

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FATAL GATES LEARJET CRASH *

NEAR SAN CLEMENTE ISLAND, *

CALIFORNIA ON MAY 10, 2023 *

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Accident No.: WPR23FA185

Interview of: MATT CONWAY, Captain
Phoenix Air Group

Cartersville, Georgia

Wednesday,
May 31, 2023

APPEARANCES:

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National Transportation Safety Board

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I N D E X

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I N T E R V I E W

MR. BAKER: So it is May 31st of 2023. The purpose of this interview is to record Matt Conway, who was captain of Phoenix 02 and observed or was partaking in a formation flight that was involved in an accident on May 10th. The purpose of the investigation is to determine the cause and make any recommendations for -- to prevent further accidents of this type.

To get started, what we will do is introduce ourselves. This is Dan Baker, I'm the investigator in charge for the National Transportation Safety Board.

MR. RHO: I'm Paul Rho from NTSB, I'm an air safety investigator helping Dan Baker.

MR. LEMAY: Mike Lemay, Chief Air Safety Investigator, Bombardier.

MR. CHILDS: Scott Childs, FAA, Principal Maintenance Inspector for Phoenix Air.

MR. BENTON: Darrin Benton, Director of Operations, Phoenix Air.

MR. CONWAY: Matt Conway, captain.

MR. SMITH: Rickey Smith, Director of Aircraft Services, Phoenix Air.

MR. BAKER: Okay. And just to note that Darrin is here as a representative for Matt during the -- during the interview.

INTERVIEW OF MATT CONWAY

BY MR. BAKER:

1 Q. So, Matt, if you would just start from, you know, the
2 beginning of the mission, you know, and what the purpose was and,
3 you know, when you left and when you arrived, what you do, that
4 sort of thing, and just give us some background of that and just
5 leading up into the accident flight, if you would.

6 A. Okay. So I believe it was the Monday of that week, we were
7 tasked for a mission that we're pretty used to doing, this one was
8 out of Point Mugu, California, this was a request from the Navy.
9 This particular boat, I believe, was an LCS and it was broke up
10 into 3 days of missions. The first day was the Tuesday in which I
11 was the sole aircraft operating. Wednesday was a dual Lear
12 mission with the other aircraft and I. And Thursday was the last
13 mission and it was another single Lear event to be 56, Eric was
14 going to do that mission and I was coming home.

15 So the day before and the day of, Monday, everything that we
16 prepare for and get ready for our missions, all was going
17 according to plan. We often talk to our coordinators, SAIC, to
18 prep and get any additional details and make sure that our
19 equipment is ready, that we have all the things we need to conduct
20 the mission before we leave Cartersville. So everything was
21 proceeding as planned through Monday, through departure. So I was
22 in 544 Papa Alpha and we took off and it was Monday midmorning, I
23 believe, I can't remember the exact time, it might've been 10:00
24 or 11:00 Eastern, I'd have to go back and look at it. And since
25 Monday was just a transit day, we didn't really have any time

1 frame to work with, we just normally take off midmorning and that
2 gets us into California early afternoon local time and that gives
3 us plenty enough time to do any briefing that needs to happen the
4 day before, get well rested and ready to go for the next morning.
5 And this was an early morning go for me on Tuesday. So that's
6 what we did.

7 And normally, going to the West Coast in transit, we stop for
8 fuel in Texas and we did that, have lunch, continued on, land at
9 Point Mugu, like I said, early afternoon, probably 1, 2 o'clock
10 local time. Met with our coordinator. Good to see him, it had
11 been a few months since I'd been out there to see him, so we had a
12 good time talking and chatting and catching up. And there's not
13 much else to say about Monday, we closed up shop, went to the
14 hotel, grabbed dinner, got good sleep and got ready to go Thursday
15 -- sorry, Tuesday morning, early.

16 If I remember that mission, all three missions, I believe we
17 were early morning go's, sometime in the 7 o'clock local time, I
18 think it was a 7:30 takeoff for us on Tuesday and it was a mission
19 complete, easy, and it wasn't even a full 4-hour, which we're
20 normally prepared to do. I believe it was only a couple of hours,
21 so we were on station. And so mission complete, RTB, we came back
22 and then we finished up and shut down and went to the hotel before
23 Eric arrived, so Tuesday is when he transits out. So like I said,
24 we were already at the hotel before he arrived at Point Mugu, so
25 we didn't actually see him at the airport. We saw him hours later

1 when we all get together for dinner, so we all -- you know, we're
2 all really close and, you know, we enjoy each other's company when
3 we're getting ready for missions and whatnot, so -- so we
4 definitely went out and had pizza the night before and all turned
5 in early because we had to be up early. So that leads us into
6 Wednesday, the day of the event.

7 So one of the -- one of the briefing items that Eric and I
8 spoke about the night before, actually, was the weather that was
9 expected for that day and for this mission, it was a dual-track X
10 mission where we were to be in close formation for a majority of
11 the mission. However, the transit time to Whiskey 291 and I
12 believe Echo 3, if my memory serves, I can pull up a map and look
13 at it, the point is, it was quite further south than what we
14 normally work with, so it was going to be a decent transit time
15 and thus, we decided we didn't necessarily need to be in a
16 formation, it wasn't required for the mission, for the transit, to
17 do that.

