

# **EXHIBIT “B”**

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION  
CASE NO: CACE-17-005915

SANDRA STEWART, as Personal Representative  
of the Estate of ROBERT STEWART,

Plaintiff,

vs.

HORIZON DIVE ADVENTURES, INC., a  
Florida Corporation, ADD HELIUM, LLC, a  
Foreign Limited Liability Company, PETER  
SOTIS, individually, and CLAUDIA SOTIS,  
individually, DAVID WILKERSON, individually,  
ROBERT STEELE, individually, REVO BVBA,  
d/b/a REVO REBREATHERS, d/b/a REVO BVBA  
BELGIUM, a Foreign Company, INTERNATIONAL  
ASSOCIATION OF NITROX DIVERS, INC., d/b/a  
IANTD, d/b/a IAND, INC., d/b/a IANTD WORLD  
HEADQUARTERS, a Florida Corporation,

Defendants.

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**SECOND AMENDED COMPLAINT**

COMES NOW Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, by and through undersigned counsel, and hereby sues Defendants, HORIZON DIVE ADVENTURES, INC., a Florida Corporation, ADD HELIUM, LLC, a foreign limited liability company, PETER SOTIS, individually, CLAUDIA SOTIS, individually, DAVID WILKERSON, individually, ROBERT STEELE, individually, REVO BVBA, d/b/a REVO REBREATHERS, d/b/a REVO BVBA BELGIUM, a foreign Company, and INTERNATIONAL ASSOCIATION OF NITROX DIVERS, INC., d/b/a IANTD, d/b/a IAND, INC., d/b/a IANTD WORLD HEADQUARTERS, a Florida corporation, and alleges as follows:

**Allegations as to All Counts**

1. This is an action for damages in excess of Fifteen Thousand Dollars exclusive of interest, costs, and attorney's fees and is being brought pursuant to the Florida's Wrongful Death Act, Fla. Stat. § 768.16 *et seq.* and the maritime or admiralty jurisdiction of the Court.

2. Plaintiff, SANDRA STEWART, is (or will be) the duly appointed, qualified, and acting Personal Representative of the Estate of ROBERT STEWART, and is the proper party to bring this action.

3. At all material times, Plaintiff, SANDRA STEWART, was a citizen and resident of Canada, and is *sui juris*. Plaintiff, SANDRA STEWART, is the natural mother of Plaintiff's decedent, ROBERT STEWART. Plaintiff, SANDRA STEWART, brings this action on behalf of the Estate and Plaintiff's decedent's survivors, which under Florida law include herself and Brian Stewart, the natural father of Plaintiff's decedent.

4. At all material times, Plaintiff's decedent, ROBERT STEWART, was a citizen of Canada.

5. At all material times, Defendant HORIZON DIVE ADVENTURES, INC., was authorized to and doing business as a Florida corporation with a principal address of 105800 Overseas Hwy, Key Largo, Florida 33037.

6. At all material times, Defendant HORIZON DIVE through its employees, agents, contractors, masters, officers, or seaman owned, operated, managed, maintained, or controlled the subject vessel *M/V Pisces*, employed or contracted a crew aboard the subject vessel, and was in the business of, *inter alia*, providing transportation of passengers (like Plaintiff's decedent) to dive sites. Moreover, Defendant HORIZON DIVE had the right or authority to control the conduct of its agents, including its crew. Finally, Defendant HORIZON DIVE supervised, planned, ordered,

or controlled the subject dive in connection with its ownership, operation, management, maintenance, or control of the subject vessel.

7. At all material times, Defendant ADD HELIUM, LLC, (“ADD HELIUM”) was authorized to and doing business as a Florida limited liability company with a principal address of 3590 NW 54<sup>th</sup> Street, Unit 1, Fort Lauderdale, Florida 33309.

8. At all material times, Defendant ADD HELIUM supervised, planned, ordered, or controlled the subject dive.

9. At all material times, Defendant PETER SOTIS was a Florida resident, with an address of 2865 N. Clearbrook Circle, Delray Beach, Florida 33445.

