

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA

3 -----X
4 PATRICK SCOTT BAKER, ET AL Docket No. CA 03-749
5 Plaintiff,
6 v. Washington, D.C.
7 **May 3, 2010**
8 1:49 p.m.

9 GREAT SOCIALIST PEOPLES OF
10 LIBYAN ARAB JAMAHIRYA, ET AL
11 Defendant.

12 -----X
13 JACKIE PFLUG, Docket No. CA 08-505
14 Plaintiff,

15 v.
16 GREAT SOCIALIST PEOPLES OF
17 LIBYAN ARAB JAMAHIRYA, ET AL
18 Defendant.

19 -----X
20 CERTAIN UNDERWRITERS AT LLOYDS Docket No. CA 06-731
21 LONDON, ET AL
22 Plaintiff,

23 v.
24 GREAT SOCIALIST PEOPLES OF
25 LIBYAN ARAB JAMAHIRYA, ET AL
26 Defendant.

27 -----X

EVIDENTIARY HEARING

BEFORE THE HONORABLE JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

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14 C O N T E N T S

15 OPENING STATEMENT BY MR. HEIDEMAN..... 6
 16 COURT REPORTER'S CERTIFICATE.....138

17	<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
18	Jackie Nink Pflug				
19	By Mr. Heideman	16			
20	Patricia Henry				
	By Mr. Heideman	103			

21	<u>EXHIBITS:</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>
22	PLF. 1	Jackie Pflug Birth Certificate	17	17
23	PLF. 2	Jackie Pflug Passport Copy	19	19
24	PLF. 3	EgyptAir Hijacking Timeline	38	38
25	PLF. 4A-E	Jackie Pflug Medical Records (Parts A, B, C, D, and E)	67, 71, 74, 77, 93 (SEALED)	

C-O-N-T-E-N-T-S C-O-N-T-I-N-U-E-D				
	<u>EXHIBITS:</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>
1				
2				
3	PLF. 5	Patricia Henry Birth Certificate	105	105
4	PLF. 6	Patricia Henry Passport Copy	105	105
5	PLF. 7	Photo of Scarlett Rogenkamp #1	126	126
6	PLF. 8	Photo of Scarlett Rogenkamp #2	127	127
7	PLF. 9	Photo of Scarlett Rogenkamp #3	128	128
8	PLF. 11	Scarlett Rogenkamp Birth Cert.	122	122
9	PLF. 12	Scarlett Rogenkamp Death Cert.	123	123
10	PLF. 13	Scarlett Rogenkamp Letters of Administration	124	124
11				
12	PLF. 14	Scarlett Rogenkamp Purple Heart Certificate	137	137
13	PLF. 15	Letters of Condolence	137	137
14	PLF. 16	Hetty Peterson Certificate of Naturalization	107	107
15				
16	PLF. 17	Hetty Peterson Death Certificate	108	108
17	PLF. 18	Certificate of Trust Naming Patricia Henry as Trustee of the	109	109
18		Hetty E. Peterson Living Trust		
19	PLF. 19	Testimony of Hetty Peterson from Criminal Trial of Omar Ali Rezaq	110,137	110,137
20				
21	PLF. 22	Affidavit of Katharine Doris With Attachments A & B	114	114
22	PLF. 23	Affidvit of Paul Peterson	118	118
23				
24				
25				

1 P-R-O-C-E-E-D-I-N-G-S

2 (1:49 P.M.; OPEN COURT.)

3 THE DEPUTY CLERK: All rise. This honorable court
4 is now in session. Please be seated everyone and come to
5 order.

6 Okay. This is Civil Case 03-749 and Civil Case
7 08-505, and 06-731. Patrick Scott Baker, et al, Jackie Pflug
8 and Certain Underwriters at Lloyds London, et al versus Great
9 Socialist Peoples of Libyan Arab Jamahiriya, et al. This is
10 an evidentiary hearing. Would the parties please identify
11 yourselves for the record.

12 MR. HEIDEMAN: May it please the Court, Richard
13 Heideman is my name. I'm lead counsel for the Plaintiffs.
14 May I take this moment to quickly introduce the Court to those
15 who are here in the courtroom with us.

16 THE COURT: Thank you. Please.

17 MR. HEIDEMAN: Thank you very much. At counsel
18 table is my law partner Noel J. Nudelman and Tracy Reichman
19 Kalik, and also our research associate Matthew Apfel. Steve
20 Perles of counsel is with us, co-counsel, as is his associate
21 Edward MacAllister. In the back of the courtroom is our firm
22 administrator, Phyllis Heideman and our legal assistant
23 Keyauna Fogle.

24 In addition, may I take this opportunity to
25 introduce the Court to three of the parties who actually will

1 testify and are present here in the courtroom. On the left,
2 Jackie Nink Pflug, please rise, thank you, and then we also
3 have Pat Henry and Michelle Holbrook.

4 Thank you very much, Your Honor.

5 THE COURT: You may proceed, Counsel.

6 MR. HEIDEMAN: Thank you very much. May it please
7 the Court, unless I heard wrong, there were three actions
8 read. I believe there is a fourth, unless it was mentioned
9 and I just wasn't looking down right. 03-CV-749, 08-CV-505,
10 06-CV-731 and I believe also 08-CV-504, unless my notes are
11 wrong. I just wanted to be sure all the cases have been
12 called.

13 THE COURT: Just a minute, please.

14 THE DEPUTY CLERK: Okay. I was informed by chambers
15 that we just wanted those three, so there is a fourth case?
16 Yeah, let me -- let me pull it up, and I can put that on the
17 record.

18 LAW CLERK: The last two cases are consolidated.

19 THE DEPUTY CLERK: She said the last two cases are
20 consolidated.

21 MR. HEIDEMAN: Thank you very much.

22 Secondly, Your Honor, before I proceed with opening
23 statement in accordance with the Court's rules, may we tender
24 to the Court a set of the exhibits that we will be using in
25 this matter.

1 THE COURT: Surely.

2 MR. HEIDEMAN: In addition, there are certain
3 exhibits that will be supplemented either as the trial goes on
4 or when we recess, and an additional binder will be provided
5 to the Court of some additional materials. Thank you.

6 (PAUSE.)

7 THE COURT: Okay. Please go ahead, Counsel.

8 MR. HEIDEMAN: Thank you very much, Your Honor. May
9 it please the Court, this is a compelling and straightforward
10 case. The Plaintiffs will prove that prior to, at, and ever
11 since the November 23rd, 1985 highjacking of EgyptAir Flight
12 648, Syria as a government and the Syrian Air Force
13 Intelligence was and remains a state sponsor of terrorism.

14 The Government of the United States has indeed
15 placed the Government of Syria on the State Department list of
16 state sponsor of terrorism which is a matter which is clear
17 and will be proven.

18 The Plaintiffs will therefore prove that Syria was
19 listed on the State Department's first published list of state
20 sponsors of terrorism on December 29, 1979. Plaintiffs will
21 also prove that Syria has been and remains one of the rogue
22 nations that are on the current State Department list of state
23 sponsors of terrorism.

24 Plaintiffs, may it please the Court, will also prove
25 that prior to, at, and after the EgyptAir hijacking, Syria

1 sponsored, hosted, and enabled the Abu Nidal organization in
2 committing various heinous targeted acts of terrorism,
3 including the EgyptAir hijacking of November 23rd, 1985, as
4 well as such other attacks as the Rome and Vienna coordinated
5 airport attacks one month later on December 27, 1985.

6 The Plaintiffs will prove that the Abu Nidal
7 terrorist organization, has been designated in the name of Abu
8 Nidal Organization, otherwise known as ANO, and has been
9 designated as a foreign terrorist organization by the
10 Government of the United States.

11 May it please the Court, the Plaintiffs will prove
12 that on November 23rd, 1985, EgyptAir Flight 648 was on its
13 way from Athens to Cairo and was hijacked midair. The
14 Plaintiffs will prove that the hijackers had weapons,
15 grenades, had been trained, had been given passage and
16 otherwise acted under the state sponsorship of the Syrian
17 Defendants.

18 The Plaintiffs will prove that this hijacking was
19 committed by the Abu Nidal Organization with the full material
20 support of Syria and Syrian Air Force Intelligence being
21 Defendants herein and in violation of applicable U.S. law.

22 May it please the Court, the Plaintiffs will prove
23 that there was a midair shootout between Abu Nidal
24 Syrian-sponsored hijackers after the plane took off from
25 Athens on its way to Cairo, and that one of the EgyptAir air

1 marshals who was -- was killed in the shootout.

2 The Plaintiffs will prove that following the
3 shootout on the plane, in a rapid descent, the plane was
4 forced to land in Malta as it was running out of fuel. The
5 Plaintiffs will prove that after the plane landed in Malta,
6 the hijackers made demands for fuel so they could fly the
7 plane to Libya. The Plaintiffs will prove that the hijackers
8 had advanced instructions to kill Jews, kill Israelis and kill
9 Americans if the demanded fuel was not provided.

10 In fact, as to any Jews or Israelis, the Plaintiffs
11 will prove that the instructions were to kill them no matter
12 what. The Plaintiffs will prove that the hijackers separated
13 the two Israeli women and the three Americans from the other
14 passengers on the airplane and that the hijackers placed them
15 in the first class cabin and held their passports separately.
16 The Plaintiffs will prove that the hijackers released some of
17 the passengers but not the Americans or the Israelis.

18 The Plaintiffs will prove, Your Honor, that the
19 hijackers mercilessly shot the two Israeli women in the head,
20 15 minutes apart, dumping them off the airplane, while the
21 American hostages, each of them watched fearing they were next
22 and in fact they were. Beginning at midnight on
23 November 23rd, 1985 into the morning of November 24th, the
24 hijackers shot the first Israeli victim and 15 minutes later
25 the second Israeli, and true to their word, then Patrick Scott

1 Baker, one of the victim Plaintiffs in this case and who will
2 testify in this case and who miraculously survived, being the
3 first American brought forth, was shot 15 minutes after the
4 Israeli women.

5 That shooting took place after he had sat on the
6 hijacked airplane for quite a long period of time as had the
7 other Americans, a period of four-and-a-half hours waiting,
8 watching, and knowing.

9 The second American victim, Scarlett Rogenkamp
10 tragically was murdered with a bullet to her head as well.
11 She had sat there knowing she was next but not knowing when,
12 and at 4:30 in the morning, eight-and-a-half hours after the
13 hijack began, Scarlett Rogenkamp was executed by the Abu Nidal
14 hijackers on the airplane.

15 May it please the Court, Jackie Nink Pflug was the
16 last American passenger shot. At approximately 10:00 a.m.
17 after suffering and waiting on that airplane for 14 hours,
18 watching the two Israeli women murdered or attempted to be
19 murdered, watching the other two Americans murdered or
20 attempted to be murdered, she knew she was next and indeed she
21 was shot into her brain. She was left for dead.

22 On the way to the morgue it was determined she was
23 alive, miraculously, unbelievably, and only by the grace of
24 God she is here today. She will be our first witness
25 following the completion of my closing -- my opening

1 statement.

2 The Plaintiffs will prove, may it please the Court,
3 that Scarlett Rogenkamp died as a result of this terrorist
4 act, that Jackie Nink Pflug and Patrick Scott Baker
5 miraculously survived the gunshot wounds to their head and
6 being thrown off the airplane onto the tarmac. The Plaintiffs
7 will prove that their lives and those of their families were
8 forever changed, never to be the same, that it impacted each
9 of them and their families.

10 The Plaintiffs will prove that their injuries, their
11 pain, their suffering, their mental anguish and their economic
12 losses entitle them to recover for these unconscionable and
13 unforgiving Syrian State-sponsored acts of terrorism.

14 May it please the Court, the Plaintiffs will bring
15 forth to the Court these surviving victims as I mentioned,
16 Jackie Nink Pflug and Patrick Scott Baker, as well as the
17 sister who is the representative of the Estate of Scarlett
18 Rogenkamp and other brothers and sisters and family members,
19 parents, et cetera, some of whom were now -- are now gone,
20 some of whom have survived. Those who were alive at the time
21 that are gone will testify through their representatives.

22 All of them were and continuously remain U.S.
23 nationals, and the Plaintiffs will prove that each and every
24 one of the Plaintiffs are American victims of Syrian terrorism
25 entitled to recover in accordance with 28 U.S.C. 1605A and

1 applicable law.

2 May it please the Court, the Plaintiffs will also
3 prove that the sole surviving hijacker, Omar Ali Rezaq, who is
4 currently in custody in the U.S. Bureau of Prisons, was in
5 fact a member of the Abu Nidal Organization and received his
6 training under the watchful eye of the Syrian Government in
7 the Syrian-controlled Baqaa Valley and that with the support
8 of the Syrian Government, he traveled to Athens in preparation
9 for the hijacking where he met his compatriots, received
10 weapons and boarded EgyptAir Flight 648 on that fateful day.

11 Rezaq, who has been convicted in this courthouse of
12 air piracy, will testify by affidavit as he did live here in
13 open court in this courthouse of his involvement in this
14 hijacking as a member of the Abu Nidal Organization. We have
15 his testimony from the criminal trial in this courthouse,
16 portions of which will be provided to the Court as part of our
17 exhibits and evidence.

18 May it please the Court, United States Government
19 officials will appear and testify, each of them retired from
20 their positions, esteemed people with knowledge of what
21 occurred at the time and providing information to the Court.
22 Ambassador Robert Oakley, the former coordinator of
23 counterterrorism at the United States Department of State and
24 Special Assistant to the President of the United States and
25 the National Security Council will testify that Syria

1 sponsored this hijacking as well as other acts of terrorism.

2 Dr. Robert [sic] Long, retired from the United
3 States Department of State, will testify about Syrian
4 sponsorship of terrorism and also the Abu Nidal Organization
5 and it being sponsored by Syria.

6 Retired Colonel Patrick Lang of the U.S. Department
7 of Defense, Defense Intelligence Agency, will testify that he
8 was on duty on the day of the hijacking and that in his
9 capacity as the Defense Intelligence Officer for
10 Counterterrorism was in the Office of the Chairman of the
11 Joint Chiefs of Staff at the time the Egyptian commandos
12 attempted to retake the aircraft from the ANO hijackers.

13 Colonel Lang will also testify that he, as the
14 Defense Intelligence Officer for counterterrorism, was
15 personally responsible for reviewing all U.S. intelligence
16 documents and information relating to this hijacking and other
17 terrorist acts at the time, and he -- and each will testify
18 that there is no question about the fact as to whether or not
19 Syria and the Syrian Air Force Intelligence, as state sponsors
20 of terrorism, actively sponsored the Abu Nidal terrorist
21 organization and the EgyptAir hijacking, which is the subject
22 of this case before you today. Not only will they say there
23 is no question; they will say, Your Honor, there is no
24 question in the opinion of the United States Government as
25 established by documents that also will be provided to this

1 court making it clear that Syria was a state sponsor of
2 terror, Syria sponsored the Abu Nidal Organization, the Abu
3 Nidal Organization committed this act of terrorism and that
4 Americans targeted, died or were maimed as a result of those
5 acts.

6 May it please the Court, the Plaintiffs will also
7 bring forth evidence from other convicted Abu Nidal
8 Organization terrorists that they were trained in Syria at the
9 time of the -- at the same time as the EgyptAir hijackers,
10 that they were trained together in the Syrian-controlled Baqaa
11 Valley but were dispatched to commit other Syrian-sponsored
12 Abu Nidal acts of terrorism just one month later in the Rome
13 and Vienna coordinated airport attacks.

14 May it please the Court, the Court will also hear
15 testimony from one of the world's leading experts on Syria,
16 Professor Marius Deeb who has studied, written and is
17 acclaimed for his knowledge of Syria and Syria sponsorship of
18 terrorism, Syria sponsorship of ANO and other terrorist groups
19 and Syria's continued and present ongoing expenditure of
20 hundreds of millions of dollars annually in sponsoring
21 terrorist activities.

22 May it please the Court, the Plaintiffs known as the
23 Certain Underwriters at Lloyds London, being those various
24 insurance carriers and reinsurers, underwriters and other
25 participators in the insurance loss suffered as a result of

1 EgyptAir Flight 648 hijacking, will prove to the Court that at
2 the time of the hijacking, the airplane was owned by EgyptAir,
3 that the Certain Underwriters who insured or reinsured or
4 otherwise underwrote this loss, have in fact suffered losses
5 as a result of the complete destruction of the airplane.

6 These losses have been reduced by the recovery of a certain
7 salvage value at the time of the sale of the salvage after the
8 hijacking was completed.

9 The Egyptian commandos attempted to retake the
10 airplane, people died. We'll show the Court photographs of
11 the condition of the plane and prove to the Court that
12 although the Egyptian commandos attempted to save lives, the
13 aircraft itself was destroyed and there was therefore
14 entitling the Certain Underwriters to recover for their full
15 net loss for the loss of the aircraft hull plus attorney's
16 fees and costs and interest from the date of loss to date of
17 judgment, and further, interest from the date of judgment
18 until collection.

19 May it please the Court, finally, the Plaintiffs
20 will prove their entitlements under 28 U.S.C. 1605A for your
21 consideration in awarding compensatory damages for each and
22 all of the Plaintiffs, and such punitive damages as the Court
23 may deem just, in order to punish Syria for its sponsorship of
24 terrorism, for its egregious conduct, for its ongoing conduct
25 and in order for this court to further consider on the subject

1 of punishment whether or not Syria has, since 1985, continued
2 to sponsor terrorism as the State Department says it has, as
3 the experts say it has, whether they are sponsoring terrorism
4 today, as people will testify they are, and accordingly, the
5 Court will be asked to award such punitive damages in an
6 attempt to deter Syria from its continued sponsorship of
7 terrorism as well as other states, hopefully, being deterred
8 by such amounts as in your judgment you will consider and
9 award.

10 May it please the Court, the Plaintiff victims,
11 Jackie Nink Pflug, Patrick Scott Baker, the Estate of Scarlett
12 Rogenkamp and each of their family members who are Plaintiffs
13 in this action as well as the Certain Underwriters at Lloyds
14 London, each as Plaintiffs are here today because they seek
15 justice, even after these long 25 years. They seek the entry
16 of a judgment against Syria and the Syrian Air Force
17 Intelligence for their heinous, unconscionable, outrageous and
18 malignant sponsorship of terrorism, for all of which these
19 Plaintiffs and counsel thank the Court in advance for its
20 consideration as we together, in this courthouse, pursue
21 justice against this state sponsor of terrorism. Thank you
22 very much.

23 THE COURT: Thank you, Counsel. You may call your
24 first witness.

25 MR. HEIDEMAN: Thank you. May it please the Court,

1 the Plaintiffs will call Jackie Nink Pflug to the stand as our
2 first witness.

3 THE DEPUTY CLERK: Raise you right hand.

4 (WITNESS SWORN BY THE DEPUTY CLERK.)

5 THE DEPUTY CLERK: Please be seated.

6 JACKIE NINK PFLUG,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. HEIDEMAN:

10 Q Would you state your name, please, to the Court.

11 A Jackie Nink Pflug.

12 Q Thank you very much. And Jackie, would you give to the
13 court the spelling of your name so the court reporter has it
14 accurately.

15 A J-a-c-k-i-e, and then the middle name is "N" as in Nancy,
16 "i," "n" as in Nancy, "k," and then "P" as in Paul, f-l-u-g.

17 Q Thank you. Jackie, what's your present address?

18 A It's 7611 Paulsen Drive, P-a-u-l-s-e-n.

19 Q In what city and what state?

20 A Eden Prairie, Minnesota.

21 Q Jackie, how long have you lived there?

22 A Since 1994.

23 Q Where were you born?

24 A Houston, Texas.

25 Q And on what date?

1 A January 24th, 1955.

2 Q Let me --

3 MR. HEIDEMAN: May I leave the podium, Your Honor?

4 THE COURT: Sure.

5 MR. HEIDEMAN: Thank you.

6 Q (BY MR. HEIDEMAN) Let me hand you what has been marked as
7 Plaintiff's Exhibit 1 and ask you if you can identify that
8 document.

