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 TRUTH AQUATICS, INC. AND  
 GLEN RICHARD FRITZLER AND DANA  
 JEANNE FRITZLER, INDIVIDUALLY AND AS  
 TRUSTEES OF THE FRITZLER FAMILY TRUST  
 DTD 7/27/92

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

In the Matter of the Counterclaim of Truth	)	CASE NO. 2:19-cv-07693-PA-
Aquatics, Inc. and Glen Richard Fritzler and	)	MRW
Dana Jeanne Fritzler, individually and as	)	
Trustees of the Fritzler Family Trust DTD	)	<b>FED. R. CIV. P. 26(f) JOINT</b>
7/27/92 as owners and/or owners pro hac vice	)	<b>REPORT</b>
of the dive vessel CONCEPTION, Official	)	
Number 638133, for Exoneration from or	)	
Limitation of Liability,	)	

As required by Rule 26(f) of the Federal Rules of Civil Procedure, Central District of California Local Rule 26-1, and this Court's July 16, 2020 Orders [Docs. 148, 150], Plaintiffs TRUTH AQUATICS, INC. AND GLEN RICHARD FRITZLER AND DANA JEANNE FRITZLER, INDIVIDUALLY AND AS TRUSTEES OF THE FRITZLER FAMILY TRUST DTD 7/27/92 (hereinafter "Petitioners"), and Claimants, CHRISTINE DIGNAM, TAYLOR DIGNAM, CHANDLER DIGNAM, SHRUTI DEOPUJARI, SATISH DEOPUJARI, SANDHYA DEOPUJARI, SEEMA SHARMA, PATANJAI SHARMA,

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This report follows the Rule 26(f) conference of the Parties, which took place on August 21, 2020. Having met-and-conferred on the topics set forth in Rule 26, Local Rule 26-1, and this Court’s Orders dated July 16, 2020 [Docs. 148, 150], the Parties report as follows:

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**I. ITEMS AND TOPICS IDENTIFIED IN THE COURT’S MINUTE ORDER DATED JULY 16, 2020 [DOC. 148] AND ORDER SCHEDULING MEETING OF COUNSEL [DOC. 150]**

**A. THE CURRENT STATUS OF THE NATIONAL TRANSPORTATION SAFETY BOARD’S (“NTSB”) ONGOING INVESTIGATION**

The fire is currently being investigated by the NTSB, and jointly by the United States Coast Guard (“USCG”), the Federal Bureau of Investigations (“FBI”) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). Petitioners understand the NTSB anticipates completing its investigation in or about October, 2020, and that its report will be available shortly thereafter – possibly in November, 2020. Petitioners do not know the status of the FBI, USCG, and/or ATF investigation(s), other than that they are ongoing, or when the associated report(s) will be made available.

**B. THE CURRENT STATUS OF THE CRIMINAL INVESTIGATION INTO THE EVENTS THAT GAVE RISE TO THIS ACTION**

Counsel for Petitioners have been informed and believe there is an ongoing criminal investigation being jointly conducted by the Coast Guard Investigative Service (“CGIS”), the FBI, and the ATF into the fire aboard the vessel CONCEPTION on September 2, 2019 (“Conception Fire”). Petitioners further understand that investigation is being led by the United States Attorney’s Office for the Central District of California (“USAO”). Counsel for Petitioners understand these federal agencies are investigating whether federal criminal charges alleging manslaughter (18 U.S.C. § 1115) should be brought in connection with the Conception Fire.

Counsel for Petitioners understand the aforementioned federal agencies and the USAO launched an immediate investigation into the Conception Fire. Within

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1 days of the fire, the FBI, the ATF, and the USAO interviewed multiple former and  
2 present employees of Truth Aquatics, Inc. Nine days after the fire, on September  
3 11, 2019, a grand jury sitting in the Central District of California issued a Federal  
4 Grand Jury Subpoena upon The Fritzler Family Trust (“Fritzler Family Trust  
5 Subpoena”). That subpoena sought production of various documents relating to  
6 the Fritzler Family Trust (the “Trust”) and the operation of Truth Aquatics. For  
7 example, it sought, among other things, all records related to the Fritzler Family  
8 Trust, the CONCEPTION, Truth Aquatics, and the two other vessels operated by  
9 Truth Aquatics, the VISION and the TRUTH.

10 On September 18, 2019, a grand jury sitting in the Central District of  
11 California issued a Federal Grand Jury Subpoena upon Truth Aquatics (“Truth  
12 Aquatics Subpoena”). The Truth Aquatics Subpoena sought, among other things,  
13 all records relating to the CONCEPTION and its compliance with the laws,  
14 regulations, and/or protocols applicable to passenger vessels, as well as all records  
15 and communications related to safety and operation of the CONCEPTION, and the  
16 fire itself.

17 Counsel for Petitioners are informed and believe the USAO conducted a  
18 reverse proffer meeting with the CONCEPTION’s Captain, Jerry Boylan, in July  
19 2020.

20 Rule 6 of the Federal Rules of Criminal Procedures preclude the government  
21 from disclosing a matter occurring before a grand jury, but counsel for Petitioners  
22 understand reverse proffer meetings routinely take place when the government has  
23 concluded that it has sufficient evidence to bring criminal charges. Under these  
24 circumstances, counsel for Petitioners understand that an indictment, or  
25 indictments, will be forthcoming.

26 Counsel for Petitioners are informed and believe that in order to defend  
27 against Claimants’ claims/counterclaims in the Limitation Action, Glen and Dana  
28 Fritzler, Capt. Boylan, and Crewmembers will need to participate in discovery and

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1 provide substantive responses. For example, defense of the Limitation Action will  
2 likely require information relating to the safety and operation of the  
3 CONCEPTION, the Crewmembers' and Capt. Boylan's training, Truth Aquatics'  
4 operation, and prior safety issues. Many of these topics would be central to any  
5 criminal prosecution. Glen and Dana Fritzler, Capt. Boylan, and Truth Aquatics'  
6 employees' and Crewmembers' active participation in discovery will be necessary  
7 to defend the Limitation Action, and Counsel for Petitioners believe and  
8 understand those persons will be advised by their respective criminal counsel to  
9 exercise their Fifth Amendment rights against self-incrimination.

10 **C. THE PARTIES' RECOMMENDATIONS AND AGREEMENTS,**  
11 **IF ANY, ABOUT THE FINAL SCHEDULING ORDER AS**  
12 **LISTED IN FED. R. CIV. P. 16(b)(1) THROUGH (6)**

13 The Parties offer the following recommendations and agreements  
14 concerning the items identified in Fed. R. Civ. P. 16(b):

15 *Time to join other parties, amend the pleadings, complete discovery, and*  
16 *file motions (Fed. R. Civ. P. 16(b)(3)(A)):*

17 In light of the ongoing federal agency investigations discussed above and the  
18 anticipated release of the NTSB report(s) in November, 2020, each of which may  
19 identify potentially culpable third-parties (e.g., lithium-ion battery defendants),  
20 Petitioners recommend that the Court set these deadlines further out than it may be  
21 inclined to do under different circumstances. Petitioners therefore recommend that  
22 the deadline to join other parties and amend the pleadings be set in November,  
23 2021, approximately one year after the NTSB report(s) are expected to be  
24 available. On that schedule, Petitioners recommend the deadline to complete  
25 discovery and file motions be set in the late Spring or early Summer of 2022.  
26 Petitioners further note that the pending criminal investigation(s) may require a  
27 stay of discovery and a resulting longer-than-usual litigation schedule.

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Passenger Claimants and Sims recommend that the deadline to join other parties and amend the pleadings be set in April, 2021, approximately six (6) months after the NTSB report(s) are expected to be available. On that schedule, Passenger Claimants and Sims recommend the deadline to complete discovery and to file motions be set in the late Fall or early Winter of 2021. Passenger Claimants acknowledge that the pending criminal investigation(s) may warrant a stay of certain discovery, such as depositions of individuals who have been identified as targets or subjects to any criminal investigation, but disagree that pending criminal investigations require a complete stay of all discovery in this case.

Sims contends that the pending criminal investigations do not warrant a stay of discovery under the circumstances presented in this case. Specifically, this is an action filed by Petitioners. They may produce documents without implicating their Fifth Amendment rights. Similarly inspections of the vessel and/or relevant equipment will not implicate their Fifth Amendment rights. In regards to depositions, interrogatories, and requests for admissions, such discovery should be allowed. If Petitioners (or others) choose to invoke their Fifth Amendment rights, then the Court may determine at a later date whether it is appropriate to draw adverse inferences in this action based on such invocation. Moreover, the Court may determine at a late date whether it is appropriate to dismiss this Limitation action (filed by Petitioners) based on any potential invocation of Fifth Amendment rights.

***Modification of the timing of disclosures under Rules 26(a) and 26(e)(1) (Fed. R. Civ. P. 16(b)(3)(B)(i)):*** The Parties do not recommend any changes to the timing of disclosures under Fed. R. Civ. P. 26(a)(1) or (e)(1). The Parties recommend setting the date for initial expert disclosures under Fed. R. Civ. P. 26(a)(2) not later than 12 weeks before trial, and not later than 8 weeks before trial for rebuttal expert witness disclosures. Supplemental disclosures for expert witnesses should be as provided for by Fed. R. Civ. P. 26(e). The Parties



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1 recommend adopting Local Rule 16-2's timeframe for pretrial disclosures under  
2 Fed. R. Civ. P. 26(a)(3)(A) (*i.e.*, at least 40 days before the date set for the Final  
3 Pretrial Conference). The list of objections under Fed. R. Civ. P. 26(a)(3)(B)  
4 should be included in the proposed Final Pretrial Conference Order as provided for  
5 by Local Rule 16-6.3.

6 ***Modify the extent of discovery (Fed. R. Civ. P. 16(b)(3)(B)(ii)):*** The Parties  
7 do not recommend modifying the extent of discovery beyond the provisions of the  
8 Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules  
9 for the Central District of California, relevant case law, and/or order of this Court.  
10 However, in order to minimize attorney fees and costs, and thereby maximize the  
11 potential for early settlement, Petitioners recommend that the Court limit pre-early  
12 mediation discovery to Initial Disclosures under Fed. R. Civ. P. 26(a)(1). *See*, I.E.  
13 and I.P., *infra*. If early mediation is unsuccessful, Petitioners recommend that  
14 discovery should then proceed in full assuming no conflict with the criminal  
15 investigation exists.

16 Passenger Claimants and Sims disagree that mediation by December 15,  
17 2020 is appropriate in this case. *See*, “***Statement Of Efforts Made To Settle Or***  
18 ***Resolve The Case To Date; Settlement Procedure Recommended Pursuant To***  
19 ***Local Rule 16-15.4***”, *infra*. Passenger Claimants and Sims recommend that the  
20 Court not place any limitations on pre-mediation discovery where Passenger  
21 Claimants and Sims have recommended that mediation take place, at the earliest by  
22 June, 2021.

23 ***Provide for disclosure, discovery, or preservation of electronically stored***  
24 ***information (Fed. R. Civ. P. 16(b)(3)(B)(iii)):*** The Parties do not believe any such  
25 orders are necessary at this time. *But see*, “***Agreements concerning claims of***  
26 ***privilege, including agreements reached under Fed. R. Evid. 502 (Fed. R. Civ. P.***  
27 ***16(b)(3)(B)(iii),(iv),”*** *infra*.

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***Agreements concerning claims of privilege, including agreements reached under Fed. R. Evid. 502 (Fed. R. Civ. P. 16(b)(3)(B)(iii),(iv)):*** Petitioners do not recommend any changes to the provisions of Fed. R. Evid. 502 or Fed. R. Civ. P. 16(b)(3)(B)(iii), (iv). However, Petitioners note that in the days and weeks following the incident, numerous Federal, State, and/or local agencies, including the Federal Bureau of Investigation, the United States Coast Guard, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Office of the United States' Attorney, seized virtually all documents, records, and electronic equipment (*e.g.*, computers, hard drives, *etc.*) from Petitioners' place of business, as well as a number of similar materials from Petitioners' home. Petitioners believe, and recommend, that any disclosure of protected and/or privileged information that occurred in connection with that forcible seizure of documents and records does not, and should not, constitute a waiver of any privilege, right of privacy, or other protection of law that would otherwise attach to those materials in this litigation. Similarly, Petitioners do not know all materials that may have been seized but not yet returned, thereby rendering those materials outside of Petitioners' possession, custody, and control, and thus, unable to be produced through disclosure or discovery in these proceedings. Moreover, Petitioners are informed and believe that a Grand Jury has been empaneled to determine whether criminal charges against them, and/or the Captain and/or crew of the CONCEPTION, should issue. As such, there may be Fifth Amendment concerns that will need to be addressed as this litigation proceeds.

***Court conference before moving for an order relating to discovery (Fed. R. Civ. P. 16(b)(3)(B)(v)):*** In addition to the standard "meet-and-confer" requirement imposed by Local Rule 37-1, Petitioners recommend that the Court's Scheduling Order contain a requirement that the Parties participate in an informal conference with the Magistrate Judge before any discovery motion is filed. Because the Court requires all discovery motions to be calendared before the Magistrate Judge,



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Petitioners believe an informal discovery conference with the Magistrate Judge will eliminate or resolve many discovery issues that may otherwise be addressed through costly and time-consuming law-and-motion practice.

***Dates for pretrial conferences and for trial (Fed. R. Civ. P.***

***16(b)(3)(B)(vi)):*** Petitioners recommend that the final pre-trial conference be set for June 2022, with trial set 4 weeks later. Interim status conferences may also be helpful on an “as-needed” basis.

***Other appropriate matters (Fed. R. Civ. P. 16(b)(3)(B)(vii)):*** As discussed above, Petitioners are informed and believe that the U.S. Attorney’s Office conducted a reverse proffer meeting in July 2020 with Capt. Boylan. Accordingly, Petitioners believe that criminal charges are imminent or will soon be forthcoming. If those charges are leveled, Petitioners believe that many, and perhaps all, of the central issues to this limitation action will also be at issue in the criminal proceedings. As a result, the Parties recommend that the Court consider, and that the Parties be prepared to discuss, the impact of the Fifth Amendment on discovery in these proceedings, including the extent to which discovery in the Limitation Action should be stayed while criminal proceedings are imminent or pending.

Claimants have prayed for punitive damages herein and are also concerned about Petitioners' ability to respond to any judgment herein. Claimants will therefore ask the Court for an early ruling permitting pretrial discovery of Petitioners' financial information without requiring Claimants "to establish a prima facie case on the issue of punitive damages.” *CEH, Inc. v. FV Seafarer*, 153 F.R.D. 491, 498 (D.R.I. 1994); see also *Randall v. County of Wyandotte*, 1988 U.S. Dist. LEXIS 14748, No. 87-2580, (D.Kan. , 1988); *Baker v. CNA Ins. Co.*, 123 F.R.D. 322, 329-30 (D.Mont. 1988); *St. Joseph Hospital v. INA Underwriters Ins. Co.*, 117 F.R.D. 24, 25-26 (D.Me. 1987); *Marsillo v. National Surety Corp. (In re Bergeson)*, 112 F.R.D. 692, 696 (D.Mont. 1986); *Fretz v. Keltner*, 109 F.R.D. 303, 310-11 (D.Kan. 1986); *Renshaw v. Ravert*, 82 F.R.D. 361, 363 (E.D.Pa.

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1979); *American Benefit Life Ins. Co. v. Ille*, 87 F.R.D. at 542-43; *Lackawanna Refuse Removal, Inc. v. Procter and Gamble Paper Products Co.*, 86 F.R.D. 330, 26 Fed. R. Serv. 2d 375, 376 (M.D. Pa. 1978); *Miller v. Doctor's General Hospital*, 76 F.R.D. 136, 140 (W.D. Okla. 1977); *Vollert v. Summa Corp.*, 389 F. Supp. 1348, 1351 (D. Haw. 1975); *Holliman v. Redman Development Corp.*, 61 F.R.D. 488, 490-91 (D. S.C. 1973).