10. At all material times, Defendant PETER SOTIS supervised, planned, ordered, or controlled the subject dive.

11. At all material times, Defendant CLAUDIA SOTIS was a Florida resident, with an address of 2865 N. Clearbrook Circle, Delray Beach, Florida 33445.

12. At all material times, Defendant CLAUDIA SOTIS supervised, planned, ordered, or controlled the subject dive.

13. At all material times, Defendant DAVID WILKERSON, was a Florida resident with a primary address of 500 Geiger Circle, Key Largo, Florida 33037.

14. At all material times, Defendant DAVID WILKERSON, was a crew member aboard the subject vessel *Pisces*, and was employed or contracted by Defendant HORIZON DIVE ADVENTURES, INC., to provide transportation of passengers to dive sites, among other things. Moreover, Defendant DAVID WILKERSON, supervised, planned, ordered, operated or controlled the subject dive and vessel.

15. At all material times, Defendant ROBERT STEELE, was a Florida resident with a

primary address of 579 Boyd Drive, Key Largo, Florida 33037.

16. At all material times, Defendant ROBERT STEELE, was a crew member aboard the subject vessel *Pisces*, and was employed or contracted by Defendant HORIZON DIVE ADVENTURES, INC., to provide transportation of passengers to dive sites, among other things. Moreover, Defendant ROBERT STEELE, supervised, planned, ordered, operated or controlled the subject dive and vessel.

17. At all material times, Defendant REVO BVBA (a/k/a rEvo BVBA), d/b/a REVO REBREATHERS, d/b/a REVO BVBA BELGIUM, was a foreign corporation with its principal place of business in Belgium.

18. At all material times, Defendant REVO BVBA engaged in the business of designing, manufacturing, inspecting, assembling, modifying, testing, servicing, marketing, and distributing the dive equipment used by Plaintiff's decedent at the time of his death. In addition, as detailed below, Defendants ADD HELIUM, PETER SOTIS, or CLAUDIA SOTIS served as Defendant REVO BVBA's agent (actual or apparent) within this state.

19. This Court has both general and specific jurisdiction over Defendant REVO BVBA because, *inter alia*, that entity conducted substantial business activity within this state, maintained an agent or agents within this state, caused a tortious act within this state, and the products and materials it processed, serviced, and manufactured (including, but not limited, the dive equipment used by Plaintiff's decedent at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

20. At all material times, Defendant INTERNATIONAL ASSOCIATION OF NITROX DIVERS, INC., d/b/a IANTD, d/b/a IAND, INC., d/b/a IANTD WORLD HEADQUARTERS, (hereinafter "IANTD") was a Florida corporation with a principal address of

119 Ethan PL, Suite 101, Lake City, Florida 32055.

21. At all material times, Defendant IANTD was a dive certification entity and provided dive training courses and dive training certifications to individuals like Plaintiff's decedent via its instructor trainers and instructors, which served and acted as Defendant IANTD's agents (actual or apparent). At all material times, Defendant PETER SOTIS served as instructor trainer or instructor for Defendant IANTD and served as an agent (actual or apparent) for the entity in provide, *inter alia*, dive instruction, training, or supervision.

22. On or about January 31, 2017, Plaintiff's decedent, ROBERT STEWART, was killed in the waters off of Islamorada, Florida.

23. At all material times, including at the time of his death, Plaintiff's decedent, ROBERT STEWART, was a passenger on the subject vessel that was engaged in a boating activity.

24. At all material times, including at the time of his death, Plaintiff's decedent, ROBERT STEWART, was utilizing dive equipment that was designed, manufactured, inspected, assembled, modified, tested, serviced, marketed, and distributed by Defendant REVO BVBA.