18 However, he and I both agree and a lot of others here,
19 as well, that every minute that you can spend in formation is
20 excellent training and practice for the real thing. So the night
21 before, we tentatively decided not to fly in formation on takeoff
22 because of potential weather. But then morning of, we looked up
23 and it was clear above. In fact, it was only a marine layer out
24 over the -- over the water, so there was no issue for weather
25 getting in the way of doing a formation takeoff out to the area

1 and part of me almost wishes it wasn't, but -- so we agreed, both
2 of us, to take off as a flight of two, he was the lead, so 56 Papa
3 Alpha was Phoenix 1 and 54 Papa Alpha was Phoenix 2. And our
4 takeoff time was about 7:20 something, 7:25 a.m. local, to be on
5 station, I believe the plan was to be out there ready to go at 8
6 o'clock. So we took off and joined up in formation and for
7 transit, we operated with standard formation, so within a mile.

8 We took off, climbed up to 15,000 feet for the transit into
9 Whiskey 291, and Eric and I joked as we were flying out there, as
10 we normally do, just having a good time, it was a good day, and
11 somewhere over -- just about entering Whiskey 291, near San
12 Clemente Island is where the first indication that something was
13 going wrong. And for me, the first indication was the seemingly
14 inadvertent deployment of flaps.

15 So I immediately half joked and I said hey, put your flaps
16 down. Mind you, we're at 15,000 feet, cruising at, you know, 250-
17 plus probably and he gave a surprised answer like what, I don't
18 think so. And so within seconds of that call, his flaps
19 retracted. So I'm not going to speculate whether or not it was an
20 accidental deployment or whether they fell on their own. I have
21 my guesses, but I'm not going to speculate. Within seconds after
22 that -- seconds after that is when I believe I saw the trail of
23 smoke and it was light in color, I would describe it as white or
24 light gray, it was not black, and it seemed to be ejecting from
25 the aft cabin. It's hard to say, since it was white, if it was

1 coming from any particular place, it was really hard to determine.
2 I believe in my report I said the left aft side of the cabin,
3 although I was on his right side, so again, if it was coming out
4 of his left side, I didn't see exactly where because that's the
5 underside. But if it was on his right side, I feel like I would
6 have seen it, I would have been able to determine exactly where it
7 was ejecting from.

8 And moments after I saw the smoke, I immediately said hey,
9 man, you've got some smoke coming out the back, and his response
10 was yeah, I think I smell something. And the rest of the
11 communications that I'll describe were very short and oftentimes
12 there was no response and I can only assume that they were very
13 busy with what was going on. So after he responded with "I think
14 I smell something," within seconds I could determine that he was
15 no longer flying on autopilot.

16 Whether he manually disconnected or if it disconnected
17 itself, I don't know, he didn't say, I didn't ask because I could
18 tell by the way the aircraft was flying, it was no longer
19 maintaining an exact heading and altitude, just lightly rocking
20 and pitching, indicating he was no longer on autopilot. Seconds
21 after that, due to his rocking and pitching, and I had also
22 increased my distance from him slightly because he wasn't on
23 autopilot, I could see hydraulic fluid or what I am pretty sure
24 was hydraulic fluid, it was pink and it was coming out of the
25 tail. A large quantity. And then moments after that -- well, I

1 had told him and I said hey, man, you've got hydraulic fluid,
2 you've got a lot of hydraulic fluid coming out of the back, and I
3 think before I even gave him a chance to respond, I also saw
4 flames. The flames that I saw were ejecting out of what seemed to
5 be the -- from my side, the aft equipment door, it was somewhere
6 in that vicinity, and they were ejecting fairly substantially,
7 being that we were still flying, you know, 250 knots or more, so I
8 -- you know, I knew something very serious was happening back
9 there and I immediately told him you're on fire, you need to land
10 ASAP.

11 And I was extremely impressed at how quickly he had made up
12 his mind, within a second, he had switched his radio to talk to
13 Beaver, the Beaver being the controlling agency for the Navy out
14 there in that area, who we were talking to. Like I said, within a
15 second he calls Beaver and he says Beaver, Phoenix 1 declaring an
16 emergency, we're heading to San Clemente, and he said it all in
17 one -- in one go and he was already turning and I was turning with
18 him.

19 I asked my copilot, Ian, to check -- you know, I'm busy
20 looking out, so hey, check the map, make sure that's the best,
21 best spot and he -- we all concurred, there was -- that was
22 absolutely, beyond any doubt, that was the best option from our
23 position. So that turn, I believe, was a left turn, if I remember
24 from the track, I've looked at it so many times, but we turned
25 towards San Clemente, we had passed it at this point and we're

1 turning back to San Clemente and also descending, not -- not in
2 any excessive rate of descent, although I wasn't looking inside, I
3 couldn't tell you exactly what it was, but it certainly didn't
4 seem excess and it seemed normal for the distance to the airport
5 on the north short of the island. Completing that turn, after
6 that was when the drag chute came out, and similarly with the
7 flaps, I don't know and he didn't say, I seriously doubt that was
8 a manual deployment, so I'm not speculating.