Petitioners note that the Parties have agreed in principle to bifurcation of the issues of liability and damages. Thus, if Petitioners' right to limitation of, or exoneration from, liability is established in the "liability" phase of bifurcated proceedings, the issue of damages, including punitive damages, will not be reached unless the Court retains jurisdiction of the claims to decide damages, making any discovery of punitive damages premature. Petitioners therefore request that, if bifurcation of liability and damages is granted, as all Parties agree is appropriate, discovery on the issue of punitive damages should be delayed until such time as a *prima facie* case justifying the imposition of punitive damages is made.

**D. ITEMS LISTED IN FED. R. CIV. P. 16(c) WHICH COUNSEL BELIEVE WILL BE USEFUL TO DISCUSS AT THE SCHEDULING CONFERENCE**

Petitioners believe it would be useful to discuss the following Rule 16(c) issues at the Scheduling Conference:

***Avoiding unnecessary proof and cumulative evidence (Fed. R. Civ. P. 16(c)(2)(D):*** At present, there are approximately forty-four different Claimants, who are represented by at least eight different law firms. At trial, each Claimant may have issues that are specific to that Claimant, such as the measure and amount of damages being claimed. However, many, and perhaps most, of the issues Claimants are likely to raise at trial, including the issue of Petitioners' "privity and knowledge," Petitioners' right to limitation of or exoneration from liability, and the factual underpinnings upon which those determinations will be based, are common

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1 to all Claimants. Presentation of evidence on these common issues by eight  
2 different law firms will undoubtedly prolong trial, lead to potentially conflicting  
3 evidence presented by the various Claimants, needlessly complicate the issues, and  
4 result in a significant loss of judicial economy. As such, Petitioners recommend  
5 that Claimants be ordered to identify one attorney or law firm to act as lead  
6 Claimants' counsel for purposes of presenting evidence at trial on issues that are  
7 common to all Claimants. Those issues would include Petitioners' right to  
8 exoneration from, or limitation of, liability for the claims being asserted against  
9 them, Petitioners' "privity and knowledge," and the factual and evidentiary  
10 underpinnings related to those issues. Petitioners also recommend that Claimants  
11 be limited in the number of experts they can call to testify on these common issues,  
12 *e.g.*, expert witnesses concerning the cause and origin of the fire, liability, and  
13 causation.

14 Claimants disagree that the restrictions suggested by Petitioners are  
15 appropriate or necessary. Claimants' attorneys and law firms have significant  
16 experience in mass catastrophe litigation and have been collaboratively working  
17 together in the time following the initiation of this action. In that regard,  
18 Claimants intend to establish committees and subcommittees within their group to  
19 address issues that are common to all Claimants. To the extent that Petitioners  
20 believe or expect that Claimants would expend unnecessary resources on  
21 cumulative experts, Claimants recommend that Petitioners address any experts  
22 they believe to be cumulative through law-and-motion practice.

23 ***Settling the Case (Fed. R. Civ. P. 16(c)(2)(I)):*** Petitioners recommend that  
24 the matter be set for immediate mediation. The Parties have already begun  
25 settlement discussions, and Petitioners have already made a settlement offer.  
26 Petitioners therefore recommend that the Parties be ordered to immediately  
27 commence mediation in order to avoid costly discovery and mitigate expenditure  
28 of attorneys' fees that may otherwise accrue.

1 Claimants disagree that mediation by December 15, 2020 is appropriate in  
 2 this case where the chances of mediation resulting in resolution at that time are  
 3 minimal, at best. *See, "Statement Of Efforts Made To Settle Or Resolve The Case*  
 4 *To Date; Settlement Procedure Recommended Pursuant To Local Rule 16-15.4",*  
 5 *infra.* Claimants recommend that, if no other parties are joined in this action by the  
 6 April, 2021 deadline that Passenger Claimants and Sims have suggested, this Court  
 7 order the Parties to participate in ADR Procedure No. 2 by June, 2021. However,  
 8 if other parties are joined in this action by the April, 2021 deadline that Passenger  
 9 Claimants and Sims have suggested, Claimants recommend that this Court order  
 10 the parties to participate in ADR Procedure No. 2 not later than 8 weeks before  
 11 trial.

12 **E. LISTING AND PROPOSED SCHEDULE OF WRITTEN**  
 13 **DISCOVERY, DEPOSITIONS, AND A PROPOSED**  
 14 **DISCOVERY CUT-OFF DATE**

15 Should discovery not be stayed pending resolution of the ongoing criminal  
 16 investigations as Petitioners recommend (*see, "Other Appropriate Matters,"*  
 17 *supra*), Petitioners request that they be allowed to propound an increased number  
 18 of interrogatories beyond those provided by the Federal Rules of Civil Procedure.  
 19 Specifically, Petitioners request an Order from the Court permitting them to  
 20 propound 352 total interrogatories to each Claimant; for the Court's consideration  
 21 and ease of reference, a draft set of Petitioners' initial interrogatories are attached  
 22 as Exhibit "A" hereto. Petitioners contend that an increase in the number of  
 23 interrogatories available to them is justified given the complexity of the issues  
 24 presented by this Limitation Action and the sheer number of alleged breaches of  
 25 duty that Claimants have raised in their Counterclaims. For example, the  
 26 Beitzinger Claimants allege no fewer than fifty-four (54) alleged breaches of duty.  
 27 [*See, Doc. 95 at 18:1-23:1.*] If Petitioners were limited to twenty-five  
 28 interrogatories, *see, Fed. R. Civ. P. 33*, they would be able to propound contention

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interrogatories (*i.e.*, interrogatories asking for disclosure of all facts upon which the alleged breaches are based, the identities of persons with knowledge of those facts, the facts each such person is believed to possess in support of each alleged breach, and identification of the documents supporting Claimants' allegations), to just six of the Beitzinger Claimants' alleged breaches – leaving forty-eight of them unaddressed through written discovery. Unreasonably limiting the number of interrogatories available to Petitioners would also leave them without written discovery regarding other key issues raised by the Counterclaim, such as evidence of the Beitzinger Claimants' standing to pursue their claims, the damages sustained, and the electronic/Lithium-ion powered electrical devices that Decedent Beitzinger may have taken aboard the CONCEPTION that could have caused or contributed to the Fire. [*See, e.g.*, Doc. 95 at 15:9-17.]

Passenger Claimants disagree with Petitioners' suggestion that propounding 352 total interrogatories to each Claimant is in any way reasonable or consistent with the Federal Rules of Civil Procedure's requirement that discovery be proportional to the needs of the case. Claimants recommend that the Parties conduct discovery consistent with the Federal Rules of Civil Procedure. If, after Claimants' answers to written interrogatories are produced, Petitioners believe that additional interrogatories are necessary or appropriate, they may seek leave to serve additional interrogatories consistent with Rule 26(b)(1) and (2).

If trial of the issues pertaining to Petitioners' right to exoneration from, or limitation of, liability is bifurcated from trial on issues of damages (*see, **Proposals Regarding Severance, Bifurcation, or Other Ordering of Proof**, infra*), Petitioners currently believe discovery can be completed by the Fall of 2021. If trial is not bifurcated, Petitioners anticipate at least 44 separate depositions on the issue of damages, as well as multiple associated expert witness depositions (*e.g.*, economists). Thus, if trial is not bifurcated, Petitioners recommend a discovery cut-off in the Spring of 2022, with the trial dates and Final Status Conference dates

1 to be adjusted accordingly.

2 In light of the sheer number of counsel, as well as the number of depositions  
3 that will be required, Claimants recommend that depositions shall be taken during  
4 the first two full weeks of each month starting on April 5, 2021, and continuing  
5 thereafter with starting dates of May 3, 2021, June 7, 2021, etc., for a total of six  
6 (6) months. Claimants recommend that the Court order that counsel must be  
7 available from Monday to Thursday of the first two full weeks of each such month  
8 as described above.

9 Petitioners respond that it is entirely impractical to expect that counsel can  
10 set aside the first two weeks of each month in a six-month period, as proposed by  
11 Claimants, to hold those dates free for depositions that are not yet scheduled.  
12 Under Claimants' proposal, counsel could not schedule any other work or satisfy  
13 any other scheduling commitments that they may have during the two-week period  
14 of each month proposed by Claimants, and the three attorneys for Petitioners  
15 would be required to effectively hold three months, or 25% of their calendar year,  
16 open and free from scheduling conflicts – including those scheduling  
17 commitments, including trial dates, that may already be established. Instead,  
18 Petitioners recommend that the notice period for depositions be increased to such  
19 length as the Court deems reasonable and proper to allow the deponents, and the  
20 attorneys for the parties, to agree upon mutually available dates for these  
21 depositions, or to otherwise resolve any scheduling conflicts that may result.

22 **F. LISTING AND PROPOSED SCHEDULE OF LAW AND**  
23 **MOTION MATTERS, AND A PROPOSED DISPOSITIVE**  
24 **MOTION CUT-OFF DATE**

25 Claimants recommend that written notice of any dispositive motion shall be  
26 filed with the Clerk not later than sixty (60) days before the date set for hearing.  
27 Claimants recommend that the Court set a briefing schedule for any dispositive  
28 motion that is filed. Petitioners recommend that all notice periods for any motion,



1 excepting perhaps discovery motions, be filed not later than sixty (60) days before  
 2 the date set for hearing, with the briefing schedule on dispositive motions to be  
 3 established by the Court when such motion(s) is/are filed.

4 **G. STATEMENT OF EFFORTS MADE TO SETTLE OR**  
 5 **RESOLVE THE CASE TO DATE; SETTLEMENT**  
 6 **PROCEDURE RECOMMENDED PURSUANT TO LOCAL**  
 7 **RULE 16-15.4**

8 Petitioners have been attempting to settle all claims arising out of the  
 9 incident, and have made a written settlement offer to all Claimants. Settlement  
 10 discussions are ongoing. Major impediments to settlement are that Claimants  
 11 believe there may be other third-parties who may be liable for the damages alleged  
 12 (e.g., Lithium-ion battery defendants), and the impact any settlement with  
 13 Petitioners could have on Claimants' ability to pursue those third-party claims  
 14 under the Supreme Court's *Amclyde* decision. *See. McDermott, Inc. v. Amclyde*,  
 15 511 U.S. 202 (1994).

16 Petitioners believe that private mediation is appropriate for this case. In  
 17 order to ensure that settlement discussions begin promptly, and to account for the  
 18 foreseeable difficulties that may arise during the course of the Parties' efforts to  
 19 coordinate available mediation dates among so many mediation participants,  
 20 Petitioners request that the Court issue an Order (1) directing the Parties to  
 21 commence mediation immediately, and (2) setting a mediation completion date of  
 22 December 15, 2020. *See, "Recommended Local Rule 16-15 Settlement*  
 23 *Procedure," infra.*

24 Claimants believe that, in light of the Supreme Court's *Amclyde* decision  
 25 cited above, mediation by December 15, 2020 will prove to be unsuccessful.  
 26 Passenger Claimants and Sims recommend that, before ordering the Parties to  
 27 participate in mediation, the Court provide the Parties with time to review and  
 28 analyze the forthcoming NTSB report – which may be available as early as

November, 2020 – to determine whether other parties may be added in this action. Claimants recommend that, if no other parties are joined in this action by the April, 2021 deadline that Passenger Claimants and Sims have suggested, this Court order the Parties to participate in ADR Procedure No. 2 by June, 2021. However, if other parties are joined in this action by the April, 2021 deadline that Passenger Claimants and Sims have suggested, Claimants recommend that this Court order the parties to participate in ADR Procedure No. 2 not later than 8 weeks before trial.

#### **H. ESTIMATED LENGTH OF TRIAL AND PROPOSED DATES FOR THE FINAL PRETRIAL CONFERENCE AND TRIAL**

If trial is bifurcated, Petitioners recommend a 7-day trial. If trial is not bifurcated, Petitioners recommend a 30-day trial.

#### **I. DISCUSSION OF OTHER PARTIES LIKELY TO BE ADDED**

On August 5, 2020, Petitioners filed a request for entry of default by the Clerk of the Court as to all possible claimants who failed to appear and assert their claims before the July 1, 2020 deadline set by the Court. [See, Docs. 15, 16, 156.] The Clerk of this Court entered those defaults accordingly on August 6, 2020, pursuant to Fed. R. Civ. P. 55(a). [Doc. 157.] Petitioners believe that there are third-party defendants (*e.g.*, lithium ion battery defendants) who may be brought into the action pursuant to Fed. R. Civ. P. 14(c). Sims contends that, to the extent any third-party defendants are tendered pursuant to Fed. R. Civ. P. 14(c), such claims would carry with them the right to a jury trial pursuant to the Saving to Suitors clause and the 7<sup>th</sup> Amendment to the United States Constitution. Sims further contends that he would have the right to pursue any such claims in the forum of his choosing. *See Complaint of Dammers & Vanderheide & Scheepvaart Maats Christina B.V.*, 836 F.2d 750, 760 (2d Cir. 1988) (“If claimants have a substantive right to pursue their cause of action under the ‘saving to suitors clause [in state court],’ it can hardly be abrogated by a federal procedural rule.”);

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*Jefferson Barracks Marine Services, Inc. v. Casey*, 763 F.2d 1007, 1011 (8th Cir. 1985) (“we fail to see how claimant could lose a valuable statutory substantive right through” a petitioner’s use of Rule 14(c)); *Matter of Garvey Marine, Inc.*, 909 F.Supp. 560, 567 (N.D. Ill. 1995) (“The saving-to-suitors clause is an act of Congress which, if it cannot be negated by a procedural rule (even one promulgated by the Supreme Court), it certainly cannot be negated by a call to preserve scarce resources which is based purely in judicially-created policy.”).

#### **J. WHETHER TRIAL WILL BE BY JURY OR TO THE COURT**

As an action under the Court’s admiralty jurisdiction, Petitioners contend that this action under the Limitation of Liability Act must be tried to the Court. *See, e.g., Lewis v. Lewis & Clark Marine, Inc.*, 531 U.S. 438, 448 (2001) (citation omitted). Moreover, Petitioners contend that because there are multiple claims that exceed the value of the Limitation Fund, this Court should hear the entire case in order to serve the purpose of the Limitation of Liability Act’s *concursum* provision and its *pro rata* distribution scheme, each of which would be dramatically impacted or destroyed by proceeding concurrently with multiple claims in multiple state or federal courts. *See, Anderson v. Nadon*, 360 F.2d 53, 57 (9<sup>th</sup> Cir. 1966) (citation omitted); *see also, In re Complaint for Exoneration from or Limitation of Liab. of Shell Oil Co.*, 780 F. Supp. 1086, 1090-1091 (E.D. La. 1991) *citing In Complaint of Paradise Holdings, Inc.*, 795 F.2d 756, 763 (9<sup>th</sup> Cir. 1986). Thus, in the event the Court denies exoneration and/or limitation of liability, Petitioners request that the Court retain jurisdiction to hear the damages phase of the case pursuant to the authorities just cited. *See, id.*

Claimants contend that under the “Savings to Suitors” clause, they have a right to a jury trial in the event the Court denies exoneration and/or limitation of liability. The “Savings to Suitors” clause, codified at 28 U.S.C. §1333, delineates federal and state court jurisdiction of maritime matters. It provides, “[t]he district courts shall have original jurisdiction, exclusive of the courts of the States, of:

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(1) Any civil case of admiralty or maritime jurisdiction, **saving to suitors in all cases all other remedies to which they are otherwise entitled.**” *Id.*, (emphasis added.)

The “Savings to Suitors” clause allows state courts to adjudicate maritime causes of actions in proceedings *in personam*, and also permits the plaintiff to bring an action “at law” in federal district court, provided the requirements of diversity of jurisdiction and amount in controversy are met. *Ghotra v. Bandila Shipping, Inc.*, 113 F.3d 1050, 1054 (9th Cir. 1997). In *Complaint of Ingoglia*, 723 F. Supp. 512, 515 (C.D. Cal. 1989), the Court confirmed that once the limitation issue is disposed of, claimants retain the right under the “Savings to Suitors” clause to file their action in state court to determine issues of liability and damages. Claimants request that, in the event the Court denies exoneration and/or limitation of liability, their right to a jury trial not be upset and Claimants request that the Court permit them to pursue their cases in their chosen fora. *Wheeler v. Marine Navigation Sulphur Carriers, Inc.*, 764 F.2d 1008, 1011 (4th Cir. 1985) (“Each circuit that has considered this question has ruled that once limitation is denied, plaintiffs should be permitted to elect whether to remain in the limitation proceeding or to revive their original claims in their original fora.”); *The Silver Palm*, 94 F.2d 776, 780 (9th Cir. 1937); *See also Sause Bros. Ocean Towing Co., Inc. v. LeBlanc*, 37 F.3d 1506, 1994 WL 561837 at \*3 (9th Cir. Oct. 13, 1994) (“a claimant is free to sue in state court once the admiralty court determines that the Limitation Act does not apply.”).

