JOHN H. CLARKE [*Pro Hac Vice*]
Telephone: (202) 332-3030
JOHN F. DUNNE, JR. [SBN 32854]
1601 Cloverfield Boulevard
Second Floor, South Tower
Santa Monica, California 90404-4084
Telephone: (310) 393-9351
Facsimile: (310) 230-4066
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

H. RAY LAHR, Plaintiff, v. NATIONAL TRANSPORTATION SAFETY BOARD, *et al.* Defendants.	Case No. 030823 AHM (RZx) **PLAINTIFF'S AFFIDAVITS OF DANIEL McGAULEY & DENNIS CRIDER, IN OPPOSITION TO NTSB'S MOTION FOR SUMMARY JUDGMENT**

Date: August 2, 2004
Time: 10:00. a.m.
Place: Courtroom 14, 312 N. Spring Street, Los Angeles, CA 90012
Judge: Honorable A. Howard Matz

(1) AFFIDAVIT OF DANIEL McGAULEY

(2) DECLARATION OF DENNIS CRIDER: EXCERPT

Date: July 19, 2004.

Respectfully submitted,

Captain H. Ray Lahr
By Counsel

John H. Clarke HRL

John H. Clarke

PROOF OF SERVICE – BY HAND

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned a resident of the State of California, over the age of 18 years. My address is 18254 Coastline Drive, Malibu, CA 90265-5702. On July 19, 2004, I served a true copy of **(1) AFFIDAVIT OF DANIEL McGAULEY (2) DECLARATION OF DENNIS CRIDER: EXCERPT** on the interested parties by hand delivery to defendants' attorney:

Jan L. Luymes, Esquire
300 North Los Angeles Street, Room 7516
Los Angeles, California 90012

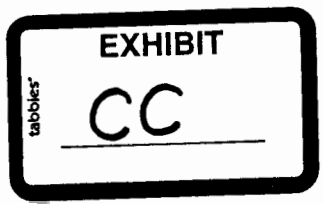
I declare under penalty of perjury that the foregoing is correct and that this Proof of Service was executed on July 19, 2004.

H Ray Lahr

H. Ray Lahr

Affidavit

1) My name is Daniel R. McGauley of Grant, Alabama and the following paragraphs are my affidavit of the facts enumerated therein.
2) I am a member of the Military Operations Research Society (MORS)…Chairman of the Electronic Warfare and Countermeasures Working Group, a former military aircraft flight test engineer with time in A-4, A-7, and F/A-18 aircraft, and have Bachelor of Sciences degrees in both Computer Sciences and Mathematics from the University of Texas at Tyler (Tyler, Texas). I have over 21 years of experience in flight test and safety analysis and served as the Modeling and Simulation Program Manager for the Electronic Combat Range at Naval Air Warfare Center, China Lake, Ca. for over 9 years. I have over twelve years of experience with Foreign Materiel Exploitation on threat missile systems. Resume enclosed in separate document.
3) I have devoted approximately 20 hours to reviewing the "data" provided on CD's from the NTSB titled "Brazy's PC D:\D\TWA animation" dated 15 Apr 04 and "UNIX TWA 800 Animation Files". These CD's contain simulation outputs in various formats. I have perused all the files and found nothing of particular use without the software and simulation programs used to generate the files. There is little of descriptive interest in the files and they are not well suited for transfer to other media for utilization. A tremendous effort would be required to take the files provided and create a software set capable of using the data, independent of the software used to create the files originally. What would be of use would be the executables of the programs BREAKUP and BALLISTIC with the Operations and Analyst's Manuals and complete descriptions of the input files and expected outputs for these two simulation programs. A requirement for regeneration of aircraft flight path would be the available RADAR tapes clearly identifying the Flight 800 flight path and including IRIG or GPS time stamp. A detailed description of the COTS program VisLab…(Engineering Animation, Inc currently lists a product called e-Vis, with no reference to VisLab)…with input requirements and a detailed list of the inputs provided to the program would be necessary to recreate the events described in various references described in the letter from Ms Melba D. Moye, NTSB FOIA Officer of 13 Apr 2004.
4) In my perspective, the "data" provided on the CD's is of little use, especially without all the accompanying software used to create the "data" and detailed instructions on input requirements, output expectations, etc. Computer simulations are very forgiving, since they will provide answers as long as data, whatever data, is input in the correct format. The answers are not necessarily of any validity. Data can be manipulated to produce a desired output, or, without sufficient rigor, can be erroneously input to produce an invalid output, often without recognition that the output is invalid. In my expert opinion, the data provided on the two CD's is of no utility in analyzing the Flight 800 accident, without accompanying software simulations, details for utilizing those simulations(operator's and analyst's manuals), and all input parameters required for operation of the simulations to produce the outcome described as a "zoom climb".



