

KEN MCWATTERS )  
)  
Plaintiff, )  
) Case No: 20-cv-1092 (TSC)  
v. )  
)  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS )  
AND EXPLOSIVES )  
)  
Defendant. )  
)

I, Vytenis Babrauskas, PhD, do hereby declare, subject to the penalties of perjury, that the following statements are true and correct, to the best of knowledge and belief.

2. I am an intentionally recognized expert in the analysis and impacts of heat release from fires, and on fire safety and fire investigation procedures, and am the President and founder of Fire Science and Technology, Inc., an organization devoted to fire safety research, and providing fire safety consultations.

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4. I have reviewed both the initial Declaration of Kenneth McWatters, and the Supplemental Declaration of Kenneth McWatters, previously filed in the above referenced civil action, identified as Ken McWatters v Bureau of Alcohol, Tobacco, Firearms and Explosives, Case no. 20-cv-1092(TSC), and it is my professional opinion that Mr. McWatters has identified therein several significant public interests supporting the release of the complete audio file of the February 20, 2003 Station Nightclub Fire, to assist with additional public oversight of the investigation of this incident, by allowing professional analysis of the only complete audio time line of that fire incident by experts such as myself, that would contribute to the public's additional understanding of that structural fire incident, and encouraging additional fire safety recommendations, policies and preventative measures by both the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and by the National Institute for Standards and Technology ("NIST") to help save lives, and to prevent and reduce further harm to the public, including damage to property, from other structural fire incidents in the future.

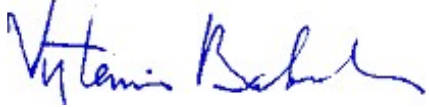
5. In particular, as a professional fire investigation consultant, I fully concur with the basis presented Mr. McWatters set forth in paragraphs 5 and 9-11 of his initial declaration [Dkt 12-2], and in paragraphs 2-8 of his supplemental declaration [Dkt. 17-1] previously filed in this action, in identifying significant public interests and fire safety value in encouraging further analysis of this incident, to facilitate additional fire safety policies and additional fire investigation measures by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and the National Institute for Standards and Technology ("NIST").

6. For much of my professional fire safety career, I have been involved in the process of improving building codes, fire codes, and fire standards. I believe that the fullest possible

understanding of the Station Nightclub fire disaster has the potential for resulting in improvements to U.S. building codes, fire codes, or fire standards.

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

Executed on January 25, 2023 in Cornville, Arizona.

A handwritten signature in blue ink, appearing to read "Vytenis Babrauskas". The signature is fluid and cursive, with the first name "Vytenis" written in a larger, more prominent script than the last name "Babrauskas".

/s/ Vytenis Babrauskas, Ph.D.