#### **K. OTHER ISSUES AFFECTING THE STATUS OR MANAGEMENT OF THE CASE**

Petitioners recommend that Claimants be ordered to designate one attorney or firm to propound and to act as lead counsel for discovery purposes on all issues that are common to all Claimants. Those issues would include Petitioners’ “privity and knowledge,” Petitioners’ right to exoneration from or limitation of liability,

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1 and the factual and evidentiary underpinnings of those common issues. With  
2 approximately 44 Claimants having asserted Counterclaims against Petitioners,  
3 failure to limit Claimants' discovery could, and invariably will, result in needless  
4 duplication of efforts and a gross waste of party resources. For example, if each  
5 Claimant were to propound just twenty-five interrogatories, *see*, Fed. R. Civ. P. 33,  
6 Petitioners would be forced to respond to 1,100 written interrogatories, many of  
7 which would undoubtedly be duplicative and result in an enormous – and  
8 disproportionate – burden to Petitioners.

9 Claimants do not believe these restrictions are appropriate or necessary. *See*,  
10 *“Avoiding unnecessary proof and cumulative evidence (Fed. R. Civ. P.*  
11 *16(c)(2)(D),” supra*. Claimants intend to establish committees and subcommittees  
12 within their group to address issues that are common to all Claimants and to  
13 mitigate the risk of duplicative discovery.

14 **L. PROPOSALS REGARDING SEVERANCE, BIFURCATION,**  
15 **OR OTHER ORDERING OF PROOF**

16 Petitioners request that trial of common issues related Petitioners' right to  
17 exoneration from or limitation of liability should be bifurcated from the trial of  
18 damages, with the Court exercising its discretion to retain jurisdiction to try  
19 damages if it is found that Petitioners are not entitled to exoneration from or  
20 limitation of liability. *See*, *“Whether Trial Will be by Jury or to the Court,”*  
21 *supra*.

22 Claimants also request that trial of common issues related to Petitioners'  
23 request to exoneration from or limitation of liability should be bifurcated from the  
24 trial of damages. However, Claimants disagree that this Court should retain  
25 jurisdiction to try damages if it is found that Petitioners are not entitled to  
26 exoneration from or limitation of liability. *See*, *“Whether Trial Will be by Jury or*  
27 *to the Court,” supra*. Claimants request that, in the event the Court denies  
28 exoneration and/or limitation of liability, their right to a jury trial not be upset and

1 Claimants request that the Court permit them to pursue their cases in their chosen  
2 fora.

3 **M. SHORT SYNOPSIS OF THE PRINCIPAL ISSUES IN THE**  
4 **CASE**

5 This is an action by Petitioners, as owners, or owners *pro hac vice*, of the  
6 dive vessel CONCEPTION, for exoneration from or limitation of liability as  
7 provided by 46 U.S.C. § 30501 *et seq.* for an incident that occurred on September  
8 2, 2019 when a fire of unknown cause and origin started on the vessel  
9 CONCEPTION while anchored on the Pacific Ocean off the coast of Santa Cruz  
10 Island, which fire resulted in the sinking and total loss of the vessel and allegedly  
11 the death of 33 passengers and one crewmember; one crewmember was allegedly  
12 injured.

13 Petitioners contend they used reasonable care to make the CONCEPTION  
14 seaworthy and that she was, at all relevant times, tight, staunch, and strong, fully  
15 and properly manned, equipped and supplied and in all respects seaworthy and fit  
16 for the service in which she was engaged, and that the fire and resulting injuries  
17 and deaths were not within their privity or knowledge within the meaning of 46  
18 U.S.C. § 30501 *et seq.*

19 Passenger Claimants, CHRISTINE DIGNAM, TAYLOR DIGNAM,  
20 CHANDLER DIGNAM, SHRUTI DEOPUJARI, SATISH DEOPUJARI,  
21 SANDHYA DEOPUJARI, SEEMA SHARMA, PATANJAI SHARMA,  
22 LAKSHMI SHARMA, GREGORY KRASHENNY, ARIEL TAKVAM,  
23 KENNETH TAKVAM, MARY R. TAKVAM, SUSANA ROSAS, SARMA  
24 WILLIAMS, MAKANI WILLIAMS, DAELEN WILLIAMS, NANCY FIEDLER,  
25 MARVIN FIEDLER, KEVIN CHAN, MATTHEW GUINEY, MARY  
26 ELIZABETH GUINEY, CHRISTINA QUITASOL, RICHARD X. LIU, YIN LIN,  
27 ANZI CHEN, YADIRA ALVAREZ, SEJAY TAN, CHEN LENG TAN, CHIK  
28 PING YAP, ANTHONY BEITZINGER, ELIZABETH BEITZINGER, HENRY



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GARCIA, MARGARET STROM, KESTRAL STROM, PFEIFER STROM, ERIC BALTZ, CANDACE BALTZ, JOHN BALTZ, MACHIKO HATANO, NINA HUTTEGER, JULIA AHOPELTO, UNNAMED MINOR SON OF JUHA-PEKKA AHOPELTO, KEVIN CHAN, JEAN ANNE ALLEN, SHIRLEY SALIKA, JAMES E. ADAMIC, ATLEE FRITZ, LINDA FRITZ, KATIE OSBORNE, OLGA FAYNSHTEYN, DANIEL CHUA, DOMINIC SELGA, NISA SHINAGAWA, MARK ADAMIC, ANGELICA ADAMIC, DANIEL CHUA, JASMINE LORD, VICTORIA ELLEN MOORE, and YUKA OHASHI MERRITT, *et al.* and Sims allege the fire was due to the negligence of Petitioners and the unseaworthy condition of the CONCEPTION, within the privity or knowledge of Petitioners. Specifically, Claimants allege that the personal injuries and deaths were caused by, among other things, Petitioners' failure to set the round-the-clock watch required by 46 C.F.R. §185.410, allowing the improper handling and storage of devices with Lithium-ion batteries on the CONCEPTION despite having knowledge of the risk of fires caused by Lithium-ion batteries, failing to provide sufficient means of ingress and egress to those below decks on the CONCEPTION in the event of emergency, and failing to equip the CONCEPTION with adequate fire-detection systems.

**N. STATEMENT OF WHETHER PLEADINGS ARE LIKELY TO BE AMENDED**

Petitioners and those who have filed claims as the alleged survivors of the CONCEPTION's passengers have stipulated to a withdrawal by Petitioners of certain Affirmative Defenses alleged in Petitioners' Answers herein. That stipulation and a corresponding [Proposed] Order have been drafted by counsel for Petitioners and circulated to counsel for the Passenger Claimants; some Passenger Claimants have signed the stipulation, but some signatures remain outstanding. Upon receipt of all signatures, the Parties will submit the Stipulation and [Proposed] Order to the Court. Other than the withdrawal of those defenses

1 identified in the aforementioned stipulation and [Proposed] Order, Petitioners do  
 2 not presently anticipate any amendments to their First Amended Complaint for  
 3 Exoneration From or Limitation of Liability [Doc. 8], or their Answers to the  
 4 various Counterclaims asserted against them. Petitioners may, however, bring  
 5 third-party actions against as-yet unnamed defendants under Fed. R. Civ. P. 14(c).  
 6 *See, “Time to join other parties, amend the pleadings, complete discovery, and*  
 7 *file motions,” supra.*

8 At present, Claimants do not anticipate any amendments to their pleadings.  
 9 However, as the Parties and all investigating agencies attempt to determine the  
 10 cause and origin of the fire that doomed the CONCEPTION, all involved continue  
 11 to leave open the possibility that additional parties will be implicated in the  
 12 litigation arising from this tragedy.

13 **O. STATEMENT OF ISSUES ANY PARTY BELIEVES MAY BE**  
 14 **DETERMINED BY MOTION**

15 Petitioners believe the following issues may be determined by motion:

16 ***Jones Act seamen’s claims for punitive damages under Jones Act and***  
 17 ***unseaworthiness causes of action:*** Claimant Ryan Sims and Claimants Robert  
 18 Kurtz and Cherie McDonough (the alleged successors-in-interest of decedent  
 19 Alexandra Kurtz) each allege that Sims and Alexandra Kurtz, respectively, were  
 20 employed and working as members of the CONCEPTION’s crew at the time of the  
 21 events in question. [Doc. 22 at 10:1-3, 10:27-11:4, 12:1-3 (Sims); Doc. 26 at 9:8-  
 22 9, 13:23-26, 26:18-20 (Kurtz).] Sims seeks punitive damages for his First Cause of  
 23 Action for Jones Act negligence. [Doc. 22 at 13:26-14:2.] Claimants Kurtz and  
 24 McDonough, claiming through decedent Alexandra Kurtz, seek punitive damages  
 25 on their Count I for Jones Act negligence and their Count II for Unseaworthiness.  
 26 [Doc. 26 at 1:25-2:9, 19:16-21, 22:4-9.] Plaintiffs contend that, as Jones Act  
 27 seamen, Kurtz and Sims cannot recover punitive damages for Jones Act negligence  
 28 or unseaworthiness as a well-established matter of law. *See, Dutra Group v.*

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*Batterton*, 139 S. Ct. 2775, 2284-2285, 2287 (2019) *citing, inter alia*, *Miles v. Apex Marine Corp.*, 498 U.S. 19, 32 (1990) and *Kopczynski v. The Jacqueline*, 742 F.2d 555, 560 (9<sup>th</sup> Cir. 1984);

***Propriety of Claimants’ Cause of Action for Negligence Per Se under California’s “common carrier” statute:*** Claimants Yadira Alvarez, Sejay Tan, Cheng Leng Tan, and Chik Ping Yap assert a negligence *per se* cause of action against Petitioners under California’s “common carrier” statute, California Civil Code section 2100. [Doc. 90 at 32:11-37:21.] Specifically, they allege that section 2100 imposed on Plaintiffs “a duty to use the highest care and vigilance to avoid causing harm” to Claimants in the operation and maintenance of the CONCEPTION. [Doc. 90 at 32:17-20.] Petitioners contend this action is governed by the general maritime law, including the United States Supreme Court’s decision in *Kermarec v. Compagnie General Transatlantique*, 358 U.S. 625 (1959), which imposes on shipowners only “the duty of reasonable care under the circumstances of each case.” 358 U.S. at 632; *see also*, *Nash v. Fifth Amendment*, 228 Cal. App. 3d 1106, 1112 n.5 (1<sup>st</sup> Dist. 1991) *citing Kermarec*, 358 U.S. at 630; *DeRoche v. Commodore Cruise Lines, Ltd.*, 31 Cal. App. 4<sup>th</sup> 802, 807 (1<sup>st</sup> Dist. 1994) (*citations omitted*). Accordingly, Petitioners contend that application of California’s higher standard for common carrier liability interferes with “the proper harmony and uniformity” of federal maritime law and, as such, is preempted. *See, Fahey v. Gledhill*, 33 Cal. 3d 884, 887 (1983).

***Standing, proper parties, and joinder of necessary parties:*** More than forty claimants have asserted claims against Petitioners in this action. Upon undertaking discovery to determine whether each claimant is a proper party to these proceedings, Petitioners will file motions challenging the standing of any claimant who is not a proper party.

***Default of non-appearing Claimants:*** *See, “Discussion of Other Parties Likely to be Added,” supra.*

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**Recovery of non-pecuniary damages – Jones Act seaman claims:** The Jones Act expressly incorporates by reference the provisions of the Federal Employers’ Liability Act, 45 U.S.C. § 51, *et seq.* (“FELA”). *See*, 46 U.S.C. § 30104; *see also*, *Batterton*, 139 S. Ct. at 2284; *Miles*, 498 U.S. at 32. FELA has been interpreted to limit recovery to pecuniary loss. *See, e.g., Batterton*, 139 S. Ct. at 2284-2285 *citing, inter alia, Michigan Central R. Co. v. Vreeland*, 227 U.S. 59, 68 (1913) *and Wildman v. Burlington N. R. Co.*, 825 F.2d 1392, 1395 (9<sup>th</sup> Cir. 1987). The United States Supreme Court has recognized that FELA’s prohibition against recovery of non-pecuniary loss therefore applies to claims brought under the Jones Act. *See, e.g., Miles*, 498 U.S. at 32-33. Recovery of non-pecuniary damages based upon alleged unseaworthiness is similarly foreclosed. *See, id.; see also, McBride v. Estis Well Serv., LLC*, 768 F.3d 382, 391 (5<sup>th</sup> Cir. 2014). Plaintiffs therefore contend that any recovery sought by Jones Act seaman Claimants (*e.g., Sims*) or anyone claiming through a deceased Jones Act seaman (*e.g., Claimants Robert Kurtz and Cherie McDonough*) must be limited to damages for pecuniary loss only, and that claims to non-pecuniary damages made by Jones Act seamen or those claiming through them are properly subject to a dispositive motion.

Sims contends it is well-accepted that Jones Act seamen may recover non-pecuniary damages against their employer in non-fatal, personal injury actions; and

**Stay of discovery pending resolution of ongoing criminal investigations:**  
*See, “Other Appropriate Matters,” supra.*

Claimants believe the following issues may be determined by motion:

**The Lagnes rule of abstention:** Wishing to preserve the rights saved to them, by the saving-to-suitors clause in 28 U.S.C. § 1333(1), to select the forum and try their claims against Petitioners, at law, before a jury, Claimants herewith invoke “the Lagnes rule of abstention.” *In re Complaint of McCarthy Bros. Co.*, 83 F.3d 821, 828 (7<sup>th</sup> Cir. 1993); *see also Langnes v. Green*, 282 U.S. 531 (1931).

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Towards that end, and subject to further negotiations, Claimants are prepared to offer written stipulations that would 1) limit all of their individual recoveries to a pro rata share of the limitation fund, whatever that fund is eventually determined to be, in the event this tragedy is ultimately found to have occurred without Petitioners' privity or knowledge, 2) waive the *res judicata* and collateral estoppel effects of any verdict they might obtain at law against Petitioners, 3) preserve this Court's exclusive jurisdiction over the limitation questions herein, and 4) forego executing any judgment they might obtain at law against Petitioners until this Court has had an opportunity to try and decide said limitation questions. See e.g. *Lewis v. Lewis & Clark Marine*, 531 U.S. 438, 451 (2001); *Newton v. Shipman*, 718 F.2d 959, 961 (9th Cir. 1983) (*per curiam*).

***Propriety of Claimants' Cause of Action for Negligence Per Se under California's "common carrier" statute:*** Truth Aquatics does not, and cannot dispute that, as a matter of law it is a public common carrier. California Civil Code §2100, provides that "a carrier of persons for reward must use the utmost care and diligence for their safe carriage, must provide everything necessary for that purpose, and must exercise to that end a reasonable degree of skill." Civil Code §2100 is an adequate and proper supplement to the General Maritime Law. See *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 207 (1996) (holding that state doctrines are applicable if they can supplement the General Maritime Law); *Romero v. International Terminal Operating Co.*, 358 U.S. 354, 373-374 (1959).

There is a long history in this country imposing heightened duties on common carriers. The United States Supreme Court has consistently declared that common carriers such as Truth Aquatics, owe their paying passengers the highest degree of care for their safety. See *Propeller Niagara v. Cordes*, 62 U.S. 7, 14 (1858); *The City of Panama (Panama)*, 101 U.S. 453 (1879); *In Liverpool & G.W. Steam Co. v. Phoenix Ins. Co.*, 129 U.S. 397, 440 (1889); *Pennsylvania R.*

1 *Co. v. Hughes*, 191 U.S. 477, 491 (1903); *Weade v. Dichman, Wright & Pugh*, 337  
2 U.S. 801, 803 (1949).