I hereby certify under penalty of perjury that the foregoing is correct.

15 Jul 04

Daniel R. McGauley

Daniel R. McGauley

EXHIBIT

CC

DANIEL R. MCGAULEY
P.O. Box 717
Grant, AL 35747
(256) 728-8399H
(256) 656-1494 cell
mcgauley@hiwaay.net

Objective/Expertise: **Program Management/Flight Test Engineering/Intelligence Analysis/System Engineering**

HIGHLIGHTS OF QUALIFICATIONS

- **Over 20 years supervisory and technical experience in Test and Evaluation (T&E), flight test/test engineering/range safety, major program management/system engineering/software engineering management, 15 years Civil Service at Naval Air Warfare Center, China Lake, Ca. 14 years experience with flight safety/flight safety analysis for both aircraft and missile systems. Served on the Admiral's Staff at both China Lake and Chief of Naval Operations as advisor on T&E issues. Support MDA Range Safety Standardization Program (RSSP), , MDA V&V, IFT-15A, IFT-15, SIFT-3, etc. mission planning.**
- **Reputation for excellence, dedication, consistency in pursuit of objectives and high quality service to customers**
- **Highly effective in promoting an atmosphere of excellence in the work environment**
- **Ability to foresee customer needs, propose and sell solutions, execute "cradle-to-grave" development**

RELEVANT EXPERIENCE

- **Program Manager for Modeling and Simulation, 3D Research Corporation.** Oversight of M&S group direction and activities to develop software and perform debris analysis for MDA related tasks.
- **Senior Systems Engineer** supporting MDA test planning and analysis efforts. Lead on development of IFT-15a and IFT-15 test planning guides for the government Systems Test and Evaluation Planning Analysis Laboratory (STEPAL) located at COLSA ARC, primary responsibility for development of the System Integration Flight Test (SIFT)-3 Mission Handbook, support to the MDA Range Safety Standardization Program in Range Safety Systems and Hazard Modeling and Simulation working groups, direct support to Mr. Jim Gose-MDA/TER on the Mobile Extended Range Telemetry and Safety System (MERTSS) Source Selection Board, direct support to Mr. Weston Wolff-WSMR/RSSP in defining requirements for mobile range telemetry and safety systems.
- **Program management** of up to 10 tasks with the Threat Systems Management Office (TSMO) at Redstone Arsenal. Head of the Modeling and Simulation Group for Amherst Systems, Inc a Northrop Grumman Company and Manager, Huntsville Operations. Supervise efforts of multi-disciplined staff of up to 17 personnel. Engaged in Software Development, Threat System Analysis, Configuration Management, Simulation execution and results analysis, computer center operations,

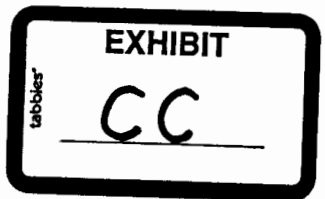
EXHIBIT
tabbies
CC

and Center Management for the Joint Threat Modeling and Simulation Center. Management and development on Multi-Level Secure Workstation (MLSW) program, AC130 Threat Simulation Upgrade (OneSAF) and AC130 Observer Trainer Station, and analysis and reporting on the Simulation Technologies (SIMTECH) program. Extensive access to Intel databases, analysis of information and incorporation into documents, reports and simulations.

