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

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 In the Matter of the Counterclaim of Truth)
18 Aquatics, Inc. and Glen Richard Fritzler and) CASE NO. 2:19-cv-07693-PA-
19 Dana Jeanne Fritzler, individually and as) MRW
20 Trustees of the Fritzler Family Trust DTD)
21 7/27/92 as owners and/or owners pro hac vice)
22 of the dive vessel CONCEPTION, Official)
23 Number 638133, for Exoneration from or)
24 Limitation of Liability,)
25)
26)
27)
28)
29)
30)

FED. R. CIV. P. 26(f) JOINT REPORT

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

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7 SEJAY TAN, CHEN LENG TAN, CHIK PING YAP, ANTHONY BEITZINGER,
8 ELIZABETH BEITZINGER, HENRY GARCIA, MARGARET STROM,
9 KESTRAL STROM, PFEIFER STROM, ERIC BALTZ, CANDACE BALTZ,
10 JOHN BALTZ, MACHIKO HATANO, NINA HUTTEGER, JULIA AHOPELTO,
11 UNNAMED MINOR SON OF JUHA-PEKKA AHOPELTO, KEVIN CHAN,
12 JEAN ANNE ALLEN, SHIRLEY SALIKA, JAMES E. ADAMIC, ATLEE
13 FRITZ, LINDA FRITZ, KATIE OSBORNE, OLGA FAYNSHTEYN, DANIEL
14 CHUA, DOMINIC SELGA, NISA SHINAGAWA, MARK ADAMIC,
15 ANGELICA ADAMIC, DANIEL CHUA, JASMINE LORD, VICTORIA ELLEN
16 MOORE, and YUKA OHASHI MERRITT (hereafter, “Passenger Claimants,” and
17 collectively with Petitioners, “Parties”), and Ryan Sims (also referred to as
18 “Crewmember Claimant” or “Sims”) by and through their respective counsel of
19 record, submit this Fed R. Civ. P. 26(f) Joint Report in advance of the September
20 14, 2020 Scheduling Conference.

21 This report follows the Rule 26(f) conference of the Parties, which took
22 place on August 21, 2020. Having met-and-conferred on the topics set forth in
23 Rule 26, Local Rule 26-1, and this Court’s Orders dated July 16, 2020 [Docs. 148,
24 150], the Parties report as follows:

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1 **I. ITEMS AND TOPICS IDENTIFIED IN THE COURT’S MINUTE**
 2 **ORDER DATED JULY 16, 2020 [DOC. 148] AND ORDER**
 3 **SCHEDULING MEETING OF COUNSEL [DOC. 150]**
 4 **A. THE CURRENT STATUS OF THE NATIONAL**
 5 **TRANSPORTATION SAFETY BOARD’S (“NTSB”) ONGOING**
 6 **INVESTIGATION**

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

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

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

27 Counsel for Petitioners understand the aforementioned federal agencies and
 28 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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1 Passenger Claimants and Sims recommend that the deadline to join other
2 parties and amend the pleadings be set in April, 2021, approximately six (6)
3 months after the NTSB report(s) are expected to be available. On that schedule,
4 Passenger Claimants and Sims recommend the deadline to complete discovery and
5 to file motions be set in the late Fall or early Winter of 2021. Passenger Claimants
6 acknowledge that the pending criminal investigation(s) may warrant a stay of
7 certain discovery, such as depositions of individuals who have been identified as
8 targets or subjects to any criminal investigation, but disagree that pending criminal
9 investigations require a complete stay of all discovery in this case.