3 *Kermarec v. Compagnie Generale Transatlantique*, 358 U.S. 625 (1959),  
4 does not prohibit Claimants from seeking relief under California Civil Code §2100.  
5 *Kermarec* did not overrule prior Supreme Court cases holding that common  
6 carriers owed passengers the highest degree of care for their safety. In fact,  
7 *Kermarec* does not mention common carriers, and is silent on any alleged change  
8 being made in the law applicable to paying passengers of common carriers. Quite  
9 to the contrary, what *Kermarec* asked the Supreme Court to do was to establish a  
10 “single standard of care for all authorized shipboard visitors” not paying  
11 passengers on a common carrier. *Kermarec* involved an injury claim against a  
12 shipowner (not a common carrier) by a visitor aboard a ship (not a paying  
13 passenger).

14 ***Petitioners’ affirmative defenses:*** Claimants are prepared to move the  
15 Court under Rules 16 and 56 to strike certain affirmative defenses that have been  
16 asserted by Petitioners. Specifically, Claimants, with the exception of the  
17 survivors of Alexandra Kurtz and Ryan Sims, are prepared to move to strike the  
18 Petitioners’ affirmative defense that “the claims, relief, and/or damages claimed by  
19 [Counterclaimant(s)], and/or others claiming through decedent are subject to  
20 and/or limited by the provisions of the Death on the High Seas Act, 46 U.S.C.  
21 30301, *et seq.*, and/or the uniformity principles set forth in *Miles v. Apex Marine*  
22 *Corp.*, 498 U.S. 19 (1980), and/or General Maritime Law.” See, *e.g.*, *ECF 20* at  
23 11:26-12:3. Additionally, Claimants are prepared to move to strike Petitioners’  
24 “contractual waiver” affirmative defense, except those claimants who have  
25 advanced or may in the future advance contract-based claims against Petitioners.  
26 See, *e.g.*, breach of contract cause of action filed by Worldwide Diving Adventures  
27 at *ECF 129* and *130* at ¶¶ 68-70. The Parties have met and conferred on these  
28 issues and believe they have reached a stipulation to address the dispute without



1 motion practice. *See Statement Of Whether Pleadings Are Likely To Be*  
 2 *Amended*, *supra*. However, if the Parties are unable to reach an agreement by  
 3 stipulation, Claimants intend to move to strike these affirmative defenses.

4 ***Unseaworthiness as to Sims' case***

5 Sims believes his unseaworthiness claim is ripe for adjudication pursuant to  
 6 Rule 56 as unseaworthiness is a strict liability cause of action that does not depend  
 7 on notice to the vessel owner or fault of the vessel owner. *See Mitchell v. Trawler*  
 8 *Racer, Inc.*, 362 U.S. 539, 549-50 (1960). And there is no factual dispute that the  
 9 vessel he was assigned to was engulfed in flames and sank, which Sims contends  
 10 would make the vessel unseaworthy as a matter of law.

11 ***Pre-trial discovery of Petitioners' financial information:*** *See, "Other*  
 12 *Appropriate Matters," supra.*

13 **P. DISCOVERY PLAN**

14 Assuming trial of liability is bifurcated from damages, Petitioners anticipate  
 15 taking the depositions of percipient witnesses, which should total approximately 20  
 16 depositions, as well as party experts. If damages discovery is necessary,  
 17 Petitioners anticipate taking the depositions of all key fact witnesses on that topic,  
 18 which could require 50 depositions or more (*e.g.*, each of the approximately forty-  
 19 four Claimants, plus any additional fact witnesses those depositions or written  
 20 discovery to Claimants may disclose) as well as the depositions of party expert  
 21 witnesses (*e.g.*, economists and Claimant Sims' treating physicians).

22 **Q. RECOMMENDED LOCAL RULE 16-15 SETTLEMENT**  
 23 **PROCEDURE**

24 Petitioners recommend that the Parties participate in private mediation, to be  
 25 completed not later than December 15, 2020. Given the number of Parties  
 26 involved in this litigation, the Parties further agree that private mediation will  
 27 probably require multiple mediation sessions held on consecutive days.

28 ///

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In light of the sheer number of Parties, counsel, and interested-party representatives (*i.e.*, insurers) who must participate, it is unlikely that the Parties will be able to identify a “block” of dates in the near term on which all Parties, their attorneys, and their insurers are all free from scheduling conflicts. As such, Petitioners ask that the Court order the parties to begin mediation immediately, with a mediation completion date set for not later than December 15, 2020.

Claimants recommend that the Parties participate in mediation before a neutral selected from the Court’s Mediation Panel (ADR Procedure No. 2). Claimants do not agree that this case is appropriate for mediation by December 15, 2020. Claimants recommend that, if no other parties are joined in this action by the April, 2021 deadline that Passenger Claimants and Sims have suggested, this Court order the Parties to participate in ADR Procedure No. 2 by June, 2021. However, if other parties are joined in this action by the April, 2021 deadline that Passenger Claimants and Sims have suggested, Claimants recommend that this Court order the parties to participate in ADR Procedure No. 2 not later than 8 weeks before trial. *See, “Statement Of Efforts Made To Settle Or Resolve The Case To Date; Settlement Procedure Recommended Pursuant To Local Rule 16-15.4”, supra.*

## **II. ITEMS AND TOPICS IDENTIFIED IN THE LOCAL RULES FOR THE CENTRAL DISTRICT OF CALIFORNIA, RULE 26-1**

### **A. COMPLEX CASES**

Petitioners do not presently believe that this matter is “complex litigation” as contemplated by the Manual for Complex Litigation.

### **B. MOTION SCHEDULE**

Petitioners refer the Court to “*Time to join other parties, amend the pleadings, complete discovery, and file motions,*” *supra*.

///

///

1           **C.     ADR**

2           Petitioners recommend that the Parties participate in private mediation and  
3 ask that the Court order the Parties to begin mediation immediately, and that a  
4 mediation completion date be set for not later than December 15, 2020. *See,*  
5 *“Settling the Case,” supra.*

6           Claimants do not agree that this case is appropriate for mediation by  
7 December 15, 2020, and request that the scheduling of mediation be addressed as  
8 set forth above. *See, “Settling the Case,” supra.*

9           **D.     TRIAL ESTIMATE**

10          Petitioners anticipate trial of the exoneration/limitation portion of these  
11 proceedings will require 7 days, and that trial of the damages portion of this action,  
12 if necessary, will require 30 days.

13          **E.     ADDITIONAL PARTIES**

14          Petitioners refer the Court to *“Discussion of Other Parties Likely to be*  
15 *Added, supra.*

16          **F.     EXPERT WITNESSES**

17          The Parties recommend setting the date for initial expert disclosures under  
18 Fed. R. Civ. P. 26(a)(2) not later than 12 weeks before trial, and not later than 8  
19 weeks before trial for rebuttal expert witness disclosures. Supplemental  
20 disclosures for expert witnesses should be as provided for by Fed. R. Civ. P. 26(e).

21          **III.    ITEMS AND TOPICS IDENTIFIED IN FED. R. CIV. P. 26(f)**

22          **A.     POSSIBILITIES FOR PROMPTLY SETTling OR**  
23                   **RESOLVING THE CASE; ADR (FED. R. CIV. P. 26(f)(2); C.D.**  
24                   **Cal. L.R. 26-1(c))**

25           *See, “Settling the Case,” “Statement of Efforts Made to Settle or Resolve*  
26 *the Case to Date; Settlement Procedure Recommended Pursuant to Local Rule*  
27 *16-15.4,” and “Recommended Local Rule 16-15 Settlement Procedure,” supra.*

28          ///

**B. RULE 26(a)(1) INITIAL DISCLOSURES**

Claimants recommend the Parties exchange Rule 26(a)(1) Initial Disclosures no later than October 14, 2020. Petitioners respond that the exchange date proposed by Claimants is contrary to the provisions of Fed. R. Civ. P. 26(a)(1)(C), and moreover, would require the Parties to contravene the initial disclosure deadlines set by Rule 26 without a prior Court Order in place permitting them to do so. As such, Petitioners intend to provide Claimants with their Rule 26 Initial Disclosures on or before September 4, 2020, which is the date 14-days after the August 21, 2020 conference of counsel.

**C. PRESERVATION OF DISCOVERABLE INFORMATION**

Petitioners refer the Court to “*Agreements concerning claims of privilege, including agreements reached under Fed. R. Evid. 502,*” *supra*.

**D. PROPOSED DISCOVERY PLAN**

**1. Changes to the Timing, Form, or Requirement for Disclosures Under Rule 26(a); Statement of When Initial Disclosures Will Be Made**

Petitioners refer the Court to “*Modification of the timing of disclosures under Rules 26(a) and 26(e)(1) (Fed. R. Civ. P. 16(b)(3)(B)(i),*” *supra*.

**2. Subjects on Which Discovery May Be Needed, When Discovery Should Be Completed, and Whether Discovery Should Be Conducted in Phases or Be Limited to or Focused on Particular Issues**

There are no issues pertinent to this topic other than those previously addressed herein.

**3. Issues About Disclosure, Discovery, or Preservation of Electronically Stored Information, Including the Form or Forms in Which It Should Be Produced**

There are no issues pertinent to this topic other than those previously addressed herein.

**4. Issues About Claims of Privilege or Protection as Trial-Preparation Materials, Including Whether to Ask the Court to Include the Parties' Agreement (if any) in an Order Under Fed. R. Evid. 502**

There are no issues pertinent to this topic other than those previously addressed herein.

**5. Changes to the Limitations on Discovery Imposed Under the Federal Rules of Civil Procedure or by Local Rule; Other Limitations (if any)**

There are no issues pertinent to this topic other than those previously addressed herein.

**6. Other Orders the Court Should Issue Under Rule 26(c) or Under Rule 16(b) and (c)**

There are no issues pertinent to this topic other than those previously addressed herein.

Dated: August 28, 2020 GORDON REES SCULLY MANSUKHANI, LLP

By: Russell P. Brown  
 Russell P. Brown  
 James F. Kuhne, Jr.  
 Mallory G. Wynne  
 Attorney for Petitioners  
 TRUTH AQUATICS, INC.,  
 AND GLEN RICHARD FRITZLER AND  
 DANA JEANNE FRITZLER,  
 INDIVIDUALLY AND AS TRUSTEES OF  
 THE FRITZLER FAMILY TRUST DTD  
 7/27/92

# **EXHIBIT A**

Exhibit A

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Attorneys for Plaintiffs  
TRUTH AQUATICS, INC. AND  
GLEN RICHARD FRITZLER AND DANA  
JEANNE FRITZLER, INDIVIDUALLY AND AS  
TRUSTEES OF THE FRITZLER FAMILY TRUST  
DTD 7/27/92

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

In the Matter of the Counterclaim of TRUTH )	CASE NO. 2:19-cv-07693-PA-
AQUATICS, Inc. and Glen Richard Fritzler )	MRW
and Dana Jeanne Fritzler, individually and as )	
Trustees of the Fritzler Family Trust DTD )	<b>PETITIONERS' PROPOSED</b>
7/27/92 as owners and/or owners pro hac vice )	<b>INTERROGATORIES TO</b>
of the dive vessel CONCEPTION, Official )	<b>CLAIMANTS</b>
Number 638133, for Exoneration from or )	
Limitation of Liability , )	

PROPOUNDING PARTY: Petitioners, TRUTH AQUATICS, Inc. and Glen  
Richard Fritzler and Dana Jeanne Fritzler,  
individually and as Trustees of the Fritzler Family  
Trust DTD 7/27/92 as owners and/or owners pro  
hac vice of the dive vessel CONCEPTION,  
Official Number 638133

RESPONDING PARTY: Claimant, \_\_\_\_\_

SET: ONE

///

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and this Court's Order dated \_\_\_\_ [Doc. \_\_\_\_] Petitioners TRUTH AQUATICS, INC., GLEN RICHARD FRITZLER, and DANA JEANNE FRITZLER, individually and as Trustees of the Fritzler Family Trust DTD 7/27/92 as owners and/or owners pro hac vice of the dive vessel CONCEPTION, Official Number 638133, request that Claimant \_\_\_\_ answer the following interrogatories.

### **DEFINITIONS**

1. As used herein, the terms "YOU" and "YOUR", when capitalized, refer to Claimant [ ], his or her present and former agents, affiliates, representatives, attorneys, guardians, employees, accountants, investigators, predecessors-in-interest and anyone acting or purporting to act behalf of, or at the direction or request of, Claimant [ ]; when in lower case letters, the terms "you" and "your" shall mean and refer to Claimant [ ].

2. The term "DECEDENT" as used herein shall mean and refer to [ ].

3. As used here, the term, "*CONCEPTION*" refers to that 75-foot, wooden hulled, 97 Gross Registered Tons, dive vessel with the Official Number 638133.

4. As used herein, the term "DANA FRITZLER" shall mean and refer to Petitioner DANA JEANNE FRITZLER in her individual capacity.

5. As used herein, the term "GLEN FRITZLER" shall mean and refer to Petitioner GLEN RICHARD FRITZLER in his individual capacity.

6. As used herein, the term "TRUTH AQUATICS" shall mean and refer to Petitioner TRUTH AQUATICS, INC., its agents, officers, employees, directors, joint venturers, parents, subsidiaries, and anyone acting on its behalf.

7. As used herein, the term "PETITIONERS" shall mean and refer to TRUTH AQUATICS, INC. and GLEN FRITZLER and DANA FRITZLER, individually and as Trustees of the Fritzler Family Trust DTD 7/27/92.

///

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8. As used herein, the term “LIMITATION ACTION” shall refer to the action for exoneration from or limitation of liability proceeding under 46 U.S.C. § 30501 *et seq.* brought by PETITIONERS and currently pending in the United States District Court for the Central District of California under Case No. 2:19-cv-07693.

9. As used herein, the term “VOYAGE” shall mean the *CONCEPTION*’s three-day voyage from the Port of Santa Barbara through the Channel Islands, commencing on August 31, 2019.

10. As used herein, the term “CAPTAIN” shall mean and refer to Jerry Boylan, the Captain of the *CONCEPTION* during the VOYAGE.

11. As used herein, the term “CREW” shall mean and refer to the crew during the VOYAGE (Milton French, Michael Kohls, Cullen Molitor, Ryan Sims, Alexandra Kurtz).

12. As used herein, the terms “PASSENGER” or “PASSENGERS” shall mean and refer to the passengers aboard the *CONCEPTION* during the VOYAGE.

13. As used here, the term, "FIRE" means and refers to the September 2, 2019 fire onboard the *CONCEPTION*.

14. The term “COUNTERCLAIM” as used herein shall mean the pleading filed in the LIMITATION ACTION by which YOU assert one or more claims for damages based on DECEDENT’S death during the VOYAGE against the PETITIONERS. *See*, Doc. \_\_\_\_.

15. As used herein, the term “INCIDENT” shall mean and refer to the events alleged in YOUR COUNTERCLAIM, including, but not limited to the FIRE.

16. As used in these Interrogatories, the terms “RELATE TO,” “RELATED TO,” and “RELATING TO,” when capitalized, means, pertaining to, concerning referring to, constituting, containing, embodying, reflecting, identifying, stating, mentioning, discussing, describing, evidencing, referencing, or in any other way

1 being relevant to the given subject matter.

2 17. As used here, the term "FACT" or "FACTS" means and refers to all  
3 circumstances, events, and evidence RELATING TO the matter in question.

4 18. As used herein, the term "DOCUMENT" refers to anything that  
5 would be a "writing" or "recording" as defined by Rule 1001(1) of the Federal  
6 Rules of Evidence or a "document" as defined in Rule 34(a) of the Federal Rules  
7 of Civil Procedure, including without limitation, the original and any non-identical  
8 copy, whether in hardcopy, electronic copy, or ESI, which is or was at any time  
9 YOUR possession, custody, or control or known or believed by YOU to exist or  
10 have existed. A non-identical copy of a document is defined to be any copy that is  
11 different from the original or any copy because of notations thereon, attachments  
12 thereto, or deletions therefrom or otherwise. Without limitation, as used in this  
13 definition, a document is deemed to be or to have been in YOUR control if YOU  
14 have or had the right to secure the document or a copy thereof from another  
15 PERSON, including a governmental entity, having physical possession thereof.  
16 Set forth below is a list of examples of writings and tangible things that are  
17 included within this definition. The list is not an exclusive definition of the  
18 writings and tangible things included within this definition, but is intended as an  
19 aid in answering the requests for production herein. Examples of writings and  
20 tangible things included within this definition of "document" are as follows:

21 Letters, tape recordings, reports, agreements, communications,  
22 including intra-company communications, correspondence, telegrams,  
23 memoranda, e-mails, electronic files, summaries, notes, forecasts,  
24 photographs, models, statistical statements, graphs, laboratory and  
25 engineering reports and notebooks, charts, plans, drawings, minutes or  
26 records for meetings including director's meetings and minutes or  
27 records of conferences, expressions or statements of policy, lists of  
28 persons attending meetings or conferences, customer lists, records,  
reports and/or summaries of interviews, reports and/or summaries of  
investigations, brochures, pamphlets, advertisements, circulars, trade  
letters, press releases, drafts of any documents, revisions of any  
documents, cancelled checks, bank statements, invoices, receipts and  
originals of promissory notes, surveys, computer printouts, computer  
disc and storage.