9 But it ejected, the entire chute came out the back and
10 detached and I told him that, as well, you know, I said you lost
11 your drag chute and I don't believe he responded to that. So I
12 knew things were getting really serious and it definitely was
13 amplified on his next call to me, when he asked me to take the
14 lead, and there wouldn't be any real reason for me to do that,
15 except for speculation that he either couldn't see or couldn't
16 navigate on his own well enough, so -- and he never said exactly
17 why, he just said I need you to take the lead and guide us in and
18 I quickly agreed, so I passed on his right.

19 And also, as I mentioned earlier, he was only responding to
20 half of the calls from myself or from Beaver. Beaver was trying
21 to give him a new heading. And as a reminder, the marine layer,
22 it was -- my report says it, too, it was about a 2,000- to 4,000-
23 foot broken overcast marine layer covering almost all of the
24 island so you could not see the island or the airport. So if it
25 was clear on visual, I would hope that he would be able to see out

1 of the cabin and navigate himself. But again, without
2 speculating, he asked me to take the lead, so I did. I pulled out
3 in front and I said I have the lead, he said you have the lead,
4 and I assumed the lead with Beaver and I said Beaver, Phoenix 2 is
5 in the lead or something of that nature and Beaver -- Beaver said
6 take a heading of -- and I believe it was 3-5-0 or 3-6-0 to
7 navigate us to San Clemente. So I immediately made that turn and
8 Eric was in trail, still descending, we're still visual.

9 John Kookegy is in my back seat and I've got Ian Robertson in
10 my right seat, and John made a comment that Eric seemed to be
11 overtaking me with speed, so I immediately tried to accelerate to
12 match and also call to say hey, you know, what's your speed, what
13 do you need and of course, I know he's on fire so we're trying to
14 go fast. But before I could make a call, Eric calls me and he
15 says hey, keep your speed up, I said okay, so I pushed up and at
16 this point we're still visual and we're descending. This was
17 maybe -- we're still above the clouds, the point being it's either
18 6, 7,000 feet, something like that.

19 And John, in the back, says hey, I think he's coming
20 underneath you. And so John saw him pass underneath me from my
21 left to right and so I said, "Hey, man, you still back there?" and
22 he said "Barely." That was the last time any of us saw or heard
23 him. So after he passed underneath us and he responded with what
24 he said, that shook me a little bit and I immediately asked Ian or
25 John if they could still see him out of any window, and John and

1 Ian both said no. So I immediately turned around, I said I'm
2 coming back for you. So I made a right 180 and I said Beaver, "Do
3 you have him on radar, do you have Phoenix 1 on the radar?" He
4 says, "Yes." I said, "Where is he?" And the next couple of calls
5 I made to Beaver is me asking do you see him, where is he, and I
6 don't know how many of those calls I made in the next 2 minutes,
7 but I was constantly asking for updates because, like I said, we
8 never saw him again.

9 Still above the clouds, I'm scanning, we're all scanning and
10 looking and Beaver's giving us calls in the hey, he's at your 2
11 o'clock 2 miles, he's at your 3 o'clock 2 miles, he's at your 1
12 o'clock 1 mile or -- again, there was numerous of those calls and
13 I couldn't tell you exactly which ones at which times, it all
14 happened very fast, but all the while I'm also trying to call
15 Eric, as well, and no response.

16 And around that time I'm still above the clouds and I can't
17 see him, so I am assuming he's below and I think Beaver even gave
18 me an altitude readout on one of those responses, indicating he
19 was below the clouds already, in or below. And I think this was
20 about the time when -- when they said that they lost him on radar.
21 So I asked where, what's the last location and he gave us -- he
22 gave us an o'clock and miles and he also gave a lat/long as well,
23 and Ian, if I remember, he wrote it down and plugged it in real
24 quick for me. Given that that position was still a couple miles
25 away, I looked below me and I saw a couple holes that I could

1 choose to descend from below the clouds, so I picked one that was
2 left of -- he was to my right somewhere and I knew he was over
3 there, so I saw a cloud opening, a hole to my left, away from the
4 island, as well, and we double-checked on the map. And so I dove
5 quickly below the clouds, leveled off, had really good visibility
6 underneath, nearly unrestricted, you could see the island, most of
7 the island, you couldn't see the crest, the highest elevations of
8 the island, but almost all of the island was visible below about
9 2,000 feet.

10 I asked again for an update on the position or if they popped
11 back on radar, he said no. So I started, I think it was a right
12 turn from the south side of the island to go to his last position
13 and I asked what was his last heading, trajectory, speed, and he
14 gave us all that information and he was still going pretty fast
15 and descending and heading -- he was in a right turn and heading,
16 I guess, northwest along the coast.