9 A Yes. It's my birth certificate in the city of Houston.

10 Q And does -- what name does it indicate on that document?

11 A Jackie Ann Nink.

12 Q Thank you very much. And does it indicate your birth
13 date of January 24th, 1955 in the United States of America?

14 A It does.

15 MR. HEIDEMAN: At this time, Your Honor, we would
16 move Plaintiff's Exhibit 1 into evidence.

17 THE COURT: Admitted.

18 (PLAINTIFF'S EXHIBIT 1 ADMITTED.)

19 MR. HEIDEMAN: Thank you.

20 Q (BY MR. HEIDEMAN) Are you, Jackie, a United States
21 citizen?

22 A I am.

23 Q Thank you very much. Let me hand you, Jackie, what has
24 been marked as Plaintiff's Exhibit 2 and ask if you can
25 identify that document.

1 A Yes. This is my driver's license -- oops, my passport.

2 This is my passport.

3 Q Thank you. And what name is on the passport?

4 A Jackie Nink Olsen.

5 Q And is Jackie Nink Olsen and Jackie Nink Pflug, the named
6 Plaintiff in this action, the same person?

7 A It's the same person. "Pflug" is my author name and my
8 business name, like an A/K/A.

9 Q And to put in context for the Court, were you previously
10 married to Scott Pflug?

11 A Yes. I was married to Scott Pflug, and then I became
12 Jackie Nink Pflug and still remained Jackie Nink Pflug but
13 then I remarried and now I'm Jackie Nink Olsen legally but
14 Jackie Nink Pflug as my work name.

15 Q And so Jackie Nink Pflug and Jackie Nink Olsen are the
16 same people?

17 A Yes, they are.

18 Q And this Exhibit 2 is your current passport; is that
19 correct?

20 A Yes, it is.

21 Q Thank you very much. And are you and have you always
22 been your entire life a citizen of the United States of
23 America?

24 A Yes, I have.

25 Q Thank you.

1 MR. HEIDEMAN: At this time, Your Honor, we'll move
2 Exhibit 2 into evidence.

3 THE COURT: Admitted.

4 (PLAINTIFF'S EXHIBIT 2 ADMITTED.)

5 MR. HEIDEMAN: Thank you.

6 Q (BY MR. HEIDEMAN) Jackie, please tell the Court where you
7 grew up. You indicated earlier that you were born in Houston,
8 Texas, but tell the Court in chronological order where you grew
9 up, where you lived, your initial schooling and your subsequent
10 schooling.

11 A Okay. I was born and raised in Pasadena, Texas, and I
12 went to Sam Houston State University. Well, to high school I
13 went to Deer Park High School in Deer Park, Texas and
14 graduated in 1973, and then went to the Sam Houston State
15 University and went there for four years and graduated in 1977
16 with a bachelor's of science degree.

17 Then I went on to teach for about four years, went
18 back to school to get my master's degree at the University of
19 Houston, and I received that after four years, and I have a
20 bachelor -- or excuse me -- a master's of science.

21 Q So, to quickly summarize, you have both a bachelor of
22 science degree, and in addition, you have a master's of
23 science degree; is that correct?

24 A I do. Uh-huh.

25 Q And Jackie, what was your first job after you completed

1 graduate school?

2 A I had a couple -- a few jobs before I went to graduate
3 school. Do you want me to go over that?

4 Q Yes, please. Why don't we step back and tell the Court
5 in chronological order the nature of your work both during
6 school.

7 A Okay.

8 Q And between your bachelor's and your master's and after
9 your master's degree, each one.

10 A Even before school?

11 Q Yes, uh-huh.

12 A So I helped pay my way through college by working at
13 Seller Brothers as a cashier and then over to Rice Grocery as
14 a cashier with my father, and I went -- went to Sam Houston
15 State for my undergrad, and after that, I taught at Bowie
16 Elementary in Baytown, Texas for two years with first graders
17 and special ed, and -- special education, and then I started
18 to do some work in educational diagnostics.

19 So, I did testing, psychological testing and that's
20 what I was able to do with my master's degree, and then I was
21 in charge of three of the middle schools, in charge of making
22 sure those kids got tested and helping teachers find out why
23 they weren't learning and giving a plan for them. And then I
24 was in charge of the two high schools in Baytown doing the
25 same thing.

1 Q When you say you were in charge of the middle schools and
2 in charge of the high schools, do you recall what your
3 position was and tell the Court a little more about your area
4 of expertise as to how you became in charge of those.

5 A Well, I was in charge of the special education part of it
6 as far as I was like a school psychologist. We called
7 ourselves educational diagnosticians, so I was the person that
8 did all the testing for the middle schools, and then I moved
9 into the high schools and was -- did all the testing. And so
10 what I would do the psychological testing like the
11 intelligence test and was in charge of giving intelligence
12 tests and academic testing to find what the discrepancy was
13 between the intellectual and the actual academic level, and
14 then would write my report on that. And then work with the
15 teacher, and we would have what they called "Reviews" and we
16 would work with the teachers to help them to make a plan for
17 them as far as their educational plan and what to do with them
18 in the classroom.

19 Q And was the focus of the students that you dealt with
20 primarily those who were in need of special education?

21 A Yeah. I found out if they qualified, and if they
22 qualified, then we put them into our program. And there was a
23 school psychologist that was in charge of -- a few of them
24 were in charge of the different elementaries, then I became in
25 charge of the middle school, and then I left that and somebody

1 took over my job and I went to the two high schools.

2 Q And what you've just described, was this before you got
3 your master's or both before and after?

4 A It was during and after.

5 Q Thank you. And what other work did you do in the United
6 States after you got your master's degree, prior to the time
7 that you went abroad to teach?

8 A I was a school psychologist, education diagnostician at
9 the high schools.

10 Q And that was in which city?

11 A Baytown, Texas. All of my teaching and testing has been
12 in Baytown, Texas.

13 Q Did there come a time when you moved abroad to teach as
14 well?

15 A Yes. I wanted to go see the world, so I landed a job in
16 Stavanger, Norway working as a school psychologist and
17 diagnostician at the Stavanger American School, and they did
18 not have a special education program in that American school
19 there in Stavanger, and so I was hired to bring in the entire
20 special education, like start up the new program for special
21 ed, and so I brought in all the legal forms. So the whole
22 idea was, before that, they weren't able to -- families that
23 had children or kids in high school, they weren't able to come
24 to Norway because that school did not have any kind of special
25 education program to help them out, so their whole idea, this

1 school at that year I was hired, was to start the special
2 education program so that more parents of children that were
3 handicapped could attend their school. And so I was hired to
4 set up their program and to do all the testing.

5 Q And was dealing with special ed children your life's work
6 and passion?

7 A Yeah, yeah, I was in my element.

8 Q For the court reporter, would it be accurate to say the
9 spelling for Stavanger, Norway is S-t-a-v-e-n-g-e-r?

10 A S-t-a-v-a-n-g-e-r.

11 Q Thank you. How long did you remain in Stavanger, Norway
12 setting up the program you discussed?

13 A I was on a two-year contract because that's -- that's
14 what they did, the school hired us for two years, and then
15 that was all because of the taxes, they were so high. So, I
16 was on a two-year contract, but I met my husband to be at that
17 school. He's not Norwegian but he's an American, Scott Pflug,
18 and he had already been there the year before.

19 So, when I came, I was in my first year, and when I
20 started my first year, he was in his second. And I met and
21 married him and we dated for that year, and so at the end of
22 the year, that first year, we decided we wanted to get
23 married. Well, Scott had already been there for two years so
24 we couldn't stay, and so I ended that contract. They were
25 okay with that. And so we went looking for another job

1 overseas because we still wanted to stay abroad.

2 Q What was the date, if you recall, on which you and Scott
3 Pflug, who you've testified you met at Stavanger, Norway at
4 the school, on what date did the two of you get married?

5 A I don't remember.

6 Q Do you remember the year?

7 A It was 1985. It was in August. I just don't remember
8 the date.

9 Q And did you marry in Norway or already --

10 A I lived in Houston. We married in Houston. So we
11 moved -- so, after the year was up and we knew we were moving,
12 we moved back to the United States for the wedding and to see
13 people we hadn't seen for a year, or I hadn't seen for a full
14 year because I didn't go back after I was there for a year.

15 Q Thank you. Now, you said earlier to the Court that Scott
16 Pflug is an American; is that correct?

17 A Yes.

18 Q Was he born in the United States?

19 A He was.

20 Q And to the best of your knowledge, is he continuing --
21 has he continually been a United States citizen since his
22 birth?

23 A He has.

24 Q Thank you. And Scott Pflug is expected to testify in
25 this trial; is that correct?

1 A He is.

2 Q Thank you. After you married Scott, which you believe
3 was in August of 1985, and it's okay that you forgot. Don't
4 be upset, okay?

5 A Okay.

6 Q After you married Scott, where did you and Scott go to
7 live after you were married in Houston, Texas?

8 A We moved to Cairo, Egypt.

9 Q Why?

10 A Because we both had jobs, so we -- after Norway, we went
11 to a job fair before we moved home, and in London, and at that
12 job fair, we both landed jobs in Cairo, Egypt teaching at the
13 Cairo American College.

14 And then we came home, got married and then a few
15 months later, in August, toward the end of August, we moved to
16 Cairo, Egypt.

17 Q Thank you. And what was the nature of your work at the
18 Cairo American College?

19 A That -- there I was in charge of sixth, seventh and
20 eighth graders teaching learning disabled children, special
21 education.

22 Q How long was your contract with the Cairo American
23 College?

24 A I don't remember. I was going to say five years, but I
25 do not remember that.

1 Q And did Scott also work at the Cairo American College?

2 A He did, yeah. He was a physical education teacher, and
3 he coached the girls' volleyball team and I believe the boys'
4 basketball team.

5 Q Do you recall the date when you moved to Cairo?

6 A The specific date, no.

7 Q And which month?

8 A August.

9 Q After your marriage in Houston?

10 A Uh-huh, not too long after.

11 Q Thank you. And were you living in Cairo, Egypt through
12 the fall of 1985 prior to the EgyptAir hijacking and the
13 shooting?

14 A Yes. I was there about three months before I took my
15 trip.

16 Q Had you left Cairo at all from that time period until you
17 took the trip in November of 1985?

18 A I did. I flew to Luxor, Egypt with some friends, women
19 friends that I had met at the school, and we were there for
20 three or four days visiting Luxor.

21 Q Thank you. Now, tell the Court what was your physical
22 condition at the time period of November 1985 before the
23 hijacking?

24 A Excellent. I was running four miles a day at the time.

25 Q What was your intellectual capability and your field of

1 work while you were in Cairo prior to the EgyptAir hijacking?

2 A I thought it was great, and my field of work was a
3 teacher and school psychologist, and my plan was to have my
4 doctorate degree by the time I was 40.

5 Q And what did you want to do with your life both in terms
6 of work and family prior to the EgyptAir hijacking?

7 A I wanted to have a family with Scott, planned to just
8 maybe stay overseas for awhile and perhaps maybe get pregnant
9 while I was there teaching and like a lot of the other
10 teachers were doing and still receive five or six, seven more
11 years to be able to travel and see the world and do what I
12 loved, and then perhaps move back to the United States after
13 that. But in the summers I was going to start my doctorate
14 program. That was my plan.

15 Q For the summer of 1986, did you --

16 A I was going to start looking into it because by that time
17 I was already 30, so I figured I had about ten years to work
18 on it.

19 Q Thank you. Now, how did you get to Athens, Greece in
20 November of 1985 and why did you go to Athens, Greece?

21 A Scott was coaching the girls' volleyball team and they
22 had an opportunity to go to Athens, Greece for a tournament.
23 And in international schools it's very different than schools
24 here in the United States where they play each other teams.
25 There are virtually no teams to play, so the only place these

1 kids can really play other people is to go to tournaments, and
2 so we went to a tournament in Athens, Greece, and they met up
3 with a lot of different international schools and played. And
4 I wanted to go along for the ride.

5 And so the team went a day earlier before me and
6 then I went after them, and I was there for about four days in
7 Athens watching the games, watching the girls and just
8 shopping and having dinners and lunches and hanging out with
9 the team and Scott.

10 Q Were you happy?

11 A Very.

12 Q And did you feel fulfilled in your life?

13 A Yes, I did.

14 Q And confident in your ability to teach and continue in
15 treating special ed children?

16 A Oh, very, very confident. I was -- felt very gifted in
17 the sense that I had this gift of working with the kids and
18 had this uncanny way of coming up with ideas to help the kids
19 reach their potentials.

20 Q And on November 23rd, 1985, where were you?

21 A I was -- in the morning I was packing my bags in the
22 Athens hotel that I was at and then go over with the team and
23 I watched all day. I watched the volleyball games, and I was
24 supposed to be on a flight, an earlier flight, but the team
25 kept winning, so I kept canceling my flight to get on another

1 one. And then they won again, and so I wanted to stay for the
2 championship game, but the last flight I could take was the
3 9:00ish flight, EgyptAir 648, and I never even saw the
4 championship game because that was played later on in the
5 night. That's what I was doing, and then I took a taxi over
6 to Athens around 7:00ish, 7:00 p.m. Athens time.

7 Q And did you go to the Athens airport?

8 A I did.

9 Q And did it appear to be a normal situation at the airport
10 the day you arrived for this flight, EgyptAir Flight 648?

11 A No, it seemed like security had quadrupled from the time
12 I was there just four days before and -- but that was about
13 the only thing, and I was so used to security and police
14 officers with guns because just about on every corner in Cairo
15 there was someone there with some kind of a gun, or I'm not
16 sure if it's a machine gun but it kind of looked like that.

17 So, you know, for me to see guns, it was just -- I
18 had been sort of accustomed to that living in Cairo.

19 Q Did your husband Scott stay with the team for the
20 championship game?

21 A He did, yeah.

22 Q He did not travel with you to the airport?

23 A No, nor did the volleyball team. They came back out the
24 next day.

25 Q And did anyone else of your friends or the group you were

1 with travel with you to the airport to board Flight 648?

2 A No, I was by myself.

3 Q Thank you. So as you arrived at the airport, you checked
4 in at what counter?

5 A The EgyptAir counter.

6 Q And your destination was?

7 A Cairo, Egypt.

8 Q And do you recall what seat that you were assigned?

9 A I want -- I don't know. I know it was an aisle seat and
10 I know it was up front. I think it was maybe three, four,
11 something like that, facing the cockpit, the aisle.

12 Q Is that the seat you later occupied or the seat you
13 originally were assigned, if you remember?

14 A Originally assigned.

15 Q Okay. Now, did you board the aircraft on time, if you
16 recall?

17 A I was there on time, but we were -- we were running a
18 little late for some reason.

19 Q All right.

20 A But when I -- when I did go into Athens airport, the
21 lines were unbelievably long and I never seen it before in
22 a -- in an airport, an international, even traveling outside
23 of Cairo where they were making us put our bags on a metal
24 table right at the agent, right there when we check in, and
25 there was someone there that put their hands in our bags and

1 just sort of moved around. We had to open our bags and they
2 just moved their hand back and forth and sort of haphazardly
3 it seemed like. And I just remember a thought came across, "I
4 could have a gun in here and no one would know about it."
5 That was the thought that came to me.

6 Q But you didn't, did you?

7 A I did not have a gun, no.

8 Q And then you boarded the aircraft. Did you notice
9 anything unusual when you first boarded EgyptAir Flight 648?

10 A It seemed so just hectic, chaotic, that's what it seemed
11 to me, but I didn't care. I had my little headphones on and I
12 moved along like moved along, yeah.

13 Q And you said you were about 30 years old at the time?

14 A I was 29 -- I was 30. I was 30.

15 Q Thank you.

16 A Yeah.

17 Q Now, after you got on the airplane, took your seat, was
18 there any incident prior to the takeoff?

19 A Yes. There were two men that were sitting across from me
20 and they were in suits and they just looked like they were
21 just businessmen and they were caddy-corner across from me,
22 and they turned out to be two of the hijackers, but of course,
23 I didn't know that. They seemed awfully nervous. What was
24 your question again?

25 Q Do you remember my question?

1 A No. Can you tell me your question again.

2 Q Yes. After you boarded the aircraft, did you note -- but
3 before it took off, did you notice anything unusual?

4 A Okay. Yes. There was a flight attendant -- there was a
5 briefcase that was just sort of laid up against the aisle
6 seat, and -- and she asked the person in front of that seat,
7 because the person that was sitting in that seat, one of the
8 hijackers had gone to back -- to the back, and I guess he went
9 to the bathroom, and so she said to the person, the seat in
10 front of him, "Is this your briefcase?"

11 And the man, the other hijacker that was sitting in
12 the middle seat yells at the flight attendant, "No, it's not
13 his. Leave it alone."

14 And I thought that was odd, and the flight
15 attendant, I don't know, she -- evidently she didn't pick up
16 on that, but -- and she said to the hijacker that was in the
17 middle seat that she didn't know it was a hijacker, "Well,
18 whoever it is, they need to put it under the seat in front of
19 them. We are about to take off."

20 Q Anything else that you noticed unusual before the
21 takeoff?

22 A And then that hijacker came from the back and sat back
23 down and put his briefcase underneath the seat.

24 Q Thank you. Did you notice anything else unusual before
25 the takeoff?

1 A No.

2 Q Thank you.

3 MR. HEIDEMAN: May I approach?

4 THE COURT: Yes, you may.

5 MR. HEIDEMAN: May it please the Court, in the
6 exhibit binder, I believe marked as Exhibit 3, is what is
7 referred to as a timeline, and it's a copy of a blowup. May I
8 approach the blowup?

9 THE COURT: Sure.

10 MR. HEIDEMAN: Thank you. And I believe we have
11 copies for the Court to make it easier for the Court.

12 THE COURT: I got it.

13 MR. HEIDEMAN: Thank you very much.

14 Q (BY MR. HEIDEMAN) Jackie, I'm going to put this smaller
15 one in front of you.

16 MR. HEIDEMAN: May I remain here, Your Honor?

17 THE COURT: Certainly.

18 Q (BY MR. HEIDEMAN) Jackie, would it be accurate to say
19 that Flight 648 departed the Athens airport at approximately
20 9:05 p.m. Athens time?

21 A Yes, it was 9:00ish, yes.

22 Q And that was on November 23rd, 1985; is that correct?

23 A That is correct.

24 Q Tell the Court in your own words what you first observed
25 about the hijackers other than what you've already said about

1 the briefcase. And my question is -- do you understand my
2 question?

3 A I think so.

4 Q What did you first observe about the hijackers, except
5 what you've already said about how they were dressed and the
6 briefcase?

7 A They were very, very nervous. They were out of -- they
8 seemed real chaotic. They were standing up -- the two men
9 then stood up that were sitting next -- caddy-corner from me.
10 They stood up and they were holding guns and grenades.

11 Q Did you see the hijackers stand up holding guns and
12 grenades?

13 A I did.

14 Q And how did you feel when you saw that?

15 A I just wanted to -- I felt -- I couldn't believe it.
16 I -- after they stood up with guns and grenades, I put my --
17 well, before that, the way I -- when they stood up, I saw -- I
18 felt a commotion, so I looked over and they were standing up
19 with guns and grenades, and I put my head in my hands like,
20 "Oh, my gosh; oh, my gosh; we're being hijacked."

21 And when I put my head in my hands, and the
22 hijacker -- one of the hijackers that were standing up out of
23 the two took his gun and hit me over the head and got in my
24 face where I could just touch his face and he said, "Are you
25 scared, lady?"