25. Prior to the time of Plaintiff's decedent's death, Defendants ADD HELIUM, PETER SOTIS, and CLAUDIA SOTIS, agents (actual or apparent) of both Defendants REVO BVBA and IANTD, provided dive training, instruction, or supervision to Plaintiff's decedent on Defendant REVO BVBA's dive equipment. The training, instruction, or supervision was sanctioned or approved by Defendant IANTD.

26. The day before he passed away, Plaintiff's decedent traveled aboard the subject vessel with Defendants HORIZON DIVE, ADD HELIUM, PETER SOTIS, CLAUDIA SOTIS, DAVID WILKERSON, and ROBERT STEELE to dive the *Queen of Nassau* wreck, which is

located 230 feet below the surface of the water of the coast of Islamorada, Florida. On January 30, 2017, Defendants HORIZON DIVE, ADD HELIUM, PETER SOTIS, CLAUDIA SOTIS, DAVID WILKERSON, and ROBERT STEELE placed a grappling hook on wreck which was attached by rope to a buoy on the surface of the water. The purpose of the grappling hook and buoy was for navigational purposes to mark the wreck and to assist the subject vessel in maintaining its location while divers were in the water.

27. The following day, on January 31, 2017, after two dives to the *Queen of Nassau* wreck, Defendants HORIZON DIVE, ADD HELIUM, PETER SOTIS, CLAUDIA SOTIS, DAVID WILKERSON, and ROBERT STEELE sent Plaintiff's decedent, along with Defendant PETER SOTIS, to dislodge the grappling hook.

28. Defendant PETER SOTIS and Plaintiff's decedent re-surfaced at approximately the same time after dislodging the grappling hook from the wreck. Defendant PETER SOTIS boarded the subject vessel and immediately collapsed. Defendants HORIZON DIVE, ADD HELIUM, CLAUDIA SOTIS, DAVID WILKERSON, and ROBERT STEELE began to render emergency aid to Defendant PETER SOTIS, failing to supervise Plaintiff's decedent, who remained in the water, and failing to exercise reasonable care. Plaintiff's decedent disappeared, drowned, and was found deceased three days later.

29. Venue is proper in this Court under Sections 47.011 and 47.051, Florida Statutes.

#### **Count I**

#### ***Claim of Negligence Against Horizon Dive Adventures, Inc.***

30. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

31. At all material times, Defendant HORIZON DIVE, including its employees, agents, contractors, masters, officers, crew members, or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material times,

Defendant HORIZON DIVE undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

32. At all material times, Defendant HORIZON DIVE, including its employees, agents, contractors, masters, officers, crew members, or seamen, breached its duties to Plaintiff's decedent.

33. As a direct and proximate cause of Defendant HORIZON DIVE's negligence and extreme recklessness (including that of its employees, agents, contractors, masters, officers, crew members and seamen), Plaintiff's decedent was killed.

34. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate



of ROBERT STEWART, sues Defendant, HORIZON DIVE ADVENTURES, INC., and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count II**

***Claim of Negligence per se Against Horizon Dive Adventures, Inc.***

35. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

36. At all material times, Defendant HORIZON DIVE, including its employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material times, Defendant HORIZON DIVE undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

37. Moreover, at all material times, Defendant HORIZON DIVE had a duty to comply and at all times follow applicable Federal and state statutes, regulations, and rules, including industry safety standards. This includes, but is not limited to, Florida Statutes Chapter 327, Title 46 of the United States Code, and Title 46 of the United States Code of Federal Regulations.

38. At all material times, Defendant HORIZON DIVE failed to comply and at all times follow the applicable Federal and state statutes, regulations, and rules, including industry safety standards.

39. At all material times, Plaintiff's decedent was a member of a class of person that were intended to be protected by these applicable Federal and state statutes, regulations, and rules, including industry safety standards.

40. As a direct and proximate cause of Defendant HORIZON DIVE's (including that of its employees, agents, contractors, masters, officers, crew members or seamen) failure to comply and follow applicable Federal and state statutes, regulations, and rules, including industry

safety standards, Plaintiff's decedent was killed.

41. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedents life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, HORIZON DIVE ADVENTURES, INC., and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count III**  
***Claim of Negligence Against Add Helium LLC***

43. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

44. At all material times, Defendant ADD HELIUM, including its employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for

the safety of Plaintiff's decedent. In addition, at all material times, Defendant ADD HELIUM, including its employees, agents, contractors, masters, officers, crew members or seamen, undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

45. At all material times, Defendant ADD HELIUM, including its employees, agents, contractors, masters, officers, crew members or seamen, breached its duties to Plaintiff's decedent.

46. As a direct and proximate cause of Defendant ADD HELIUM's negligence and extreme recklessness (including that of its employees, agents, contractors, masters, officers, crew members or seamen), Plaintiff's decedent was killed.

47. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, ADD HELIUM, LLC, and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count IV**  
***Claim of Negligence per se Against Add Helium LLC***

48. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

49. At all material times, Defendant ADD HELIUM, including its employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material times, Defendant HORIZON DIVE undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

50. Moreover, at all material times, Defendant ADD HELIUM had a duty to comply and at all times follow applicable Federal and state statutes, regulations, and rules, including industry safety standards. This includes, but is not limited to, Florida Statutes Chapter 327, Title 46 of the United States Code, and Title 46 of the United States Code of Federal Regulations.

51. At all material times, Defendant ADD HELIUM failed to comply and at all times follow the applicable Federal and state statutes, regulations, and rules, including industry safety standards.

52. At all material times, Plaintiff's decedent was a member of a class of person that were intended to be protected by these applicable Federal and state statutes, regulations, and rules, including industry safety standards.

53. As a direct and proximate cause of Defendant ADD HELIUM's (including that of its employees, agents, contractors, masters, officers, crew members or seamen) failure to comply

and follow applicable Federal and state statutes, regulations, and rules, including industry safety standards, Plaintiff's decedent was killed.

54. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, ADD HELIUM, LLC, and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count V**  
***Claim of Negligence Against Peter Sotis***

55. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

56. At all material times, Defendant PETER SOTIS, including his employees, agents,

contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of Plaintiff's decedent. In addition, at all material times, Defendant PETER SOTIS, including his employees, agents, contractors, masters, officers, crew members or seamen, undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

57. At all material times, Defendant PETER SOTIS, including his employees, agents, contractors, masters, officers, crew members or seamen, breached his duties to Plaintiff's decedent.

58. As a direct and proximate cause of Defendant PETER SOTIS' negligence and extreme recklessness (including that of his employees, agents, contractors, masters, officers, crew members or seamen), Plaintiff's decedent was killed.

- A. The past and future pain and suffering of Sandra and Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant PETER SOTIS and demands judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count VI**

***Claim of Negligence per se Against Peter Sotis***

59. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

60. At all material times, Defendant PETER SOTIS, including his employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material times, Defendant PETER SOTIS undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

61. Moreover, at all material times, Defendant PETER SOTIS had a duty to comply and at all times follow applicable Federal and state statutes, regulations, and rules, including industry safety standards. This includes, but is not limited to, Florida Statutes Chapter 327, Title 46 of the United States Code, and Title 46 of the United States Code of Federal Regulations.

62. At all material times, Defendant PETER SOTIS failed to comply and at all times follow the applicable Federal and state statutes, regulations, and rules, including industry safety standards.

63. At all material times, Plaintiff's decedent was a member of a class of person that were intended to be protected by these applicable Federal and state statutes, regulations, and rules, including industry safety standards.

64. As a direct and proximate cause of Defendant PETER SOTIS' (including that of his employees, agents, contractors, masters, officers, crew members or seamen) failure to comply and follow applicable Federal and state statutes, regulations, and rules, including industry safety standards, Plaintiff's decedent was killed.

65. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a

result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, PETER SOTIS, and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count VII**  
***Claim of Negligence Against Claudia Sotis***

66. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

67. At all material times, Defendant CLAUDIA SOTIS, including his employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of Plaintiff's decedent. In addition, at all material times, Defendant CLAUDIA SOTIS, including his employees, agents, contractors, masters, officers, crew members or seamen, undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's



decedent during the subject dive.

68. At all material times, Defendant CLAUDIA SOTIS, including his employees, agents, contractors, masters, officers, crew members or seamen, breached his duties to Plaintiff's decedent.

69. As a direct and proximate cause of Defendant CLAUDIA SOTIS' negligence and extreme recklessness (including that of his employees, agents, contractors, masters, officers, crew members or seamen), Plaintiff's decedent was killed.

- A. The past and future pain and suffering of Sandra and Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedents life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant CLAUDIA SOTIS and demands judgment against her for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count VIII**  
***Claim of Negligence per se Against Claudia Sotis***

70. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

71. At all material times, Defendant CLAUDIA SOTIS, including her employees,

agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material times, Defendant CLAUDIA SOTIS undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

72. Moreover, at all material times, Defendant CLAUDIA SOTIS had a duty to comply and at all times follow applicable Federal and state statutes, regulations, and rules, including industry safety standards. This includes, but is not limited to, Florida Statutes Chapter 327, Title 46 of the United States Code, and Title 46 of the United States Code of Federal Regulations.

73. At all material times, Defendant CLAUDIA SOTIS failed to comply and at all times follow the applicable Federal and state statutes, regulations, and rules, including industry safety standards.

74. At all material times, Plaintiff's decedent was a member of a class of person that were intended to be protected by these applicable Federal and state statutes, regulations, and rules, including industry safety standards.

75. As a direct and proximate cause of Defendant CLAUDIA SOTIS' (including that of her employees, agents, contractors, masters, officers, crew members or seamen) failure to comply and follow applicable Federal and state statutes, regulations, and rules, including industry safety standards, Plaintiff's decedent was killed.

76. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, CLAUDIA SOTIS, and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count IX**  
***Claim of Negligence Against David Wilkerson***

77. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

78. At all material times, Defendant DAVID WILKERSON, had a duty to exercise reasonable care for the safety of passengers, including Plaintiff's decedent. In addition, at all material times, Defendant DAVID WILKERSON undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during and after the subject dive.

79. At all material times, Defendant DAVID WILKERSON breached his duties to Plaintiff's decedent, ROBERT STEWART.

80. As a direct and proximate cause of Defendant DAVID WILKERSON's negligence and extreme recklessness, Plaintiff's decedent was killed.

81. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedents life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, DAVID WILKERSON, and demands judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count X**  
***Claim of Negligence per se Against David Wilkerson***

82. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

83. At all material times, Defendant DAVID WILKERSON, including his employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material

times, Defendant DAVID WILKERSON undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during the subject dive.

84. Moreover, at all material times, Defendant DAVID WILKERSON had a duty to comply and at all times follow applicable Federal and state statutes, regulations, and rules, including industry safety standards. This includes, but is not limited to, Florida Statutes Chapter 327, Title 46 of the United States Code, and Title 46 of the United States Code of Federal Regulations.

85. At all material times, Defendant DAVID WILKERSON failed to comply and at all times follow the applicable Federal and state statutes, regulations, and rules, including industry safety standards.

86. At all material times, Plaintiff's decedent was a member of a class of person that were intended to be protected by these applicable Federal and state statutes, regulations, and rules, including industry safety standards.

87. As a direct and proximate cause of Defendant DAVID WILKERSON (including that of his employees, agents, contractors, masters, officers, crew members or seamen) failure to comply and follow applicable Federal and state statutes, regulations, and rules, including industry safety standards, Plaintiff's decedent was killed.

88. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for

Sandra and Brian Stewart resulting from their son's death;

- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant DAVID WILKERSON and demands judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count XI**  
***Claim of Negligence Against Robert Steele***

89. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

90. At all material times, Defendant ROBERT STEELE had a duty to exercise reasonable care for the safety of passengers, including Plaintiff's decedent. In addition, at all material times, Defendant ROBERT STEELE undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent during and after the subject dive.

91. At all material times, Defendant ROBERT STEELE breached his duties to Plaintiff's decedent.

92. As a direct and proximate cause of Defendant ROBERT STEELE's negligence and extreme recklessness, Plaintiff's decedent was killed.

93. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents,

Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant, ROBERT STEELE, and demands judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count XII**  
***Claim of Negligence per se Against Robert Steele***

94. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29.

95. At all material times, Defendant ROBERT STEELE, including his employees, agents, contractors, masters, officers, crew members or seamen, had a duty to exercise reasonable care for the safety of its passengers, including Plaintiff's decedent. In addition, at all material times, Defendant ROBERT STEELE undertook the duty and responsibility to supervise and

exercise reasonable care over Plaintiff's decedent during the subject dive.

96. Moreover, at all material times, Defendant ROBERT STEELE had a duty to comply and at all times follow applicable Federal and state statutes, regulations, and rules, including industry safety standards. This includes, but is not limited to, Florida Statutes Chapter 327, Title 46 of the United States Code, and Title 46 of the United States Code of Federal Regulations.

97. At all material times, Defendant ROBERT STEELE failed to comply and at all times follow the applicable Federal and state statutes, regulations, and rules, including industry safety standards.

98. At all material times, Plaintiff's decedent was a member of a class of person that were intended to be protected by these applicable Federal and state statutes, regulations, and rules, including industry safety standards.

99. As a direct and proximate cause of Defendant ROBERT STEELE (including that of his employees, agents, contractors, masters, officers, crew members or seamen) failure to comply and follow applicable Federal and state statutes, regulations, and rules, including industry safety standards, Plaintiff's decedent was killed.

100. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;



- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedents life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant ROBERT STEELE and demands judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count XIII**

***Claim of Negligence and Vicarious Liability Against rEvo BVBA d/b/a rEvo Rebreathers***

101. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29; 43 – 88.

102. At all material times, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM were agents (apparent or actual) of Defendant REVO BVBA, and therefore Defendant REVO BVBA is vicariously liable for any and all negligence committed by them.

103. At all material times, Defendant REVO BVBA hired, contracted, authorized or otherwise entered into an agreement with Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM, allowing them to, *inter alia*, sell and distribute rEvo Rebreathers and also to train, instruct, supervise and certify consumers, like Plaintiff's decedent, to enable to them to use the devices. Accordingly, Defendant REVO BVBA acknowledged that Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM would act on Defendant REVO BVBA's behalf and

Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM accepted the undertaking.

104. In addition, at all material times, Defendant REVO BVBA made representations to the general public, including Plaintiff's decedent, through its website and other fora holding Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM and their agents and employees to be agents of Defendant REVO BVBA. Moreover, Plaintiff's decedent relied on those representations to his detriment in agreeing to purchase Defendant REVO BVBA's dive equipment and be trained, instructed, supervised and certified on that equipment by Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM.

105. At all material times, Defendant REVO BVBA had the right or authority to control the conduct of Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM and their agents and employees.

106. At all material times, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM, were acting within the course and scope of their actual or apparent authority and acting on behalf of Defendant REVO BVBA.

107. At all material times, and as set forth in detail above, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM, were negligent in training, instructing, supervising and certifying Plaintiff's decedent, resulting in his death.

108. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for

Sandra and Brian Stewart resulting from their son's death;

- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant REVO BVBA, d/b/a REVO REBREATHERS, d/b/a REVO BVBA BELGIUM, and demands judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count XIV**

***Claim of Negligence Against International Association of Nitrox Divers, Inc.***

109. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29; 43 – 88.