17 And so I went to that spot and about a mile or two past that
18 spot was fuel or what I suspected was fuel on the water. So we
19 flew over it, I tried to get a good look at it, I don't know what
20 altitude I was at specifically when I first flew over, but I
21 wanted to get low enough to where I could see anything other than
22 just fuel and we did multiple passes after the next hour or so,
23 but on the first two, I believe all I could see was fuel and very
24 small pieces of debris, white, red, and yellow. Those were the --
25 that's the paint of the aircraft, the yellow being probably life

1 vests or a raft, but whatever it was, it was debris, it wasn't --
2 it wasn't a guy in a vest or a raft. So I immediately radioed to
3 Beaver and said we need to start the search and rescue
4 immediately, and he said okay, we're dispatching Coast Guard. The
5 Coast Guard, I don't know if they told me how long it would be,
6 they just said they were on their way, and Beaver asked if I would
7 be okay with accepting being the -- I forget the -- I think he
8 said -- what did he say?

9 A term I'm not used to hearing, but he said something like
10 would you be okay with being the commander of the operation until
11 the Coast Guard arrives, and I said yes. So I stayed in the area,
12 continuing to look. I wasn't entirely convinced, I've seen
13 discoloration, you know, on water before and I just -- maybe I was
14 in denial, but I didn't want to leave. So we continued circling
15 and for about an hour, maybe less. They were able to get a
16 Customs and Border patrol King Air to join, as well as another
17 light aircraft, I believe it was a Piper.

18 The Piper came from the north and the King Air came from the
19 south, probably the border. And so Beaver had them on frequency
20 and they -- he handed them to me to coordinate and I instructed
21 the King Air to stay over the site. He mentioned he had a camera
22 and I said that would be helpful. So he stayed in an orbit over
23 the site. We continued talking to each other and maintaining
24 vertical separation and that's stuff we do every day, anyway, so
25 that was no issue. He maintained, I believe it was 14 or 1500

1 feet throughout, throughout his orbit. The Piper didn't -- he
2 didn't sound very confident in his ability to help, but he was
3 there and I appreciated his help, but he stayed -- I instructed
4 him to stay north of the debris area, so I told him, you know, we
5 got the King Air on the south side, if you want to stay here to
6 the north side of the island, we -- I had already made calls to
7 the tower at San Clemente, as well, to make sure they were all
8 familiar with what was going on and they had heard from Beaver, so
9 everybody was in the loop at this point.

10 So being the fast mover of the three of us, I told them I was
11 going to spread my search pattern out to the west, so my flight
12 track is pretty desperate, to put it into one word. At some point
13 I told Beaver to contact Phoenix Air ops, I gave them the phone
14 number to call. So they called and gave -- I don't know what all
15 was said, but I just told them please tell them that something's
16 happened, and the relay back to me from Phoenix ops was something
17 along the lines of please land.

18 And at first I declined, I said I didn't want to leave and I
19 think I might've said I'm still -- I'm still the on-scene
20 commander until the Coast Guard arrives and they had not yet
21 arrived. So that relay went back to ops and a few minutes later
22 another relay came back and they said okay, as soon as Coast Guard
23 arrives, you know, RTB, return to base, land. Once the Coast
24 Guard chopper arrived, I handed -- I handed off to him and left
25 the area and landed at Brown Field, San Diego.

1 MR. BAKER: Thank you, Matt. Do you need to take a break?
2 Do you want to get something to drink?

3 MR. CONWAY: Yeah.

4 (Off the record.)

5 (On the record.)

6 MR. BAKER: All right, we're back.

7 BY MR. BAKER:

8 Q. So I want to back up a little bit with a few of my questions.

9 A. Yes.

10 Q. As we go around, we'll probably be jumping around a little
11 bit. When you talked about -- I'm going to back up to your
12 arrival or actually the day before, do you recall what time it was
13 that you guys went to dinner and what time everybody got back to
14 the hotel room?

15 A. Well, it was still light out, so -- I can't tell you an exact
16 time. It was still light out, that's about the best description I
17 can make.

18 Q. Okay. I'm going to jump ahead to -- actually, before I do
19 that, what I did is I printed out kind of the flight track and
20 what I was hoping is, is that maybe if you look at this, if you
21 can try to mark kind of some of the key points where you were at
22 when you first started seeing the problem --

23 A. Yeah.

24 Q. -- saw flames to when you -- you know, when you took over the
25 lead --

1 A. Um-hum.

2 Q. -- you know, where you -- where you were at during that,
3 so --

4 A. Yeah, maybe color.

5 Q. I have a red -- and they are permanent, so --

6 A. Okay. Okay. So we joined shortly after takeoff and let's
7 see, it looks funny because of the distance there or whatever, the
8 angle, but --

9 Q. Oh, yeah, yeah.

10 A. -- I saw the color one, I've seen -- I've seen the
11 preliminary. So this is the climb, this is a turn and this is --
12 this is being handed off from -- from Point Mugu departure to LA
13 Center and LA Center hands us off to Beaver, somewhere.