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1 In addition to the items in the foregoing list, any comment or notation  
2 appearing on any of the documents described above, and not a party of the original  
3 text, is considered a separate document and any draft or preliminary form of any  
4 document is also considered a separate document.

5 19. "ELECTRONIC RECORDS" and "ESI" shall mean the original (or  
6 identical duplicate when the original is not available) and any non-identical copies  
7 (whether non-identical because of notes made on copies or attached comments  
8 annotations, marks, transmission notations, or highlighting of any kind) of writings  
9 of every kind and description inscribed by mechanical, facsimile, electronic,  
10 magnetic, digital or other means. ELECTRONIC RECORDS includes by way of  
11 example and not by limitation, computer programs (whether private, commercial,  
12 or work-in-progress), programming notes and instructions, activity listings of  
13 email transmittals and receipts, output resulting from the use of any software  
14 program (including word processing documents, spreadsheets, database files,  
15 charts, graphs, outlines), electronic mail, and any and all miscellaneous files and  
16 file fragments, including metadata, regardless of the media on which reside and  
17 regardless of whether said ELECTRONIC RECORDS exists in an active file,  
18 deleted file, or file fragment. ELECTRONIC RECORDS includes without  
19 limitation any and all items stored on computer memories, hard drive, diskettes  
20 and cartridges, network drives, network memory storage, archived tapes and  
21 cartridges, backup tapes, floppy disks, CD-ROMS, removable media, magnetic  
22 tapes of all types, microfiche, and any other media used for digital data storage and  
23 transmittal. ELECTRONIC RECORDS also includes the file, folder tabs, and  
24 containers and labels appended to or associated with each original and non-  
25 identical copy.

26 20. As used here, the term, "COMMUNICATION(S)," is to be  
27 interpreted comprehensively, and means any instance in which information was  
28 exchanged between or among two or more PERSONS, including any oral or

1 written utterance, notation, or statement of any nature whatsoever, by and to  
 2 whomsoever made, including, without limitation, writings, DOCUMENTS,  
 3 correspondence, e-mails, conversations, dialogues, discussions, interviews,  
 4 consultations, agreements, and other understandings or exchanges of information  
 5 between or among two or more PERSONS.

6 21. As used herein, the term "IDENTIFY" shall mean:

- 7 (a) With regard to a DOCUMENT, ELECTRONIC RECORD, writing,  
 8 or physical object, a description of the item that is sufficient to serve  
 9 as the basis for a request for production or subpoena *deuces tecum* in  
 10 the LIMITATION ACTION, the identity and contact information of  
 11 the PERSON having possession, custody or control of the item in  
 12 question and any copies thereof, and if the DOCUMENT or thing is  
 13 no longer in YOUR possession, custody, or control, an explanation of  
 14 whether it has been transferred, is missing, or has been destroyed, as  
 15 well as the date of such transfer, loss, or destruction;
- 16 (b) With regard to a PERSON that is a natural person, that PERSON's  
 17 name, current or last known employer, current or last known home or  
 18 professional/business address, telephone number, e-mail address, and  
 19 capacity in which such natural person acted with respect to the  
 20 subject matter of the request in which YOU are asked to IDENTIFY  
 21 such natural person or individual;
- 22 (c) When used with respect to any other entity defined below as a  
 23 PERSON, the term "IDENTIFY" means to state its full name, the  
 24 address of its principal place of business, and the name of its  
 25 officers, if applicable; and
- 26 (d) When used with respect to an act or other form of conduct, including  
 27 but not limited to meetings, the term "IDENTIFY" shall be  
 28 understood to require the date on which and the place such act or



conduct is claimed to have occurred, the name, address, and capacity of the individual who did such act, and the name, address, and capacity of each individual present or who otherwise witnessed such act or other conduct being done or performed.

22. As used herein, "PERSON" or "PERSONS" shall mean and refer, without limitation, to any natural person, as well as any firm, association, partnership, business, trust, corporation, other business entity, municipal corporation, legislative body, or other governmental agency, and any agent, employee, attorney, accountant, investigator and representative of any such "PERSON," including anyone acting or purporting to act on any such "PERSON's" behalf.

23. As used herein, "PERSONAL ITEMS" as used herein specifically includes mobile phones; tablets (*e.g.*, iPads, Kindles, *etc.*); computers (*e.g.*, MacBooks, Microsoft Surface, *etc.*); cameras and camera equipment (including lighting equipment); dive gear (including GoPros, strobe lights and underwater-scooter power packs); portable batteries; charging equipment (*e.g.*, power cords, power strips, surge protectors, spare or replacement batteries, "octopus chargers," and any other tangible thing that could be used to charge or recharge electrical equipment); alcohol; drugs and medication (whether legal or illicit); drug paraphernalia (*e.g.*, pipes, *etc.*); lighter fluid and any items containing it (*e.g.*, cigarette lighters); "vaping" and e-cigarette equipment (*e.g.*, pipes and pipe batteries); lithium ion batteries; and any item, good, product or thing that was or could be powered by lithium ion batteries.

24. As used herein, the term "PERSONAL CARE EXPENSES" means and refers to expenses, including debt service payments (*i.e.*, interest payments, financing charges, and late fees), RELATED TO the education, maintenance, recreation, and well-being of the DECEDENT, including expenses for health club memberships; social club memberships; hobbies; pass-times; personal enjoyment

and recreation (including food travel and lodging, such as when on vacation); food; clothing; grooming; medical care (including vision and dental care, and cosmetic surgeries); housing; and tuition or enrollment fees and costs.

## **PROPOSED INTERROGATORIES**

### **A. DECEDENT'S BACKGROUND**

#### **INTERROGATORY NO. 1**

IDENTIFY DECEDENT, including DECEDENT's date of birth, occupation, employer at time of DECEDENT's death, and any nicknames, aliases, or other names DECEDENT used or by which DECEDENT was known at any time.

#### **INTERROGATORY NO. 2**

Please indicate DECEDENT's approximate height and weight on the date of the INCIDENT.

#### **INTERROGATORY NO. 3**

Provide the last four digits of DECEDENT's Social Security Number.

#### **INTERROGATORY NO. 4**

Identify, by address, dates of residence, and co-habitants, each of DECEDENT's places of residence during the last ten (10) years.

#### **INTERROGATORY NO. 5**

For each cell phone number maintained by DECEDENT or for DECEDENT's benefit during the three months preceding September 2, 2019 (*e.g.*, a phone number assigned to a cell phone provided to DECEDENT by his or her employer, or a cell phone provided to DECEDENT by a parent or relative), identify the cell phone number assigned to DECEDENT and the telecommunications carrier (*i.e.*, cellular phone service provider, such as ATT, Verizon, Sprint, *etc.*) who assigned it.

#### **INTERROGATORY NO. 6**

List each email address maintained or used by DECEDENT from 2014 to

1 present, whether business, personal, individual, joint (*e.g.*, a shared family email  
2 address), or otherwise.

3 **INTERROGATORY NO. 7**

4 For each email identified in YOUR response to Interrogatory No. 7, please  
5 indicate whether such email address remains active or has been closed.

6 **INTERROGATORY NO. 8**

7 For each PERSON making a claim arising from DECEDENT's death, state  
8 the date, time, duration, means of communication (*e.g.*, phone call, text message,  
9 video message, video call (*e.g.*, Zoom, Skype, FaceTime, etc.), or email) and the  
10 phone number(s) or email address(es) used, for every COMMUNICATION that  
11 PERSON had with DECEDENT from August 29, 2019 through September 2,  
12 2019, inclusive.

13 **INTERROGATORY NO. 9**

14 IDENTIFY each social media platform (*e.g.*, Facebook, Instagram, Twitter,  
15 TikTok, *etc.*) on which DECEDENT maintained an account at any time from 2014  
16 to present.

17 **INTERROGATORY NO. 10**

18 For each social media platform YOU identified in YOUR response to  
19 Interrogatory No. 9, state whether DECEDENT's account on that platform remains  
20 active or has been closed.

21 **INTERROGATORY NO. 11**

22 Describe DECEDENT's education, including institutions attended  
23 (including vocational, technical, and other career training), highest grade  
24 completed, degree(s) earned, institution from which each degree was earned,  
25 field(s) of study, and any academic honors or awards earned.

26 **INTERROGATORY NO. 12**

27 Identify, by date, symptom/illness/injury/condition treated or examined,  
28 PERSON treating or examining, and the medical treatment, care, examination,

prescription, medication, therapy or other medical service provided, each instance of medical treatment, examination or care provided to DECEDENT from January 1, 2010 through the date of the VOYAGE.

**INTERROGATORY NO. 13**

IDENTIFY all PERSONS who provided any medical treatment, care, examination, prescription, medication, therapy or other medical service to DECEDENT at any time from January 1, 2010 through the date of the VOYAGE.

**INTERROGATORY NO. 14**

Identify all medications, whether prescription or non-prescription, taken by DECEDENT during the week of August 26, 2019.

**INTERROGATORY NO. 15**

For each medication taken by DECEDENT during the week of August 26, 2019, identify the medical condition for which that/those medication(s) was/were taken.

**INTERROGATORY NO. 16**

For each medication taken by DECEDENT during the week of August 26, 2019, IDENTIFY the PERSON who prescribed that medication.

**INTERROGATORY NO. 17**

If DECEDENT ever submitted an application for life insurance that was declined/denied/rejected by the insurer to which DECEDENT applied (including the insurer's underwriters, agents, brokers, employees or any other PERSON acting on the insurer's behalf), IDENTIFY the PERSON who declined/denied/rejected that/those application(s).

**INTERROGATORY NO. 18**

Identify all DOCUMENTS RELATED TO any application(s) for life insurance that was declined/denied/rejected by the insurer to which DECEDENT applied (including the insurer's underwriters, agents, brokers, employees or any other PERSON acting on the insurer's behalf), including any DOCUMENTS

1 stating the basis upon which coverage was denied.

2 **INTERROGATORY NO. 19**

3 If DECEDENT ever filed an application for health insurance that was  
4 declined/denied/rejected by the insurer to which DECEDENT applied (including  
5 the insurer's underwriters, agents, brokers, employees or any other PERSON  
6 acting on the insurer's behalf), IDENTIFY the PERSON who  
7 declined/denied/rejected that/those application(s).

8 **INTERROGATORY NO. 20**

9 If DECEDENT ever submitted an application for health insurance that was  
10 declined/denied/rejected by the insurer to which DECEDENT applied (including  
11 the insurer's underwriters, agents, brokers, employees or any other PERSON  
12 acting on the insurer's behalf), IDENTIFY all DOCUMENTS RELATED TO  
13 that/those application(s), including any DOCUMENTS stating the basis upon  
14 which coverage was denied.

15 **INTERROGATORY NO. 21**

16 If DECEDENT ever filed an application for health insurance that was  
17 rejected/denied/declined by the company to which DECEDENT applied,  
18 IDENTIFY the insurance agent or broker through whom DECEDENT made such  
19 application(s).

20 **INTERROGATORY NO. 22**

21 If DECEDENT ever filed an application for health insurance that was  
22 rejected/denied/declined by the company to which DECEDENT applied,  
23 IDENTIFY the insurance agent or broker through whom DECEDENT made such  
24 application(s).

25 **INTERROGATORY NO. 23**

26 If DECEDENT, or anyone on DECEDENT'S behalf, had, at any time prior  
27 to DECEDENT's death, filed a lawsuit for personal injuries allegedly sustained by  
28 DECEDENT, identify each such lawsuit by name of the lawsuit (e.g., "Roe v.

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Doe”); venue or court in which the lawsuit was filed; court case number; date the lawsuit was filed; date the lawsuit was concluded (whether by settlement, dismissal, verdict, appeal, or otherwise); and the disposition of the lawsuit (*e.g.*, settlement, plaintiff’s verdict, defense verdict, dismissed with prejudice, dismissed without prejudice, *etc.*).

**INTERROGATORY NO. 24**

If DECEDENT, or anyone on DECEDENT’S behalf, had, at any time prior to DECEDENT’s death, filed a lawsuit for personal injuries allegedly sustained by DECEDENT, for each such suit identify, by date sustained, body part(s) injured, and nature of injury (*e.g.*, broken bone, emotional distress, sprain/strain) the injury or injuries upon which the lawsuit was based.

**INTERROGATORY NO. 25**

If DECEDENT, or anyone on DECEDENT’S behalf, had, at any time prior to DECEDENT’s death, filed a claim for personal injuries allegedly sustained by DECEDENT, identify each such claim by claim number, PERSON to whom claim was made (*e.g.*, California OWCP, United States Department of Labor, insurance company or mutual assurance association, *etc.*), date the claim was made, date the claim was closed, and disposition or result of the claim.

**INTERROGATORY NO. 26**

If DECEDENT, or anyone on DECEDENT’S behalf, had, at any time prior to DECEDENT’s death, filed a claim for personal injuries allegedly sustained by DECEDENT, for each such claim identify, by date sustained, body part(s) injured, and nature of injury (*e.g.*, broken bone, emotional distress, sprain/strain) the injury or injuries upon which the claim was based.

**B. STANDING**

**INTERROGATORY NO. 27**

State all FACTS that YOU contend support YOUR allegation that you were the [spouse/parent/child/dependent relative] of DECEDENT as alleged in YOUR



COUNTERCLAIM. *See, e.g.*, COUNTERCLAIM at \_\_:\_\_\_\_.

**INTERROGATORY NO. 28**

State all FACTS that YOU contend support YOUR allegation that you are “the duly appointed, Personal Representative of DECEDENT’s Estate” as alleged in YOUR COUNTERCLAIM. *See, e.g.*, COUNTERCLAIM at \_\_:\_\_\_\_.

**INTERROGATORY NO. 29**

IDENTIFY, by jurisdiction in which proceedings were initiated, court case number, case caption (*e.g.*, “In re John Doe” or “Doe v. Roe”), date on which proceedings were commenced, and disposition, each estate or succession proceeding (*e.g.*, probate) RELATED TO DECEDENT’s death of which YOU are aware.

**INTERROGATORY NO. 30**

IDENTIFY, by name, address, telephone number and email address, the PERSON administering DECEDENT’s estate.

**INTERROGATORY NO. 31**

If DECEDENT was ever married, please provide the date of marriage, date of separation, and date of divorce, if any, for each of DECEDENT’s marriage(s).

**INTERROGATORY NO. 32**

For each PERSON making a claim arising from DECEDENT’s death, please identify, describe, and state such PERSON’s legal relationship to DECEDENT.

**INTERROGATORY NO. 33**

State all FACTS that YOU contend support YOUR allegation that you are the proper and correct party to assert survival claims on behalf of DECEDENT’s estate.

**INTERROGATORY NO. 34**

State all FACTS that YOU contend give you legal standing to pursue a wrongful death action based upon DECEDENT’s death.

///

**INTERROGATORY NO. 35**

State all FACTS that YOU contend give [insert name of beneficiary] legal standing to pursue a wrongful death action based upon DECEDENT's death.

**INTERROGATORY NO. 36**

IDENTIFY each of DECEDENT's living biological children, if any.

**INTERROGATORY NO. 37**

IDENTIFY each of DECEDENT's living adopted children, if any.

**INTERROGATORY NO. 38**

IDENTIFY each of DECEDENT's living stepchildren, if any.