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

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

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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1 ***Agreements concerning claims of privilege, including agreements reached***
2 ***under Fed. R. Evid. 502 (Fed. R. Civ. P. 16(b)(3)(B)(iii),(iv)):*** Petitioners do not
3 recommend any changes to the provisions of Fed. R. Evid. 502 or Fed. R. Civ. P.
4 16(b)(3)(B)(iii), (iv). However, Petitioners note that in the days and weeks
5 following the incident, numerous Federal, State, and/or local agencies, including
6 the Federal Bureau of Investigation, the United States Coast Guard, the Bureau of
7 Alcohol, Tobacco, Firearms and Explosives, and the Office of the United States'
8 Attorney, seized virtually all documents, records, and electronic equipment (*e.g.*,
9 computers, hard drives, *etc.*) from Petitioners' place of business, as well as a
10 number of similar materials from Petitioners' home. Petitioners believe, and
11 recommend, that any disclosure of protected and/or privileged information that
12 occurred in connection with that forcible seizure of documents and records does
13 not, and should not, constitute a waiver of any privilege, right of privacy, or other
14 protection of law that would otherwise attach to those materials in this litigation.
15 Similarly, Petitioners do not know all materials that may have been seized but not
16 yet returned, thereby rendering those materials outside of Petitioners' possession,
17 custody, and control, and thus, unable to be produced through disclosure or
18 discovery in these proceedings. Moreover, Petitioners are informed and believe
19 that a Grand Jury has been empaneled to determine whether criminal charges
20 against them, and/or the Captain and/or crew of the CONCEPTION, should issue.
21 As such, there may be Fifth Amendment concerns that will need to be addressed as
22 this litigation proceeds.

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

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

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

5 ***16(b)(3)(B)(vi)***): Petitioners recommend that the final pre-trial conference be set
 6 for June 2022, with trial set 4 weeks later. Interim status conferences may also be
 7 helpful on an “as-needed” basis.

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

18 Claimants have prayed for punitive damages herein and are also concerned
 19 about Petitioners' ability to respond to any judgment herein. Claimants will
 20 therefore ask the Court for an early ruling permitting pretrial discovery of
 21 Petitioners' financial information without requiring Claimants "to establish a prima
 22 facie case on the issue of punitive damages.” *CEH, Inc. v. FV Seafarer*, 153
 23 F.R.D. 491, 498 (D.R.I. 1994); see also *Randall v. County of Wyandotte*, 1988
 24 U.S. Dist. LEXIS 14748, No. 87-2580, (D.Kan. , 1988); *Baker v. CNA Ins. Co.*,
 25 123 F.R.D. 322, 329-30 (D.Mont. 1988); *St. Joseph Hospital v. INA Underwriters*
 26 *Ins. Co.*, 117 F.R.D. 24, 25-26 (D.Me. 1987); *Marsillo v. National Surety Corp. (In*
 27 *re Bergeson)*, 112 F.R.D. 692, 696 (D.Mont. 1986); *Fretz v. Keltner*, 109 F.R.D.
 28 303, 310-11 (D.Kan. 1986); *Renshaw v. Ravert*, 82 F.R.D. 361, 363 (E.D.Pa.

1 1979); *American Benefit Life Ins. Co. v. Ille*, 87 F.R.D. at 542-43; *Lackawanna*
 2 *Refuse Removal, Inc. v. Procter and Gamble Paper Products Co.*, 86 F.R.D. 330,
 3 26 Fed. R. Serv. 2d 375, 376 (M.D. Pa. 1978); *Miller v. Doctor's General Hospital*,
 4 76 F.R.D. 136, 140 (W.D. Okla. 1977); *Vollert v. Summa Corp.*, 389 F. Supp.
 5 1348, 1351 (D. Haw. 1975); *Holliman v. Redman Development Corp.*, 61 F.R.D.
 6 488, 490-91 (D. S.C. 1973).

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

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

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

21 *Avoiding unnecessary proof and cumulative evidence (Fed. R. Civ. P.*
 22 *16(c)(2)(D):* At present, there are approximately forty-four different Claimants,
 23 who are represented by at least eight different law firms. At trial, each Claimant
 24 may have issues that are specific to that Claimant, such as the measure and amount
 25 of damages being claimed. However, many, and perhaps most, of the issues
 26 Claimants are likely to raise at trial, including the issue of Petitioners' "privity and
 27 knowledge," Petitioners' right to limitation of or exoneration from liability, and the
 28 factual underpinnings upon which those determinations will be based, are common

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.

