

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
IN ADMIRALTY

CASE NO.4:17-CV-10050-JLK

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, SANDRA STEWART, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF ROBERT STEWART,

Respondents/ Claimants.

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**PETITIONER'S SUPPLEMENTAL RULE 26 DISCLOSURES**

**COME NOW**, Petitioner, Horizon Dive Adventures, Inc., by and through undersigned counsel and pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, make the following supplemental disclosures to Claimants. These disclosures are based on information presently known and reasonably available to Petitioner and which Petitioner reasonably believes may be used in support of their claims and defenses. Continuing investigation and discovery may cause Petitioner to amend these initial disclosures, including by identifying other potential witnesses, documents, and by disclosing other pertinent information. Petitioner therefore reserves the right to supplement these initial disclosures.

By providing these supplemental disclosures, Petitioner does not represent that they are identifying every document, tangible things, or witness possibly relevant to this action. In addition, these disclosures are made without Petitioner in any way waiving its right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden, confidentiality, or any other appropriate grounds.

Furthermore, these disclosures are not an admission by Petitioner regarding any matter. Each and every disclosure set forth below is subject to the above qualifications and limitations

### **1. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION**

Petitioner hereby provides the names and available contact information for each individual likely to have discoverable information which Petitioner may use to support their claims and defenses, excluding those for impeachment purposes:

#### **a. Daniel Dawson**

Horizon Dive Adventures, Inc.  
c/o Law Office of Donna E. Albert, P.A.  
7999 N. Federal Hwy., Suite 320  
Boca Raton, FL 33487  
Tel: (561) 994-9904

Mr. Dawson has knowledge regarding the operation of Petitioner's business, as well as issues relating to the vessel, and other issues relevant to this case.

#### **b. David Wilkerson**

c/o Donna E. Albert & Associates, P.A.  
7999 N. Federal Hwy., Suite 320  
Boca Raton, FL 33487  
Tel: (561) 994-9904

Mr. Wilkerson has knowledge regarding the incident, the vessel, and other issues relevant to this case. He was the captain on board the Pisces at the time of the incident.

**c. Robert “Bobby” Steele**

c/o Donna E. Albert & Associates, P.A.  
7999 N. Federal Hwy., Suite 320  
Boca Raton, FL 33487  
Tel: (561) 994-9904

Mr. Steele has knowledge regarding the incident. He was the mate on board the Pisces at the time of the incident.

**d. Sandra Stewart**

c/o The Haggard Law Firm  
330 Alhambra Cir., First Floor  
Coral Gables, Florida 33134  
Personal Representative of Decedent’s Estate; mother of Decedent

**e. Brian Stewart**

c/o The Haggard Law Firm  
330 Alhambra Cir., First Floor  
Coral Gables, Florida 33134  
Father of Decedent

**f. Alexandra Stewart**

c/o The Haggard Law Firm  
330 Alhambra Cir., First Floor  
Coral Gables, Florida 33134  
Sister of Decedent

**g. Peter Sotis**

Add Helium, LLC.  
c/o Neil Bayer, Esq.

Mr. Sotis was the instructor on board the Pisces at the time of the incident and has knowledge regarding the specific charter and the events that occurred at the time of the incident.

**h. Claudia Sotis**

c/o Neil Bayer, Esq.

Dr. Sotis was a passenger on board the Pisces at the time of the incident and has knowledge regarding the specific charter and the events that occurred at the time of the incident.

**i. Brock Cahill**

2333 Clark Ave.  
Venice, CA 90291

Tel: 310-795-6116

Mr. Cahill was a passenger on board the Pisces at the time of the incident and has knowledge regarding the specific charter and the events that occurred at the time of the incident and the recovery operation. He also has knowledge as to Mr. Stewart's training and skills as a diver.

**j. Tim Moran**

Address Unknown

Mr. Moran was a student involved in the rebreather class with Robert Stewart and Brock Cahill and therefore has knowledge of training.

**k. Ben Sampson**

Address Unknown

Mr. Sampson has knowledge regarding the incident as well as video footage and photographs of all dives conducted off of the MV Pisces on January 30th and 31st, 2017.

**l. Dr. Thomas Beaver, M.D.**

Current Address Unknown

Former Medical Examiner

Dr. Beaver performed the autopsy on the Decedent

**m. Daniel Sammons**

US Coast Guard – Key West Sector

100 Trumbo Road

Key West, FL 33040

Mr. Sammons was involved in the US Coast Guard investigation.

**n Jason J. Dall**

US Coast Guard – Key West Sector

100 Trumbo Road

Key West, FL 33040

Mr. Dall was involved in the US Coast Guard investigation.

**o. Lt. Bradley Bergan**

US Coast Guard – Key West Sector

100 Trumbo Road

Key West, FL 33040

Mr. Bergan was involved in the US Coast Guard investigation.

**p. Jose Rosario**

US Coast Guard – Key West Sector

100 Trumbo Road

Key West, FL 33040

Mr. Rosario was involved in the US Coast Guard investigation.

**q. Robert Bleser**

**Quiescence Diving Services Inc**

103680 Overseas Highway

Key Largo, FL 33037

Mr. Bleser was involved in the recovery efforts.

**r. Deputy Nicholas Thaler**

Monroe County Sheriff's Office

5525 College Road

Key West, FL 33040

Deputy Thaler was involved in the investigation conducted by the Monroe County Sheriff's Office.

