may not know where it was purchased from things like that. The watch can you describe that to me?

Zetterberg: Yes, it was given to my mother-in-law from the gentleman that she used to work for. When he passed away, she inherited a whole bunch of stuff from him including that watch. It said on the back of it 'From' I forget his wife's name now Millie or Tillie something like that 'To Mr. Powers' or 'To Henry 1940' is what it said.

Jackson: Do you know the brand-name of the watch?

Zetterberg: Hamilton

Jackson: Okay, could you describe it. Was it a rectangular watch or a round watch?

Zetterberg: Rectangular.

Jackson: How about the color of the face of it?

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Gold.
Do you know if it is an actual gold Hamilton watch or just...
I don't know much about it but all I know...there's a friend of mine here in Grass Valley, who is a kind of watch and clock collector, and he had seen that watch and that's his value of it.
Okay, \$500.00, \$600.00?
He said because of its antique and the very rare mounting of the watch face itself.
The crystal?
Yes, the very mounting of it was very different than....it had a gold band around it, you know....
Let's go down. You have a belt?
Yes.
And the wallet? Did you lose the wallet that contained your immigration documents?
No, I didn't but it just got so ruined I just threw it away.
Okay, and your personal keys?
Yes, my car keys. Actually, I had one of the AAA plastic ones.
Okay....you had to start your car then. Luggage. How many pieces of luggage did you bring aboard?
Only one bag. One big bag.
All right. Sport coat?
Yes.

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Jackson: Anything you can think about that. Label, or brand, or was it part of a suit or just a sport coat?

Zetterberg: No, slacks and a coat like a blazer, whatever you call it.

Jackson: About four pairs of jeans?

Zetterberg: Like this.

Jackson: Okay, one pair of slacks?

Zetterberg: To go with it.

Jackson: And socks?

Zetterberg: Yes.

Jackson: And underwear. And swim trucks. Is that one pair?

Zetterberg: No, a couple.

Jackson: Okay. Dress shoes?

Zetterberg: Yes, to go with the dress-up clothes because we were planning on having, you know, go to that fancy marina down there.

Jackson: A night out?

Zetterberg: Yes.

Jackson: Okay, that's one pair of dress shoes am I correct?

Zetterberg: Yes.

Jackson: Okay. Tennis shoes?

Zetterberg: Yes, the ones...one was on my leg and the other one was on my....so that pair of shoes is gone.

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Jackson: All right and the boom box. When you said you had it up top, it got lost?

Zetterberg: It slid into the water and disappeared. What I've done here with the CD's, in my truck I have a 10 CD changer so instead of taking the CD's out I took the whole magazine with me....the bag...then I had another one of those package where you know where you just store them.

Jackson: Individual folders?

Zetterberg: Yes.

Jackson: What type of music do you listen to in general?

Zetterberg: Probably the most variable...anything from Opera to Elvis Presley to county westerns.

Jackson: Approximately 25?

Zetterberg: Yes.

Jackson: Mag for car? CD magazine for car that's the magazine that we just spoke of?

Zetterberg: Right. Actually, it was \$37.00 bucks but it doesn't matter.

Jackson: Personal toiletries?

Zetterberg: Right.

Jackson: Medication?

Zetterberg: Yes, I take Zolcort because I have a cholesterol problem. I get them from Kaiser a 100 at a time.

Jackson: Okay.

Zetterberg: We had to buy some more when we were down there the smallest package we could find because I have to take one a day. The smallest package we could find when the girls went to the pharmacy was 14 pills. I think it was \$68.00.

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Jackson: Okay, cell phone?

Zetterberg: Yes, my cell phone. It's just a copy of this.

Jackson: Okay, Motorola Startech?

Zetterberg: Yes and this one I do have the receipt.

Jackson: Okay, if you could copy that I would appreciate it. Then we have T-shirts and sweaters and miscellaneous under garments. Warmup suit. Gloves. You lost your passport?

Zetterberg: Yes.

Jackson: And a camera. We discussed that the other day just in general?