- **Proposal development** on two major proposal efforts. Successfully presented the Orals brief to the Government on the JTECH Phase I proposal effort for the CSC/Lockheed Martin team, leading to Phase II. On the staff of the Vice-President of the Missile and Air Defense directorate. Headed initiation of CSC Kwajalein proposal team.
- **Test Director and Deputy Program Manager** for the MASINT Program at Nichols Research Corp. Responsible for all field testing of the MASINT advanced Infra-red sensors developed by Nichols/CSC, development and execution of test plans, Intelligence search and analysis, reporting and supporting analysis. Successfully conducted two major test programs, which led to award of new tasking. Completed two major test programs required by SOW under new task which were vital to continuation of the development program. Performed requirements definition for statement of work for advanced sensor development at University of Alabama at Huntsville (UAH). Performed oversight of sensor development utilizing new technologies conceptualized by Nichols/CSC team and UAH counterparts. Led trade studies to define sensor applications in military and civilian roles. Performed requirements definition for statement of work for 4 camera/focal plane array sensor constructed at University of Utah. Provided oversight over all phases of the task. Led test planning efforts to define test scenarios which would exercise sensor capabilities. Both programs were classified, utilizing cutting edge technologies to advance infrared sensor capabilities for intelligence, military , and civilian applications. Conducted studies to define sensor applications. Oversaw efforts of development teams. Led test efforts.
- **Successfully proposed to the Office of the Secretary of Defense (OSD)**, through a multi - level proposal process, a multi-million dollar ($15M) program to improve weapons systems test and evaluation through a new and innovative modeling and simulation process. The Joint Electronic Combat Test using SIMulation (JECSIM) program was a **Joint Test and Evaluation (JT&E) program**. Served as the technical lead, Intel analyst, system engineer and test director on this program. COTR on OSD support contract.
- **Support to Chief of Naval Operations (CNO)** office N912 as the U.S. Navy representative to the Air Force Joint Modeling and Simulation (JMASS) Program Office. My CNO code was N912V5, reporting directly to N912 (Navy T&E). Served as CNO primary POC for all JMASS related issues within the Navy. Responsible for Intel search and analysis for Navy JMASS inputs.
- **Proposed and executed development** of a **multi-million dollar command, control, communications and intelligence (C3I) system and test program**, supervising a multi-disciplined team of engineers, technicians, software development, and administrative personnel. Incorporated GPS position data into the LINK-11/LINK-4a data streams for under $30k. This is a unique application that has not been repeated.

COTR on multimillion dollar support contract. Performed Intelligence analysis leading to development of the first OSD validated Generic C3I system for range test.

- **Proposed and executed a multi-million dollar foreign military exploitation** (FME) and test program supervising a multi-disciplined team of over 40 engineers, technicians, technical writers, CAD/CAM designers, and administrative personnel. Successfully conducted the FIRST complete Hardware-In-The-Loop exploitation of a threat missile system utilizing digitized Elint data to produce missile command sequences compared against recorded threat missile flight data. Successfully conducted the largest fuze-flyover test program ever conducted by DoD, consisting of over 20 configurations of 12 different aircraft, flying over 600 passes over a 10 day period. As a result of this exploitation, NAWC became recognized once again in the exploitation community after a 10-year absence. Member of the NAWC In-Country Exploitation (ICE) team. Contracting Officer's Technical Representative (COTR) on a multimillion dollar support services contract. Responsible directly for instrumentation for flight safety and flight termination on live fire exercises. **Participated in over 12 FME programs.** Provided intelligence analysis support, requirements development for Intel, and assisted in program execution of exploitation efforts.
- **Initiated and managed** the Modeling and Simulation (M&S) Project Office at the Electronic Combat Range, China Lake, Ca. in order to remain on the cutting edge of M&S related to Electronic Warfare. Responsible for all intelligence analysis and input to the missile simulations and environment simulations. Served as the Electronic Combat Range representative to the Navy Modeling and Simulation Oversight Council (Team "Mike") under Admiral Bull. Assisted in Navy requirements input to Defense Modeling and Simulation Office (DMSO) charter.
- **Supervision** of 35-40 (average) software engineers, computer operations staff, and data reduction analysts and technicians for the F/A-18, EA-6, A-7, AH-1, and AV-8B aircraft program offices for the CSC Ridgecrest, Ca office. Assisted in flight test plan development, test conduct and test data reduction, software design, analysis, development and execution, database development, computer operations support.
- **Contract Manager/Flight Test Engineer** on F/A-18 Foreign Military Sales (FMS) contracts with the Canadian, Australian, Spanish and German Governments. Responsible for all flight safety issues. Each contract detailed Operational Flight Program (OFP) software support services to be provided by the U.S. Government to foreign purchasers of the F/A-18 aircraft. Responsibilities included Flight Test Engineering for all FMS case unique requirements. Average FME Case totaled $20M+ for each of the four countries, with several FME cases for each country.
- **Proposal, development and implementation** of a new supply purchasing system for the Marine Corps Logistics Base at Camp Pendleton, Ca. Conducted an 18-month study of Data Base Management Systems (DBMS) for Associate Department Head, Code 35 resulting in a major NWC purchase of the recommended system. This DBMS became the foundation for the System Trouble Report (STR) tracking system for the F/A-18 Weapons System Support Activity (WSSA).
- **Development and implementation** of payroll, accounts receivable, accounts payable, check-writer, and other programs for various businesses, and including a student tracking program for a Tyler, Texas area school.



