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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON

. . .

NOREEN RENIER, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 85-3781-J-1  
 )  
JOHN DOUGLAS MERRELL, )  
 )  
Defendant. )  
\_\_\_\_\_ )

DEPOSITION OF JESSICA HERBERT

BE IT REMEMBERED that the deposition of JESSICA  
HERBERT was taken on behalf of the Plaintiff by means of a  
telephone recording on the 28th day of August, 1986.

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A Well, it was in an area exactly the way she had described it...there being, you know, very thickly forested, very primitive. She said very rocky and there was quicksand around the area, big gorges, in fact this hill that they actually crashed into ...the tree...she mentioned also that there was a down draft that had sucked the plane down, she could feel the ...well, in fact, this down draft caused by that hill being there, the way the air current flowed off the runway and a...they were flying too low at that point and that's what she had said, that it was flying too low and it had caught in a down draft. That's exactly what happened. And she also described the injuries that people had....

Q I was going to ask you about that. Did she say anything about your brother's injury?

A Yes. She said that he had a broken leg and she said that he had survived the crash and he'd tried to help the girl and that the pilot and the other fellow had been killed by severe head injuries and so forth, severe trauma, that she had severe trauma to the head, her face and her eyes were bleeding (inaudible) in fact she had ended up being decapitated. She said that my brother had tried to help her out of the plane and he was going to go for help, well the two people, the pilot and the other fellow in front of the plane were crushed to death, head injuries as she said. The woman was lying between two trees, and as though she

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had been placed there. This is exactly what some of the fellows who were first in (inaudible) told us directly... (inaudible) we had trouble getting information...state troopers don't like to tell too much about it. Anyway he said it looked as though she had been placed there and I asked about my brother. You know I was trying to find out how much was true and he says, 'Well he and his daughter had gone in on snowmobiles and were the first persons to get there'. And he said, 'Well, we'.his daughter said, 'We tripped over your brother' and he said, 'the first thing my daughter said was, 'this fellow walked here, he lived'. and I said what made her say that? And he said, 'well just above him was a branch of a tree sticking out and a piece of sweatshirt was torn and hanging from the tree, and the way he was sitting, his sitting position on the side of the hill, he couldn't have been thrown from the plane and landed in that position'. It appeared that he had walked there and had sat down at that point. Well she said the...she told me that he had left the plane and set the girl in a hard place with trees above her and she was laying on the rocks underneath the trees...and that as he went down this hill to look for help that he had to sit down because the pain in his leg was so bad, sitting down going down hill, well in fact he was sitting down, going down hill, and he had a broken leg. He also had a severe head injury which they determined was