14 Q. It doesn't have to be exact.

15 A. Yeah, somewhere in here, Beaver. Up to Beaver and then over
16 here's probably LA Center, somewhere. And before, back here is
17 the Mugu departure. So I'd almost like you to see the -- if you'd
18 seen the Whiskey areas, the Whiskey 291 area, this is about the
19 part where Beaver will give us instructions for transiting to our
20 op area, there's sub-parcels of airspace down there and we were
21 expecting -- and this is one of the things Eric and I joked about
22 on the way out, was expecting something like all right, this area
23 is hot, this area is hot, this area is from here to here, this
24 altitude, you need to go down the western lane, they call up and
25 say just steer clear of other op areas. But this particular day,

1 the only time I've ever heard them say it, not that it's that
2 important, but they said you're cleared all the way, there's no
3 other aircraft operating, no events. So this is where we made the
4 turn, it was going to be -- this line would've extended for
5 another 45 minutes direct heading to Echo 3, our op area for the
6 day. I can't remember the exact heading it was, but the point
7 being is it's a direct shot from here to the op area.

8 So however many seconds it was until he made his turn, you
9 know, based on whatever ground speed we were doing -- and again,
10 I'm looking outside, so I have relatively little information on
11 the exact ground speed we were flying, but somewhere around here
12 was the first -- was the flap deployment.

13 So from this point to here, as I previously described, were
14 the flap, smoke, fluid, and fire, in that order that I saw, and
15 the communications that went along with it all happened in this
16 stretch here, to where he declared the emergency and began his
17 turn into San Clemente, the airport here on the north shore.

18 Let's see. The next thing was the drag chute and I'm not
19 sure if it was here or here, it might've been here. I just
20 remember in the background was blue sky and so we had already made
21 the turn and I'm on his right wing looking out and his background
22 was blue, so that's when I saw the drag chute come out. So to be
23 honest with you, I couldn't tell you if it was here or here.
24 Maybe, I don't know if my report has something more detailed about
25 it, so I can't say with certainty if it was here or here where the

1 drag chute deployed. This was when he asked me to take the lead.
2 So I passed on the right and throughout these -- you know, these
3 few seconds here, Beaver was trying to give instruction to him,
4 being the lead aircraft to go to San Clemente. Even though he
5 hadn't said it yet, he clearly was having a difficult time --
6 well, he couldn't visually see it, but navigating to it. So when
7 he said take the lead, you know, he needed me to, so I did.

8 And I described that communication and Beaver said we need
9 you on a 3-5-0, I think that's what it was, and that heading would
10 set us up for a left base to land westerly, and I quick glanced at
11 it and that seemed like the best, and other than going straight
12 for it, I guess that eats me a little bit, I don't know if --
13 again, if it was visual, it wouldn't have even been a thought,
14 just go straight for the airfield. But I took Beaver's suggestion
15 on the heading, turned to 3-5-0, Eric follows and I don't know
16 what this symbol means, but that's about where our tracks
17 separate. So --

18 Q. That marks the debris. Where the debris was.

19 A. Oh. Well, okay, that's debris. That's funny, it's almost
20 right over where -- anyway. So right about here was where he
21 drifted right underneath me, where John said he -- that's where
22 last we saw him was right here. So I'll just make it over here.
23 Last visual and COMM. Right there. So yeah, I can't say much to
24 this because I didn't see it.

25 Q. Okay.

1 A. My flight track on radar shows me starting around here and it
2 was when I made my right turn to come back to get him, at which
3 point he was already this way and I did a little spiral here and
4 came back. Is there anything else you'd like me to --

5 Q. I think that's good for that. I'll just put your name on it.

6 A. Flap, fluid, smoke, fire, declare.

7 Q. Okay, got you.

8 A. Okay.

9 Q. So looking back at the -- kind at the sequence of events
10 that, you know, initiated with the flaps --

11 A. Um-hum.

12 Q. -- can you describe exactly what you saw, how -- you know,
13 was it a fast, a slow deployment, how far down, that sort of
14 thing?

15 A. So to be completely honest, I don't think -- I mean, it
16 might've happened so fast that a blink of an eye would miss it, so
17 I -- it did not seem like a normal deployment. I never actually
18 saw how fast they came down, put it that way, and I feel like
19 being that I was literally staring right there, I would've seen a
20 normal deployment of flaps.

21 So again, without speculation, they free-fell, perhaps, but
22 they weren't -- I don't even know if that's the right term because
23 they weren't flapping either, and he was able to retract them. So
24 I don't know. Given all of that, maybe it was an accidental
25 deployment of flaps. It's entirely possible. I don't know. And

1 they never said one way or the other, other than Eric's surprised
2 response, indicating, you know, whether it was manual or not, of
3 course, they weren't supposed to be down and that's about all I
4 gathered from it.

5 Q. Okay. About how far down would you say they deployed?

6 A. Not full. Partial.

7 Q. I'm not familiar with it, so I don't know how far full is.

8 A. Full -- sorry, full degrees is 40 degrees and we actually --
9 some of our aircraft have the preselect positions and others have
10 the selector switch that can put any degree you want, and a lot of
11 the ones for these missions, we carry a lot of devices under our
12 wings, so we don't like using the preselect on those missions. So
13 if I remember right, 56, and you guys can back me up on that --

14 UNIDENTIFIED SPEAKER: Yeah, the regular flap panel.

15 MR. CONWAY: Yeah. So with that type of a device, you can
16 have whatever flaps you'd like, which also -- again, I don't want
17 to speculate, just the idea of somebody accidentally hitting that
18 switch, if I was to do it, if anyone was to do it with their knee
19 because that's what would happen if it did or maybe -- I don't
20 know, who knows, who knows what was going on. This is why I don't
21 like speculating. The point being is that if something had pushed
22 that flap selector in the down position, it's going to keep going
23 down to full and nothing's going to stop it.