1 And I said, "No, I'm okay."

2 And that's when there's an Egyptian man to my right
3 that was sitting on the window seat. He was an Egyptian
4 businessman, and when I moved to Cairo, one of the things that
5 they told us in a class, you know, we were trying -- we were
6 learning what it was like to live in Cairo and how to live
7 amongst their people, and one of the things they said was
8 Egyptian men and women loved to talk about their families, and
9 so I had asked him about his family before we had taken off,
10 and he had -- he had taken a whole slew of pictures and we
11 were talking about his family before we took off.

12 And so when the hijacking happened and the Egyptian
13 man saw that the hijacker was hitting me over the head with a
14 gun, he started talking Arabic to the hijacker, yelling at him
15 and talking to him, and I had no idea what he was saying. And
16 yet the hijacker remained having the gun by my head, and I
17 thought, "Oh, my gosh, I'm in the middle of this fight."

18 And he's got a gun right near my head, and so I put
19 my hand on the Egyptian businessman's knee and said, "It's
20 okay, it's okay," and the hijacker walked away after they
21 stopped yelling.

22 Q How many hijackers did you see take control of the
23 aircraft?

24 A I saw three.

25 Q And was it one of those three who hit you with the gun?

1 A Yes. I thought there was five hijackers, and I could
2 have sworn there were five because two of them were bringing
3 us to the front and they didn't have weapons, but -- so that's
4 why I thought there was five.

5 Q After you were hit in the head by a gun from the hijacker
6 and then had the dialogue with the hijacker and the Egyptian
7 passenger next to you, tell the Court what you observed that
8 happened next.

9 A And we were -- some time had gone by and people were
10 standing up, wanting to stand up to get their bags for some
11 reason, and the hijackers were yelling at people to sit down
12 and shut up. And I would say within an hour, a flight
13 attendant came on and she said, as coached by one of the
14 hijackers, "We're being hijacked by the Egypt Revolution, and
15 if you do what you are told, you will not get hurt," and I
16 believed that.

17 Q And was the plane midair at the time the hijackers took
18 control of the airplane and the hijackers stood up with the
19 guns and the grenades?

20 A Yeah, we were midair, about 35,000 feet up in the air, as
21 far as a plane can go that goes up in the air.

22 Q And did there actually occur a shootout between an
23 EgyptAir sky marshal and the hijackers?

24 A Yes.

25 Q Describe that to the Court, please.

1 A Well, I was also -- right off the bat, the hijackers had
2 taken people from the front of the aircraft and moved us to
3 the back to take up the empty seats in the back, and I was
4 part of that group. So then I got moved from the front to the
5 back and the aisle seat facing the cockpit on the left-hand
6 side.

7 And so then -- then the hijackers were away from me,
8 and then I found another hijacker. He was right to my left.
9 I could touch his suit, and he -- and at this time they put
10 their masks on. It was like a few minutes before they put
11 their masks on, and I noticed when I went back that he had
12 wire-rimmed glasses underneath his mask. And I -- when the
13 hijackers stood up, when I was up front, I just looked at -- I
14 looked at their clothing, I looked at their physique, and I
15 looked at the way their eyes were and their hair and what
16 color, and I just kept a kind of in my mind what these guys
17 would look like if for some reason I live.

18 Q At that time, Jackie, when you were in -- had already
19 been hit with a gun and then moved to the back of the plane,
20 did you think you were going to live?

21 A Well, there's always hope, yeah. I just thought that
22 if -- that -- well, once I started seeing the other
23 passengers, I knew that I would be -- I would probably not
24 make it.

25 Q On this board and the smaller copy that's in front of you

1 marked Exhibit 3, there is a photograph right here of one of
2 the hijackers. Can you recognize that?

3 A Yes, that was Mr. Rezaq, Omar Mohammed Rezaq. Omar
4 Rezaq.

5 Q And that's --

6 A He was one of the hijackers. He was -- it just seemed
7 like there were two in the front and one in the back, and the
8 two in the front was one curly head and then there was
9 Mr. Rezaq, and he never talked, was always quiet. And the one
10 that was curly haired, his partner, was the one that was
11 the -- doing the talking, and he seemed to be the one that was
12 out of control, crazy like they were on some kind of drugs or
13 something that was just amping their energy up, and the other
14 man, the curly-haired man was the one that hit me with the
15 gun.

16 Q The photograph, the top left of Exhibit 3, can you
17 identify that as being Omar Mohammed Ali Rezaq, the hijacker
18 convicted in this case?

19 A He is.

20 MR. HEIDEMAN: Your Honor, we'll move Exhibit 3 into
21 evidence at this time.

22 THE COURT: Admitted.

23 (PLAINTIFF'S EXHIBIT 3 ADMITTED.)

24 MR. HEIDEMAN: Thank you.

25 Q (BY MR. HEIDEMAN) Now, in relation to Exhibit 3, Jackie,

1 it indicates there that the shootout of the -- between the sky
2 marshal and the hijackers took place after they took control of
3 the aircraft. I had asked you earlier --

4 A Yes.

5 Q -- but didn't let you finish. Describe to the Court what
6 you saw from the back of the plane about the shootout between
7 the air marshal and the hijackers?

8 A They were taking people's passport one by one, beginning
9 with the people in the front of the plane, and then they were
10 working their way to the back of the plane. And there was a
11 hijacker with a gun on the front of us and there was a
12 hijacker on the back of us and then there was a hijacker that
13 was frisking us to make sure we didn't have any weapons.

14 And there were sky marshals on board. I'm not sure
15 how many. I found out. But -- and we didn't know there were
16 sky marshals on board and we didn't know that anybody -- I
17 didn't know anybody knew about the hijacking other than us on
18 the plane, and when it was the armed undercover sky marshal's
19 turn to give up his passport, he's in the front, somewhere in
20 the front, and he stands up and he pulls out a gun and a gun
21 battle starts.

22 And I duck underneath the seat in front of me with
23 my seat belt still on and trying to get away from the flying
24 bullets. And the hijacker that was next to me now, the one
25 that had that wire-rimmed glasses, in the corner of my eye as

1 I'm ducking down, I see him in position and he's shooting.
2 He's shooting at the front of the aircraft at the armed sky
3 marshal.

4 Q How did that make you feel at that time?

5 A Well, it just sort of turned everything around. Before
6 that I felt like, you know, there's always hope and -- but
7 once the shooting started, it's like it began -- the whole
8 atmosphere changed and all of a sudden now they're using their
9 weapons, and I felt like that also, when I -- before I was
10 moved to the back, the curly-haired hijacker who ended up
11 being shot and killed by that sky marshal, by the way, he was
12 holding a grenade and he was wearing a suit jacket and he was
13 holding a grenade and he kept taking his mouth and trying to
14 pull out the grenade pin with his mouth and he kept yanking
15 and yanking it, and I'm watching him do this and he's smiling
16 at me as he's trying to take the pin out and he never gets the
17 pin out.

18 He had the hardest time. He never gets the pin out,
19 so he just laid the grenade in his jacket. And so that was
20 the first time I thought, "Oh, man, he's serious about this."
21 And then when I went to the back and the gun battle starts, I
22 just felt like that the whole thing had turned around, and I
23 was pretty confident that this was not going to turn out very
24 well.

25 Q How many times since, in the last 25 years, have you

1 closed your eyes and seen that grenade and that hijacker
2 smiling at you, Jackie?

3 A Every day. Every day.

4 Q I can't hear you.

5 A Every day, and it's really, really bad, the first 15
6 years. And the last ten years, it's -- I felt a little bit
7 more confident, but it's not just that. It's, you know, I'm
8 afraid someone is going to gun me down. Sometimes when I'm in
9 a big group, in a movie theater the other day I felt like
10 someone had to watch myself and sit right in the back in case
11 somebody came in with a gun.

12 Q You earlier said that the stewardess got on the intercom
13 and announced that the flight had been hijacked; is that
14 correct?

15 A Yes.

16 Q And did there come a time after the shootout that the
17 plane began to go down?

18 A Yes. Once the gun battle began, the bullets punctured
19 the aircraft and we just dropped in the sky and descended into
20 the -- descended down, and I thought for sure this is it, and
21 I started to pray and I -- and we didn't, we -- the oxygen
22 masks came tumbling down, and I didn't know what to do with
23 the mask. I was yanking on it, but it wasn't working, and a
24 flight attendant next to me helped me with my mask, and I was
25 able to breath normally.

1 And we landed and it was on a dark runway, and I had
2 a feeling it was -- we were making our descent into Malta. It
3 was Malta. I knew we weren't in Cairo. There just wasn't
4 enough city lights. I flew into Cairo a couple of times in
5 the nighttime, and there wasn't enough city lights. So I -- I
6 felt really lost because I just didn't think anybody knew
7 about what was happening to us, and my parents wouldn't know
8 and Scott wouldn't know what was happening, and we were all
9 alone. And then I heard somebody whisper that we were in
10 Malta.

11 Q How did it make you feel that your parents wouldn't know
12 where you were, Scott wouldn't know where you were?

13 A Oh, very, very sad, like I felt like I was going to die
14 by that time, so I thought, "I'm going to die in this country
15 that no one knows what's going to ever happen to me." It just
16 felt really like, this is the way I'm going to end my life?

17 My students -- and I wasn't -- didn't go back -- I
18 didn't make it back to Cairo to see my students. I was
19 worried about my students coming to school and I wasn't going
20 to be there and they wouldn't know where I was.

21 Q After the plane landed in Malta, what do you remember
22 happening next?

23 A I remember we made a really rough, rough landing, and the
24 hijacker next to me looks at me and said, "Whoa," like that.
25 I thought, "Are you kidding?" And that's when I got moved to

1 the middle. It's about the middle of the aircraft, eventually
2 I got moved again.

3 Q So, initially, you were near the front, you were moved to
4 the back, then you were moved again after the landing?

5 A Uh-huh.

6 Q Did there come a time when they took your passport?

7 A They took my -- oh, yes. When we landed, it was about my
8 turn. It wasn't about. It was my turn to stand up. So we're
9 all standing up one by one getting our passports and handing
10 them over, and so when we were about to land, it was my turn,
11 I was the one -- the one to give up my passport, and I said to
12 the hijacker, "We're about to land. I'm not going to stand
13 up. I'm going to keep my seat belt on."

14 And it didn't give him any time to answer me because
15 we landed, and so I quickly sat down to get my seat belt on,
16 and then when we landed, I would say quite a few minutes went
17 by with all, you know, just everybody trying to get their wits
18 about them, and then the hijacker told me to stand up and give
19 him my passport. So, I stood up just like everybody else,
20 there was a hijacker on us, on the front of me and back, and I
21 relinquished my passport, and then I sat down.

22 Q And what happened next?

23 A I don't know how many minutes went by, but I was then
24 moved to the -- either halfway up or a quarter up from where I
25 was in the back, and that's where I met Scarlett Rogenkamp.

1 She was sitting in the middle of the aircraft, the middle seat
2 of that row, and there was an Australian man sitting to her
3 left, and I don't know how long they had been there, if that
4 was their original seat or not.

5 Q Did you know Scarlett Rogenkamp before you met her there
6 in the middle of the aircraft after it had been hijacked and
7 landed in Malta?

8 A I did not know her.

9 Q Did you know any of her family members, including
10 Patricia Henry or Michelle Holbrook who are here in the
11 courtroom today?

12 A No, I did not.

13 Q What was your first observation of Scarlett Rogenkamp
14 when you first met her? Please share that with the Court.

15 A She was very pretty, very pretty. She had reddish hair,
16 reddish brown auburn hair. She was very striking, and I know
17 she was older than me, but not much, and she was whispering to
18 the Australian man. They were talking, and she pulled out a
19 magazine in front of the -- on the seat in front of her that
20 had a map, and she said she had heard that somebody whispered
21 "Malta," so she was showing me a map and where Malta might be,
22 and then I got real quiet and she continued to off and on
23 visit with the Australian man. And then they would -- they
24 were quiet, and then he would talk again to her and she would
25 talk back. She would answer back.

1 Q Did she impress you as being a very bright person?

2 A Yes, yeah.

3 Q Did she -- did you ask her for whom she worked?

4 A I know -- I don't know whether I asked her or whether I
5 just found out later, but I think I just found out later. It
6 wasn't one of those kind of experiences where you get to know
7 the person next to you and ask them what their life story is.
8 And the hijackers didn't want us to whisper and talk to one
9 another.

10 I was very -- I was sort of -- I was just sort of in
11 myself, and I was looking around and I listened to a couple of
12 women start talking Spanish, and before my passport was taken,
13 I thought, "Oh, I know some Spanish. Maybe I'll pretend I'm
14 Hispanic," and -- but they took my passport.

15 Q Did you think if you pretended you were Hispanic you
16 would get off the plane scot free?

17 A I just thought maybe that would be a way out instead of
18 finding out I'm an American.

19 Q After the hijacking, were you worried about the fact that
20 you were an American?

21 A Yes, yeah.

22 Q And you didn't want to give up your American passport?

23 A No, but I had to.

24 Q Did Scarlett give up her passport?

25 A I didn't see her give it up. I wasn't with her when

1 she -- her opportunity was, because she gave her passport up,
2 because she was in the middle of the plane, I believe.

3 Q I see. When you sat next to Scarlett, did you and she
4 reach out and touch hands together?

5 A Yes, uh-huh.

6 Q Can you feel that today?

7 A Yeah, I just feel bad about that.

8 Q Tell the Court, please.

9 A I just feel like maybe I could have done something
10 different and -- or I don't know what, just -- it was just
11 self-discipline, just survivor's guilt. I felt that way with
12 all the children. They had children on the aircraft that
13 died. I just felt enormous survivor's guilt with Scarlett and
14 the eight children that passed away that day.

15 And Scarlett is one of these gals that you just feel
16 like, well, if things were different, I could be best friends
17 with her. She was easy to talk to, or at least easy to talk,
18 you know, being on a hijacked aircraft thinking you were going
19 to die, but she just was very kind and sweet and -- but I
20 could tell she was sad, and she was crying a lot.

21 Q How many times in the last 25 years have you closed your
22 eyes and remembered holding Scarlett's hand?

23 A A lot. Quite a bit. I mean, that was probably the thing
24 that really her and the children really did -- I don't want to
25 say bring me down, but took awhile to get over. I mean,

1 day-to-day things and I talked to her mother right after -- I
2 don't know how many days or how many weeks or how many months
3 after, but her mother was curious what her daughter's last
4 hours looked like and what she was like and it was very
5 difficult.

6 I mean, it's really hard to tell the mom, "She was
7 afraid and she was scared and she was crying," and at some --
8 when she and I ended up getting moved, we got moved together
9 up to the front, and that's when we met Patrick Baker, and
10 she -- after Patrick had been shot or his turn was and he was
11 brought to the front, she leaned over and she said, "What are
12 you doing?"

13 And I said, "Oh, I'm just praying."

14 And she said, "Would you say the Hail Mary for me?"

15 Which at first it was -- I was a little -- I was
16 thinking, "Wow, that's pretty interesting. Only Catholics
17 know the Hail Mary, and she must have grown up Catholic and I
18 knew the Hail Mary," and so I said the Hail Mary with her.
19 The last words of the Hail Mary is "Mother God, please pray
20 for us sinners now and at the hour of our death, Amen." So it
21 seems a little different saying that prayer. And I haven't
22 said that prayer, it must have been, you know, since college,
23 maybe ten years.

24 Q You said that at some time after the hijacking, you had
25 occasion to speak to Scarlett's mother. Would that have been

1 Hetty Peterson?

2 A Yes, yes.

3 Q And did you meet her or did you just speak with her by
4 phone to answer her questions about what were Scarlett's last
5 hours like?

6 A We met by phone. We just talked by phone. I ended up
7 visiting with her at the trial here in Washington, but she
8 seemed different. She seemed -- she seemed different than on
9 the phone.

10 Q When you spoke to Hetty Peterson, Scarlett Rogencamp's
11 mother who's gone now, she's passed away, as I believe you
12 know, but when you spoke with her some weeks after the
13 hijacking, what do you recall observing about the way Hetty
14 Peterson felt over the loss of her daughter Scarlett who you
15 met on the plane?

16 A Well, I could tell by talking with her, she had a very
17 deep, deep rooted love for her daughter. She always like --
18 you always like your parents to have that kind of love for
19 their children and that she really missed her deeply and she
20 cried a lot, and I felt that I needed to somehow ease her pain
21 but I never did.

22 I mean, it was just impossible to do that, and I was
23 afraid to tell her the truth about Scarlett, what Scarlett was
24 like. I don't know, it was kind of gruesome, and so I was
25 afraid, but I did it anyway because I thought if I was a mom

1 I'd want to know the answers also.

2 Q Was it hard on you to have that discussion with
3 Scarlett's mom?

4 A Yes, especially so soon after the hijacking, because, you
5 know, I had so many things to do. I was dealing with my brain
6 injury and having a hard time remembering things, and so to
7 pull that back up and I was so fresh, fresh into the
8 hijacking, as if it happened yesterday, so it was -- it was
9 difficult to talk about.

10 Q All right. You said there was a time when you and
11 Scarlett were moved back to the front of the plane. You met
12 Patrick Scott Baker, who's also a Plaintiff in this case and
13 who also miraculously survived; is that correct?

14 A Yes. So the hijackers and their helpers came after us
15 together and pulled us one by one. I was first. They came
16 after me because I was in the aisle seat, and I walked -- I
17 walked in front of her and then the other hijacker came to get
18 her and she was behind me, and that's when we met Patrick
19 Baker up at the front.

20 So the three of us are standing in the front of the
21 aircraft, and we're now on the ground in Malta.

22 Q And were there any other passengers moved to the front at
23 the time the three of you were moved to the front?

24 A No, just the three of us.

25 Q Had any passengers been let off the airplane on the

1 ground in Malta at the time that you and Scarlett and Patrick
2 were moved to the front?

3 A Yes, different groups of people had been let off. I'm
4 not really sure who they were.

5 Q Were they let off in accordance with their country
6 passports, if you recall?

7 A Yes, I think so.

8 Q Tell the Court about that.

9 A A lot of time went by before the three of us met each
10 other. A lot of time went by.

11 Q A lot of time being minutes or hours?

12 A Hours. Hours.

13 Q Exhibit 3 indicates that the plane landed in Malta at
14 10:16 p.m. Is that consistent with your recollection?

15 A Yes.

16 Q All right. And did you -- did there come a time when two
17 Israeli women were called forward by the hijackers?

18 A Yes. And they were before -- that's before -- after I
19 met Scarlett in the middle and before she and I were brought
20 up to the front.

21 Q And did you meet Tamar Artzi or Ms. Mendelson -- Nitzan
22 Mendelson when they were -- before they were shot in the head
23 by the hijackers?

24 A I did not.

25 Q Did you see them?

1 A I did.

2 Q What did you observe about Tamar Artzi and about
3 Ms. Mendelson and what did you observe the hijackers do to
4 these two Israeli women before you were called up next?

5 A Well, the hijackers were letting off passengers, and then
6 they hollered out Nitzan Mendelson, and she thought she was
7 going to also be part of that group that was going to be let
8 off, and so she gladly went up to the front and was heading
9 out the door, and that's when the hijacker shot her.

10 Now, I was in the middle of the aircraft at this
11 time, and the Israeli man said -- we heard a gun go off, and
12 that was the first time we heard a gun go off. And the
13 Australian man on the window seat next to Scarlett said, "Oh,
14 my gosh, he just shot her." And he said, "I see her on the
15 ground." He was looking out down on the tarmac.

16 And then she started to move, and he says, "She's
17 moving." And in my mind I'm thinking, "Oh, honey, don't move,
18 don't move. Whatever you do, don't move, just play dead."
19 And that's when the hijacker shot her again and again, and
20 then she didn't move anymore.

21 Q And was Tamar Artzi -- and by the way, Ms. Mendelson,
22 Nitzan Mendelson actually was murdered in -- as you've
23 described, correct?

24 A Yes.

25 Q And Tamar Artzi, was she also shot by the hijackers,

1 being the other Israeli woman?

