

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION

IN ADMIRALTY

CASE NO: 4:17-cv-10050

IN THE MATTER OF
THE COMPLAINT OF HORIZON DIVE
ADVENTURES, INC., AS OWNER OF
THE M/V PISCES (Hull ID# FVL31002F707)
ITS ENGINES, TACKLE, APPURTENANCES,
EQUIPMENT, ETC., IN A CAUSE FOR
EXONERATION FROM OR LIMITATION OF
LIABILITY,

Petitioner,

vs.

PETER SOTIS,

Respondent/Claimant.

CLAIMANT'S CLAIM, ANSWER AND AFFIRMATIVE DEFENSES

Name of Claimant:	Peter Sotis
Claimant's Contact:	Kennedys Americas LLP 1395 Brickell Avenue Suite 610 Miami, Florida 33131 (305) 371-1111
Date of Incident Giving Rise to Claim:	January 31 st , 2017
Brief Description of Claim:	See Complaint of Sandra Stewart, as Personal Representative of the Estate of Robert Stewart v. Horizon Dive Adventures, Inc. et al (appended hereto as Exhibit "A")

Respondent/Claimant, PETER SOTIS (“SOTIS”) files this his Claim, Answer and Affirmative Defenses to Petitioners Complaint for Exoneration From and Limitation of Liability [D.E. 1] and states:

ANSWER

1. Admitted.
2. SOTIS is without knowledge of the allegation set forth in Paragraph 2 and demands strict proof thereof.
3. SOTIS is without knowledge of the allegation set forth in Paragraph 3 and demands strict proof thereof.
4. Admitted.
5. Admitted.
6. SOTIS is without knowledge of the allegation set forth in Paragraph 6 and demands strict proof thereof.
7. SOTIS admits the incident occurred on the navigable waters of the high seas, beyond the territorial waters of the State of Florida.
8. SOTIS is without knowledge of the allegation set forth in Paragraph 8 and demands strict proof thereof.
9. SOTIS is without knowledge of the allegation set forth in Paragraph 9 and demands strict proof thereof.
10. SOTIS is without knowledge of the allegation set forth in Paragraph 10 and demands strict proof thereof.

11. Admitted.

12. SOTIS is without knowledge of the allegation set forth in Paragraph 12 and demands strict proof thereof.

13. Admitted.

14. Admitted.

15. Admitted.

16. SOTIS is without knowledge of the allegation set forth in Paragraph 16 and demands strict proof thereof.

17. SOTIS is without knowledge of the allegation set forth in Paragraph 17 and demands strict proof thereof.

18. Denied.

19. SOTIS is without knowledge of the allegation set forth in Paragraph 19 and demands strict proof thereof.

20. SOTIS is without knowledge of the allegation set forth in Paragraph 20 and demands strict proof thereof.

21. SOTIS is without knowledge of the allegation set forth in Paragraph 21 and demands strict proof thereof.

22. SOTIS is without knowledge of the allegation set forth in Paragraph 22 and demands strict proof thereof.

23. SOTIS is without knowledge of the allegation set forth in Paragraph 23 and demands strict proof thereof.

24. SOTIS is without knowledge of the allegation set forth in Paragraph 24 and demands strict proof thereof.

25. SOTIS is without knowledge of the allegation set forth in Paragraph 25 and demands strict proof thereof.

AFFIRMATIVE DEFENSES

As and for his First Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner was actively negligent.

As and for his Second Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees were aware of negligent conditions or defects of the vessel's crew which may have caused or contributed to Claimant's injuries.

As and for his Third Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees and/or the crew of the subject vessel were improperly trained.

As and for his Fourth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees because crew of the subject vessel was of insufficient number for the charter and dive from which Claimant's claims emanate.

As and for his Fifth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents and/or the crew of the subject vessel were the proximate cause of Claimant's decedent's death.

As and for his Sixth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees and/or the crew of the subject vessel had no formal safety procedures which would have prevented Claimant's decedents death.

As and for his Seventh Affirmative Defense, and in the alternative to his Eighth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees and/or the crew of the subject violated or failed to adhere to the vessel's safety procedures, if such procedures exist.

As and for his Eighth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner's vessel was unseaworthy with the vessel's unseaworthiness known to the Petitioner and/or its agents and/or employees.

As and for his Ninth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees and/or the crew of the subject vessel knew or should have known that the vessel failed to carry adequate safety equipment which could have prevented Claimant's decedents death.

As and for his Tenth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees failed to adequately supervise the vessel's crew commensurate with the hazardous activity which Claimant's decedent was undertaking.

As and for his Eleventh Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees and/or the crew of the subject vessel are vicariously liable for Claimant's decedent's death.

As and for his Twelfth Affirmative Defense, SOTIS asserts that the Petitioner is not entitled to Exoneration from or Limitation of Liability because Petitioner, its agents, employees and/or the crew of the subject vessel are jointly and severally liable for Claimant's decedent's death.

WHEREFORE, Claimant, SOTIS, having fully answered Petitioner's Complaint, Respondent/Claimant SOTIS prays for entry of judgment in his favor (plus costs) and for such other relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, on this 18th day of August, 2017, and that the foregoing document is being served this day on all counsel of record identified on the attached Service List, via transmission of Notices of Electronic Filing generated by CM/ECF.

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