24 MR. LEMAY: That's the switch where you press down and you
25 monitor the position --

1 MR. CONWAY: Yes.

2 MR. LEMAY: -- until you get to where you want to go?

3 MR. CONWAY: Yes.

4 MR. LEMAY: And then you release it.

5 MR. CONWAY: Yeah.

6 MR. BAKER: Okay.

7 MR. CONWAY: Unlike a preselect, which is a large lever with
8 detents. So again, it did not seem like full flaps were deployed.

9 BY MR. BAKER:

10 Q. What would you estimate, half, three-quarters?

11 A. Yeah, half is about as -- yeah, 20 degrees, I'll say.

12 MR. LEMAY: But if you can take it another way, when you were
13 looking at the flaps --

14 MR. CONWAY: Relative to the --

15 MR. LEMAY: Yeah, what were your reference points on the wing
16 that you can tell that it was extended?

17 MR. CONWAY: Well, it would've been nice to see it from the
18 other side, this would've been very obvious if it had fallen to
19 the point of hitting the tow reel, which he did have that day. So
20 it's entirely possible that the tow reel stopped the flaps from
21 going any further, meaning they could've fully deployed if the tow
22 reel wasn't under the wing on the left side, but I couldn't see
23 it.

24 MR. LEMAY: Do you know what the angle is that it can get to,
25 the tow reeler?

1 MR. CONWAY: It's normally about 20. We measure it normally
2 before, it's not quite 20, it's like 18 -- actually, I take that
3 back, I take that back. With a target, if we had a TDU installed,
4 that's where we normally have the limit of about 20 degrees or so,
5 depending on the type of target. Now, they didn't have a target
6 installed because this was a track X mission, it was not a tow
7 mission.

8 MR. LEMAY: Um-hum.

9 MR. CONWAY: So now let me retrace my steps a little bit.
10 The tow reel probably would not have stopped the flaps because
11 almost every tow mission I've ever done during testing, and I
12 always do it with Rob and Shane, and they laugh at me every time I
13 ask hey, let's do a flap check. Man, we don't have a target, you
14 know, we don't have to worry about it. So it's coming back to me
15 a little bit, so retract my previous statement, they did not have
16 a target, so the tow reel probably had no effect on the flaps.

17 BY MR. BAKER:

18 Q. Okay. Did you then -- on the retraction, did it appear to be
19 like a normal-speed retraction or --

20 A. Yes.

21 Q. -- was it abnormal?

22 A. It did. It seemed normal.

23 Q. Okay.

24 MR. RHO: Do you remember how much time it took go back to
25 what looked like normal?

1 MR. CONWAY: About 2 seconds, maybe.

2 MR. RHO: Okay.

3 MR. CONWAY: Best guess.

4 BY MR. BAKER:

5 Q. Okay. When, you know, throughout the flight, throughout the
6 radio communications, did they ever say anything about seeing
7 smoke or flames inside the cockpit or where they may have been
8 coming from, if they did?

9 A. I think about that a lot. I'm pretty sure I would have a
10 stronger memory of it if they did, so no.

11 Q. Okay. And then --

12 A. Just the smell.

13 Q. Yeah, okay. And then when you talked about the pink fluid
14 coming from the tail, can you -- do you have any idea of more
15 specific -- all you said was the tail, any more specifics about
16 where you may have seen that coming --

17 A. Yeah, the hydraulic reservoir, from directly underneath it.
18 It's located on the right rear in the aft compartment and that's
19 where it seemed to be coming from. It's entirely possible that
20 maybe they were coming from some -- somewhere further forward of
21 that position, but the majority of the fluid that I saw, the
22 massive amount, and it was right there at the -- near the aft
23 equipment door and again, almost right underneath where the
24 reservoir is.

25 MR. BAKER: Okay. That's all I've got.

1 Mike, do you want to go through what your questions are?

2 BY MR. LEMAY:

3 Q. I do have some questions about actually well before the
4 accident flight. So you said the Phoenix 1 arrived the day after
5 you did on the Tuesday, correct?

6 A. Correct.

7 Q. After they parked the airplane, was anything done to the
8 airplane between then and the next day's flight?

9 A. As I mentioned earlier, our mission on Tuesday, we flew that
10 day and finished up pretty early. Instead of doing a 4-hour where
11 we would've landed at noon, we might've actually seen them, but we
12 were finished up, I want to say around 10:30 or so. So no, I did
13 not see them arrive at all.

14 Q. Okay, okay.

15 A. So I can't speak to it.

16 Q. And Eric never mentioned anything about having any snags or
17 anything that he needed to have rectified before the next day?