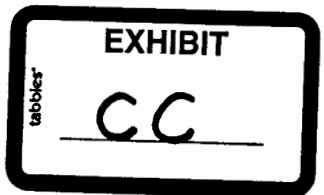
- **Development** of a unique inventory tracking system for services business.

EDUCATION

BS, Mathematics - University of Texas at Tyler, TX — 1983
BS, Computer Sciences - University of Texas at Tyler, TX - 1983
AA, Mathematics - Tyler Junior College, Tyler, TX. - 1982
(Completed 121 semester hours, normally a four-year endeavor, in two years)
NAWCWPNS — NAWC -WD Technical Managers Certificate Program (China Lake) similar to Defense Management College certifications. **Level III Acquisition Manager**. Extensive training in Federal Acquisition Regulations, Defense Acquisition Regulations, Naval Acquisition Regulations, Software development practices, Program Management, Earned Value Management.

RELEVANT WORK HISTORY

Aug 2002-Present- Senior Systems Engineer 3D Research Corporation overseeing software development efforts related to missile flight safety analysis, supporting MDA test activities developing planning guides and mission handbooks for advanced test scenarios. Support to MDA/RSSP.
Apr 2001 – May 2002 Manager, Huntsville Operation/Modeling and Simulation Group Amherst Systems, Inc. Amherst closed the Huntsville Operation, worrying about COI issues.
June 1998 — Apr 2001 Member of the Technical Staff/Senior Computer Scientist, CSC-Nichols, served as MASINT deputy program manager and test director for all sensor testing, staff of VP for Missile and Air Defense.
1997 — 2000 Co-Chair Military Operations Research Society (MORS) Electronic Warfare (EW) and Counter Measures (CM) Working Group (WG9). **In June of 2000, became Chairman of WG9.**
1996-June 1998 Creator of and Technical Advisor for OSD JT&E program (JECSIM). **Chief of Naval Operations (CNO) OP N912** representative to AF JMASS Program Office. (OPNAV code was N912V5)
1989-1996 Modeling and Simulation Program Manager - **Electronic Combat Range, Naval Air Warfare Center China Lake, Ca.** Initiated and managed the ECR M&S Program, responsible for all intelligence collection, including FME, and analysis, for missile/gun simulation upgrades for the Navy's electronic combat range. Also proposed, managed, and executed several Foreign Materiel Exploitation programs and a "generic" ROW Command and Control system representation which was signed off as a validated system by John Belino of OSD. Conceptualized, briefed to OSD, and began execution of JECSIM Joint Feasibility Study in 1995; transitioned to Joint Test Program in August 1996 and served as Technical Advisor responsible for planning and execution of all flight and HWIL test programs. Led a multi-disciplined team of Government and Contractor scientists and engineers on seven major test exercises.
1987-1989 Section Manager — managed 35-50 multi-disciplined personnel in Software Development, Data Reduction and Computer Operations Section - **Computer Sciences Corporation - Ridgecrest, Ca.**