Zetterberg: Yes, it's a Canon. I probably had it for about 4 or 5 years.

Jackson: 35 mm?

Zetterberg: Yes, 35.

Jackson: Was it a fully automatic camera?

Zetterberg: Yes, what do you mean by fully automatic?

Jackson: Was it...

Zetterberg: A point and shoot?

Jackson: Point and shoot?

Zetterberg: No, no, its you can do...

Jackson: So it's a single lens reflex where lens came off of the camera?

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Zetterberg: Yes, I could do that. You can set on automatic so that it does its own settings or if you want to get tricky with photography you can disconnect that and do it manually.

Jackson: Does the or model name of ELS sound familiar?

Zetterberg: E something....

Jackson: You could push the button part way down would it focus on your subject matter automatically?

Zetterberg: I don't know to be honest with you.

Jackson: Could you hear the lens motorize and move within itself?

Zetterberg: No, no.

Jackson: Would you have to focus manually?

Zetterberg: Yes, yes, right.

Jackson: By turning, turning the whole thing.

Zetterberg: Yes.

Jackson: Not zoom, focus?

Zetterberg: Yes, right.

Jackson: Was there a flash with it?

Zetterberg: No.

Jackson: Do you have the original box it came in? How many lens were with it if any?

Zetterberg: Just the one that was on.

Jackson: Was that a telephoto or a standard?

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Zetterberg:

Standard.

Jackson:

The lens was removable though?

Zetterberg:

Yes.

Jackson:

Then the crutches in Mexico?

Zetterberg:

Yes.

Jackson:

Then the last part was the prostheses which we're going to need a bill on...

Zetterberg:

Yes, it's \$18....something. Because the other foot was a very expensive foot. The foot...

Jackson:

Did you... during the trip....did you hear Sue, your friend, did you hear her discuss or mention at any point during the trip about the personal items that she had lost as a result of the downing of the boat?

Zetterberg:

Well, the stuff that I saw in her room was a leather jacket...when we got to our room that had no heat or shower for that matter...you turn it on and just drip, drip, drip. Anyway she had some hangers there in the closet on the coat rack that was in the room. She took some of her stuff like the leather jacket and hung it up and she said 'oh, by the way, I thought this thing was doing okay but it was ripped by the gaff hook.'

Jackson:

Since you were in the room originally with her, do you know about how many hangers that she had?

Zetterberg:

Oh, she probably had 6 or 8 of them at least hanging there.

Jackson:

Items?

Zetterberg:

Yes. But that was not the whole suitcase she just I think took out something in hopes to wear it.

Jackson:

How many suitcases did she bring aboard?

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Zetterberg: Well, the one...there were the two bags that they pulled out, the fishermen. I think that's all there was the two bags.

Jackson: Both were her's?

Zetterberg: Yes.

Jackson: Were they actual suitcase or the soft bags that you know for lack of...

Zetterberg: No, like, the one with a handle that pulls out and with wheels on it that stewardesses use.

Jackson: Actual, luggage. Do you know if she had any electronic items, cameras, recorders, things like that?

Zetterberg: I don't know what was in her bags.

Jackson: She didn't mention anything to you about any electronics?

Zetterberg: No.

Jackson: Did she mention to you that she had a laptop or anything like that?

Zetterberg: Not that I'm aware of.

Jackson: How about Mr. & Mrs. Duncan? I know you didn't go back and visually see that. Did you ever see anybody in the kitchen area of the first day other than Mr. Duncan, who used his cell phone? Am I correct?

Zetterberg: Oh, yes he used it.

Jackson: Other than his cell phone did you ever see Mr. Duncan with any other type of electronics? Such as laptops, multiple cell phones, PDA's....

Zetterberg: What I saw was like a radio but a hand held thing. The one I was talking on was mounted on the dash of the boat, you know, so you had to sit right there because you were hooked up to the dash. He had another one, I think it was a radio, it was hand held. Not attached to anything.

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Jackson: Hand held two way radio?