18 A. No.

19 Q. Okay. And then the next day, for the takeoff, was it Phoenix
20 1 that took off first and then you followed?

21 A. Correct.

22 Q. Were you in a position to observe their takeoff?

23 A. Yeah, I was. Not close enough to maybe see anything in
24 specific, if you're wondering about flaps or anything else or gear
25 retraction, maybe, I don't know. Nothing seemed abnormal, I

1 guess.

2 Q. Like maybe from the time where they -- where they released
3 the stops to when they rotate, it looked roughly normal?

4 A. Yeah, yeah. And he didn't say anything, either. You know,
5 he would have if something was acting funny. He's really good
6 about that. So yeah, it -- from all, from all perspectives, it
7 seemed like both -- both of us had normal takeoffs and climb-outs.

8 Q. What was your fuel level for that day?

9 A. Full.

10 Q. So even the fuselage bladder full all the way to the top?

11 A. Everything was full, full, full, yeah.

12 Q. Okay.

13 A. Given how far south the mission was and for the amount of
14 time they wanted us on station, a full load of fuel was
15 appropriate.

16 Q. And in the time from your takeoff to Whiskey 291, had you
17 done any fuel transfers from the bladder to the wings?

18 A. No, it would be way too early in the flight to really do
19 anything and even if you did, all you would be doing is going the
20 wrong way, pushing out, so no.

21 Q. Yeah. Yeah, okay.

22 MR. BAKER: Were there any other questions that need to be
23 answered?

24 MR. LEMAY: Let me see here.

25 (Pause.)

1 BY MR. LEMAY:

2 Q. Oh, yeah, going back to the flaps again, when you noticed
3 that the flaps had extended to where they were extended, had you
4 noticed any change in pitch attitude or speed on the airplane
5 around that time?

6 A. So per my memory, after the flaps came down, and this all
7 happened within seconds, so in my recount, it's within seconds
8 after that is when the autopilot was no longer engaged. I'm --
9 without speculating, he was -- the autopilot was not flying that
10 airplane anymore, I'm -- I don't know, I don't know. And
11 certainly, by the time he was turning, the autopilot was off, he
12 was hand-flying at that point. So is it possible that the flaps
13 had something to do with them pitching and oscillating slightly?
14 That's possible, that's possible.

15 Q. And this aircraft has the -- he has the warning for flaps 25
16 with gear retracted, right?

17 MR. SMITH: Twenty-two. Yeah.

18 MR. LEMAY: You have the warning, right?

19 MR. SMITH: Yeah.

20 MR. CONWAY: Yeah.

21 BY MR. LEMAY:

22 Q. Yeah, okay. And Eric didn't mention anything about that?

23 A. No. That's a good point.

24 Q. Okay.

25 MR. BENTON: He had to be below a certain speed.

1 MR. CONWAY: Well, we were -- I mean, we were -- yeah, we
2 were cruising.

3 MR. BENTON: You have to have that, too.

4 BY MR. LEMAY:

5 Q. I'm trying to recall if there's an over-speed on this,
6 because it was an SU200, right?

7 A. Yes.

8 (Crosstalk)

9 MR. SMITH: Yeah, flap -- on that airplane, first -- for a
10 first flap selection is available at 200.

11 MR. LEMAY: Yeah.

12 MR. CONWAY: Yeah.

13 MR. LEMAY: But there's no over-speed warning, right?

14 MR. SMITH: No, there isn't. But again, the actuator won't
15 put it out.

16 MR. LEMAY: No, no, exactly. Yeah.

17 MR. SMITH: The actuator is designed to not overstress the
18 flap, so it would be -- it's unusual that they went out.

19 MR. LEMAY: Yeah.

20 MR. RHO: I have a few, then.

21 MR. BAKER: Well, let's let Mike, see if he's got any more
22 and then --

23 BY MR. LEMAY:

24 Q. You weren't carrying any hazmat on board during this mission,
25 were you?

1 A. No. I mean, I can't speak for them, it's not my airplane,
2 but no.

3 Q. Yeah. There was nothing --

4 A. There should not have been, no.

5 Q. Okay. The fuel leak that you observed and the flames that
6 you observed, were they approximately in the same area, from what
7 you could tell?

8 A. You know, this was something I think that Ian and I might --
9 or were not exactly sure. I know exactly what I saw; however, I
10 don't know if I saw fuel leaking out, being the color that -- you
11 know, I just -- I'm not sure. I think he made a comment when we
12 were making our report after we landed, that he thinks he saw some
13 clear fluid, as well, but I'm not sure if that's what I saw. I
14 know I saw the pink fluid.

15 Q. Okay. And were they coming from approximately the same
16 location, the flames and the pink fluid?

17 A. Yes. Yeah, it was the aft equipment door.

18 Q. Okay.

19 A. It was not engine, you know, or anything else, it was --

20 Q. Were you slightly below him or slightly above, when you were
21 below him and you saw that one?

22 A. Slightly, yeah, in echelon, just slightly below in trail.

23 Q. About how far away?

24 A. Well, that was about the point when I -- because I didn't
25 even see the flames until he started doing this, which caused me

1 to back away, I don't know, maybe a quarter mile, less.