2 A Yes. So then they called her name, and she knew what was
3 happening, and she didn't gladly get up at all because she
4 knew what happened to her friend. And so she was in her --
5 she was trying her best to fight the hijackers and trying to
6 stay in her seat, and then they went and got her and pulled
7 her to the front.

8 Q And did they shoot the two of them about 15 minutes apart
9 as indicated on Exhibit 3?

10 A Yes, yes.

11 Q And then was it about four -- about 15 minutes later when
12 you and Patrick and Scarlett were called to the front?

13 A Yes.

14 Q And tell the Court, after they shot Ms. Artzi and
15 Ms. Mendelson, and you and Patrick and Scarlett were called to
16 the front, what happened next?

17 A They tied our hands, Patrick, Scarlett and mine hands
18 behind our back, and they -- I noticed, facing the cockpit,
19 there were four empty seats to my right, and they -- Patrick
20 was in line first because they brought him up first and they
21 put him on the aisle seat.

22 Well, now I'm behind Patrick, so I had a choice to
23 take the middle or the window seat, and I scooted over to the
24 window, and then Scarlett went into the middle seat.

25 Q And you and Patrick and Scarlett sat there together in

1 those seats?

2 A Yes.

3 Q And you knew, of course, that the Israelis had already
4 been shot and killed or attempted to be killed?

5 A Yes. And now we were next. We were next to be shot in
6 the head. And whenever the -- Patrick and Scarlett and now
7 I'm up front so I can see everything, I always -- when I go to
8 a movie that's violent or stuff, I find myself in a violent
9 movie, I always put my hand over my ears to not listen to any
10 of the violence and I close my eyes, but in this case I
11 couldn't put my hands over my ears because my hands were tied
12 behind my back.

13 And I watched Patrick being brought up and then I
14 closed my -- I saw the hijackers opening the door, and I
15 closed my eyes, and it was the same sound of the gunshot wound
16 and the body hitting, hitting the ground -- the floor of the
17 aircraft and then the body hitting the staircase and then I
18 heard a thud of Patrick hitting the tarmac just like the same
19 thing with Nitzan Mendelson.

20 Q And in accordance with Exhibit 3, that was about 15
21 minutes after the second Israeli woman was shot; is that
22 correct?

23 A It is. It was.

24 Q Can you still hear that gunshot?

25 A Yeah, yeah, it's not a fun sound. I can.

1 Q And can you still feel the rope on your hands that were
2 tied behind your back?

3 A Yeah. I feel very powerless. I just couldn't believe
4 that this was going to be my life, this was going to be how I
5 was going to end my life, and I just thought that I was going
6 to have children and Scott and I were going to grow old
7 together and have a family, and I just thought about all that,
8 and here I was at the age of 30 and that was it.

9 Q And then, as I understand it, and in accordance with
10 Exhibit 3, almost eight more hours went by before Scarlett was
11 called forward and shot; is that correct?

12 A Yes.

13 Q Tell the Court, please, Jackie --

14 A It was a long time.

15 Q Tell the Court what those eight hours were like after you
16 saw Patrick shot in the head and thrown off the plane.

17 A My recollection is that Scarlett was right after Patrick,
18 and about 15 minutes she came after -- they came after
19 Scarlett, and then there was a lot of time that went by. It
20 was just seem like forever, and I was by the window at this
21 time, and because of the -- when we first were taking off the
22 day before, because of all the putting people to the back of
23 the aircraft to take up empty seats, there was a lot of empty
24 rows behind me, so I was in the window and there I looked
25 behind me and there were about four or five empty rows behind

1 me, so I knew that if there was another singling out to be
2 done after Scarlett, I would be it.

3 Q And you've just said that you believed Scarlett was 15
4 minutes after --

5 A 15 or 20, yeah.

6 Q -- Patrick Baker.

7 A I know we were there -- she and I were there for quite
8 awhile. Maybe it was more than -- it was less than -- well...

9 Q And I erred when I said eight hours because I was looking
10 at a line on Exhibit 3, but in fact, according to Exhibit 3,
11 Patrick was shot at 12:30 a.m. and Scarlett at 4:30 a.m., or
12 four hours later. Would that be in keeping with your
13 recollection as you reflect back on that passage of time?

14 A You know, it was just -- it all happened so fast and so
15 slow, but I remember she and I were there for quite awhile.

16 Q And what was it like after Patrick was shot and you were
17 waiting there to be next?

18 A I could tell that I was definitely in shock and I could
19 feel there is a shifting in my body that was taking place and
20 like I was almost being prepared to leave, like there was some
21 kind of something happening in my body and like I had a foot
22 in the spirit world, or a foot out, foot in the earth and it
23 was very difficult to make decisions, it was very difficult to
24 think at that time, and plus I was very, very tired.

25 I was already into the next day, and I had gotten up

1 at 6:00 a.m. the morning before, so I had spent all day
2 Saturday awake and into Sunday awake.

3 Q When they came for Scarlett after Patrick, what do you
4 recall seeing? Please tell the Court.

5 A The hijackers came after -- took her by the arm and she
6 was -- she was very -- she was crying a lot, and she was --
7 she seemed like she was in shock also, and it was almost
8 that -- when you're like that, it was -- I mean, I could
9 definitely relate to what she was feeling. By that time, by
10 the next day there's just no fighting. It was like there was
11 something that just kicked in and she was brought to the
12 front. She looked like a zombie.

13 Q Was it the same person that you first --

14 A No, very different.

15 Q -- met?

16 A Very different. Before, when I met her, she and I both
17 were full of hope. I mean, she seemed that way, but very
18 different, very -- all of a sudden she's not the same perky
19 person, and you know, we're looking at dying here at such a
20 young age.

21 Q Did you see the hijackers and hear the hijackers put the
22 gun to Scarlett's head and execute her?

23 A I saw them bring her to the front, they opened the door,
24 and I saw the gun go to her head and that's when I closed my
25 eyes, and I heard the gunshot wound and the body hitting the

1 plane's floor and then the noise of her body hitting the
2 staircase and then the thud hitting the tarmac.

3 Q Over the last 25 years, how many times have you heard
4 that shot? How many times have you heard those thuds?

5 A It was very, very, very difficult, so many times, and I
6 just couldn't get that noise out of my mind for years, and I'd
7 have nightmares about the noise and about Scarlett, and I just
8 felt it was so strange. I never knew her before. I never
9 knew her name. I never saw her when we were entering the
10 aircraft, but for some reason I felt so close to her. I felt
11 like there was this connection and that we knew each other.
12 It was like I had known her before and her death really
13 affected me.

14 Q How did her death affect you?

15 A I felt guilty that I had survived, and there was a time
16 when we were having our hands tied behind our back when we met
17 Patrick, and it's not like we always said, "Hi, I'm Jackie;
18 hi, I'm Scarlett; hi, I'm Patrick," it was like we just saw
19 each other, and that's when we -- I forgot my train of
20 thought. Sorry. What was your question?

21 Q That's understandable, Jackie. Let me move on and help
22 you, okay?

23 A Okay.

24 Q Thanks. Five-and-a-half hours later it was your turn; is
25 that right?

1 A Yes. And I thought -- I just thought maybe, because so
2 much time had gone by, that maybe negotiations hadn't failed
3 us after all, maybe we were going to be released, and I --
4 this is the -- so Scarlett now has been gone for awhile, and I
5 looked around and I looked behind me, probably for the first
6 time I did, and lo and behold I'm kind of close to where I
7 started.

8 And I saw the Egyptian man that I had -- we had
9 befriended each other at the beginning of the plane ride, the
10 one that yells at the hijacker in Arabic trying to protect me,
11 and I looked at him, and he says, "You're going to be okay.
12 You're going to be okay. We're going to get through this.
13 You're going to survive."

14 And I said, "I don't know. I just don't know about
15 that." And he said -- I said to him -- when I saw he was
16 going to make it, and I just didn't think I was, so I said,
17 "Would you mind going back to the college, the international
18 school and finding a man named Scott Pflug and tell him that I
19 love him and I really miss him and I'm proud of him and to
20 carry on"?

21 And then he said, "Oh, I won't have to do that. I
22 won't have to do that, silly. I won't have to do that."

23 And I said -- I want to make it clear to him what I
24 really wanted, so I said, "But if we don't -- if I don't get
25 out of this, I really need you to say that you're going to do

1 this."

2 And he says, "Don't worry about it, I will."

3 And it turns out he didn't make it but I did.

4 Q What else do you remember about those five-and-a-half
5 hours after you saw Patrick and Scott and heard them take
6 bullets into their heads? What else do you remember about
7 that time period as you sat there knowing you were next?

8 A Well, I figured that it was my turn next, pretty close,
9 so I thought, "How can I say goodbye to my family?" So I put
10 each one of them in front of me one by one, my mom and my dad,
11 one by one, I put them in front of me in spirit and told them,
12 and I had my hands tied behind my back so I just sort of
13 leaned over and closed my eyes and had my moment and said
14 goodbye to my dad and my mom, one by one, and told them what I
15 loved about them and how much I appreciated them and what I
16 appreciated in them and for taking care of me and letting me
17 be the person I always wanted to be and supporting me.

18 And then I put my -- one of my -- my sister Gloria
19 in front of me and said goodbye and told her the exact same
20 thing, how much I appreciated her and what I appreciated in
21 her and I did my little sister Mary the same way and my dad.
22 And my dad and I were very, very close and that was very
23 difficult, but I put them in like a little bubble in my mind
24 and I said a prayer over them and then I let them go.

25 Q Do you remember them calling you forward to be next?

1 A I don't remember. No, I don't remember my name being
2 called, but I do remember hijackers coming after me.

3 Q What do you remember seeing as the hijackers came after
4 you after waiting almost five-and-a-half hours after Scarlett
5 was murdered?

6 A Yeah. Well, we're now into the second day now. We're at
7 10:00 o'clock in the morning, and I just -- it felt like an
8 outer body thing. It just felt like it was somebody else
9 being brought up. It didn't feel like myself because by that
10 time I'm now in complete shock. I'm completely not thinking
11 whatsoever.

12 And the way I was before, a few hours before where I
13 was looking at hijackers and paying attention to the
14 surroundings and people around me and I would look around at
15 the people and there's a lot of mothers that were crying for
16 their little children, but by the time it was my turn, I had
17 already gone into some kind of trance.

18 And they came after me, and in my trance-like state
19 I just did what they told -- I was told, and before that I had
20 all these little plans. I was trying to find a way out, and I
21 would have these plans. Like I mentioned, I know Spanish so
22 I'll pretend I'm Spanish, and then my passport was taken. And
23 then I thought, okay, if it's -- I'm going to -- I'm going to
24 work really, really hard to untie my hands so that if it's
25 light outside, I'm going to push the hijacker down and hit him

1 where it hurts and then throw my body down the staircase.

2 Well, when I did get my hands untied and then it turned light
3 outside, and then I became afraid that they would see my hands
4 not tied, so I quickly wrapped the thing that was tying my
5 hands around my arms so that they would think I was still
6 tied.

7 Well, then, you know, hours went by and I became in
8 that trance-like state and then it was light outside, so my
9 little plan of knocking them down and throwing my body down
10 the staircase into the dark didn't work, and I was brought up
11 and I felt the gun to my head, and then at the last split
12 second I thought, "Oh, do it anyway. Just do it anyway. Just
13 do it anyway. Just knock them down anyway." And this idea
14 came to me, "No, everything is going to be okay. Don't worry
15 about it. This will be okay."

16 So I just stood, and that's when I felt -- I felt
17 the gun to my head and after that I felt this explosion in my
18 head like I could -- my eyes went to the back of my head and
19 like my whole head had just blown off. It felt like there was
20 an explosion and then I felt like I was -- then as soon as I
21 felt that, then I felt like I was floating in the air. And my
22 body was hitting the staircase as I was being tossed out, but
23 I just felt like I was floating, and then I hit something hard
24 and I had hit the runway.

25 And then I became really worried, "Oh, gosh." First

1 of all, I became worried about what I was going to look like
2 now that I'm still alive because then I realized, "Oh, my
3 gosh, I'm alive? I just got shot in the head and I'm alive?"
4 And then I became worried about being grateful that I was
5 alive, and then I thought, "Oh, my gosh, what's going to
6 happen to me now?"

7 And then I remembered -- I remembered about Nitzan
8 Mendelson, the Israeli woman that was shot first, and she
9 moved and I remember the Australian man saying, "She's moving,
10 she's moving," and then I thought, "Oh, my gosh, if it's my
11 turn and that happens to me, I'm not going to move. I'm going
12 the stay put." And so I thought, "Okay, here's my
13 opportunity. I'm going to just stay put."

14 And I landed on my stomach, and this is how I
15 remember landing, and my left hand was on my chest and my
16 right arm was over my head, and I just played dead, but I
17 wasn't conscious the whole time. I was in and out of sleep
18 and in and out of consciousness. It felt like I might have
19 been there for 45 minutes before I was rescued, but I know I
20 was there for five hours.

21 Q Do you remember being rescued?

22 A I do.

23 Q What do you remember about that?

24 A I just remember -- I'm sure it's just bits and pieces,
25 but I remember this was a time when I had come to and I heard

1 the -- I felt -- I was underneath the -- in front of the
2 aircraft, it felt like I was, and I could hear the engines, so
3 every time I came to, I would pass out, come to, pass out,
4 come to constantly, and the first thing when I hit the runway
5 I swallowed my tongue and I really don't know where that came
6 from, but I just took very deep breaths and got that under
7 control and just started to play dead.

8 Q Did you say you swallowed your tongue?

9 A I was trying to swallow my -- yeah. When I came to, I
10 was trying to swallow my tongue, and I don't know where that
11 came from. I don't know if I had a seizure right then and
12 there and -- but I just took some deep breaths and I got that
13 under control.

14 Q Had you ever had that problem before in your life?

15 A No, no.

16 Q Have you had that problem since with seizures ever since
17 you were shot in the head?

18 A Yeah. I've had grand mal seizures since then, but by the
19 time that the seizure starts, I'm already passed out before
20 the tongue swallowing starts, or the possible tongue
21 swallowing starts.

22 Q And as you understand it, the seizures you suffered from
23 over the last 25 years are as a result of being shot in the
24 head on the airplane as you described to the Court?

25 A It is, yeah.

1 Q What else do you recall about the rescuers? Do you
2 remember being treated as if you were dead and being taken to
3 the morgue?

4 A So I heard -- I saw some men out of the corner of my eye,
5 and -- because I'm still playing dead, and I saw some men come
6 toward me, and I closed my eyes because I thought they were
7 the hijackers. And I just felt -- I could feel their body, I
8 could hear their voices, and one man yells out to the people
9 next to him, "Let's do this one right."

10 And I didn't know what that meant, and I thought,
11 "What are the hijackers talking about?" And all of a sudden
12 the man starts to count, "One, two, three," and then I felt
13 them lifting me up in the air and throwing me onto a bed, a
14 metal bed. And then I felt the bed and me being lifted up
15 into a vehicle and then the door closing, and that's what I
16 felt.

17 And then the bed not -- this was in November, the
18 end of November and it was in Athens. It was a little cold,
19 and in fact, I was on the runway. I didn't have a shirt. I
20 just had a shirt on, a T-shirt on, I didn't have a sweater and
21 it was very, very cold and I had -- the metal bed had water,
22 it must have been left out overnight because it was raining on
23 me when I was on the tarmac with the gunshot wound, it was
24 raining on me, and I noticed there was water in the ridges of
25 the metal bed and I started to breathe out of my nose, and I

1 was creating little bubbles, so I quickly thought -- it was
2 hard to breathe out of my mouth, and I thought, "Oh, my gosh,
3 I can't believe this is still happening, I'm still in this."

4 And as we're moving along, I thought the hijackers,
5 they found out I was alive, you know, they are coming after me
6 and they are taking me as a punishment for staying alive, they
7 are going to take me somewhere and kill me. And so we're
8 moving along, and there is this man, the man on my right
9 doesn't like looking at my gunshot wound in my head, so he
10 takes my body and just flips me over. And when he flipped me
11 over, you know, I still felt so tranced, I felt so -- I was
12 tired. I was -- I just, you know, been shot in the head and I
13 had a brain injury now, and I mean, just on the verge of
14 dying.

15 And I heard him say, "She's alive," and they're
16 screaming and yelling, "She's alive," and that's -- I thought,
17 "Okay, here we go," and I waited for another gunshot, and
18 thinking I was still with the hijackers, and nothing happened.
19 They just turned course of direction and went the other way,
20 went a different way. Went the opposite way than the way we
21 were going.

22 And the man leaned over at me and he said, "Are you
23 okay?"

24 And I said, "Are you the good guys or you the bad
25 guys?"

1 And he said, "We're the good guys. You're going to
2 be okay. We're the medics."

3 And the hijackers, I heard that the hijackers had
4 allowed the medics to come take away the bodies in the runway
5 in exchange for food.

6 Q So you weren't taken to the morgue?

7 A I was not taken to the morgue, no. I didn't know that's
8 where I was headed. I found out later they were taking me to
9 the morgue.

10 Q With your permission, have we obtained medical records on
11 you pursuant to your authorization?

12 A Yes.

13 MR. HEIDEMAN: Your Honor, I would like to move
14 forward for just a moment to Exhibits 4A through E.

15 Q (BY MR. HEIDEMAN) And particularly in Exhibit 4A, the
16 third page reads, "Medical Air Evacuation Summary," and below
17 the little sticky that's there, Scarlett -- it says where it's
18 talking about you were there below the aircraft, quote, for
19 approximately five hours before she was taken away by personnel
20 who brought food to the aircraft.

21 And now I quote further, Jackie, your medical record
22 says, She was initially thought to be dead. However, when she
23 was rolled over in the ambulance en route to the morgue, she
24 moaned and it was at that point they realized that she was
25 alive and she was immediately taken to St. Louis -- St. Luke's

1 hospital in G'mangia, in Malta, end quote. Is that what
2 happened, Jackie?

3 A That's what happened, yes.

4 Q And are the records, and we've gone over these with you
5 in advance, are the records that are contained there in
6 Exhibit 4A being the records from I believe Landstuhl Army
7 Hospital and indicating on page 2 of Exhibit 4A that the
8 nature of the injury was that you received a gunshot wound in
9 Malta on November 25 -- 24, 1985, and the first diagnosis
10 listed there with a code of 8511 is gunshot wound, right
11 parietal occipital; is that correct?

12 A That is correct.

13 MR. HEIDEMAN: And accordingly, Your Honor, at this
14 time we will move into evidence as Exhibit 4A, the medical
15 records of the Plaintiff being the records from the Landstuhl
16 Army Hospital which contains all of her pertinent records.

17 THE COURT: They will be admitted.

18 (PLAINTIFF'S EXHIBIT 4A ADMITTED.)

19 MR. HEIDEMAN: Thank you.

20 Q (BY MR. HEIDEMAN) And Jackie, in relation to those
21 records, would you please tell the Court whether or not, after
22 you were at the hospital, they did various tests on you and did
23 surgery on you in the operating room because, and I quote from
24 Exhibit 4A, page 3 in the center, quote, Skull X-rays showed
25 there was a bullet lodged in the skull with the inner table of

1 the skull fragments pushed into the substance of the brain,
2 period, end quote.

3 Jackie, is that what happened to you?

4 A Yes.

5 Q And did the CT scan confirm this? And I quote, and
6 showed a large hematoma in the right posterior parietal
7 occipital region with in-driven bony fragments and
8 displacement of the occipital horn on the right, end quote.

9 And did that happen to you, Jackie?

10 A Yes.

11 Q And were you then taken to the operating room where,
12 quote, under general anesthesia a right parietal craniectomy
13 was performed, Jackie?

14 A Yes.

15 Q And were bone fragments removed from your brain, Jackie?

16 A Yes.

17 Q And did you then stay in the hospital and eventually get
18 evacuated by Air Force air evacuation aircraft to Germany?