Zetterberg: I guess, yes. I think he also had a G.P.S.

Jackson: Was that hand held also?

Zetterberg: Yes, there was one mounted on the dashboard and then he also had a hand held one, I think. I don't know if it was his or Dennis'.

Jackson: Any other personal digital assistants? PDA's? That's like a Palm Pilot.

Zetterberg: I wouldn't...

Jackson: You didn't see any of that?

Zetterberg: If they had anything like that, like I said it would be down....

Jackson: But you didn't see anything else. No laptops?

Zetterberg: I didn't see any, no.

Jackson: Did you ever see him or his wife with a camera?

Zetterberg: I don't recall, no.

Jackson: Is there anything else that I didn't ask that we haven't discussed that might help us work on this entire claim having to do with something unusual that happened. Any explanation that you could think of...any comment that someone has made to you since that point in time about their belief or theory on the downing of the boat. How it could have occurred?

Zetterberg: Well, I have a friend up here in town, whose quite an experienced sailor, he hates motor yachts but he's a good sailor, I told him the story and he just shook his head and said 'you guys are lucky.' He just shook his head and said 'you guys are lucky.' Here I am, you know, here I am.

Jackson: But nothing that anybody that was aboard that told you after that time about their belief or theory of what could have caused some sort of mechanic defect, or a

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hatch to open, or something, or a thru hull fitting to go away to cause water to come in?

Zetterberg: The only thing...yes, Thomas has mentioned, yes, may be we lost one of those what you call it....

Jackson: Thru hull fitting?

Zetterberg: Yes, that's where it drains?

Jackson: Yes, that's one thing it could be used for, yes.

Zetterberg: Where the toilet exits or the kitchen sink. He mentioned something like that that could have happened. And I said because of the pounding that the hull was taking...I mean a 38' boat we're dropping 8' sometimes down into the bottom of the wave, you know, really smashed it in, you know, I'm thinking if there was a crack in there pounding it like that would definitely going to make that crack get even bigger.

Jackson: That's an excellent point. Did you notice or see any separation of the deck and the hull?

Zetterberg: No.

Jackson: Did you see the rails or any part of the boat separate or start to come off?

Zetterberg: No.

Jackson: Did it have a front hatch that would have been in the forward berth area that you could have utilized that would have been on the forward deck?

Zetterberg: Yes, it did and when I went down to get Sue's bag and bring it up above and I looked up there and it was...no water. We had a little bit of moisture on the left hand side of the boat had little narrow windows like the long skinny ones, you know.

Jackson: Porthole windows?

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Zetterberg: Yes, well they are not round but rectangular. Had like a sliding window. Well they weren't sliding they were....

Jackson: Swing out?

Zetterberg: Yes, then you had a couple of thumbscrews to fasten them with and the one thumbscrew wasn't tightened up so we got some drippage in there and a little moisture on the pillow that was below it. I just took that thing and tightened it up and that was it.

Jackson: All right anything else that you can think of?

Zetterberg: No.

Jackson: Do you own a home right now?

Zetterberg: Yes.

Jackson: Do you have homeowner's insurance?

Zetterberg: Yes.

Jackson: Okay what company is that with?

Zetterberg: AAA

Jackson: Have you approached them about making an insurance claim for these missing items?

Zetterberg: I called them and they said 'well, do you want to open a claim?' I said 'well, yes, if you think it's necessary.' But I said that the owner of the boat says he's insured and he's going to take care of it....so...

Jackson: So you haven't made a claim at this point in time?

Zetterberg: And Triple A said, you know, 'if you need to just let us know and we will help you as a mediator, or whatever is necessary and if they don't pay you we will.' and blah, blah, blah. My agent's name, if you want that, is Jerry Swain.

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Jackson:

You know if you would just include your policy number for us, in fact, we'll go off tape now and the things we've talked about I'll give you the information and you can make a short list of things you can get to us. Okay we'll go off tape and this will conclude the interview with Eric Zetterberg.

THE END