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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

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

13 Passenger Claimants disagree with Petitioners’ suggestion that propounding
14 352 total interrogatories to each Claimant is in any way reasonable or consistent
15 with the Federal Rules of Civil Procedure’s requirement that discovery be
16 proportional to the needs of the case. Claimants recommend that the Parties
17 conduct discovery consistent with the Federal Rules of Civil Procedure. If, after
18 Claimants’ answers to written interrogatories are produced, Petitioners believe that
19 additional interrogatories are necessary or appropriate, they may seek leave to
20 serve additional interrogatories consistent with Rule 26(b)(1) and (2).

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

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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

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1 November, 2020 – to determine whether other parties may be added in this action.
2 Claimants recommend that, if no other parties are joined in this action by the April,
3 2021 deadline that Passenger Claimants and Sims have suggested, this Court order
4 the Parties to participate in ADR Procedure No. 2 by June, 2021. However, if
5 other parties are joined in this action by the April, 2021 deadline that Passenger
6 Claimants and Sims have suggested, Claimants recommend that this Court order
7 the parties to participate in ADR Procedure No. 2 not later than 8 weeks before
8 trial.

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

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

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

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

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

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

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

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

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

4 The “Savings to Suitors” clause allows state courts to adjudicate maritime
 5 causes of actions in proceedings *in personam*, and also permits the plaintiff to bring
 6 an action “at law” in federal district court, provided the requirements of diversity
 7 of jurisdiction and amount in controversy are met. *Ghotra v. Bandila Shipping,*
 8 *Inc.*, 113 F.3d 1050, 1054 (9th Cir. 1997). In *Complaint of Ingoglia*, 723 F. Supp.
 9 512, 515 (C.D. Cal. 1989), the Court confirmed that once the limitation issue is
 10 disposed of, claimants retain the right under the “Savings to Suitors” clause to file
 11 their action in state court to determine issues of liability and damages. Claimants
 12 request that, in the event the Court denies exoneration and/or limitation of liability,
 13 their right to a jury trial not be upset and Claimants request that the Court permit
 14 them to pursue their cases in their chosen fora. *Wheeler v. Marine Navigation*
 15 *Sulphur Carriers, Inc.*, 764 F.2d 1008, 1011 (4th Cir. 1985) (“Each circuit that has
 16 considered this question has ruled that once limitation is denied, plaintiffs should
 17 be permitted to elect whether to remain in the limitation proceeding or to revive
 18 their original claims in their original fora.”); *The Silver Palm*, 94 F.2d 776, 780
 19 (9th Cir. 1937); *See also Sause Bros. Ocean Towing Co., Inc. v. LeBlanc*, 37 F.3d
 20 1506, 1994 WL 561837 at *3 (9th Cir. Oct. 13, 1994) (“a claimant is free to sue in
 21 state court once the admiralty court determines that the Limitation Act does not
 22 apply.”).

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

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

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

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

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

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

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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.*

1 *Batterton*, 139 S. Ct. 2775, 2284-2285, 2287 (2019) *citing, inter alia, Miles v. Apex*
2 *Marine Corp.*, 498 U.S. 19, 32 (1990) and *Kopczynski v. The Jacqueline*, 742 F.2d
3 555, 560 (9th Cir. 1984);

4 ***Propriety of Claimants’ Cause of Action for Negligence Per Se under***
5 ***California’s “common carrier” statute:*** Claimants Yadira Alvarez, Sejay Tan,
6 Cheng Leng Tan, and Chik Ping Yap assert a negligence *per se* cause of action
7 against Petitioners under California’s “common carrier” statute, California Civil
8 Code section 2100. [Doc. 90 at 32:11-37:21.] Specifically, they allege that section
9 2100 imposed on Plaintiffs “a duty to use the highest care and vigilance to avoid
10 causing harm” to Claimants in the operation and maintenance of the
11 CONCEPTION. [Doc. 90 at 32:17-20.] Petitioners contend this action is
12 governed by the general maritime law, including the United States Supreme
13 Court’s decision in *Kermarec v. Compagnie General Transatlantique*, 358 U.S.
14 625 (1959), which imposes on shipowners only “the duty of reasonable care under
15 the circumstances of each case.” 358 U.S. at 632; *see also, Nash v. Fifth*
16 *Amendment*, 228 Cal. App. 3d 1106, 1112 n.5 (1st Dist. 1991) *citing Kermarec*, 358
17 U.S. at 630; *DeRoche v. Commodore Cruise Lines, Ltd.*, 31 Cal. App. 4th 802, 807
18 (1st Dist. 1994) (*citations omitted*). Accordingly, Petitioners contend that
19 application of California’s higher standard for common carrier liability interferes
20 with “the proper harmony and uniformity” of federal maritime law and, as such, is
21 preempted. *See, Fahey v. Gledhill*, 33 Cal. 3d 884, 887 (1983).