19 A I did.

20 Q And were you actually diverted to Rhein-Main Air Force
21 base and cared for overnight?

22 A I was.

23 Q In Frankfurt?

24 A Yes.

25 Q And then were you -- were you taken onto Landstuhl and

1 admitted on the -- to the Neurosurgery Service?

2 A Yes.

3 Q And Jackie, have you ever since that time suffered
4 physically as a result of being shot in the head by this
5 hijacker?

6 A No, just that one. Just that time.

7 Q Yes, I'll repeat my question.

8 A Oh, okay.

9 Q For the last 25 years, Jackie, have you been suffering as
10 a result of the shot you took to your brain there on the
11 airplane?

12 A Yeah. I thought you said if I've been shot again since
13 then.

14 Q Oh, sorry.

15 A Yes.

16 Q Jackie, have you continued to see various other doctors
17 and be treated at various hospitals over the course of the
18 last 25 years?

19 A Several.

20 Q And is one of those hospitals Regions Hospital in St.
21 Paul, Minnesota?

22 A It is.

23 MR. HEIDEMAN: And referring, may it please the
24 Court, to Exhibit 4B, and specifically page 3 thereof, which
25 we file at this time.

1 Q (BY MR. HEIDEMAN) On page 3, Jackie, it indicates that
2 you were, at that time of this particular record, in 1994, which
3 would be ten years later, it says, doesn't it, quote, this
4 39-year-old woman has post-traumatic epilepsy. Then doesn't it
5 read on, she was involved in a hijacking and received a bullet
6 wound to the back of her head, end quote.

7 Did that happen to you, Jackie?

8 A It did.

9 Q And do you suffer from post-traumatic epilepsy?

10 A Yes.

11 Q And do you have difficult to control seizures initially
12 with both epileptic and non-epileptic seizures as it indicates
13 on page 3 of Exhibit 4B?

14 A Yes.

15 Q And this being a record from St. Paul Ramsey Medical
16 Center, actually a progress record, at the very bottom, above
17 the signature of Dr. Leppik of the neurology staff, it
18 indicates that, and I quote in the last line, the EEG still
19 shows interictal activity, and you have been and remain -- and
20 you had been taking medication; is that correct?

21 A Yeah. I've been taking medication ever since I was shot.
22 Once I was shot, then the seizures started to -- I was put on
23 medication by the doctor in Landstuhl in Germany saying that
24 just in case, sometimes people that have a traumatic brain
25 injury like myself may suffer from epilepsy, and just in case,

1 he put me on Dilantin.

2 And Dilantin sent me into a big black hole. I felt
3 lost. I mean, I didn't know the difference between is it
4 because of the meds or it's because I just felt lost because
5 of the hijacking. But the -- these epilepsies, nevertheless,
6 broke through and I started having epileptic seizures, grand
7 mals, and in spite of being on meds. And so that's when I
8 went back to the hospital and met Dr. Leppik, and he took
9 me -- so that was a full year I was suffering from grand mal
10 seizures.

11 Q Thank you, Jackie.

12 MR. HEIDEMAN: Let me move Exhibits 4A and 4B into
13 evidence at this time, Your Honor.

14 THE COURT: They'll be admitted.

15 (PLAINTIFF'S EXHIBITS 4A AND 4B ADMITTED.)

16 MR. HEIDEMAN: Thank you.

17 Q (BY MR. HEIDEMAN) And Jackie, have you also been seen at
18 the University of Minnesota, Department of Ophthalmology?

19 A Yes.

20 Q And is this as a result of visual problems that you have
21 had?

22 A Yes.

23 Q And are those visual problems as a result of the bullet
24 to your brain on EgyptAir Flight 648?

25 A Yes.

1 MR. HEIDEMAN: As to Exhibit 4C, Your Honor, we
2 introduce that at this time.

3 Q (BY MR. HEIDEMAN) And Jackie, let me ask you, as to
4 Exhibit 4C, just move to the first page dated July 18, 1986,
5 less than a year after you were shot, and you'll see a report
6 saying "Outpatient Consultation" signed by Dr. Norris.

7 A Yes.

8 Q Down in the third paragraph from the bottom, after above
9 it, it talks about various things, does it indicate that,
10 quote, Review of the records from Landstuhl, Germany, revealed
11 visual fields consistent with a complete left homonymous
12 hemianopsia in December of 1985?

13 A Yes.

14 Q And have you had vision problems ever since you took a
15 bullet to the brain on EgyptAir Flight 648?

16 A Yes, I have, in both eyes.

17 Q And up at the top of this same page, it indicates,
18 Jackie, that after -- after talking about you sustaining a
19 gunshot wound from a handgun, it says, quote, Directly applied
20 to the right parietal-occipital area. Do you see that?

21 A I do.

22 Q In fact, was the gun directly applied to the right side
23 of your head?

24 A It was.

25 Q And then it indicates that after you underwent evacuation

1 of the hematoma and removal of bone fragments, it says, quote,
2 Leaving her, referring to you, with a persistent left
3 homonymous hemianopsia; is that correct?

4 A Yes.

5 Q And have you continued to suffer from brain problems both
6 with visual problems, seizure problems, memory problems, and
7 other problems as a direct result of being shot in the head on
8 EgyptAir Flight 648 by hijacker Rezaq who you identified
9 earlier in the trial?

10 A Yes.

11 Q Tell the Court, if you would, please, about the nature of
12 the physical problems you've encountered over these last 25
13 years as a result of the shooting you suffered.

14 A Well, to begin with, it's the vision. It's in both eyes
15 and it's -- I don't -- my brain is no longer telling me that I
16 see up peripheral, left peripheral and bottom peripheral, and
17 so I just see pieces of things and pieces of people's faces.

18 I -- because of epilepsy and my vision, I no longer
19 could drive a car anymore, and my short-term memory, it was
20 very, very difficult. People would say things to me and
21 literally it just went in one ear and out the other. I
22 couldn't hang on to people's words, and I couldn't remember
23 how to get to the bathroom from the house that I was living
24 in. I mean, I'd just wake up and I forget where everything
25 was, so we had to put color footsteps from the bedroom to the

1 bathroom and from the bedroom to the kitchen, and then I
2 forgot what color went anywhere.

3 So, we had to have a little ledger, and as soon as I
4 looked at something or took my eyes off of it, it never
5 existed to me anymore, and it was just really very difficult
6 living in a world like that and not remembering how to get to
7 the bathroom, and being in crowds was very difficult. I was
8 afraid somebody was going to pull out a gun.

9 And then the epilepsy was very, very difficult. I
10 was always afraid I was going to have another one any minute,
11 and I didn't want to leave the house in fear that I was going
12 to be gunned down, and I just didn't trust anybody anymore.

13 Q Do you still have that feeling that you're going to be
14 gunned down?

15 A I do. It's not as deep as it was, but -- and it comes in
16 spurts, and I think it started to get better after about ten
17 years, and then just recently, I would say in the last six
18 months it started to come back, but it comes back in spurts.

19 Q Thank you.

20 MR. HEIDEMAN: We'll move Exhibit 4C into evidence,
21 Your Honor.

22 THE COURT: It will be admitted.

23 (PLAINTIFF'S EXHIBIT 4C ADMITTED.)

24 MR. HEIDEMAN: Thank you.

25 A And I also, I had to leave my teaching job. I had to

1 leave my teaching job in Cairo, which I just adored and loved,
2 and then eventually I had to no longer teach anymore. I tried
3 to teach back in Baytown or back in where I was in Minnesota
4 and -- but I was reading on a kindergarten and first grade
5 level, and so I thought, "Well, at least I can teach first
6 grade because I'm reading on their level."

7 And my reading level plummeted. I was tested at
8 kindergarten reading level, and then I became a first grade
9 reading level but still comprehending on a kindergarten
10 reading level. And the vision was very, very difficult. I'd
11 bump into things, trip over things. Even to this day, you
12 know, if there's a little kid underneath me that's not in my
13 visual field, I'll be walking through the grocery store and if
14 there's a kid that walks in front of me, I will fall over that
15 kid, and it's just -- it's just kind of difficult, and then it
16 just -- any time I bump into something or run over something,
17 it's like then I get right back into the place of how it all
18 started.

19 Q (BY MR. HEIDEMAN) Where did it start?

20 A Being shot. And to this day, people talk to me. When
21 you're talking to me, the comprehending of it and holding it
22 in, I had to repeat what people say to me in my mind and
23 quickly get an answer out.

24 And leaving my teaching job was very difficult, and
25 I just knew that I'd never go back to get my doctorate, and I

1 don't have that opportunity anymore. And then all of sudden I
2 feel like this dumb, dumb person. I couldn't keep up anymore,
3 and my friends were telling me that I'm not the person that
4 they -- that I was married to, and I'm not the person that,
5 you know, they knew, and I felt bad about that but they were
6 right, and I felt like I was losing myself.

7 I did. I felt like I lost myself in all the rubble
8 and the plane and what was left over was this person that was
9 just -- I was struggling so bad to try to just make it through
10 a day. And I slept a lot. My brain injury just required a
11 lot of sleep, and then when I was awake, if I wasn't
12 nightmaring, I was awake and thinking that somebody was going
13 to come into the house and shoot me down, and I had this fear
14 for the longest time that the hijacker had enemy -- had
15 friends that would find -- that he would find out that I was
16 alive and he would let his people know and they would come
17 after me, and so I was just afraid of everything.

18 I was afraid that I was going to testify one day and
19 he would find out and he would be mad at me and come after me.

20 Then I divorced. It was really difficult. My
21 husband wasn't able to keep up and he wasn't able to stay with
22 it, so he gave up, and so we divorced.

23 THE COURT: Let's take five minutes. 4:00 o'clock,
24 please.

25 THE DEPUTY CLERK: Court stands in recess for five

1 minutes.

2 (A BRIEF RECESS WAS TAKEN.)

3 THE DEPUTY CLERK: Court is back in session. Please
4 be seated everyone and come to order.

5 Q (BY MR. HEIDEMAN) Jackie, let me hand you what has been
6 marked as Plaintiff's Exhibit No. 4D.

7 MR. HEIDEMAN: I believe the last one I moved into
8 evidence was 4C, Your Honor.

9 THE COURT: I believe that's right. If not, it's
10 admitted now.

11 MR. HEIDEMAN: I move Exhibit 4C into evidence.

12 THE COURT: It's admitted.

13 (PLAINTIFF'S EXHIBIT 4C ADMITTED.)

14 Q (BY MR. HEIDEMAN) Exhibit 4D, Jackie, let me ask you,
15 please, to move to the second page that indicates as a progress
16 note, these are records from Dr. Leppik for epilepsy care and
17 these are records from 2008; is that correct?

18 A Yes.

19 Q And in the area of other relevant medical issues, it
20 indicates, quote, patient was shot in the back of the head in
21 an airplane hijacking in 1985 with subsequent craniotomy; is
22 that correct?

23 A Yes. And I had a second brain surgery -- or second
24 surgery, brain surgery about two years later to put a plate in
25 my head.

1 Q Yes. And that's exactly what I'd like you to tell the
2 judge about, the fact that you had to go through a second
3 brain surgery and what you recall about that.

4 A Yes. So when I first -- when I was shot and they did the
5 first surgery, they had taken some skin from my -- I have an
6 incision from my kneecap all the way up to the top of my thigh
7 on my right leg, and in Malta they had taken some tissue out
8 and laid on my brain for protection, but I was told by the
9 doctors that it wasn't going to keep the windows rolled up in
10 case there's a pebble that hit it or I was -- I couldn't play
11 softball anymore because I was afraid it would puncture that
12 area and get into my brain and the doctors had warned me about
13 that.

14 And so I'd gone to the neurosurgeon and asked if --
15 what are we going to do about it with this hole in my head and
16 this place in -- that I just didn't want to live a life
17 without being afraid that something was going to puncture it,
18 and he started telling me about the surgery to put a plate in
19 my head, and so I was not afraid. I thought it was the right
20 thing to do, and he said to me, "You know, you don't have to
21 do this. A lot of people walk around with heads like this."

22 And I said, "Well, I just don't want to be one of
23 them."

24 So I went into second brain surgery, and I just knew
25 I needed to do it and I knew it was the right thing to do, but

1 it felt like, you know, it was one more thing that I was faced
2 up against and being put under and going back to brain surgery
3 again.

4 Q And have you continued under medical care, Jackie?

5 A I have. And also, after I got shot, it's very clear to
6 me there was a lot of things I couldn't do anymore. I
7 couldn't count money. I didn't know what money was anymore.
8 I didn't know how to tell time. All of a sudden I was -- felt
9 like I was a little kindergartener trying to learn all over
10 again. I had my brain with me and I had the knowledge that I
11 was hurt, and I -- but smart enough to know that I had more
12 and yet it just felt like I just had lost everything
13 brain-wise.

14 Q Have you ever been able to go back to teaching?

15 A I tried, but parents were complaining about how could
16 they let somebody that had such a low reading level teach, and
17 so they told me not to come back.

18 Q You said the parents were complaining?

19 A Well, I agreed with them. There were parents of kids
20 that they hired me. I mean, I didn't -- I didn't teach till
21 maybe -- I wanted to teach because I loved it, but I didn't go
22 back for a couple of years, maybe three years, and then
23 parents found out about me and they were complaining to the
24 principal that how could they let somebody that had such a low
25 grade level teach these kids, and so I wasn't asked back.

1 Q How did it make you feel that you weren't asked back to
2 teach having previously been a person with such high degrees
3 and aspirations and acumen in your field?

4 A It was really hard, and plus I was struggling as a
5 teacher, like, you know, trying to keep up because I didn't
6 realize the day-to-day work of a teacher. I mean, I just took
7 it all for granted because I got through it so fast because I
8 was -- you know, I had the intelligence to make it through a
9 day and teach, and you know, test, and so then I didn't have
10 that anymore.

11 And, you know, it was the love of my life next to my
12 former husband, and I had to leave. I left teaching and I'll
13 never go back, never went back, and I never went back to
14 school because I knew it wasn't -- very impossible for me
15 to -- I wasn't -- I couldn't comprehend anymore and I was just
16 too -- that kind of high level of thinking that requires a
17 doctorate degree was not something I had anymore.

18 Q How do you feel not being able to teach?

19 A I miss it. Missed it. It was very difficult. I grieved
20 for years on that one. That was taken away from me, and my
21 sister -- just everybody sort of -- they didn't know what to
22 say to me anymore, and my dad would call a lot, and one time
23 he called, and you know, I just kept a lot from everyone
24 because I just didn't want to -- it just was so much and it
25 was so sad, and I'm talking about after the incident coming

1 back and trying to, you know, learn to walk, learn to read
2 again and try and just to make it in life that I just -- I
3 didn't say very much to some of my loved ones about it. And
4 my dad called one day and he said, "How you doing?"

5 And I said, "Do you really want to know?"

6 And he said, "No, honey, I really don't want to
7 know." And he felt so -- he was the one that took it the
8 hardest. He says, "I know that sounds horrible, but it just
9 hurts me to hear that you're going -- what you're going
10 through."

11 Q Were you ever able to go back to the American school in
12 Cairo?

13 A I did. It was important. After experiencing something
14 like this, it was important to me. I went to a therapist, a
15 psychologist within about a year to work through some issues
16 and put closure, and so one of the things I wanted to do was
17 go back to Egypt. And I went back about four years after the
18 hijacking. I went back to put closure and to say goodbye to
19 the teachers I taught with and say goodbye, try to find the
20 kids that were there. There weren't any kids left over from
21 when -- it was very transient, the school, to say goodbye to
22 the kids and try to tell them what happened.

23 Q You said only one time were you able to go back and try
24 teaching again. Was that in Cairo or back in the states?

25 A No. I wouldn't go back to teaching in Cairo. It was

1 back in the states in Minnesota. It was a couple of years
2 later.

3 Q Okay.

4 A I really missed it.

5 Q And earlier in your testimony today you told the Court
6 about your husband being the volleyball coach and they had the
7 championship game and you told the Court about thinking of
8 your husband while you were on the airplane. When were and
9 how were you reunited with your husband Scott Pflug after you
10 were shot on the airplane?

11 A He showed up at the hospital when I came to. He was at
12 the hospital in Malta at St. Luke's. I don't remember how
13 many days I was out before I came to, and -- but he was there
14 in the room when I came to.

15 Q And what do you recall observing about your husband in
16 relation to you after you were shot?

17 A He was very, very mad, and he never said it, but it felt
18 like maybe he was sad that he wasn't there with me, but he was
19 very, very mad at the hijackers.

20 Q Not at you?

21 A No, no, not me.

22 Q How long did the two of you remain married after the --
23 after you were shot?

24 A About three years.

25 Q And what were those three years like with Scott after you

1 were shot?

2 A Oh, it was very different. I just wasn't my go-get-them
3 kind of self, my independent self anymore, so what he married
4 was not -- who he married was not, you know, who came out of
5 that, that hijacking. It was very different. So all of a
6 sudden I'm now needing more people, and he just -- he did the
7 best he could, but it didn't -- but it wasn't -- it wasn't
8 what he wanted.

9 And then I realized after three years that I'm
10 either going to be living with someone that is not accepting
11 of my new me or I've got to let go, and so he was glad. He
12 felt like -- he said he just -- that when we were talking
13 about divorce, he just felt like there was a great bunch of
14 bricks lifted off his shoulders and he felt free.

15 Q Was it hard on him during the three years after you were
16 shot and until you got divorced, as you observed it?

17 A Yes, uh-huh.

18 Q And was it hard --

19 A I think it was really hard because he didn't really talk
20 much about it, but I could tell. He was doing things that
21 just weren't like him, and so I figured he wished he were
22 there and he -- you know, we were back in our -- he was in his
23 20s back in those days and he liked the attention to be on
24 him, so all of a sudden the attention was on me and he didn't
25 care for that. It was very difficult.

1 So, it's a whole new different person, and I could
2 tell early on that I was going to have to take care of myself
3 and I was going to do it with him or without him.

4 Q And your marriage ended in divorce, you say, three years
5 later?

6 A Uh-huh, uh-huh, and he was kind of controlling, too.
7 When I went to -- I told him I was going to go to a therapist,
8 and he didn't care for that, but he said, "Well, I'll go with
9 you and I'll determine if she's the right person or not."

10 And I said, "You can go with me, but I'm going to
11 determine if she's the right person or not."

12 Q So he was trying to care for you but you were wanting to
13 care for yourself?

14 A Yeah, yeah.

15 Q Did you let him care for you?

16 A Yes, yeah, but he didn't really -- I mean, we went to --
17 we moved to the hometown where he grew up and he was around a
18 lot of his friends and his mother was the one that really took
19 care of me the very, very most. She just took care of me, she
20 fed me, she cleaned me, she taught me how to count money and
21 how to tell time and she would take me places and we'd work on
22 math.

23 Q And this was back -- is this when you moved to Minnesota?

24 A Uh-huh.

25 Q And what was the town where you and Scott moved to before

1 you got divorced?

2 A Moved to Hopkins, Minnesota.

3 Q And have you continued to live, ever since your divorce,
4 in the Minnesota area?

5 A I have.

6 Q And did you subsequently remarry?

7 A I did.

8 Q And to whom did you get remarried?

9 A Jim Olsen, O-l-s-e-n. And I was single for about seven
10 years, and then I remarried -- then I married Jim Olsen.

11 Q Thank you. And have you and Jim had a child?

12 A We did. We had a little boy about a year-and-a-half
13 after we married.

14 Q And how many children do you and Jim have?

15 A One.

16 Q And is this your only child?

17 A It's my only child.

18 Q You and Scott never had a child?

19 A No, we never had children.

20 Q And --

21 A It was during a time that I -- he wanted to start a
22 family right away, and I just told him I just had to -- I had
23 to work on myself. I felt so lost, and I mean, how can I be a
24 mother and I was just reading on a kindergarten reading level,
25 and he really wanted to start kids, but I could tell that

1 things weren't good with us and I felt like maybe we were
2 going to divorce some day, and because things were just not
3 good at all.