C. LIABILITY

**INTERROGATORY NO. 39**

If YOU contend the FIRE started in or near the galley, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 40**

IDENTIFY all PERSONS who YOU believe have knowledge of any FACT that YOU contend supports YOUR allegation that the FIRE started in or near the galley.

**INTERROGATORY NO. 41**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 40, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 42**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 40, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 41.

**INTERROGATORY NO. 43**

If YOU contend that the *CONCEPTION*'s electrical system was not safe, suitable, and/or reasonably fit for its intended use, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 44**

IDENTIFY all PERSONS who YOU believe have knowledge of any FACT that YOU contend supports YOUR allegation that the *CONCEPTION*'s electrical system was not safe, suitable, and/or reasonably fit for its intended use, if YOU so contend.

**INTERROGATORY NO. 45**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 44, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 46**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 44, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 45.

**INTERROGATORY NO. 47**

If YOU contend that the *CONCEPTION*'s fire-detection system was not safe, suitable, and/or reasonably fit for its intended use, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 48**

IDENTIFY all PERSONS who YOU believe have knowledge of any FACT to support YOUR allegation that the *CONCEPTION*'s fire-detection system was not safe, suitable, and/or reasonably fit for its intended use.

**INTERROGATORY NO. 49**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 48, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 50**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 48, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 49.

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**INTERROGATORY NO. 51**

If YOU contend that the *CONCEPTION*'s fire-fighting equipment, including the CAPTAIN's and the CREW's training and/or procedures, were not safe, suitable, and/or reasonably fit for their intended use, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 52**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR allegation that the *CONCEPTION*'s fire-fighting equipment, including the CAPTAIN's and the CREW's training and/or procedures, were not safe, suitable, and/or reasonably fit for their intended use.

**INTERROGATORY NO. 53**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 52, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 54**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 52, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 53.

**INTERROGATORY NO. 55**

If YOU contend the *CONCEPTION*'s below-decks passenger accommodations were equipped with emergency exits that were "not safe, suitable, properly designed, or sufficient in size and number," state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 56**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the *CONCEPTION*'s below-decks passenger accommodations were equipped with emergency exits that were "not safe, suitable, properly designed, or sufficient in size and number."

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**INTERROGATORY NO. 57**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 56, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 58**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 56, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 57.

**INTERROGATORY NO. 59**

If you contend that PETITIONERS failed to furnish the *CONCEPTION*'s crew or passengers with evacuation training or procedures that were safe, suitable, and reasonably fit for their intended purpose, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 60**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS failed to furnish the *CONCEPTION*'s CREW and PASSENGERS with evacuation training or procedures that were safe, suitable, and reasonably fit for their intended purpose.

**INTERROGATORY NO. 61**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 60, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 62**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 60, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 61.

**INTERROGATORY NO. 63**

If you contend that PETITIONERS did not develop or implement adequate safety policies, procedures, rules or training, state all FACTS that YOU contend support YOUR allegation.

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**INTERROGATORY NO. 64**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS did not develop or implement adequate safety policies, procedures, rules or training.

**INTERROGATORY NO. 65**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 64, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 66**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 64, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 65.

**INTERROGATORY NO. 67**

If YOU contend that PETITIONERS failed to properly train the CAPTAIN, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 68**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS failed to properly train the CAPTAIN.

**INTERROGATORY NO. 69**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 68, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 70**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 68, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 69.

**INTERROGATORY NO. 71**

If YOU contend that PETITIONERS failed to properly train the CREW, state all FACTS that YOU contend support YOUR allegation.



**INTERROGATORY NO. 72**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS failed to properly train the CREW.

**INTERROGATORY NO. 73**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 72, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 74**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No.72, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 73.

**INTERROGATORY NO. 75**

If YOU contend that PETITIONERS allowed the "improper charging and/or storage of devices with lithium ion batteries" on the *CONCEPTION*, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 76**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS allowed the "improper charging and/or storage of devices with lithium ion batteries" on the *CONCEPTION*.

**INTERROGATORY NO. 77**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 76, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 78**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No.76, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 77.

**INTERROGATORY NO. 79**

If YOU contend that PETITIONERS failed to warn the PASSENGERS of

1 “the risks of the improper charging and/or storage of devices with lithium ion  
2 batteries,” state all FACTS that YOU contend support YOUR allegation.

3 **INTERROGATORY NO. 80**

4 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
5 to support YOUR contention that PETITIONERS failed to warn the  
6 PASSENGERS of “the risks of the improper charging and/or storage of devices  
7 with lithium ion batteries.”

8 **INTERROGATORY NO. 81**

9 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
10 No. 80, state all such FACTS YOU believe each PERSON possesses.

11 **INTERROGATORY NO. 82**

12 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
13 No. 80, state the basis for that PERSON’s knowledge of the FACTS stated in  
14 YOUR response to Interrogatory No. 81.

15 **INTERROGATORY NO. 83**

16 If YOU contend that PETITIONERS were aware of the risk of fires caused  
17 by lithium ion batteries prior to, or at the time of, the VOYAGE, state all FACTS  
18 that YOU contend support YOUR allegation.

19 **INTERROGATORY NO. 84**

20 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
21 to support YOUR contention that PETITIONERS were aware of the risk of fires  
22 caused by lithium ion batteries prior to, or at the time of, the VOYAGE.

23 **INTERROGATORY NO. 85**

24 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
25 No. 84, state all such FACTS YOU believe each PERSON possesses.

26 **INTERROGATORY NO. 86**

27 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
28 No. 84, state the basis for that PERSON’s knowledge of the FACTS stated in

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YOUR response to Interrogatory No. 85.

**INTERROGATORY NO. 87**

If YOU contend that PETITIONERS failed to take appropriate and necessary steps to remedy the risk of fires caused by lithium ion batteries prior to or, at the time of, the VOYAGE, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 88**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS failed to take appropriate and necessary steps to remedy the risk of fires caused by lithium ion batteries prior to, or at the time of, the VOYAGE.

**INTERROGATORY NO. 89**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 88, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 90**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 88, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 89.

**INTERROGATORY NO. 91**

If YOU contend that the safety equipment aboard the *CONCEPTION* at the time of the VOYAGE was not adequate, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 92**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the safety equipment aboard the *CONCEPTION* at the time of the VOYAGE was not adequate.

**INTERROGATORY NO. 93**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory

No. 92, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 94**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 92, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 93.

**INTERROGATORY NO. 95**

If YOU contend that PETITIONERS failed to comply with NFPA 302 Section 4.1.1.2 *et seq.* in the ownership, operation, and/or maintenance of the CONCEPTION, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 96**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS failed to comply with NFPA 302 Section 4.1.1.2 *et seq.*

**INTERROGATORY NO. 97**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 96, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 98**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 96, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 97.

**INTERROGATORY NO. 99**

If YOU contend that PETITIONERS failed to comply with 46 C.F.R. §177.500 *et seq.* in the ownership, operation, and/or maintenance of the CONCEPTION, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 100**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS failed to comply with 46 C.F.R. §177.500 *et seq.* in the ownership, operation, and/or maintenance of the

1 *CONCEPTION.*

2 **INTERROGATORY NO. 101**

3 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
4 No. 100, state all such FACTS YOU believe each PERSON possesses.

5 **INTERROGATORY NO. 102**

6 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
7 No. 100, state the basis for that PERSON's knowledge of the FACTS stated in  
8 response to Interrogatory No. 101.

9 **INTERROGATORY NO. 103**

10 If YOU contend that PETITIONERS failed to comply with 46 C.F.R.  
11 §185.410 *et seq.* in the ownership, operation, and/or maintenance of the  
12 *CONCEPTION*, state all FACTS that YOU contend support YOUR allegation.

13 **INTERROGATORY NO. 104**

14 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
15 to support YOUR contention that PETITIONERS failed to comply with 46 C.F.R.  
16 §185.410 *et seq.* in the ownership, operation, and/or maintenance of the  
17 *CONCEPTION*.

18 **INTERROGATORY NO. 105**

19 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
20 No. 104, state all such FACTS YOU believe each PERSON possesses.

21 **INTERROGATORY NO. 106**

22 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory  
23 No.104, state the basis for that PERSON's knowledge of the FACTS stated in  
24 response to Interrogatory No. 105.

25 **INTERROGATORY NO. 107**

26 If YOU contend that PETITIONERS failed to comply with industry  
27 standards, guidelines, or customs and practices in connection with the ownership,  
28 operation, and/or maintenance of the *CONCEPTION*, identify all such industry

standards, guidelines, and/or customs and practices with which YOU contend  
 Petitioners failed to comply.

**INTERROGATORY NO. 108**

State all FACTS that YOU contend support YOUR allegation that  
 PETITIONERS failed to comply with the industry standards, guidelines, and/or  
 customs and practices in connection with the ownership, operation, and/or  
 maintenance of the *CONCEPTION* that YOU IDENTIFIED in response to  
 Interrogatory No. 107.

**INTERROGATORY NO. 109**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
 that YOU IDENTIFIED in YOUR response to Interrogatory No. 107 to support  
 YOUR contention that PETITIONERS failed to comply with the industry  
 standards, guidelines, and/or customs and practices in connection with the  
 ownership, operation, and/or maintenance of the *CONCEPTION*.

**INTERROGATORY NO. 110**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 109,  
 state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 111**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 109,  
 state the basis for that PERSON's knowledge of the FACTS stated in YOUR  
 response to Interrogatory No. 110.

**INTERROGATORY NO. 112**

If YOU contend that PETITIONERS failed to adopt or implement any safety  
 recommendation of the National Transportation and Safety Board (the "NTSB")  
 with respect to the *CONCEPTION*, identify all such safety recommendations.

**INTERROGATORY NO. 113**

State all FACTS that YOU contend support YOUR allegation that  
 PETITIONERS failed to adopt or implement any safety recommendation of the



1 National Transportation and Safety Board with respect to the *CONCEPTION*.

2 **INTERROGATORY NO. 114**

3 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
4 to support YOUR contention that PETITIONERS failed to adopt or implement any  
5 safety recommendation of the National Transportation and Safety Board with  
6 respect to the *CONCEPTION*.

7 **INTERROGATORY NO. 115**

8 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 114,  
9 state all such FACTS YOU believe each PERSON possesses.

10 **INTERROGATORY NO. 116**

11 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 114,  
12 state the basis for that PERSON's knowledge of the FACTS stated in YOUR  
13 response to Interrogatory No. 115.

14 **INTERROGATORY NO. 117**

15 If YOU contend that PETITIONERS failed to comply with one or more  
16 code sections, regulations, statutes and/or local rules RELATING TO the  
17 ownership, operation, and/or maintenance of the *CONCEPTION*, identify all such  
18 code sections, regulations, statutes, and local rules.

19 **INTERROGATORY NO. 118**

20 State all FACTS that YOU contend support YOUR allegation that  
21 PETITIONERS failed to comply with one or more code sections, regulations,  
22 statutes and/or local rules RELATING TO the ownership, operation, and/or  
23 maintenance of the *CONCEPTION*.

24 **INTERROGATORY NO. 119**

25 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
26 to support YOUR contention that PETITIONERS failed to comply with one or  
27 more code sections, regulations, statutes and/or local rules RELATING TO the  
28 ownership, operation, and/or maintenance of the *CONCEPTION*.

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**INTERROGATORY NO. 120**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 119, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 121**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 119, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 120.

**INTERROGATORY NO. 122**

If YOU contend that the CONCEPTION was operated in violation of the requirements of her Certificate of Inspection, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 123**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the CONCEPTION was operated in violation of the requirements of her Certificate of Inspection.

**INTERROGATORY NO. 124**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 123, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 125**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 123, state the basis for that PERSON's knowledge of the FACTS stated in YOUR response to Interrogatory No. 124.

**INTERROGATORY NO. 126**

If YOU contend that the PETITIONERS' alleged operation of the CONCEPTION in violation of the requirements of her Certificate of Inspection was willful, deliberate, and/or habitual, state all FACTS that YOU contend support YOUR allegation.

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**INTERROGATORY NO. 127**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the PETITIONERS' alleged operation of the *CONCEPTION* in violation of the requirements of her Certificate of Inspection was willful, deliberate, and/or habitual.

**INTERROGATORY NO. 128**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 127, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 129**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 127, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 128.

**INTERROGATORY NO. 130**

If YOU contend that the PETITIONERS' failure to comply with NFPA 302 Section 4.1.1.2 *et seq.* in the ownership, operation, and/or maintenance of the *CONCEPTION* was willful, deliberate, and/or habitual, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 131**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the PETITIONERS' failure to comply with NFPA 302 Section 4.1.1.2 *et seq.* in the ownership, operation, and/or maintenance of the *CONCEPTION* was willful, deliberate, and/or habitual.

**INTERROGATORY NO. 132**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 131, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 133**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 131, state the basis for that PERSON's knowledge of the FACTS stated in

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response to Interrogatory No. 132.

**INTERROGATORY NO. 134**

If YOU contend that PETITIONERS' failure to comply with 46 C.F.R. §177.500 *et seq.* in the ownership, operation, and/or maintenance of the *CONCEPTION* was willful, deliberate, and/or habitual, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 135**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS' failure to comply with 46 C.F.R. §177.500 *et seq.* in the ownership, operation, and/or maintenance of the *CONCEPTION* was willful, deliberate, and/or habitual.

**INTERROGATORY NO. 136**

For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory No. 135, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 137**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 135, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 136.

**INTERROGATORY NO. 138**

If YOU contend that PETITIONERS' failure to comply with 46 C.F.R. §185.410 *et seq.* in the ownership, operation, and/or maintenance of the *CONCEPTION* was willful, deliberate, and/or habitual, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 139**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS' failure to comply with 46 C.F.R. §185.410 *et seq.* in the ownership, operation, and/or maintenance of the *CONCEPTION* in the ownership, operation, and/or maintenance of the

1 *CONCEPTION* was willful, deliberate, and/or habitual.

2 **INTERROGATORY NO. 140**

3 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 139,  
4 state all such FACTS YOU believe each PERSON possesses.

5 **INTERROGATORY NO. 141**

6 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 139,  
7 state the basis for that PERSON's knowledge of the FACTS stated in response to  
8 Interrogatory No. 140.

9 **INTERROGATORY NO. 142**

10 If YOU contend that PETITIONERS' "failure to comply with one or more  
11 local, state, or federal regulations in the ownership, operation, and/or maintenance  
12 of the *CONCEPTION*" was willful, deliberate, and/or habitual, state all FACTS  
13 that YOU contend support YOUR allegation.

14 **INTERROGATORY NO. 143**

15 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
16 to support YOUR contention that PETITIONERS' "failure to comply with one or  
17 more local, state, or federal regulations in the ownership, operation, and/or  
18 maintenance of the *CONCEPTION*" was willful, deliberate, and/or habitual.

19 **INTERROGATORY NO. 144**

20 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 143,  
21 state all such FACTS YOU believe each PERSON possesses.

22 **INTERROGATORY NO. 145**

23 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 143,  
24 state the basis for that PERSON's knowledge of the FACTS stated in response to  
25 Interrogatory No. 144.

26 **INTERROGATORY NO. 146**

27 If YOU contend that the *CONCEPTION* was unseaworthy when it departed  
28 the Port of Santa Barbra on August 31, 2019, state all FACTS that YOU contend

1 support YOUR allegation.

2 **INTERROGATORY NO. 147**

3 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
4 to support YOUR contention that the *CONCEPTION* was unseaworthy when it  
5 departed the Port of Santa Barbra on August 31, 2019.

6 **INTERROGATORY NO. 148**

7 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 147,  
8 state all such FACTS YOU believe each PERSON possesses.

9 **INTERROGATORY NO. 149**

10 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 147,  
11 state the basis for that PERSON's knowledge of the FACTS stated in response to  
12 Interrogatory No. 148.

13 **INTERROGATORY NO. 150**

14 If YOU contend that the CAPTAIN was unfit to command the  
15 *CONCEPTION* at any time during the VOYAGE, state all FACTS that YOU  
16 contend support YOUR allegation.

17 **INTERROGATORY NO. 151**

18 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
19 to support YOUR contention that the CAPTAIN was unfit to command the  
20 *CONCEPTION* at any time during the VOYAGE.

21 **INTERROGATORY NO. 152**

22 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 151,  
23 state all such FACTS YOU believe each PERSON possesses.

