

# Exhibit A

Filing # 54279088 E-Filed 03/28/2017 08:51:16 AM

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

GENERAL JURISDICTION DIVISION  
CASE NO: 2017-CA-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,

Defendants.

\_\_\_\_\_ /

**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, and CLAUDIA SOTIS, individually, 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 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*.

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 ADVENTURES, INC., through its employees, agents, contractors, masters, officers, and/or seamen owned, operated, managed, maintained, or controlled the subject vessel *Pisces*, employed a crew aboard the subject vessel, and was in the business of providing transportation of passengers to dive sites, among other things. Moreover, Defendant HORIZON DIVE ADVENTURES, INC., 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, 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. Defendant ADD HELIUM, LLC, supervised, planned, ordered, or controlled the subject dive.

8. At all material times, Defendant PETER SOTIS was a Florida resident, with an address of 2865 N. Clearbrook Circle, Delray Beach, Florida 33445. Defendant PETER SOTIS supervised, planned, ordered, or controlled the subject dive.

9. At all material times, Defendant CLAUDIA SOTIS was a Florida resident, with

an address of 2865 N. Clearbrook Circle, Delray Beach, Florida 33445. Defendant CLAUDIA SOTIS supervised, planned, ordered, or controlled the subject dive.

10. 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.

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

12. The day before he passed away, on January 30, 2017, Plaintiff's decedent, ROBERT STEWART, traveled aboard the subject vessel with Defendants HORIZON DIVE ADVENTURES, INC., ADD HELIUM, LLC, PETER SOTIS, and CLAUDIA SOTIS, 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 ADVENTURES, INC., ADD HELIUM, LLC, PETER SOTIS, and CLAUDIA SOTIS, 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.

13. On January 31, 2017, after two dives to the *Queen of Nassau* wreck, Defendants HORIZON DIVE ADVENTURES, INC., ADD HELIUM, LLC, PETER SOTIS, and CLAUDIA SOTIS sent Plaintiff's Decedent, ROBERT STEWART, along with Defendant PETER SOTIS, to dislodge the grappling hook.

14. Defendant PETER SOTIS and Plaintiff's decedent, ROBERT STEWART, 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 ADVENTURES, INC., ADD HELIUM, LLC, and CLAUDIA SOTIS began to render emergency aid to Defendant PETER SOTIS, failing to supervise Plaintiff's decedent, ROBERT STEWART, and exercise reasonable care. Plaintiff's decedent disappeared, drowned, and was found deceased three days later.

15. 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.***

16. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 15.

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

18. At all material times, Defendant HORIZON DIVE ADVENTURES, INC., including its employees, agents, contractors, masters, officers, and/or seamen, breached its duty/duties to Plaintiff's decedent, ROBERT STEWART.

19. As a direct and proximate cause of Defendant HORIZON DIVE ADVENTURES, INC.'s negligence (including that of its employees, agents, contractors, masters, officers, and/or seamen), Plaintiff's decedent, ROBERT STEWART, was killed.

20. The Estate of Robert Stewart, his survivors, and/or beneficiaries have suffered and will continue to suffer damages into the future as authorized and allowed under the law.

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 Against Add Helium LLC***

22. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 15.

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

24. At all material times, Defendant ADD HELIUM, LLC, including its employees, agents, contractors, masters, officers, and/or seamen, breached its duty/duties to Plaintiff's decedent, ROBERT STEWART.

25. As a direct and proximate cause of Defendant ADD HELIUM, LLC's negligence (including that of its employees, agents, contractors, masters, officers, and/or seamen), Plaintiff's decedent, ROBERT STEWART, was killed.

26. The Estate of Robert Stewart, his survivors, and/or beneficiaries have suffered and will continue to suffer damages into the future as authorized and allowed under the law.

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 III**

***Claim of Negligence Against Peter Sotis***

27. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 15.

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

29. At all material times, Defendant PETER SOTIS, including his employees, agents, contractors, masters, officers, and/or seamen, breached its duty/duties to Plaintiff's decedent, ROBERT STEWART.

30. As a direct and proximate cause of Defendant PETER SOTIS' negligence (including that of his employees, agents, contractors, masters, officers, and/or seamen), Plaintiff's decedent, ROBERT STEWART, was killed.

31. The Estate of Robert Stewart, his survivors, and/or beneficiaries have suffered and will continue to suffer damages into the future as authorized and allowed under the law.

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 IV**

***Claim of Negligence Against Claudia Sotis***

32. Plaintiff readopts and realleges all allegations contained in Paragraphs 1 – 15.

33. At all material times, Defendant CLAUDIA SOTIS, including her employees, agents, contractors, masters, officers, and/or seamen, had a duty to exercise reasonable care for the safety of Plaintiff's decedent, ROBERT STEWART. In addition, at all material times, Defendant CLAUDIA SOTIS, including her employees, agents, contractors, masters, officers, and/or seamen, undertook the duty and responsibility to supervise and exercise reasonable care over Plaintiff's decedent, ROBERT STEWART, during the subject dive.

34. At all material times, Defendant CLAUDIA SOTIS, including her employees, agents, contractors, masters, officers, and/or seamen, breached its duty/duties to Plaintiff's decedent, ROBERT STEWART.

35. As a direct and proximate cause of Defendant CLAUDIA SOTIS' negligence (including that of her employees, agents, contractors, masters, officers, and/or seamen), Plaintiff's decedent, ROBERT STEWART, was killed.

36. The Estate of Robert Stewart, his survivors, and/or beneficiaries have suffered and will continue to suffer damages into the future as authorized and allowed under the law.

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.

**DEMAND FOR JURY TRIAL**

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

DATED: March 28, 2017.

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/ MICHAEL A. HAGGARD, ESQ.  
MICHAEL A. HAGGARD, ESQ.  
[mah@haggardlawfirm.com](mailto:mah@haggardlawfirm.com)  
FBN: 073776  
DOUGLAS J. McCARRON  
[djm@haggardlawfirm.com](mailto:djm@haggardlawfirm.com)  
FBN: 007453  
PEDRO P. ECHARTE III, ESQ.  
[ppe@haggardlawfirm.com](mailto:ppe@haggardlawfirm.com)  
FBN: 090454