4 And so I kind of held back and just said, "You know,
5 I'm not ready. I just need some time to bounce back from this
6 hijacking." And I really wanted to take care of myself and go
7 to the therapist, and I had a feeling it was going to last a
8 very long time and it did.

9 Q And you've continued in medical treatment all these 25
10 years; is that correct?

11 A All these years, either with the therapist or some
12 doctors or operations or tests or something or epilepsy.

13 Q Do you believe that your divorce from Scott Pflug was a
14 direct result of taking that bullet in the brain in the
15 EgyptAir flight?

16 A Yes.

17 Q And I asked you about your little boy Tanner. Tell the
18 Court about Tanner.

19 A He's 12 years old, going on 13. He's a great kid, and
20 when I got -- I had a miscarriage before him and it was very
21 sad because I felt like maybe my chance was gone, but I got
22 pregnant and I delivered him and I just remember being in the
23 delivery room and the whole delivery was very, very
24 challenging, worrying a lot because of the epilepsy, and so I
25 had to stay on the medicine.

1 The neurologist said, "You just can't get off your
2 medicine while you're pregnant. You're going to have a
3 seizure. You're going to have a grand mal again." So I had
4 to stay on the medicine, and I was afraid, afraid that Tanner
5 would, you know, be born -- he was born with the medicine in
6 him, but the side effects that go along with that, but it
7 didn't hurt him, and so -- but anyway, I was -- I remember
8 being in the delivery room and constantly through those 9, 10
9 months I had go into the MINCEP, which is the epilepsy clinic,
10 and get blood work. And every time they said, "You don't have
11 enough medicine," and I had to increase another med and
12 another pill and another pill. And when I was in the delivery
13 room, I realized, I said to Jim, "Oh, my gosh, am I going to
14 see all of him? Am I going to see pieces of my baby?"

15 And I just see a piece at a time and a piece of his
16 face and a piece of his little skin and a piece of his eyeball
17 and then I thought, "Well, at least I get to see him. I have
18 a chance at being a mom."

19 Q And now you are a mom?

20 A I am.

21 Q And tell the Court how you believe, Jackie, that the --
22 what you've suffered in the hijacking and as a result of the
23 hijacking has affected your son Tanner, who's a Plaintiff in
24 this case?

25 A Oh, he's for the longest -- he heard -- he didn't hear it

1 from me but he heard about it from other people, and when he
2 was little and this is about me being shot, and then he was so
3 afraid that the hijacker was going to come out and get him and
4 go after him. He wasn't so afraid for me, but he was afraid
5 for himself, and he was afraid that he would come find us, and
6 I kept assuring him that he was in jail and I was safe and
7 look how happy I am and look how great I've done and the only
8 thing you really need to know right now is mommy is great and
9 I'm going to be here for you.

10 And so he's always afraid that the hijacker was
11 going to come after him. And then to this day, you know, he's
12 kind of gone in spurts, but you know, he has to have me
13 around. Like, he gets off the bus stop and I really, all I
14 need to do when he gets off the bus stop is look out my
15 window, and he didn't want that. He had to have me there. He
16 didn't want anybody to take him. There's this fear that
17 somebody is going to grab him and that somebody is going to
18 grab me.

19 Q Are you afraid someone is going to grab you?

20 A Yeah, but I don't know, I just get this fear that -- not
21 Rezaq. I'm not afraid of him anymore because I know he'll
22 be -- he's in this great jail, this great prison, but I just
23 have this nagging feeling about -- you know, it doesn't
24 debilitate me. It doesn't keep me from doing the things I
25 love and being who I want to be, but you know, that whole

1 thing of somebody is going to gun me down or I'll look up in
2 the air and I'll look for the planes and wait for them to blow
3 up, and this post-traumatic stress, it's so hard to work
4 through.

5 Q And do you suffer from post-traumatic stress?

6 A Yeah, I'm sure. It's not at the level I used to, but
7 there's still issues.

8 Q Are you able to count money now? You said you couldn't
9 for the longest time.

10 A Yeah, I can count money now.

11 Q Tell time now?

12 A Because of my mother-in-law.

13 Q You able to tell time now?

14 A I can, uh-huh, and it did -- and also, with the brain
15 injury, the -- it's not like I had one, you know, it's like --
16 it's not like I had one. It's I have one, and that just never
17 goes away, and what I have is more of a hidden handicap, and I
18 think of all, more than anything, that was really, really
19 difficult.

20 At first I thought, "Well, at least I have my face,
21 at least I have my looks, you know, I still had my hair
22 intact." I mean, that was after the -- that was not -- my
23 hair, I was bald during the surgeries, but at least I have
24 myself, and then it turned out to be maybe not so good because
25 then at least if I was in a wheelchair, if I had big fat

1 glasses so somebody will know that I have a vision loss that
2 maybe people wouldn't expect so much out of me, because
3 that's -- the thing -- my life day-to-day is, my house in
4 Minnesota, it's very -- you know, I'm expected to be a mom and
5 so I need to go do all the things that moms do and I can't
6 multitask. I have to do one thing at a time, one thing at a
7 time, and my son wants me to be able to, you know, be working
8 on the computer and still talk to him. So I know I have to
9 stop what I'm doing and things -- I mean, I had this gift
10 before, things were so easy and now I don't --

11 Q What about your reading, Jackie? You had said that for
12 the longest while you were reading at kindergarten level.
13 Have you been able to work to improve that?

14 A That was one of my goals was to get my driver's license
15 back and I did. In the state of Minnesota, with the vision
16 loss that I have, it is possible but you have to have a lot of
17 mirrors in the car, so it took me two years to get it back but
18 I got it back. And I have to prove every year with the State
19 Department, with the Department of Transportation in Minnesota
20 that I've been seizure free, and if I'm not seizure free, then
21 you know, Dr. Leppik has to come in and talk to them about me.

22 Q Thank you. In that regard, let me ask you if you have
23 also been treated at the National Dizzy & Balance Center for
24 medical conditions because of the EgyptAir hijacking and your
25 shooting.

1 A Yes. Yeah. I have basically no balance, no balance
2 whatsoever. So when I go on -- when I climb stairs, I have to
3 hold onto the railing and I'm scanning my steps. So, because
4 of my vision loss, I can't -- you know, I have to hold onto
5 the railing and I'm constantly scanning, you know.

6 Okay. I've just scanned that first step, now I got
7 to scan the second step, and is there anything on there that
8 could injure me. Then I go back up to the next step. Is
9 there any pebble, am I going to trip over anything, so it's
10 like a constant day-to-day thing, and it's so exhausting by
11 the -- by -- I don't know, by the time I get up in the
12 morning, it's about 8:30. By the time two hours have gone by,
13 about 9:30, 10:30, I'm exhausted but I have to keep going
14 because my life requires me to keep going. I can't just stop
15 and go back to bed or go to bed for the rest of the day.

16 So I put my brain on overload and I'm on overload
17 just about every day. And when I get on overload I start
18 crying. It's just a release.

19 Q Jackie, let me hand you Exhibit 4E and ask you if these
20 are records obtained from your records at the National Dizzy &
21 Balance Center.

22 A Yes.

23 Q And on that particular record, on the first page of
24 Exhibit 4E, it indicates, as I recall, that you were --
25 suffered from lightheadedness and vertigo, or spinning, as

1 well; is that correct?

2 A Yes.

3 Q And do you have those problems as a result of the
4 shooting to your brain in the EgyptAir hijacking?

5 A Well, that was the case, but it's gotten better.

6 Q Okay. Now, we would move at this time -- but are you
7 still having some problems with the lightheadedness and
8 dizziness?

9 A Dizzy. No, no -- well, yeah, if I go too fast in my
10 scanning, but the main -- the biggest thing is the balance.
11 There's just no balance. I don't have any balance, and so if
12 I -- when I walk, as long as I don't put one foot up before
13 the other goes down, I'm okay. I don't have to hold onto
14 anything.

15 Q Did you have that problem before you were shot in the
16 head?

17 A No, no.

18 Q And do you have that problem as a result of being shot in
19 the head?

20 A Yes, it is.

21 MR. HEIDEMAN: At this time, Your Honor, we would
22 move Exhibits 4D and E into evidence, and I believe that's now
23 all of the group exhibits for medical records. I would like
24 to remind the Court, with the Court's permission, we had filed
25 in advance order -- requested an advance order that allowed

1 her medical records to go into the record of this court as
2 confidential records, and we would accordingly ask the Court
3 to so order and relate -- in relation to Exhibit 4 and its
4 subparts, A, B, C, D, and E.

5 THE COURT: So ordered.

6 (EXHIBITS 4D AND 4E ADMITTED AND ENTIRE EXHIBIT
7 SEALED.)

8 MR. HEIDEMAN: Thank you very much.

9 Q (BY MR. HEIDEMAN) Now, Jackie, tell the Court how your --
10 what else about your vision problems, as a result of the
11 hijacking and the shooting, that you have had but haven't
12 already told the Court about? Are there matters about your
13 vision problems?

14 A I don't remember.

15 Q Do you remember what you told us?

16 A No.

17 Q And in fact, Jackie, did you tell us before that one of
18 the problems you have is short-term memory?

19 A Yes.

20 Q So you can remember some specifics back on the airplane,
21 but can't maybe remember things of just a minute or two ago;
22 is that correct?

23 A Right. Well, it's because that's my long-term memory. I
24 don't really have any too difficulty with long-term memory but
25 short-term memory I do.

1 Q Tell the Court about --

2 A Some parts of long-term memory I did. Like I didn't --
3 like when I woke up in the hospital, I didn't know -- I didn't
4 know that that was a doorknob, that that was the name for a
5 doorknob. I didn't -- you know, there are things I didn't
6 know the names of anymore, but that's long-term memory.

7 And I didn't -- I mean, simple like rules of the
8 world, like when you drive a car, you need to yield, and if
9 you turn on the oven, you need to turn it off when you're
10 done. And so I'd go and use the oven and I'd turn away and
11 walk away and people would get so mad at me. And they tell
12 me, "Don't you know the oven is on?"

13 And "No, not really." That's why I would forget
14 that I had done those things, so it's that kind of life
15 things.

16 Q Has it been hard?

17 A And other things also, people -- you know, when the
18 people hear about my memory and say, "Oh, I have a bad memory,
19 too."

20 And I'm thinking, "No, this is different." This is
21 the -- you know, so when people say that, I think, I just
22 listen to them, but in my mind I'm thinking "You have a whole
23 different kind of memory difficulty than I do."

24 Q Thank you, Jackie. Are you continuing under medical care
25 at the present time?

1 A Yes, uh-huh, with Dr. Leppik for the epilepsy.

2 Q Are you continuing to suffer as a result of the hijacking
3 and the shooting?

4 A Yeah. Well, it's -- it shows day-to-day with just trying
5 to keep up in the world that I've made for myself, or just
6 keep up with people. And my husband, as sweet as he is now,
7 Scott -- Jim Olsen, you know, forgets, forgets because I look
8 so normal, and because I look so normal, people expect a lot
9 out of me.

10 Q One of the things you testified to earlier was your love
11 of teaching and how you felt about not being able to go back
12 to teaching and your attempt at going back to teaching and
13 being called dumb because you couldn't read; do you remember
14 that?

15 A Yeah, yeah, and people laughing at me, at my head because
16 I was bald. And so one day I went to school, but I can't wear
17 this wig anymore, it's so hot, and I took off the wig and the
18 kids were making fun of me.

19 Q Now, have you -- have you done work in an alternate field
20 other than teaching over these past years?

21 A I have. Yeah, I have. There was a church that wanted me
22 to come speak to them at some point. I wasn't talking to
23 anyone about -- I wasn't talking to news people, I wasn't
24 talking to anyone, and then someone -- a friend of mine said,
25 "When you come in town to Houston, will you come talk to my

1 church?"

2 And so I went to a Sunday school and talked with
3 them about my experiences and what was going on, and then
4 after I left I thought, "Golly, that kind of felt kind of
5 good."

6 And then I agreed to appear on a, oh, I don't know,
7 a TV show like a morning show in Philadelphia, and when I left
8 that show, this was a few years after the hijacking.

9 Q Keep your voice up, if you would.

10 A After I left the show, I felt like I was in my element
11 again, I recognized it, I recognized that I was in my element
12 and which was kind of odd because I was always nervous
13 teaching. I loved teaching, but I would get nervous in front
14 of kids, and so here I was speaking and I didn't feel nervous
15 at all.

16 Q And have you --

17 A So I started this new thing. I started -- and then all
18 of a sudden people heard me speak and they said, "Oh, we want
19 you to come to our place," and "We want you to come to our
20 place," and so I was bouncing off back and forth.

21 And at first it was just about the hijacking, it was
22 just talking about the hijacking, and it was very difficult,
23 even though I felt like I was in my element. After telling
24 the story, I would get these immense headaches and feel
25 depressed. Depression was a huge piece of this, and it was

1 very difficult to bounce back from depression, and so before I
2 knew it, I was speaking.

3 Q And did actually the Federal Bureau of Investigation send
4 you out to do some speaking engagements as a victim of
5 terrorism?

6 A Yeah, yeah. It was a good fit because they wanted to
7 know what it was like to be on a hijacked aircraft, firsthand
8 experience, and what I saw and what I wished would have
9 happened differently, and that was really fun. And so even
10 today, I'm working with Homeland Security about, you know,
11 just a hostage point of view.

12 Q And have you done also some motivational speaking in the
13 last years?

14 A Yes, yeah.

15 Q Are you doing much speaking now, speaking engagements
16 now?

17 A Well, I was, up until about a year ago, and then my son
18 is needing me home more, and -- because unfortunately, with
19 speaking comes traveling, and it did, you know, satisfy that
20 part of me that I'm a traveler, I love traveling, that's why I
21 went overseas internationally, and I went to Norway by myself,
22 and I mean, who does that, and to go see the world.

23 So it satisfied that part, but then as my son got
24 older, he became more -- more issues about me being gone and
25 not protecting him, and so I've been finding myself not

1 speaking so much anymore because he has those issues, and plus
2 it's about time. I want to start my second book, and I wanted
3 to take some time also. I mean, it was probably a good -- a
4 good reason to stay home for him, and then I thought, "Well,
5 while I'm doing it, I'm going to start my second book."

6 Q And did you actually write your first book?

7 A I did. It was a way for me to get all my thoughts on
8 paper, and I thought even if it doesn't -- people don't like
9 it and it doesn't sell, at least I had my own little copy in
10 my office.

11 Q What's the name of your book?

12 A I didn't want people to forget about us. I didn't want
13 people to forget about the people that didn't make it, and
14 so -- and I wanted to put my thoughts into words. And I just
15 never thought I'd ever write a book, and everybody kept saying
16 you should write one, and I said, no. Thank you, but no
17 thanks. And then one morning I woke up, ten years after the
18 hijacking and said, "Okay, I think I'm going to write a book
19 now."

20 Q What's the title of your book that you wrote, Jackie?

21 A "Miles To Go Before I Sleep, My Grateful Journey Back
22 From the Hijacking of EgyptAir 648." I'm not sure what it is,
23 but is it a forward or -- oh, no, it's the part where I
24 dedicate. It's dedicated to all the different people that
25 survived the hijacking, and then -- excuse me -- all the

1 people that died during the hijacking from all the different
2 countries. I listed all the countries, from all the people
3 that died on that day.

4 And then I went into -- was going into prayer and I
5 thought it just feels empty, it just feels like something is
6 forgotten, and so I realized that I'd forgotten about the
7 survivors, and so I wrote to those that survived, my hope is
8 that you found the gift behind the tragedy.

9 Q Did you quote in your book from a letter you wrote
10 President Reagan?

11 A Yeah. I'm embarrassed about that.

12 Q And did you say, as you recalled, EgyptAir Flight --
13 Well, you read it, Jackie. Just read it to the Court what you
14 said to the President right up --

15 A Well, I have to tell you that this was the time that
16 Barbara Mandrell had an accident. She was pregnant, and I
17 know this was like the beginning after the hijacking, and I
18 was really having a hard time healing and she had an accident.
19 She almost lost her son, and she was pregnant in real life,
20 and so I was flipping through a Lady's Home Journal and she
21 talked about her -- this accident, and then you flip over to
22 the next page and there was a letter from Ronald Reagan
23 basically saying, "If you need anything, let me know."

24 And I thought, "Well, gosh, if she needs anything."
25 And no one from the federal or the state governments called

1 Patrick or myself, and I just wanted someone to take me by the
2 hand and tell me where to go and how to get there, felt so
3 lost, so I wrote him this really kind of mean letter. You
4 want me to read it? It's kind of embarrassing.

5 Q You don't have to.

6 A Okay. Well, I know what you're talking about. It
7 says -- the last part of it says, "It seems in order to be
8 acknowledged by you, you have to either be famous..."

9 Q The judge can't read it.

10 THE COURT: I'll read it myself.

11 THE WITNESS: Yes, that would be great.

12 THE COURT: You point me to what you want me to
13 read.

14 THE WITNESS: It says, "To be acknowledged by you,
15 you either have to be famous, dead or in the military." That
16 was kind of embarrassing. Yeah, there it is. The page before
17 that, too. There's the letter.

18 It was very -- coming from a very angry woman.

19 Q (BY MR. HEIDEMAN) Jackie, tell the Court, in summary.

20 A I guess I'd say one more thing -- hold that thought. One
21 of the things that people would say to me ever so often would
22 be, "Well, you know, you were in the Middle East. You know
23 things like that happen." And -- because that was when I was
24 trying to get ahold of Mr. -- President Reagan, and I said,
25 "Well, you know, it's just my way of grieving."

1 I mean, you get in a car with someone that's been
2 drinking, you know what might happen. But you know, you get
3 down a road and you have an accident and you find yourself on
4 a wheelchair, you just have to grieve, you have to get through
5 it, and that was my way of grieving. It was my grief. I had
6 to own it and I had to work through it.

7 Q And have you?

8 A I would say for the most part, yeah. I'm pretty proud of
9 the work I've done.

10 Q Has it been hard?

11 A Yes. It's certainly been a long road. I never thought
12 in my wildest dreams that it would be so long and so tedious
13 and so hard. I just -- I mean, I don't know why I didn't
14 think that because, my God, it's a shot in the head. Who
15 survives that? If you do, you're just -- you just know, going
16 in that, you're going to have all this work to do, and it just
17 seemed like it was one thing after the other. If it wasn't
18 one thing, it was another and then another, and everything
19 sort of in onion layers just kind of revealed themselves, and
20 finally I think the best advice I got when I was having
21 seizures after seizures on the grand mal seizures, then all of
22 a sudden I started having shaking of my hand and just shaking
23 of my hand, and Dr. Leppik said, "Honey, that's not a seizure.
24 That's not a grand mal seizure." He said, "Here's what I want
25 you to do." He says, "I want you to stop, stop working, I

1 want you to stop everything in your life, and I want you just
2 to stop and just, you know, do good things for yourself and do
3 nothing but good things."

4 And so when I stopped trying to be me, because that
5 was how I did things before I was shot. I just, you know, go,
6 go, go, do, do, do, and he gave me permission to stop, and
7 then I was able to start healing.

8 Q And as you say in the title of your book, do you have
9 miles to go before you sleep?

10 A I wouldn't say "miles," but I would say -- I don't know,
11 I feel like I've come a long way, yeah.

12 Q Jackie, is there anything further you'd like to share
13 with Judge Facciola regarding your horrible experiences of
14 that day and the battle of the last 25 years to get to sit
15 here today?

16 A And it's not just that. It's -- I mean, once I wake up
17 in the morning, it's -- you know, everything is right in my
18 face, "Oh, yeah, you can't -- you're having a hard time
19 keeping up because you just don't have that wherewithal in
20 your brain anymore," so it's a day-to-day thing, and it's
21 day-to-day frustrations. It's not just 25 years ago it
22 happened. It happens in front of my house.