2 Q. Can you explain, do they have the delta fins?

3 A. No.

4 Q. So there wouldn't have been anything impeding your view of
5 that?

6 A. Uh-uh.

7 Q. Okay. Yeah, time to go. I guess when the chute detached,
8 you couldn't see -- it was too fast, you probably couldn't see any
9 -- if the flames had affected the chute at all?

10 A. You know, I'm again trying not to speculate, but if I saw
11 flames ejecting as far as I did and we're doing, you know, 250
12 knots and the true airspeed is higher than that, there was a lot
13 of fire back there, so I think it's safe to say that that was
14 probably not intentional. But no, I did not see a plume of, you
15 know, flame or smoke out the door, I just saw the chute and that
16 was it.

17 Q. Okay. So I'm just recalling to one time when I lit my
18 barbeque and there was a mouse in there and it took off and we saw
19 the trail of smoke following the mouse all the way down into the
20 bushes. I was just wondering, for the direction, if you saw
21 something similar.

22 A. I can't -- no, I can't say. There really wasn't much smoke
23 aft. In fact, I should -- now that you mentioned it, when I said
24 I saw the light-colored smoke earlier, it didn't last long. So
25 it's not like that smoke continued throughout the remainder, it

1 was only for, I don't know, maybe until we made that first turn
2 that there was no more smoke after that point. So I may not have
3 said that before, but I think that's -- that might be an important
4 detail, I don't know. So when the drag chute came out, there was
5 no additional smoke or if there were flames, they were so small I
6 could barely seem them at that point.

7 MR. LEMAY: Okay. Okay, I think I'm good.

8 MR. BAKER: Paul, you said you had a couple questions?

9 MR. LEMAY: Thank you very much.

10 MR. BAKER: Did you have questions?

11 MR. RHO: Yes.

12 BY MR. SMITH:

13 Q. I've got a question here or a clarification. You described a
14 formation takeoff. Tell us how you all did the separation on the
15 formation takeoff.

16 A. So we will -- generally, the lead aircraft makes a decision
17 based on winds and if the runway is large enough and wide enough,
18 we'll both take the runway at the same time. The wingspans are
19 conducive. The lead aircraft will depart and as long as the
20 visual can be maintained and within about a mile, so given the
21 amount of time it would take to accelerate, we normally count, you
22 know, 5 seconds or 10 seconds before second trail aircraft will
23 accelerate and take off. And then the first aircraft, during
24 their climb-out, will stay on their side of the center line if
25 they can and keep a speed conducive for the second aircraft to

1 come in and join up. And we've done this enough times to where he
2 trusts me and I trust him and I was joined up on him, you know,
3 within a mile after departure from Point Mugu.

4 MR. BAKER: And just to verify, that's the procedure you used
5 on that takeoff that day --

6 MR. CONWAY: Yes.

7 MR. BAKER: -- where you were both lined up on the runway?
8 Okay.

9 BY MR. SMITH:

10 Q. You did a 5-second spread or 10?

11 A. Ten.

12 Q. Ten, okay. And at the time of the flap movement, how close
13 were you? Red-sail (ph.)? Were you close enough that you were
14 going to be one target or were you a little wider?

15 A. We were close.

16 Q. Okay. All right.

17 A. On radar, it was probably one target.

18 Q. And when the lane (ph.) started to move is when you backed
19 out?

20 A. Yes.

21 Q. Okay.

22 A. It was a quarter mile or so at that point.

23 MR. SMITH: That's all for me.

24 MR. BAKER: Paul?

25 BY MR. RHO:

1 Q. Yeah. You were talking to Phoenix 1 the whole time and you
2 said the Phoenix 1 was, you know, reacting pretty fast to declare
3 an emergency and then coming toward the island. Where is that
4 here?

5 A. So within seconds, like even while he was declaring, I
6 believe he was already turning. So this is all happening in that
7 same moment of communication, he declares the emergency and starts
8 the turn.

9 Q. Okay. And I know the communication was kind of limited, but
10 still, do you remember what kind of characteristic inside of the
11 cockpit he was saying fire or smoke or -- probably you were
12 talking to him and he probably mentioned --

13 MR. BAKER: Just ask a question.

14 MR. CONWAY: There was next to no descriptions from him about
15 what was happening inside. The only descriptive I got from him
16 was that he thought he smelled something.

17 BY MR. RHO:

18 Q. That's it?

19 A. Sadly, yeah. He didn't say anything else about -- no, he
20 didn't say anything else.

21 Q. Okay. And my last question is, is there anything you think
22 is important for this investigation?

23 A. Just --

24 Q. Nothing?

25 A. No.

1 MR. BAKER: All right. Scott, did you have any questions?

2 MR. CHILDS: No, sir.

3 MR. BAKER: Okay, nothing from Scott. All right, we'll go
4 ahead and stop the recording at this time.

5 (Whereupon, the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FATAL GATES LEARJET CRASH
NEAR SAN CLEMENTE ISLAND,
CALIFORNIA ON MAY 10, 2023
Interview of Matt Conway

ACCIDENT NO.: WPR23FA185

PLACE: Cartersville, Georgia

DATE: May 31, 2023

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



David A. Martini
Transcriber