24 **INTERROGATORY NO. 153**

25 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 151,  
26 state the basis for that PERSON's knowledge of the FACTS stated in response to  
27 Interrogatory No. 152.

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**INTERROGATORY NO. 154**

If YOU contend that the CREW was unfit to serve on the *CONCEPTION* at any time during the VOYAGE, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 155**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the CREW was unfit to serve on the *CONCEPTION* at any time during the VOYAGE.

**INTERROGATORY NO. 156**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 155, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 157**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 155, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 156.

**INTERROGATORY NO. 158**

If YOU contend that the *CONCEPTION* was "outfitted with dangerous and defective features, equipment, appurtenances or apparel," state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 159**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the *CONCEPTION* was "outfitted with dangerous and defective features, equipment, appurtenances or apparel."

**INTERROGATORY NO. 160**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 159, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 161**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 159,

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state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 160.

**INTERROGATORY NO. 162**

If YOU contend that PETITIONERS misrepresented to the United States Coast Guard that the *CONCEPTION* promulgated and enforced formal roving watch schedules, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 163**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS misrepresented to the United States Coast Guard that the *CONCEPTION* promulgated and enforced formal roving watch schedules.

**INTERROGATORY NO. 164**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 163, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 165**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 163, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 164.

**INTERROGATORY NO. 166**

If YOU contend that, at the time of the VOYAGE, the *CONCEPTION's* electrical system was incapable of safely charging multiple modern electronics, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 167**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that, at the time of the VOYAGE, the *CONCEPTION's* electrical system was incapable of safely charging multiple modern electronics.

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**INTERROGATORY NO. 168**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 167, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 169**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 167, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 168.

**INTERROGATORY NO. 170**

If YOU contend that, during the VOYAGE, the *CONCEPTION*'s electrical outlets, wiring and/or panels were used in a manner different from their intended and permitted use as manufactured, state all FACTS that YOU believe support that contention.

**INTERROGATORY NO. 171**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that, during the VOYAGE, the *CONCEPTION*'s electrical outlets, wiring and/or panels were used in a manner different from their intended and permitted use as manufactured.

**INTERROGATORY NO. 172**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 171, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 173**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 171, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 172.

**INTERROGATORY NO. 174**

If YOU contend that the *CONCEPTION*'s electric outlets, wiring and/or panels were negligently installed and/or maintained, state all FACTS that YOU contend support YOUR allegation.

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**INTERROGATORY NO. 175**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the *CONCEPTION*'s electric outlets, wiring and/or panels were negligently installed and/or maintained.

**INTERROGATORY NO. 176**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 175, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 177**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 175, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 176.

**INTERROGATORY NO. 178**

If YOU contend that the *CONCEPTION*'s "ventilation and air flow was inadequate to manage CO2 in the event of fire or other foreseeable emergencies," state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 179**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the *CONCEPTION*'s "ventilation and air flow was inadequate to manage CO2 in the event of fire or other foreseeable emergencies."

**INTERROGATORY NO. 180**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 179, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 181**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 179, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 180.

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**INTERROGATORY NO. 182**

If YOU contend that the *CONCEPTION*'s hatch doors were blocked off and/or neglected, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 183**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that the *CONCEPTION*'s hatch doors were blocked off and/or neglected.

**INTERROGATORY NO. 184**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 183, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 185**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 183, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 184.

**INTERROGATORY NO. 186**

If YOU contend that PETITIONERS "failed to use reasonable care to provide and maintain proper and adequate crew for the *CONCEPTION*," state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 187**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS "failed to use reasonable care to provide and maintain proper and adequate crew for the *CONCEPTION*."

**INTERROGATORY NO. 188**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 186, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 189**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 186, state the basis for that PERSON's knowledge of the FACTS stated in response to

1 Interrogatory No. 187.

2 **INTERROGATORY NO. 190**

3 If YOU contend that PETITIONERS “failed to use reasonable care to  
4 provide and maintain a competent captain to command the *CONCEPTION*,” state  
5 all FACTS that YOU contend support YOUR allegation.

6 **INTERROGATORY NO. 191**

7 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
8 to support YOUR contention that PETITIONERS “failed to use reasonable care to  
9 provide and maintain proper a competent captain to command the  
10 *CONCEPTION*.”

11 **INTERROGATORY NO. 192**

12 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 191,  
13 state all such FACTS YOU believe each PERSON possesses.

14 **INTERROGATORY NO. 193**

15 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 191,  
16 state the basis for that PERSON’s knowledge of the FACTS stated in response to  
17 Interrogatory No. 192.

18 **INTERROGATORY NO. 194**

19 If YOU contend that PETITIONERS “actively encouraged passengers on the  
20 *CONCEPTION* to use the electrical system to charge digital cameras, video-cameras,  
21 smartphones, cell phones, strobe lights, GoPros, lap top tablets, underwater-scooter  
22 power packs, and other battery-powered electronic equipment,” state all FACTS that  
23 YOU contend support YOUR allegation.

24 **INTERROGATORY NO. 195**

25 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
26 to support YOUR contention that PETITIONERS “actively encouraged passengers  
27 on the *CONCEPTION* to use the electrical system to charge digital cameras, video-  
28 cameras, smartphones, cell phones, strobe lights, GoPros, lap top tablets, underwater-



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scooter power packs, and other battery-powered electronic equipment.”

**INTERROGATORY NO. 196**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 195, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 197**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 195, state the basis for that PERSON’s knowledge of the FACTS stated in response to Interrogatory No. 196.

**INTERROGATORY NO. 198**

If YOU contend that PETITIONERS “equipped *CONCEPTION*’s galley with a battery-charging station comprised of one or more power strips and chargers,” state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 199**

IDENTIFY all PERSONS that YOU believe have knowledge of any FACT to support YOUR contention that PETITIONERS “equipped *CONCEPTION*’s galley with a battery-charging station comprised of one or more power strips and chargers.”

**INTERROGATORY NO. 200**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 199, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 201**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 199, state the basis for that PERSON’s knowledge of the FACTS stated in response to Interrogatory No. 200.

**INTERROGATORY NO. 202**

If YOU contend that PETITIONERS, including the CAPTAIN and the CREW, did not inform the Passengers of the location of the emergency escape hatch on the *CONCEPTION*, state all FACTS that YOU contend support YOUR

1 allegation.

2 **INTERROGATORY NO. 203**

3 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
4 to support YOUR contention that PETITIONERS, including the CAPTAIN and the  
5 CREW, did not inform the Passengers of the location of the emergency escape  
6 hatch on the *CONCEPTION*.

7 **INTERROGATORY NO. 204**

8 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 203,  
9 state all such FACTS YOU believe each PERSON possesses.

10 **INTERROGATORY NO. 205**

11 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 203,  
12 state the basis for that PERSON's knowledge of the FACTS stated in response to  
13 Interrogatory No. 204.

14 **INTERROGATORY NO. 206**

15 If YOU contend that "the location of the emergency escape hatch on the  
16 *CONCEPTION* was not adequately marked or identified so that passengers would  
17 be aware of its existence," state all FACTS that YOU contend support YOUR  
18 allegation.

19 **INTERROGATORY NO. 207**

20 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
21 to support YOUR contention that "the location of the emergency escape hatch on  
22 the *CONCEPTION* was not adequately marked or identified so that passengers  
23 would be aware of its existence."

24 **INTERROGATORY NO. 208**

25 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 207,  
26 state all such FACTS YOU believe each PERSON possesses.

27 **INTERROGATORY NO. 209**

28 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 207,

1 state the basis for v knowledge of the FACTS stated in response to Interrogatory  
2 No. 208.

3 **INTERROGATORY NO. 210**

4 If YOU contend that DECEDENT was not aware of the dangers posed by  
5 lithium ion batteries, state all FACTS that YOU contend support YOUR allegation.

6 **INTERROGATORY NO. 211**

7 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT  
8 to support YOUR contention that DECEDENT was not aware of the dangers posed  
9 by lithium ion batteries.

10 **INTERROGATORY NO. 212**

11 For each PERSON YOU IDENTIFIED in response to Interrogatory No.211,  
12 state all such FACTS YOU believe each PERSON possesses.

13 **INTERROGATORY NO. 213**

14 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 211,  
15 state the basis for that PERSON's knowledge of the FACTS stated in response to  
16 Interrogatory No. 212.

17 **INTERROGATORY NO. 214**

18 IDENTIFY any written or recorded statements RELATED TO the  
19 *CONCEPTION*, including written or recorded statements RELATED TO the  
20 CAPTAIN, the CREW, and the INCIDENT, that YOU have obtained from any  
21 PERSON. Please note, the term "obtained" as it is used in this interrogatory  
22 expressly includes written or recorded statements that were taken or prepared by  
23 someone other than YOU and subsequently provided, transmitted, or given to  
24 YOU, as well as responsive statements that YOU created or prepared based on  
25 comments, words, declarations and/or information provided directly to YOU by  
26 the declarant.

27 **INTERROGATORY NO. 215**

28 IDENTIFY each PERSON from whom YOU have obtained a written or

1 recorded statement RELATED TO the INCIDENT. Please note, the term  
 2 “obtained” as it is used in this interrogatory expressly includes written or recorded  
 3 statements that were taken or prepared by someone other than YOU and  
 4 subsequently provided, transmitted, or given to YOU, as well as responsive  
 5 statements that YOU created or prepared based on comments, words, declarations  
 6 and/or information provided directly to YOU by the declarant.

7 **INTERROGATORY NO. 216**

8 For each interview(s) of any PERSON, RELATED TO the INCIDENT, that  
 9 YOU have attended, whether as a participant (*e.g.*, as the person conducting the  
 10 interview, as the person being interviewed, *etc.*) or otherwise (*e.g.*, as a non-  
 11 participant allowed to “sit in” or observe the interview), state the date(s) on which  
 12 the interview was conducted.

13 **INTERROGATORY NO. 217**

14 For each interview(s) of any PERSON, RELATED TO the INCIDENT, that  
 15 YOU have attended, whether as a participant (*e.g.*, as the person conducting the  
 16 interview, as the person being interviewed, *etc.*) or otherwise (*e.g.*, as a non-  
 17 participant allowed to “sit in” or observe the interview), IDENTIFY all PERSONS  
 18 who were present at any time during the interview, whether in person, by  
 19 telephone, through videoconference technology, or otherwise.

20 **INTERROGATORY NO. 218**

21 For each interview(s) of any PERSON, RELATED TO the INCIDENT, that  
 22 YOU have attended, whether as a participant (*e.g.*, as the person conducting the  
 23 interview, as the person being interviewed, *etc.*) or otherwise (*e.g.*, as a non-  
 24 participant allowed to “sit in” or observe the interview), IDENTIFY all  
 25 DOCUMENTS that were discussed, shown to, provided to, or obtained from the  
 26 PERSON being interviewed.

27 **INTERROGATORY NO. 219**

28 If YOU have been provided any DOCUMENTS RELATED TO the

INCIDENT, including DOCUMENTS RELATED TO the FIRE, the  
*CONCEPTION*, the CAPTAIN, and the CREW (other than DOCUMENTS  
 generated or created by YOUR attorney(s)), by any PERSON, IDENTIFY the  
 DOCUMENT(S).

**INTERROGATORY NO. 220**

If YOU have been provided any DOCUMENTS RELATED TO the  
 INCIDENT, including DOCUMENTS RELATED TO the FIRE, the  
*CONCEPTION*, the CAPTAIN, and the CREW (other than DOCUMENTS  
 generated or created by YOUR attorney(s)) by any PERSON, IDENTIFY the  
 PERSON from whom YOU obtained the DOCUMENT(S).

**INTERROGATORY NO. 221**

Please identify all code sections, regulations, statutes, and/or rules that YOU  
 contend any PERSON violated with respect to the operation of the *CONCEPTION*.

**INTERROGATORY NO. 222**

If YOU contend that any PERSON violated any code section, regulation,  
 statute, and/or rule with respect to the operation of the *CONCEPTION*, IDENTIFY  
 all DOCUMENTS that YOU contend support that contention.

D. CAUSATION

**INTERROGATORY NO. 223**

Identify all PERSONAL ITEMS that DECEDENT took aboard the  
*CONCEPTION* for the VOYAGE. Please note, as used herein the term  
 “PERSONAL ITEMS” includes all tangible things, regardless of who owned them,  
 in which DECEDENT had a possessory interest or which were otherwise in  
 DECEDENT’s possession, custody, or control.

**INTERROGATORY NO. 224**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT  
 RELATED TO the PERSONAL ITEMS that DECEDENT took aboard the  
*CONCEPTION* for the VOYAGE.

**INTERROGATORY NO. 225**

For each PERSON YOU IDENTIFIED in response to Interrogatory No.224, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 226**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 224, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 225.

**INTERROGATORY NO. 227**

IDENTIFY all DOCUMENTS, including correspondence, RELATED TO the PERSONAL ITEMS that DECEDENT took aboard the *CONCEPTION* for the VOYAGE. Please note, the scope of this Interrogatory includes DOCUMENTS RELATED TO the purchase, rental, borrowing, delivery (*i.e.*, shipping documents and packing slips) repair and maintenance of responsive PERSONAL ITEMS, as well as manufacturer's documents such as user manuals, product warnings, and recall notices. Note, too, the scope of this Interrogatory also includes responsive DOCUMENTS that were created or obtained after the date of the FIRE.

**INTERROGATORY NO. 228**

State all FACTS RELATED TO the condition (*i.e.*, state of repair, such as scratched, chipped, cracked, "like new," *etc.*) of all PERSONAL ITEMS that DECEDENT took aboard the *CONCEPTION* for the VOYAGE.

**INTERROGATORY NO. 229**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT RELATED TO the condition (*i.e.*, state of repair, such as scratched, chipped, cracked, "like new," *etc.*) of all PERSONAL ITEMS that DECEDENT took aboard the *CONCEPTION* for the VOYAGE.

**INTERROGATORY NO. 230**

For each PERSON YOU IDENTIFIED in response to Interrogatory No.229, state all such FACTS YOU believe each PERSON possesses.



**INTERROGATORY NO. 231**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 229, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 230.

**INTERROGATORY NO. 232**

IDENTIFY all DOCUMENTS, including images (*e.g.*, video imaging, photographs, etc.), RELATED TO the condition (*i.e.*, state of repair, such as scratched, chipped, cracked, "like new," *etc.*) of all PERSONAL ITEMS that DECEDENT took aboard the *CONCEPTION* for the VOYAGE.

**INTERROGATORY NO. 233**

Please state what YOU contend was the cause and origin of the FIRE.

**INTERROGATORY NO. 234**

State all FACTS that YOU contend support YOUR contention regarding the cause and origin of the FIRE.

**INTERROGATORY NO. 235**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention regarding the cause and origin of FIRE.

**INTERROGATORY NO. 236**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 235, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 237**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 235, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 236.

**INTERROGATORY NO. 238**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention regarding the cause and origin of the FIRE.

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**INTERROGATORY NO. 239**

If YOU contend that the FIRE was caused by lithium battery powered equipment that was being charged and/or stored onboard the *CONCEPTION*, state all FACTS that YOU contend support YOUR contention.

**INTERROGATORY NO. 240**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by lithium battery powered equipment that was being charged and/or stored onboard the *CONCEPTION*.

**INTERROGATORY NO. 241**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 240, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 242**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 240, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 241.

**INTERROGATORY NO. 243**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that that the FIRE was caused by lithium battery powered equipment that was being charged and/or stored onboard the *CONCEPTION*.

**INTERROGATORY NO. 244**

If YOU contend that FIRE was caused by an unseaworthy appurtenance of the *CONCEPTION*, state all FACTS that YOU claim support that contention.

**INTERROGATORY NO. 245**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by an unseaworthy appurtenance of the *CONCEPTION*.

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**INTERROGATORY NO. 246**

For each PERSON YOU IDENTIFIED in response to Interrogatory No.245, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 247**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 245, state the basis for v knowledge of the FACTS stated in response to Interrogatory No. 246.

**INTERROGATORY NO. 248**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that that the FIRE was caused by an unseaworthy appurtenance of the *CONCEPTION*.

**INTERROGATORY NO. 249**

If YOU contend that the FIRE was caused by defective, inadequate, or faulty (*i.e.*, unseaworthy) wiring onboard the *CONCEPTION*, state all FACTS that YOU believe support that contention.