23 If it's not a fear, it's just trying to keep up,
24 just trying to keep up on a daily basis, and that's one of the
25 things I think I just want to stop working so hard is because

1 I just want to give myself a break.

2 Q Do you need one?

3 A Yeah.

4 Q Thank you, Jackie.

5 A You're welcome. Thanks for the opportunity.

6 MR. HEIDEMAN: Nothing further of this witness, Your
7 Honor. We do have another witness ready today if the Court
8 has the time.

9 THE COURT: Yes, please, go ahead. Call your next
10 witness.

11 MR. HEIDEMAN: Patricia Henry.

12 (PAUSE.)

13 MR. HEIDEMAN: Mr. Perles reminded me, Your Honor.
14 I thought I moved in and to be sealed as confidential Exhibits
15 4A, B, C, D, and E, are those shown as admitted and sealed?

16 THE COURT: I believe so.

17 MR. HEIDEMAN: Thank you very much. Pat Henry.

18 THE DEPUTY CLERK: Raise your right hand.

19 (WITNESS SWORN BY THE DEPUTY CLERK.)

20 THE DEPUTY CLERK: Thank you. Please be seated,
21 ma'am.

22 PATRICIA HENRY,
23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25

1 BY MR. HEIDEMAN:

2 Q Would you state your full name, please.

3 A Patricia Henry.

4 Q And where do you live, Ms. Henry?

5 A In Wenatchee, Washington.

6 Q Can you spell that for the court reporter.

7 A W-e-n-a-t-c-h-e-e.

8 Q How long have you lived there?

9 A Three years.

10 Q Where were you born?

11 A In Everett, Washington.

12 Q And let me hand you what's been marked as Plaintiff's
13 Exhibit No. 5 and ask if you can identify this document.

14 A It's a certified copy of my birth.

15 Q And does that reflect that you were born in the United
16 States?

17 A In Everett, Washington, yes.

18 Q Yes. And have you remained a United States citizen ever
19 since your birth?

20 A I have.

21 Q Do you presently have a U.S. passport?

22 A I do.

23 Q Let me hand you what's been marked as Plaintiff's Exhibit
24 6 and ask if you can identify that document.

25 A It's a copy of my passport.

1 Q Thank you very much.

2 MR. HEIDEMAN: At this time, Your Honor, we would
3 move both Exhibits 5 and 6 into evidence.

4 THE COURT: Admitted.

5 (PLAINTIFF'S EXHIBITS 5 AND 6 ADMITTED.)

6 MR. HEIDEMAN: Thank you.

7 Q (BY MR. HEIDEMAN) Tell the Court, please, where you grew
8 up and your education in chronological order.

9 A I was born in Everett, Washington. My father was a
10 career military man, and we traveled a lot. I lived in Japan
11 for three years, I lived in France on two separate occasions
12 for seven years in total.

13 When I was a teenager, I came back to the state of
14 Virginia and that's where I went to the ninth grade and high
15 school. I graduated from high school and went to live with my
16 grandmother in Washington State to go to college to become a
17 nurse.

18 Q Thank you. What are your parents' names?

19 A Vernon Willfred Peterson was my father and my mother
20 Hetty Everdina Messink.

21 Q And did she also go by the name Hetty Peterson?

22 A Correct, that was her married name. Messink was her
23 maiden name.

24 Q Are either of them alive today?

25 A No.

1 Q Before I asked you about your parents, you were talking
2 about the schooling. Tell the Court also about the work that
3 you've done since the schooling that you indicated.

4 A I went to Everett Community College and graduated with an
5 associate degree in nursing and proceeded to work my nursing
6 career for 35 years first at General Hospital and then it
7 merged into Providence General.

8 Q Thank you. Your -- is your -- is your mother Hetty
9 Peterson still alive?

10 A No, she's not. She died in 2007.

11 Q And are you the trustee of the Hetty Peterson Living
12 Trust?

13 A I am.

14 Q Before I hand you the trust certificate, let me ask you
15 first where your mother was born.

16 A She was born in Apeldoorn in Holland.

17 Q So she was not born as a U.S. citizen; is that correct?

18 A Correct. She became naturalized in 1950.

19 Q Let me hand you what has been marked as Plaintiff's
20 Exhibit 16 and ask if you can identify this document.

21 A Uh-huh. It's a copy of that certificate of
22 naturalization, or it says "Certificate of Immigration,"
23 actually.

24 Q Thank you very much. And on that certificate, being
25 Exhibit 15 -- 16, does it indicate on the top left that the

1 original is to be given to the person naturalized?

2 A Correct.

3 Q And does it indicate that the name of the person being
4 naturalized is Hetty Everdina Peterson?

5 A Yes, it does.

6 Q Of Marysville, Washington?

7 A Yes.

8 Q And does it indicate that the date of her naturalization
9 was November 17, 1950; is that correct?

10 A That is correct.

11 MR. HEIDEMAN: We'll move Exhibit 16 into evidence
12 at this time, Your Honor.

13 THE COURT: Be admitted.

14 (PLAINTIFF'S EXHIBIT 16 ADMITTED.)

15 MR. HEIDEMAN: Thank you.

16 Q (BY MR. HEIDEMAN) And let me hand you what's been marked
17 as Exhibit 17 and ask if you can identify this document as the
18 death certificate of your mother Hetty Everdina Peterson.

19 A That is what I'm holding.

20 Q Thank you very much. And what on that death certificate,
21 being Exhibit 17, what does it indicate as the date of death
22 in the top right corner?

23 A August the 23rd, 2007.

24 Q August 23rd, 2007.

25 MR. HEIDEMAN: We'll move Exhibit 17 into evidence,

1 Your Honor.

2 THE COURT: Be admitted.

3 (PLAINTIFF'S EXHIBIT 17 ADMITTED.)

4 MR. HEIDEMAN: Thank you.

5 Q (BY MR. HEIDEMAN) In that regard, so that we're very
6 clear, would it be accurate, therefore, to say that your mother,
7 at the time your sister Scarlett was murdered on the EgyptAir
8 Flight 648 in the hijacking, was your mother at that time an
9 American citizen?

10 A Yes, she was.

11 Q And did she continue as an American citizen from that
12 date continuously until the date of her death?

13 A She did.

14 Q Thank you very much. Let me hand you what's been marked
15 as Exhibit 18 being a Certificate of Trust, being your
16 mother's trust and naming you as the trustee and ask if you
17 can identify that document.

18 A It's a copy of the "Certificate of Trust."

19 Q Thank you. And what does that Certificate of Trust,
20 being Exhibit 18, indicate?

21 A That I am the initial trustee of the trust.

22 Q And is it called the "Hetty E. Peterson Living Trust"?

23 A Yes, it is.

24 Q And at the time that that was created, and if you'll look
25 at the date on the bottom of April 24, 2002, were you named as

1 the trustee of the trust?

2 A I was.

3 Q And did you remain your mother's trustee until such time
4 as she died?

5 A I did.

6 Q And in that capacity, did you then become the person
7 responsible for the affairs of your mother's estate?

8 A Yes.

9 Q And as you appear here today, are you responsible for the
10 affairs of your mother's estate as a --

11 A I continue to be.

12 Q -- Plaintiff in this action?

13 A Yes.

14 MR. HEIDEMAN: Thank you. We'll move Exhibit 18
15 into evidence, Your Honor.

16 THE COURT: It will be admitted.

17 (PLAINTIFF'S EXHIBIT 18 ADMITTED.)

18 MR. HEIDEMAN: Thank you.

19 Q (BY MR. HEIDEMAN) In relation to your mother, did she
20 appear and testify at the trial of Omar Ali Rezaq, the hijacker
21 of the EgyptAir Flight 648 who was identified as Jackie -- by
22 Jackie Nink Pflug as the hijacker on Exhibit -- shown on Exhibit
23 3?

24 A She and my father both testified, I believe.

25 Q Thank you. In relation to your mother's testimony, let

1 me hand you what's been marked as Exhibit 19 and ask if you
2 have seen or can identify this document as testimony of your
3 mother at the trial of Omar Ali Rezaq?

4 A I haven't seen this before but the paperwork here says
5 that it is the testimony.

6 Q It indicates on its face that it was Hetty Peterson,
7 Government's witness being sworn on direct examination; is
8 that correct?

9 A Correct.

10 MR. HEIDEMAN: I proffer to the Court that one of
11 the exhibits we will move in at another trial day is actually
12 other records from the trial of Omar Ali Rezaq tried in this
13 courthouse and that this document comes from within the
14 official records here in the courthouse and accordingly we
15 would move Exhibit 19 into evidence.

16 THE COURT: It will be admitted.

17 (PLAINTIFF'S EXHIBIT 19 ADMITTED.)

18 MR. HEIDEMAN: Thank you.

19 Q (BY MR. HEIDEMAN) In relation to Exhibit 19, the
20 testimony in front of you, do you see that it indicates there on
21 page 1218, line 10 -- line 9, would you tell your name, and the
22 answer was, my name is Hetty Peterson?

23 A Correct.

24 Q And it indicates that she lived in Oceanside, California.

25 A Correct.

1 Q And it indicates that she was married for almost 40
2 years, having been married on May 3rd, 1946 to your father,
3 that they were married in the Netherlands; is that correct?

4 A That is correct.

5 Q And on page 1219, does it indicate that your father
6 Vernon Peterson was an American serviceman, was a lieutenant
7 and that your mother and your father had five children?

8 A That is correct.

9 Q Is it correct that your mother and your father had five
10 children, being oldest to youngest listed on page 1219, line 9
11 and 10 of this Exhibit 19, those children being Scarlett,
12 Patricia, Kathy, Paul, and Michelle; is that correct?

13 A That is correct.

14 Q So are you the Patricia listed in there in your mother's
15 testimony?

16 A I am.

17 Q Thank you very much. And it indicates there that Paul
18 was born in France and Kathy was born in Japan; is that
19 correct?

20 A That is correct.

21 Q And Kathy is Katharine Doris; is that correct?

22 A That is correct.

23 Q And are you familiar with the affidavit that Katharine
24 Doris has tendered to the Court for filing and that it is --
25 that is marked as Exhibit 22 in this case? Just a second,

1 I'll hand it to you.

2 A I haven't seen it, but I know she did it.

3 Q Let me hand you what's been marked as Exhibit 22.

4 MR. HEIDEMAN: And it's in the evidence binder, Your
5 Honor, and then so we proffer the Court as the affidavit of
6 Katharine Doris.

7 Q (BY MR. HEIDEMAN) Can you look at this exhibit for a
8 moment, please, this 22. Please tell the Court whether or not
9 that appears on its face with the stylus of this case to be the
10 "Affidavit of Katharine Doris" stating that she's the natural
11 born sister of Scarlett Rogenkamp. Do you see that?

12 A That's what it says here on page 1.

13 Q Yes. And look, please, on page 2 of this Exhibit 22. Is
14 it accurate that your sister Katharine Doris was born on
15 November 10, 1952 in Osaka, Japan?

16 A That's correct.

17 Q And she was born on the U.S. Army base?

18 A Yes.

19 Q And was your sister Katharine Doris born to your mother
20 Hetty Peterson and your father Vernon Peterson who was in the
21 United States Army and stationed overseas?

22 A She was.

23 Q And your sister Katharine Doris, was she a citizen of the
24 United States from the time of her birth until the time of her
25 death? I'm sorry, not from the time of her birth.

1 A She's still alive.

2 Q Yes, she's still alive. Thank you.

3 Look at the back of this Exhibit 22. Does that
4 constitute a certificate of birth of Katharine Denise Peterson
5 in Japan but issued by the United States of America,
6 Department of State certifying the birth of a United States
7 citizen?

8 A It does.

9 Q And that is attached as Exhibit A to Exhibit 22; is that
10 correct?

11 A That is correct.

12 Q And while you're looking, would you also look at the very
13 next page being Exhibit B to Exhibit 22 and tell the Court if
14 that appears to be a passport of the United States of America
15 of your sister Katharine Denise Doris, an American citizen?

16 A It does.

17 Q Thank you very much. Returning in this Exhibit 22 to
18 page 2, do you see that in paragraph 8 it indicates that your
19 sister Katharine Doris has stated to the Court that she found
20 it very difficult to discuss the emotional impact and effect
21 of Scarlett's death on her and the only way for her to express
22 her feelings about Scarlett's death is in writing, and is that
23 correct?

24 A That is correct.

25 Q And your sister indicates that the hardest part about

1 Scarlett's death is having lost the opportunity of continuing
2 to be close with your sister as she was very close to her
3 older sister with whom she had a warm, wonderful and loving
4 relationship; is that correct?

5 A That is correct.

6 Q And did you observe that warm, wonderful, loving
7 relationship between your sister Scarlett who was murdered and
8 your younger sister Katharine Doris who has executed this
9 affidavit marked as Exhibit 22?

10 A I did for as long as I was in our family home.

11 Q And did you have occasion to be together from time to
12 time with Scarlett and with your sister Katharine Doris?

13 A We tried to get together as often as we could, but as we
14 all left home, we moved to different areas, so sometimes it
15 was difficult to get together, but we tried.

16 Q Thank you very much.

17 MR. HEIDEMAN: At this time, Your Honor, we would
18 move Exhibit 22 with its attachments A and B into evidence and
19 defer to the Court, since it's there as a sworn notarized
20 statement for the Court to read the remainder of the testimony
21 of Katharine Doris, which I'm most willing to go over here in
22 open Court, but I believe to be not necessary.

23 THE COURT: I don't think it's necessary. Thank
24 you. They will be admitted.

25 (PLAINTIFF'S EXHIBIT 22 ADMITTED.)

1 MR. HEIDEMAN: Thank you.

2 Q (BY MR. HEIDEMAN) Returning for a moment to Exhibit 19
3 being the testimony of your mother, page 1219, line 9 and 10, it
4 indicates that the children were Scarlett, Patricia, Kathy, that
5 would be Katharine Doris, right?

6 A Correct.

7 Q And the next child lists -- children listed are Paul, and
8 that would be Paul Peterson; is that correct?

9 A That is correct.

10 Q And then --

11 A And then Michelle.

12 Q -- Michelle Holbrook; is that correct?

13 A Yes.

14 Q And Michelle Holbrook is here in the courtroom today; is
15 that correct?

16 A She is here today.

17 Q Paul Peterson, your brother, has tendered an affidavit to
18 the Court as Exhibit 23, which I hand to you at this time and
19 ask if that appears on its face to be an affidavit of your
20 brother Paul Peterson.

21 A It says that it is.

22 Q Thank you. And turning to that Exhibit 23, does it
23 indicate there that your brother on line 2 -- paragraph 2,
24 page 1 of this Exhibit 23 is the natural born brother of
25 Scarlett Rogenkamp; is that correct?

1 A That is correct.

2 Q And it further indicates on page 2, Item 8 that since the
3 murder of his sister, he has found it very difficult to
4 discuss the emotional impact and effect of her death has had
5 on him and very difficult for him to be around people as he's
6 reclusive in his lifestyle; is that correct?

7 A Correct.

8 Q It indicates in line -- paragraph No. 10, quote,
9 Following my graduation from high school, I moved back to the
10 United States and lived with my older sister Katharine Doris
11 in Washington State and then moved to California to live with
12 my sister Scarlett, and it was during this period of time that
13 Scarlett and I became particularly close; is that correct?

14 A That's correct.

15 Q And this document indicates on page 2, Item 4 that Paul
16 Peterson is a citizen of the United States in this notarized
17 affidavit; is that correct?

18 A That is correct.

19 Q And if you look, please, at the last page of this Exhibit
20 23, do you note there that it is issued by the United States
21 of America, Department of State, Certification of Report of
22 Birth of a United States Citizen being Paul Gerard Peterson;
23 is that correct? On the last page, the Certificate of Birth.

24 A That's not attached to this.

25 Q Exhibit 23. Exhibit 23, ma'am.

1 A I was looking at 23. There isn't anything attached to
2 it.

3 Q Hold a second.

4 THE COURT: You can see mine.

5 Q (BY MR. HEIDEMAN) One second. I have one. Everybody
6 always says "why so many copies." Let me hand you what is --

7 A What should be the last page?

8 MR. HEIDEMAN: I proffer to the Court as the last
9 page of Exhibit 23 in accordance with your binder and mine,
10 Your Honor.

11 Q (BY MR. HEIDEMAN) Does this appear to be the -- wrong
12 one, actually. A Certificate of Birth of your brother Paul
13 Gerard Peterson issued by the United States of America?

14 A Yes, it does.

15 Q Thank you very much.

16 A Okay.

17 Q In regard to your brother Paul, it indicates on page 3
18 that Scarlett encouraged me to attend college and was
19 instrumental in me getting me to enroll in college. Do you
20 see that, page 3, line 12?

21 A Yes.

22 Q And on page 3, line 14, this is the last one I'll ask you
23 about before submitting this to the Court. Quote, I also
24 remember celebrating the Thanksgiving holiday with her, her
25 being Scarlett. She was excited to host our family and it was

1 very special for our family to all be together in her home.
2 Even though our family did not often get together to
3 celebrate, this holiday was particularly special because so
4 many of us were able to be together. Since Scarlett's murder,
5 our family has not gotten together as much and this is
6 something that I miss.

7 A That's true.

8 Q Thank you very much.

9 MR. HEIDEMAN: We'll move Exhibit 23 into evidence
10 at this time, Your Honor.

11 THE COURT: It will be admitted. Thank you.

12 (PLAINTIFF'S EXHIBIT 23 ADMITTED.)

13 MR. HEIDEMAN: Thank you very much.

14 Q (BY MR. HEIDEMAN) Turning back to the testimony of your
15 mother being Exhibit 19.

16 A Number -- Oh, okay. One moment.

17 Q Look at page 1223 where I believe it's the prosecutor at
18 that time, on page 3 says, "Directing your attention to the
19 end of November '85, did there come a time that you received
20 information that your daughter had died?"

21 And your mother answers, in part, "It was on the
22 25th of November, it was a Saturday, the State Department
23 called me."

24 Question, "What did you learn?"

25 "That Scarlett was on that flight that was being

1 hijacked. In the beginning they did not have all that much
2 information but they were very good. They called every time
3 they had some news. They would call me." Quote, I just
4 wouldn't believe it.

5 Question, line 14, "I understand, ma'am, then you
6 did learn that she had died; is that correct?"

7 Answer, "The next day, yes."

8 And then your mother in this transcript identified
9 Scarlett's passport; is that correct? On page 1224.

10 A Okay.

11 Q Line 5.

12 A Yes. It says, "Yes, of course, it's her passport."

13 Q And she -- and it indicates on line 15 she got those from
14 the U.S. Government.

15 A Yes.

16 Q Your sister actually worked for the United States
17 Government, didn't she?

18 A She was a civilian employee for the Air Force.

19 Q And she worked for the U.S. Department -- for the Air
20 Force?

21 A For the Air Force.

22 Q In relation to your mother, would you describe to the
23 Court what you observed about how the murder of your sister
24 Scarlett impacted your mother Hetty Peterson?

25 A It was hard. She was devastated. They were very much

1 alike. They lived close to each other before she moved to
2 Athens. They enjoyed doing things together. I don't think my
3 mother ever got over her death.

4 Q As the personal representative of your mother's estate,
5 as the trustee of her trust, do you ask the Court to enter
6 judgment on her behalf against the Defendants who sponsored
7 the execution and murder of your sister Scarlett?

8 A I do.

9 Q Thank you.

10 MR. HEIDEMAN: One moment, please, Your Honor.

11 (PAUSE.)

12 Q (BY MR. HEIDEMAN) Your sister Val Peterson -- not your
13 sister -- but Val Peterson, the surviving spouse of your father
14 Paul -- of your father Vern Peterson will be here tomorrow to
15 testify; is that correct?