110. At all material times, Defendant IANTD undertook the duty hire, vet, screen, monitor, certify and recertify instructor trainers and instructors, enabling to provide dive training, instruction, supervision and certifications to students, including Plaintiff's decedent.

111. At all material times, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM were instructor trainers or instructors under IANTD, providing dive training, instruction, supervision, and certifications to students, including Plaintiff's decedent.

112. At all material times, Defendant IANTD breached its duties to Plaintiff's decedent by failing reasonably hire, vet, screen, monitor, certify and recertify Defendants PETER SOTIS,

CLAUDIA SOTIS and ADD HELIUM.

113. As a direct and proximate cause of Defendant IANTD's negligence and extreme recklessness, Plaintiff's decedent was killed.

114. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant INTERNATIONAL ASSOCIATION OF NITROX DIVERS, INC., d/b/a IANTD, INC., d/b/a IANTD WORLD HEADQUARTERS and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**Count XV**

***Claim of Vicarious Liability Against International Association of Nitrox Divers, Inc.***

115. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 29; 43 – 88.

116. At all material times, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM were agents (apparent or actual) of Defendant IANTD, and therefore Defendant REVO IANTD is vicariously liable for any and all negligence committed by them.

117. At all material times, Defendant IANTD hired, contracted, authorized or otherwise entered into an agreement with Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM, allowing them to, *inter alia*, provide dive training, instruction, supervision and certifications to students, including Plaintiff's decedent. Accordingly, Defendant IANTD acknowledged that Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM would act on Defendant IANTD's behalf and Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM accepted the undertaking.

118. In addition, at all material times, Defendant IANTD made representations to the general public, including Plaintiff's decedent, through its website and other fora holding Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM and their agents and employees to be agents of Defendant IANTD. Moreover, Plaintiff's decedent relied on those representations to his detriment in agreeing to be trained, instructed, supervised, and certified by Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM

119. At all material times, Defendant IANTD had the right or authority to control the conduct of Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM and their agents and employees. Moreover, Defendant IANTD had the right or authority to revoke the instructor or teaching credentials, but failed to do so.

120. At all material times, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM, were acting within the course and scope of their actual or apparent authority and acting on behalf of Defendant IANTD.

121. At all material times, and as set forth in detail above, Defendants PETER SOTIS, CLAUDIA SOTIS, and ADD HELIUM, were negligent in training, instructing, supervising and certifying Plaintiff's decedent, resulting in his death.

122. The Estate of ROBERT STEWART and Plaintiff's decedent's surviving parents, Sandra and Brian Stewart, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, seek to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16, *et seq.*, and include the following:

- A. The past and future pain and suffering of Sandra and Brian Stewart;
- B. The past and future cost of therapy and mental health treatment for Sandra and Brian Stewart resulting from their son's death;
- C. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that Sandra and Brian Stewart would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- D. The expense of funeral arrangements arising from the injury and death of Plaintiff's decedent;
- E. The prospective net accumulations of the Estate of ROBERT STEWART; and
- F. Any and all other damages that the applicable law allows.

WHEREFORE, Plaintiff, SANDRA STEWART, as Personal Representative of the Estate of ROBERT STEWART, sues Defendant INTERNATIONAL ASSOCIATION OF NITROX DIVERS, INC., d/b/a IANTD, INC., d/b/a IANTD WORLD HEADQUARTERS, and demands

judgment against him for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

**DEMAND FOR JURY TRIAL**

The Plaintiff demands a trial by jury of all issues triable as of right by a jury.

DATED: January 28, 2019

THE HAGGARD LAW FIRM, PA  
*Attorneys for Plaintiff*  
330 Alhambra Circle, First Floor  
Coral Gables, Florida 33134  
Telephone: 305-446-5700  
Facsimile: 305-446-1154

BY: /s/ PEDRO P. ECHARTE  
PEDRO P. ECHARTE III, ESQ.  
[ppe@haggardlawfirm.com](mailto:ppe@haggardlawfirm.com)  
FBN: 090454