**INTERROGATORY NO. 250**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by defective, inadequate, or faulty (*i.e.*, unseaworthy) wiring onboard the *CONCEPTION*.

**INTERROGATORY NO. 251**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 250, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 252**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 250, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 251.

**INTERROGATORY NO. 253**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention

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that that the FIRE was caused by defective, inadequate, or faulty (*i.e.*, unseaworthy) wiring onboard the *CONCEPTION*.

**INTERROGATORY NO. 254**

If YOU contend that the FIRE was caused by defective, inadequate or faulty (*i.e.*, unseaworthy) equipment/gear of the *CONCEPTION*, state all FACTS that YOU believe support that contention.

**INTERROGATORY NO. 255**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by defective, inadequate or faulty (*i.e.*, unseaworthy) equipment/gear of the *CONCEPTION*.

**INTERROGATORY NO. 256**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 255, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 257**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 255, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 256.

**INTERROGATORY NO. 258**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that that the FIRE was caused by defective, inadequate or faulty (*i.e.*, unseaworthy) equipment/gear of the *CONCEPTION*.

**INTERROGATORY NO. 259**

If YOU contend that the FIRE was caused by anything other than a lithium ion battery, state all FACTS that YOU believe support that contention.

**INTERROGATORY NO. 260**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by anything other than a lithium ion battery.

**INTERROGATORY NO. 261**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 260, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 262**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 260, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 261.

**INTERROGATORY NO. 263**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that that the FIRE was caused by anything other than a lithium ion battery.

**INTERROGATORY NO. 264**

If YOU contend that the FIRE was caused any act or omission of the CREW, state all FACTS that YOU believe support that contention.

**INTERROGATORY NO. 265**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by any act or omission of the CREW.

**INTERROGATORY NO. 266**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 265, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 267**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 265, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 266.

**INTERROGATORY NO. 268**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that that the FIRE was caused by any act or omission of the CREW.

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**INTERROGATORY NO. 269**

If YOU contend that the FIRE was caused by any act or omission of the CAPTAIN, state all FACTS that YOU believe support that contention.

**INTERROGATORY NO. 270**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the FIRE was caused by any act or omission of the CAPTAIN.

**INTERROGATORY NO. 271**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 270, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 272**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 270, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 271.

**INTERROGATORY NO. 273**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that that the FIRE was caused by any act or omission of the CAPTAIN.

**INTERROGATORY NO. 274**

If YOU contend that DECEDENT died as a proximate result of any negligent act or omission of the PETITIONERS, state all FACTS that YOU contend support YOUR contention.

**INTERROGATORY NO. 275**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention DECEDENT died as a proximate result of any negligent act or omission of the PETITIONERS.

**INTERROGATORY NO. 276**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 275, state all such FACTS YOU believe each PERSON possesses.



**INTERROGATORY NO. 277**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 275, state the basis for their knowledge of the FACTS stated in response to Interrogatory No. 276.

**INTERROGATORY NO. 278**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that DECEDENT died as a proximate result of any negligent act or omission of the PETITIONERS.

E. PRIVACY AND KNOWLEDGE

**INTERROGATORY NO. 279**

If YOU contend that an unseaworthy condition possessed by the *CONCEPTION* caused or contributed to DECEDENT's death, IDENTIFY all such condition(s) of unseaworthiness.

**INTERROGATORY NO. 280**

If YOU contend that, prior to or at the outset of the VOYAGE, GLEN FRITZLER had personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279, state all FACTS that YOU contend support this allegation.

**INTERROGATORY NO. 281**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that GLEN FRITZLER, prior to or at the outset of the VOYAGE, had personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 282**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 281, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 283**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 281,

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state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 282.

**INTERROGATORY NO. 284**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that GLEN FRITZLER, prior to or at the outset of the VOYAGE, had personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 285**

If YOU contend that, prior to or at the outset of the VOYAGE, DANA FRITZLER had personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279, state all FACTS that YOU contend support this allegation.

**INTERROGATORY NO. 286**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that DANA FRITZLER, prior to or at the outset of the VOYAGE, had personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 287**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 286, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 288**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 286, state the basis for v knowledge of the FACTS stated in response to Interrogatory No. 287.

**INTERROGATORY NO. 289**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that DANA FRITZLER, prior to or at the outset of the VOYAGE, had personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in

1 response to Interrogatory No. 279.

2 **INTERROGATORY NO. 290**

3 If YOU contend that, prior to or at the outset of the VOYAGE, TRUTH  
4 AQUATICS had actual knowledge of the allegedly unseaworthy condition(s) YOU  
5 IDENTIFIED in response to Interrogatory No. 279, state all FACTS that YOU  
6 contend support this allegation.

7 **INTERROGATORY NO. 291**

8 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
9 YOU contend supports YOUR contention that TRUTH AQUATICS, prior to or at  
10 the outset of the VOYAGE, had actual knowledge of the allegedly unseaworthy  
11 condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

12 **INTERROGATORY NO. 292**

13 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 291,  
14 state all such FACTS YOU believe each PERSON possesses.

15 **INTERROGATORY NO. 293**

16 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 291,  
17 state the basis for that PERSON's knowledge of the FACTS stated in response to  
18 Interrogatory No. 292.

19 **INTERROGATORY NO. 294**

20 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention  
21 that TRUTH AQUATICS, prior to or at the outset of the VOYAGE, had actual  
22 knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in  
23 response to Interrogatory No. 279.

24 **INTERROGATORY NO. 295**

25 If YOU contend that, prior to or at the outset of the VOYAGE,  
26 PETITIONERS caused the allegedly unseaworthy condition(s) YOU IDENTIFIED  
27 in response to Interrogatory No. 279, state all FACTS that YOU contend support  
28 this allegation.

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**INTERROGATORY NO. 296**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that PETITIONERS caused the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 297**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 296, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 298**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 296, state the basis for v knowledge of the FACTS stated in response to Interrogatory No. 297.

**INTERROGATORY NO. 299**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that PETITIONERS caused the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 300**

If YOU contend that, prior to or at the outset of the VOYAGE, the CAPTAIN caused the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279, state all FACTS that YOU contend support this allegation.

**INTERROGATORY NO. 301**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the CAPTAIN caused the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 302**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 301,

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1 state all such FACTS YOU believe each PERSON possesses.

2 **INTERROGATORY NO. 303**

3 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 301,  
4 state the basis for that PERSON's knowledge of the FACTS stated in response to  
5 Interrogatory No. 302.

6 **INTERROGATORY NO. 304**

7 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention  
8 that the CAPTAIN caused the allegedly unseaworthy condition(s) YOU  
9 IDENTIFIED in response to Interrogatory No. 279.

10 **INTERROGATORY NO. 305**

11 If YOU contend that, prior to or at the outset of the VOYAGE, one or more  
12 members of the CREW caused the allegedly unseaworthy condition(s) YOU  
13 IDENTIFIED in response to Interrogatory No. 279, state all FACTS that YOU  
14 contend support this allegation.

15 **INTERROGATORY NO. 306**

16 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
17 YOU contend supports YOUR contention that one or more members of the CREW  
18 caused the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to  
19 Interrogatory No. 279.

20 **INTERROGATORY NO. 307**

21 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 306,  
22 state all such FACTS YOU believe each PERSON possesses.

23 **INTERROGATORY NO. 308**

24 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 306,  
25 state the basis for that PERSON's knowledge of the FACTS stated in response to  
26 Interrogatory No. 307.

27 **INTERROGATORY NO. 309**

28 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention

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that one or more members of the CREW caused the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 310**

If YOU contend that PETITIONERS could have discovered the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279 through a reasonable inspection or inquiry, state all FACTS that YOU contend support YOUR allegation.

**INTERROGATORY NO. 311**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that PETITIONERS could have discovered the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279 through a reasonable inspection or inquiry.

**INTERROGATORY NO. 312**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 311, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 313**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 311, state the basis for that PERSON's knowledge of the FACTS stated in response to Interrogatory No. 312.

**INTERROGATORY NO. 314**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that PETITIONERS could have discovered the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279 through a reasonable inspection or inquiry.

**INTERROGATORY NO. 315**

If YOU contend that the CAPTAIN could have discovered the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279 through a reasonable inspection or inquiry, state all FACTS that YOU



1 contend support YOUR allegation.

2 **INTERROGATORY NO. 316**

3 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
4 YOU contend supports YOUR contention that the CAPTAIN could have  
5 discovered the allegedly unseaworthy condition(s) YOU IDENTIFIED in response  
6 to Interrogatory No. 279 through a reasonable inspection or inquiry.

7 **INTERROGATORY NO. 317**

8 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 316,  
9 state all such FACTS YOU believe each PERSON possesses.

10 **INTERROGATORY NO. 318**

11 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 316,  
12 state the basis for that PERSON's knowledge of the FACTS stated in response to  
13 Interrogatory No. 317.

14 **INTERROGATORY NO. 319**

15 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention  
16 that the CAPTAIN could have discovered the allegedly unseaworthy condition(s)  
17 YOU IDENTIFIED in response to Interrogatory No. 279 through a reasonable  
18 inspection or inquiry.

19 **INTERROGATORY NO. 320**

20 If YOU contend that, at the outset of the VOYAGE, the CAPTAIN had  
21 personal knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED  
22 in response to Interrogatory No. 279, state all FACTS that YOU contend support  
23 YOUR allegation.

24 **INTERROGATORY NO. 321**

25 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
26 YOU contend supports YOUR contention that the CAPTAIN had personal  
27 knowledge of the allegedly unseaworthy condition(s) YOU IDENTIFIED in  
28 response to Interrogatory No. 279.

**INTERROGATORY NO. 322**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 321, state all such FACTS YOU believe each PERSON possesses.

**INTERROGATORY NO. 323**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 321, state the basis for v knowledge of the FACTS stated in response to Interrogatory No. 322.

**INTERROGATORY NO. 324**

IDENTIFY all DOCUMENTS that YOU contend support YOUR contention that the CAPTAIN had personal knowledge, at the outset of the VOYAGE, of the allegedly unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

**INTERROGATORY NO. 325**

If YOU contend that the negligence or fault of one or more of the PETITIONERS caused DECEDENT's death, IDENTIFY all of the acts or omissions on the part of GLEN FRITZLER that you contend caused or contributed to DECEDENT's death.

**INTERROGATORY NO. 326**

State all FACTS that YOU contend support YOUR allegation that the acts or omissions of GLEN FRITZLER IDENTIFIED in YOUR response to Interrogatory No. 325 caused or contributed to DECEDENT's death.

**INTERROGATORY NO. 327**

IDENTIFY all PERSONS YOU believe have knowledge of any FACT that YOU contend supports YOUR contention that the acts or omissions of GLEN FRITZLER IDENTIFIED in YOUR response to Interrogatory No. 325 caused or contributed to DECEDENT's death.

**INTERROGATORY NO. 328**

For each PERSON YOU IDENTIFIED in response to Interrogatory No. 327,

1 state all such FACTS YOU believe each PERSON possesses.

2 **INTERROGATORY NO. 329**

3 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 327,  
4 state the basis for that PERSON's knowledge of the FACTS stated in response to  
5 Interrogatory No. 328.

6 **INTERROGATORY NO. 330**

7 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention  
8 that the acts or omissions of GLEN FRITZLER IDENTIFIED in YOUR response  
9 to Interrogatory No. 325 caused or contributed to DECEDENT's death.

10 **INTERROGATORY NO. 331**

11 If YOU contend that the negligence or fault of one or more of the  
12 PETITIONERS caused DECEDENT's death, IDENTIFY all of the acts or  
13 omissions on the part of DANA FRITZLER that you contend caused or  
14 contributed to DECEDENT's death.

15 **INTERROGATORY NO. 332**

16 State all FACTS that YOU contend support YOUR allegation that the acts or  
17 omissions of DANA FRITZLER IDENTIFIED in YOUR response to  
18 Interrogatory No. 331 caused or contributed to DECEDENT's death.

19 **INTERROGATORY NO. 333**

20 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
21 YOU contend supports YOUR contention that the acts or omissions of DANA  
22 FRITZLER IDENTIFIED in YOUR response to Interrogatory No. 331 caused or  
23 contributed to DECEDENT's death.

24 **INTERROGATORY NO. 334**

25 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 333,  
26 state all such FACTS YOU believe each PERSON possesses.

27 **INTERROGATORY NO. 335**

28 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 333,

1 state the basis for that PERSON's knowledge of the FACTS stated in response to  
2 Interrogatory No. 334.

3 **INTERROGATORY NO. 336**

4 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention  
5 that the acts or omissions of DANA FRITZLER IDENTIFIED in YOUR response  
6 to Interrogatory No. 331 caused or contributed to DECEDENT's death.

7 **INTERROGATORY NO. 337**

8 If YOU contend that the CAPTAIN, by his own actions or omissions,  
9 violated the duty of care owed to PASSENGERS during the VOYAGE, state all  
10 FACTS that YOU contend support YOUR allegation.

11 **INTERROGATORY NO. 338**

12 State all FACTS that YOU contend support YOUR allegation that the acts or  
13 omissions of the CAPTAIN IDENTIFIED in YOUR response to Interrogatory No.  
14 337 caused or contributed to DECEDENT's death.

15 **INTERROGATORY NO. 339**

16 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
17 YOU contend supports YOUR contention that the acts or omissions of the  
18 CAPTAIN IDENTIFIED in YOUR response to Interrogatory No. 337 caused or  
19 contributed to DECEDENT's death.

20 **INTERROGATORY NO. 340**

21 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 339  
22 state all such FACTS YOU believe each PERSON possesses.

23 **INTERROGATORY NO. 341**

24 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 339,  
25 state the basis for that PERSON's knowledge of the FACTS stated in response to  
26 Interrogatory No. 340.

27 **INTERROGATORY NO. 342**

28 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention

1 that the acts or omissions of the CAPTAIN IDENTIFIED in YOUR response to  
2 Interrogatory No. 337 caused or contributed to DECEDENT's death.

3 F. AFFIRMATIVE DEFENSES

4 **INTERROGATORY NO. 343**

5 If YOU contend that the CONCEPTION was operated in a willful, wanton,  
6 and reckless manner, state all FACTS YOU contend support YOUR allegation.

7 **INTERROGATORY NO. 344**

8 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
9 YOU contend supports YOUR contention that the CONCEPTION was operated in  
10 a willful, wanton, and reckless manner.

11 **INTERROGATORY NO. 345**

12 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 344,  
13 state all such FACTS YOU believe each PERSON possesses.

14 **INTERROGATORY NO. 346**

15 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 344,  
16 state the basis for that PERSON's knowledge of the FACTS stated in response to  
17 Interrogatory No. 345.

18 **INTERROGATORY NO. 347**

19 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention  
20 that the CONCEPTION was operated in a willful, wanton, and reckless manner.

21 **INTERROGATORY NO. 348**

22 If YOU assert a claim for punitive damages, state all FACTS that YOU  
23 contend support YOUR claim.

24 **INTERROGATORY NO. 349**

25 IDENTIFY all PERSONS YOU believe have knowledge of any FACT that  
26 YOU contend supports YOUR claim for punitive damages.

27 **INTERROGATORY NO. 350**

28 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 349

1 state all such FACTS YOU believe each PERSON possesses.

2 **INTERROGATORY NO. 351**

3 For each PERSON YOU IDENTIFIED in response to Interrogatory No. 349,  
4 state the basis for that PERSON's knowledge of the FACTS stated in response to  
5 Interrogatory No. 350.

6 **INTERROGATORY NO. 352**

7 IDENTIFY all DOCUMENTS that YOU contend support YOUR claim for  
8 punitive damages.

9  
10 Dated: August 28, 2020

GORDON REES SCULLY MANSUKHANI, LLP

11 By: \_\_\_\_\_

12 Russell P. Brown

13 James F. Kuhne, Jr.

14 Mallory G. Wynne

15 Attorney for Petitioners

16 TRUTH AQUATICS, INC.,

17 AND GLEN RICHARD FRITZLER AND

18 DANA JEANNE FRITZLER,

19 INDIVIDUALLY AND AS TRUSTEES OF

20 THE FRITZLER FAMILY TRUST DTD

21 7/27/92

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