1985-1987 Foreign Military Sales Case Manager/Flight Test Engineer - **F/A-18**
Weapons System Support Activity, Naval Weapons Center, China Lake, Ca
1983-1985 Project Coordinator - **Electronic Warfare Threat Environment Simulation, Naval Weapons Center China Lake, Ca.**
1981-1983 Software Engineer - **Customized Software, Inc., Tyler, TX.**
1974-1981 Heavy Equipment Operator - **G.H. Hart Co., Houston, TX,** Brown & Root, Fox and Jacobs, General Homes, Roo Construction, etc.
1/72-12/73 32nd Army Air Defense Command (AADCOM) — Senior Gunner: Vulcan Cannon, Chaparral Missile System

CLEARANCE: TS (current—update date Aug 01--SCI until 30 Apr 02)

EXHIBIT
CC

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

[redacted]

Plaintiff,

v.

NATIONAL TRANSPORTATION SAFETY BOARD, et al.,

Defendants.

CV 02-8708-AHM (RZx)

DECLARATION OF DENNIS A. CRIDER

I, Dennis A. Crider, am over the age of eighteen (18) years, have personal knowledge of the statements to which I am attesting, and am competent to attest to the information presented. I declare as follows:

BACKGROUND

1. I am employed as a National Resource Specialist for Vehicle Simulation in the Vehicle Performance Division of the Office of Research and Engineering for the National Transportation Safety Board (NTSB). I have held this position since the early part of 2002. I joined the NTSB in October of 1995 as an Aerospace Engineer, specializing in Vehicle Performance, and continued in this position until early 2002. My principal role is to determine the motion of a vehicle, such as an airplane or submarine, through the accident sequence and to determine what caused that motion.

2. On July 17, 1996, a Boeing 747 crashed into the Atlantic ocean about 8 miles south of East Moriches, New York, after taking off from John F. Kennedy International Airport. This flight was a regularly scheduled flight identified as TWA flight 800.

EXHIBIT

requires information on the specific configuration (such as flap setting and landing gear position) of the flight, as well as the particular aircraft's weight and center of gravity.

12. The program also requires some basis for guiding the aircraft. In the case of TWA flight 800, this information was obtained from radar data.

13. Boeing provided the aerodynamic, mass properties and engine characteristics of the Model 747-100 aircraft in two configurations: the baseline and a hypothetical aircraft missing its front fuselage. This included data such as the thrust produced by the engines, and data to determine the coefficient of drag (the force that opposes the plane's forward movement, the opposite to thrust), the coefficient of lift (the force perpendicular to airflow that allows the plane to rise, the opposite force to gravity), and the coefficient of pitching moment (the "force" that pitches the nose up or down), which are specific to the design of the Boeing 747 aircraft. I learned that Boeing was providing this information to the Central Intelligence Agency (CIA), as well as developing its own basic estimate of the flight path, so Boeing then included the NTSB on the routing of these data.

14. Boeing provided all data in document form, and all pages were marked as "Boeing Proprietary" and/or "Preliminary." I understood that these data provided critical information about the physical attributes and responses of the 747 aircraft, and that these data were highly valuable to Boeing. Not only do these data reflect the design characteristics of the 747, but these data typically are part of a simulator training package, and the cost of these packages often is nearly one million dollars ($1,000,000).

15. I believe that releasing this information to the public would provide a competitor with this highly sensitive data without the financial and skill commitment required by Boeing in creating it.

EXHIBIT
tabbies
DD

44. I have no other potentially responsive records to Plaintiff's July 31, 2002 FOIA request, and I know of no other members of the NTSB staff who would have potentially responsive records.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 2 day of October, 2003 in Washington, DC.

Dennis A. Crider

Dennis A. Crider
National Resource Specialist, Vehicle Simulation

EXHIBIT
tabbies
DD