**s. Mathew O'Neil**

Monroe County Sheriff's Office

5525 College Road

Key West, FL 33040

Mr. O'Neil was involved in the investigation conducted by the Monroe County Sheriff's Office.

**t. Benjamin Morris**

US Coast Guard – Key West Sector

100 Trumbo Road

Key West, FL 33040

Mr. Morris was involved in the investigation conducted by the U.S. Coast Guard.

**u. Warren Tom Mount, CEO**

International Association of Nitrox and Technical Divers (“IANTD”)

231 NW Kelly Lake Ct.

Lake City, FL 32055-5067

Is believed to have knowledge regarding Sotis Claim for Intentional Infliction of Emotional Distress

**v. Pedro Luis Augusto, COO**

International Association of Nitrox and Technical Divers (“IANTD”)

147 NW Zack Dr.

Lake City, FL 32055

Is believed to have knowledge regarding Sotis Claim for Intentional Infliction of Emotional Distress

**w. Mark Fowler, Training Director**

International Association of Nitrox and Technical Divers (“IANTD”)

147 NW Zack Dr.

Lake City, FL 32055

Is believed to have knowledge regarding Sotis Claim for Intentional Infliction of Emotional Distress

**x. Ken Wesler, Administrative Director**

Add Helium

3590 NW 54th St, Unit 1

Fort Lauderdale, FL 33309

Is believed to have knowledge regarding Sotis Claim for Intentional Infliction of Emotional Distress.

**y. Dr. George S. Behonick, Ph.D**

AXIS Forensic Toxicology

2265 Executive Drive

Indianapolis, IN 46241

Toxicologist

**2. DOCUMENTS, DATA COMPILATIONS, AND OTHER TANGIBLE THINGS**

Petitioner hereby provides a list of documents, data compilations, and tangible things in the possession, custody, and control of Petitioner which may be used to support their claims and defenses, excluding those for impeachment purposes:

**Documents previously identified as a-~~nnn~~ in Petitioners Initial Rule 26 Disclosure (DE 24) are incorporated into this disclosure in addition to the following additional documents.**

**ooo.** Production received from Coast Guard in Response to Subpoena and Touhy request.

**ppp.** Production received from Medical Examiner in Response to Subpoena.

### **3. COMPUTATION OF DAMAGES**

Petitioner denies liability for damages and does not seek recovery of damages from Claimants, other than recovery of costs and attorney fees. Petitioner would present evidence of their court costs and attorney fees after the claims against them have been denied or dismissed.

### **4. INSURANCE AGREEMENTS**

Petitioner has produced all applicable insurance policies in this matter. Although these policies have been produced, it is unknown whether they provide coverage for any of the named Claimants in this claim.

Respectfully submitted,

*By:/s Christopher R. Fertig*  
CHRISTOPHER R. FERTIG ESQ.  
Florida Bar No: 218421  
[chris.fertig@fertig.com](mailto:chris.fertig@fertig.com)  
FERTIG & GRAMLING  
200 S.E. 13th Street  
Fort Lauderdale, FL 33316  
Telephone: 954-763-5020  
Facsimile: 954-763-5412  
*Co-Counsel for Petitioner*

### **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 13<sup>th</sup> day of July, 2018, and that the foregoing document is being served this day on all counsel of record, identified on the Service List below, via transmission of Electronic Filing generated by CM/ECF.

*By:/s Christopher R. Fertig*  
Florida Bar No: 218421  
[chris.fertig@fertig.com](mailto:chris.fertig@fertig.com)

**SERVICE LIST**

<p>Donna E. Albert LAW OFFICE OF DONNA E. ALBERT, P.A. 7999 North Federal Highway, Suite 320 Boca Raton, Florida 33487 Telephone: (561) 994-9904 Facsimile: (561) 994-9774 <a href="mailto:office@donnaalbert.com">office@donnaalbert.com</a> <i>Attorney for Petitioner</i></p>	<p>Pedro P. Echarte III Michael Haggard Douglas J. Mccarron THE HAGGARD LAW FIRM, P.A. 330 Alhambra Circle, First Floor Coral Gables, Florida 33134 Telephone: (305) 446-5700 Facsimile: (305) 446-1154 <a href="mailto:ppe@haggardlawfirm.com">ppe@haggardlawfirm.com</a> <a href="mailto:mah@haggardlawfirm.com">mah@haggardlawfirm.com</a> <a href="mailto:djm@haggardlawfirm.com">djm@haggardlawfirm.com</a> <a href="mailto:kvizcaino@haggardlawfirm.com">kvizcaino@haggardlawfirm.com</a> <i>Attorneys for the Respondent STEWART</i></p>
<p>Philip D. Parrish PHILIP D. PARRISH, P.A. 7301 SW 57<sup>TH</sup> COURT SUITE 430 Miami, FL 33143 Telephone: (305) 670-5550 <a href="mailto:phil@parrishappeals.com">phil@parrishappeals.com</a> <a href="mailto:betty@parrishappeals.com">betty@parrishappeals.com</a> <i>Attorney co-counsel for Respondent STEWART</i></p>	<p>Neil Bayer, Esq. KENNEDYS AMERICAS LLP 1395 Brickell Ave, Suite 610 Miami, FL 33131 Telephone: (305) 371-1111 <a href="mailto:neil.bayer@kennedyslaw.com">neil.bayer@kennedyslaw.com</a> <a href="mailto:cindy.delgado@kennedyslaw.com">cindy.delgado@kennedyslaw.com</a> <i>Attorneys for the Respondent SOTIS</i></p>