16 A Correct.

17 Q Thank you. But did you have occasion to observe the
18 relationship between your father Vern Peterson and your sister
19 Scarlett Rogenkamp?

20 A They were always very close. I think he felt the loss
21 equally as much as my mother did, but I truly think it was
22 harder on my mother.

23 Q And what did you observe about your father's suffering
24 and loss as a result of Scarlett's murder?

25 A We lived in different parts of the United States because

1 I was in Washington State and he was here in Washington, but
2 he didn't talk about it often, but I know it affected him
3 deeply.

4 Q Thank you. And is Val Peterson the executrix of your
5 father's estate being a Plaintiff in this action?

6 A She is.

7 Q Thank you. And let me now turn to the issue of your
8 sister Scarlett Rogenkamp. Are you the representative of her
9 estate?

10 A With the passing of my mother, I became the executor of
11 my sister's estate.

12 Q Thank you. First I'll ask you as to Exhibit 11, if this
13 Exhibit 11 constitutes a copy of the Certificate of Birth of
14 your sister Scarlett Rogenkamp.

15 A That's what this is, a copy of her birth certificate.

16 Q And does it indicate there the full name of the child as
17 Scarlett Marie Peterson?

18 A It does.

19 Q And the father is Vernon Willfred Peterson?

20 A Correct.

21 Q And the mother is Hetty Everdina Grada Messink; is that
22 correct?

23 A Yes, Messink.

24 Q Messink. And that's your mother about whom you've
25 already testified being Hetty Peterson; is that correct?

1 A That is correct.

2 MR. HEIDEMAN: We'll move Exhibit 11 into evidence
3 at this time, Your Honor.

4 THE COURT: It will be admitted.

5 (PLAINTIFF'S EXHIBIT 11 ADMITTED.)

6 MR. HEIDEMAN: Thank you.

7 Q (BY MR. HEIDEMAN) Let me hand you what has been marked as
8 Exhibit 12 and ask if you note that on its face this is a
9 document from the United States Government, specifically being a
10 Report of the Death of an American Citizen Abroad issued by the
11 American Embassy at Valletta, Malta on December 2, 1985.

12 A That is correct.

13 Q And does it appear on its face that the deceased there is
14 Scarlett Marie Rogenkamp?

15 A Yes.

16 Q And is that your sister?

17 A Yes, it is.

18 Q Was she 38 at the time?

19 A Yes, she was.

20 Q Was she there bearing a United States Passport No.
21 8699851?

22 A I didn't know her passport number, but that's what it
23 says on this document.

24 Q And is that on the line of "Evidence of U.S.
25 Citizenship"?

1 A Yes, it is.

2 Q Does it indicate that in the line where it says "Place of
3 Death" that she was pronounced "dead on arrival at St. Luke
4 Hospital in Malta"?

5 A It does.

6 Q And under Cause of Death, does it reference "laceration
7 of the brain"?

8 A "To be laceration of the brain" is it what says.

9 Q At the very bottom in the area of "remarks," does it
10 indicate "subject was shot on a hijacked EgyptAir aircraft.
11 Her passport and luggage were presumably destroyed when
12 aircraft was stormed by rescuers"?

13 A It does.

14 MR. HEIDEMAN: At this time, Your Honor, we would
15 move Exhibit 12 into evidence.

16 THE COURT: It will be admitted.

17 (PLAINTIFF'S EXHIBIT 12 ADMITTED.)

18 Q (BY MR. HEIDEMAN) As to Exhibit 13, I'll hand you what
19 appears on its face to be a document from the courts. Would you
20 tell the Court the identity of the court that has issued that
21 document being Exhibit 13?

22 A The San Diego County Court in California, and it's a copy
23 of my letters of -- it says "testamentary."

24 Q "Letters Testamentary," and does it appoint you under the
25 letters on the left side as Patricia Henry for a period of

1 three years, expiring July 17, 2002?

2 A It does.

3 Q As the successor executor to your sister's Scarlett's
4 estate?

5 A It's July 17th, 2012.

6 Q Thank you for the correction. And are you the personal
7 representative, therefore, as you sit here today, of your
8 sister's Scarlett's estate?

9 A I am.

10 Q And in that capacity, do you ask the Court on behalf of
11 your sister Scarlett's estate to award all sums appropriate as
12 determined by the judge against the Defendants for their
13 sponsorship of your sister's murder and for such additional
14 damages to which she may and the estate may appear entitled?

15 A I do.

16 Q Thank you.

17 MR. HEIDEMAN: We'll move Exhibit 13 into evidence,
18 Your Honor.

19 THE COURT: Admitted.

20 (PLAINTIFF'S EXHIBIT 13 ADMITTED.)

21 MR. HEIDEMAN: Thank you.

22 May it please the Court, it's -- I don't know the
23 Court's schedule, and I don't know if you'd like me to
24 complete this witness before we break, or if you would like to
25 break and resume in the morning.

1 THE COURT: How much longer do you have?

2 MR. HEIDEMAN: I can finish within 15 minutes.

3 THE COURT: It's up to the court reporter and the
4 clerk. Shall we or shall we not? 5:30, okay.

5 MR. HEIDEMAN: Thank you.

6 THE COURT: Is Ms. Henry leaving this evening?

7 MR. HEIDEMAN: No, she will be here in the morning.
8 That's why I'm asking at this hour.

9 THE COURT: Let's see if we can get it finished up.

10 MR. HEIDEMAN: Thank you.

11 Q (BY MR. HEIDEMAN) Tell the Court about your relationship
12 with your sister Scarlett.

13 A We were a year-and-a-half apart, did lots of things
14 together growing up. Because of my dad's job, we moved every
15 two or three years, so we had a very interesting life living
16 in different countries, and we were sisters. We were best
17 friends. We were close.

18 Even after she left home, we still remained in
19 contact as best we could. When I was 17, I left home and went
20 to college in Washington State and lived with my grandmother,
21 so after that I didn't live with Scarlett anymore but would
22 visit when we -- when we could, when our families' situations
23 allowed.

24 Q What are your memories of Scarlett when the two of you
25 were growing up?

1 A She was beautiful, she was outgoing, she was confident,
2 she just was a free spirit, enjoyed life, enjoyed many things.
3 In her 38 years, I believe she's done more than I've
4 accomplished in my 60, but she just liked to go places and do
5 things and travel and learn, collect art. She did a little
6 bit of everything.

7 Q Do you have some photos for review by the Court of
8 Scarlett and your family?

9 A I brought them to you, yes.

10 Q Let me hand you what's been marked as Plaintiff's
11 Exhibit 7 and ask if you can identify this document.

12 A Okay. This is a picture of my sister's wedding that has
13 my mother, myself, Scarlett, my brother, my father and my
14 sister Michelle.

15 Q Could you, from left to right, just tell the Court which
16 one is you and which one is Scarlett?

17 A Scarlett is the bride in the middle and I'm to her left.

18 Q All right. And on the far right, is that your father?

19 A That's my father, and next to him, my brother Paul.

20 Q Thank you.

21 MR. HEIDEMAN: We'll move Exhibit 7 into evidence,
22 Your Honor.

23 THE COURT: Be admitted.

24 (PLAINTIFF'S EXHIBIT 7 ADMITTED.)

25 MR. HEIDEMAN: Thank you.

1 Q (BY MR. HEIDEMAN) And let me hand you Plaintiff's Exhibit
2 8 and ask if you can identify this photograph.

3 A This is a picture of both of my parents with Scarlett.
4 Michelle said where it was and I don't remember what she told
5 me, but if you ask her, she can tell you where they were.

6 Q All right. We will. And this is Scarlett?

7 A Scarlett in the middle, my mother Hetty and my father on
8 the left.

9 Q Thank you. And approximately when was that taken, if you
10 recall?

11 A I'm looking at her age and thinking mid '60s, but I'm not
12 positive.

13 Q All right.

14 A You need to ask Michelle.

15 Q I will indeed.

16 A I think it was a picture that she brought.

17 Q But you can identify this photograph being Scarlett
18 Rogenkamp in the middle, your father Vernon --

19 A Vernon.

20 Q -- on the left and Hetty Peterson, your mother on the
21 right; is that correct?

22 A Correct.

23 MR. HEIDEMAN: Move Exhibit 8 into evidence, Your
24 Honor.

25 THE COURT: It will be admitted.

1 (PLAINTIFF'S EXHIBIT 8 ADMITTED.)

2 MR. HEIDEMAN: Thank you.

3 Q (BY MR. HEIDEMAN) Let me move to Exhibit 9 and ask if you
4 can identify that document.

5 A That is a picture that was taken at my home in
6 Marysville, Washington, a Christmas celebration. Scarlett is
7 on the right next to my mother, and then myself and my sister
8 Katharine.

9 Q Thank you.

10 MR. HEIDEMAN: We'll move Exhibit 9 into evidence,
11 Your Honor.

12 THE COURT: Be admitted.

13 (PLAINTIFF'S EXHIBIT 9 ADMITTED.)

14 MR. HEIDEMAN: Thank you.

15 Q (BY MR. HEIDEMAN) Let me hand you Plaintiff's Exhibit 10
16 and ask if you can identify that document.

17 A That's a copy of Scarlett receiving a certificate from
18 the Air Force for work that she did. She had several service
19 awards that I brought to you, and I'm not sure which one it
20 was, but it was her receiving recognition for a job well done.

21 Q And did Scarlett work for the United States Air Force?

22 A She did.

23 Q And was she working for the United States Air Force at
24 the time that she was murdered?

25 A Yes, she was.

1 Q Do you recall celebrating holidays with Scarlett?

2 A When we could. It depended on who was where. Scarlett
3 went to Holland with me after I graduated from high school and
4 with my mother. She worked there in Holland in '68, '69, and
5 it was in the early '70s when she moved to the LA area. She
6 lived in Florence, she lived in Hermosa Beach, she lived in
7 many -- Redondo Beach, different areas in LA while she was
8 working for the Air Force.

9 Q Did Scarlett graduate from college?

10 A She did. I didn't realize she had, but she went to one
11 year of college here in Virginia at William & Mary, and then
12 later she finished and received a bachelor of arts degree in
13 the University of California, Long Beach.

14 Q What were Scarlett's career aspirations as she had
15 expressed them to you?

16 A She became a GS-12. I know she didn't start there, but
17 after she graduated from high school, she took whatever tests
18 she needed to become a government worker and wanted to work
19 for the Government so that she could specifically travel and
20 see the world, see more of it than she already had.

21 Q How long did Scarlett serve as an employee of the United
22 States Air Force before she was murdered?

23 A I believe at least 10 years.

24 Q And where had she been stationed?

25 A She started in Los Angeles and then was assigned to

1 Athens, Greece.

2 Q Do you actually know what work she did for the Air Force?

3 A I think she was called a Property Management Specialist.

4 I don't truly know what that means, but that was the title,

5 Industrial Property Management Specialist.

6 Q And was she actually based in Athens --

7 A At the time of the hijacking?

8 Q -- at the time she was murdered?

9 A She was.

10 Q And over the years, did you communicate with her from
11 time to time, get together with her from time to time, and
12 tell the Court what the relationship was between the two of
13 you.

14 A We had a very good relationship. I traveled to Los
15 Angeles to see her often when she lived closer to me on the
16 West Coast. I did not go to Greece to see her when she was
17 there, and I think she had been in Greece for at least a year
18 before she was killed.

19 Q Did your mother Hetty Peterson actually go to Greece,
20 though, to visit your sister prior to her murder?

21 A She was there in September. I believe she had gone twice
22 to see her, and they've gone traveling together, something
23 they liked to do.

24 Q How would you describe Scarlett's relationship with your
25 mother and your mother's relationship with Scarlett?

1 A They were -- they had like personalities. They enjoyed
2 the same things. They both were very cultured people and
3 enjoyed traveling. They were probably the closest of all of
4 us.

5 Q How would you describe your relationship with Scarlett
6 and Scarlett's relationship with you?

7 A I had a good relationship with my sister living at home.
8 You know, we were just sisters. Yeah.

9 Q Do you miss her?

10 A I do, always.

11 Q And has it been difficult for you since you learned she
12 was murdered?

13 A Yes. Just for her not to -- she did meet my children
14 because she was at my house prior to her leaving for Greece,
15 but she never got to meet my grandchildren or do things that
16 we could have done.

17 Q Do you recall where you were living and also where your
18 mother was living on the day of the hijacking?

19 A I was living in Marysville, Washington and my mother
20 lived in Oceanside, California.

21 Q Were you near one another or not near?

22 A No. My mother and I, no.

23 Q And your mother indicated in her testimony in the
24 criminal trial of Rezaq that she learned from the State
25 Department about the murder of your sister.

1 A I believe she did. My father was the one that called me
2 and told me about it.

3 Q And what did your father say and what did you observe
4 about how he felt and how did it impact you?

5 A He was stunned. He didn't believe that it was true, and
6 my mother denied it for a long time. She just didn't believe
7 that this could possibly have happened. They didn't initially
8 know that it was Scarlett that was killed. They reported in
9 the news that it was a 20-year-old, and Scarlett was 38 at the
10 time of the hijacking, but it was hard to watch newscasters on
11 TV talking about your sister. It was just surreal.

12 Q Have you suffered a loss as a result of the murder of
13 your sister?

14 A I feel that I have.

15 Q And have you -- have you suffered emotionally as a result
16 of the loss of your sister?

17 A I think about it often, yes, and wish that we could have
18 had more time together.

19 Q Did you speak with your mother about the loss of your
20 sister after she learned of your sister's murder?

21 A I did, and my husband, he was at work at the time when it
22 happened. He came back so that we could travel to Oceanside
23 for her burial.

24 Q And did you do so?

25 A Yes, we did.

1 Q Did the family gather for Scarlett's funeral?

2 A Yes, even my mother's sister from Holland came for the
3 funeral and her brothers and sisters that lived all over the
4 United States.

5 Q What do you remember about your sister Scarlett's
6 funeral?

7 A Just how sad it was, and you know, how pointless, how
8 senseless.

9 Q Were letters of condolences received from various people
10 about Scarlett's murder?

11 A Yes. My mother received many, many letters of
12 condolences.

13 Q Was one of those from President Ronald Reagan?

14 A Yes, I believe it went to both my mother and my father.

15 Q Let me -- thank you. Let me hand you what's been marked
16 as Plaintiff's Exhibit 15 and being a letter from President
17 Ronald Reagan and attaching thereto a letter from Charles
18 Gabriel, General U.S. Air Force, Chief of Staff and ask if you
19 can identify those documents as being letters received of
20 condolences from both the President and the United States Air
21 Force?

22 A Yes. The top one here is from the White House and it's
23 signed by Ronald Reagan, and the second document is signed by
24 Charles Gabriel, Chief of Staff.

25 Q And attached to the letter from Charles Gabriel, there

1 appears to be what I will call a narrative about your sister
2 Scarlett. Do you see that?

3 A It's a very beautiful letter from her boss in Athens that
4 he sent to my mother, which is very touching.

5 Q At the -- on that letter being dated November 26, 1985,
6 General Gabriel states, and I quote, Your daughter's
7 contributions to the Air Force demonstrated her dedication to
8 our nation and its security. Do you see that?

9 A Yes, I do.

10 Q He extended the gratitude of a grateful nation and
11 deepest sympathy; is that correct?

12 A That is correct.

13 Q In the attachment, did General Gabriel talk about how
14 Scarlett had spirit and drive and zest for life?

15 A That she did.

16 Q That she was a true professional?

17 A Yes.

18 Q She was a technical expert?

19 A Yes.

20 Q Scarlett did not let possible problems or hardships stand
21 in the way of getting most out of life?

22 A That is true.

23 Q The General said about Scarlett that she was a generous
24 person, giving what she could of her time, energy and
25 resources; is that correct?

1 A That is.

2 Q General said that Scarlett, on the next page, enjoyed her
3 work and people she worked with; is that correct?

4 A Yes, it is.

5 Q That she kept candy on her desk?

6 A For anybody that wanted it, yes.

7 Q That that was an example of her sharing and giving?

8 A Yes.

9 Q Scarlett was a builder in her work and built foundations;
10 is that correct? On the next page. And she built
11 understanding and trust between the people of two countries?

12 A Yes.

13 Q And Air Force established a charity?

14 A They did.

15 Q Scarlett Rogenkamp Memorial Fund for the Hadjipaterion
16 Center for Rehabilitation of Spastic Children; is that
17 correct?

18 A Yes.

19 Q And he refers to her death as martyrdom; is that correct?

20 A Yes.

21 Q And he states that it -- he hopes it will, quote, provoke
22 the cause of justice to rid the world of those who bring
23 terror and destruction; is that correct?

24 A Yes, it is.

25 Q And in that regard, was your sister presented with a

1 Purple Heart for her service to the United States?

2 A She was. My parents were presented with the certificate
3 of the Purple Heart at her funeral service.

4 Q Let me hand you what's been marked as Exhibit 14 and ask
5 if you can identify this as a copy of the Purple Heart
6 delivered, presented by the United States of America to your
7 sister for her service to our country?

8 A Yes, that's what it says, that she was awarded the Purple
9 Heart.

10 Q And were you there at the funeral?

11 A Yes, I was.

12 Q Was the Purple Heart awarded?

13 A Yes, it was.

14 Q And did her coffin have a flag?

15 A It did, and that was presented to my mother or father,
16 one or the other.

17 Q On your behalf and your mother's estate and your sister's
18 estate, do you ask this court to do what is just and right
19 against the terrorists and those who sponsored the terrorists
20 for murdering your sister?

21 A I do.

22 Q Thank you very much. Is there anything further you would
23 like to say to the Court?

24 A Just that we continue to miss my sister daily, the
25 experiences we could have had. I mean, I have wonderful

1 memories of her, but I should have had more.

2 MR. HEIDEMAN: Thank you. At this time, Your Honor,
3 we move into evidence Exhibits 14 and 15, which I don't
4 believe I moved in. In case I didn't move in 19, I would like
5 to move that in at this time, and if you'll just let me pause
6 for one second, I want to see in the one minute I have left if
7 there are any other exhibits I have failed to move into
8 evidence.

9 THE COURT: Admitted.

10 (PLAINTIFF'S EXHIBITS 14, 15 & 19 ADMITTED.)

11 THE DEPUTY CLERK: Did we do her birth certificate?

12 MR. HEIDEMAN: Which one, I'm sorry?

13 THE DEPUTY CLERK: 6.

14 THE WITNESS: That was a copy of my passport. It
15 was No. 6.

16 Q (BY MR. HEIDEMAN) Did I hand you a copy of your passport?

17 A You did.

18 Q Do you have that?

19 A I do.

20 MR. HEIDEMAN: We move Exhibit 6 into evidence.

21 THE COURT: It will be admitted.

22 MR. HEIDEMAN: Half a minute. Are there any other
23 exhibits not moved that we discussed today?

24 THE DEPUTY CLERK: Not that I show.

25 MR. HEIDEMAN: Thank you very much.

1 Q (BY MR. HEIDEMAN) Before we conclude your testimony, Pat,
2 is there anything further on behalf of yourself, on behalf of
3 your mother or on behalf of Scarlett that you would like to say
4 to the Court?

5 A I wish this hadn't happened. I hope we can resolve her
6 senseless death somehow and move on with our lives as best we
7 can.

8 THE COURT: Thank you.

9 MR. HEIDEMAN: Thank you very much, Your Honor.

10 THE COURT: You may stand down. Court will be in
11 recess until 9:30 tomorrow morning. Thank you, everyone.

12 THE DEPUTY CLERK: All rise.

13 (PROCEEDINGS END AT 5:30 P.M.)

14 *_*_*_*

15
16 **CERTIFICATE OF REPORTER**

17 I, Catalina Kerr, certify that the foregoing is a
18 correct transcript from the record of proceedings in the
19 above-entitled matter.

20
21
22
23
24 _____
25 Catalina Kerr

_____ Date