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

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

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1 **Recovery of non-pecuniary damages – Jones Act seaman claims:** The
 2 Jones Act expressly incorporates by reference the provisions of the Federal
 3 Employers’ Liability Act, 45 U.S.C. § 51, *et seq.* (“FELA”). *See*, 46 U.S.C. §
 4 30104; *see also*, *Batterton*, 139 S. Ct. at 2284; *Miles*, 498 U.S. at 32. FELA has
 5 been interpreted to limit recovery to pecuniary loss. *See, e.g., Batterton*, 139 S. Ct.
 6 at 2284-2285 *citing, inter alia, Michigan Central R. Co. v. Vreeland*, 227 U.S. 59,
 7 68 (1913) *and Wildman v. Burlington N. R. Co.*, 825 F.2d 1392, 1395 (9th Cir.
 8 1987). The United States Supreme Court has recognized that FELA’s prohibition
 9 against recovery of non-pecuniary loss therefore applies to claims brought under
 10 the Jones Act. *See, e.g., Miles*, 498 U.S. at 32-33. Recovery of non-pecuniary
 11 damages based upon alleged unseaworthiness is similarly foreclosed. *See, id.; see*
 12 *also, McBride v. Estis Well Serv., LLC*, 768 F.3d 382, 391 (5th Cir. 2014).
 13 Plaintiffs therefore contend that any recovery sought by Jones Act seaman
 14 Claimants (*e.g., Sims*) or anyone claiming through a deceased Jones Act seaman
 15 (*e.g., Claimants Robert Kurtz and Cherie McDonough*) must be limited to damages
 16 for pecuniary loss only, and that claims to non-pecuniary damages made by Jones
 17 Act seamen or those claiming through them are properly subject to a dispositive
 18 motion.

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

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

23 Claimants believe the following issues may be determined by motion:

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

1 Towards that end, and subject to further negotiations, Claimants are prepared to
2 offer written stipulations that would 1) limit all of their individual recoveries to a
3 pro rata share of the limitation fund, whatever that fund is eventually determined to
4 be, in the event this tragedy is ultimately found to have occurred without
5 Petitioners' privity or knowledge, 2) waive the *res judicata* and collateral estoppel
6 effects of any verdict they might obtain at law against Petitioners, 3) preserve this
7 Court's exclusive jurisdiction over the limitation questions herein, and 4) forego
8 executing any judgment they might obtain at law against Petitioners until this
9 Court has had an opportunity to try and decide said limitation questions. See e.g.
10 *Lewis v. Lewis & Clark Marine*, 531 U.S. 438, 451 (2001); *Newton v. Shipman*,
11 718 F.2d 959, 961 (9th Cir. 1983) (*per curiam*).

12 ***Propriety of Claimants' Cause of Action for Negligence Per Se under***
13 ***California's "common carrier" statute:*** Truth Aquatics does not, and cannot
14 dispute that, as a matter of law it is a public common carrier. California Civil Code
15 §2100, provides that "a carrier of persons for reward must use the utmost care and
16 diligence for their safe carriage, must provide everything necessary for that
17 purpose, and must exercise to that end a reasonable degree of skill." Civil Code
18 §2100 is an adequate and proper supplement to the General Maritime Law. See
19 *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 207 (1996) (holding that
20 state doctrines are applicable if they can supplement the General Maritime Law);
21 *Romero v. International Terminal Operating Co.*, 358 U.S. 354, 373-374
22 (1959).

23 There is a long history in this country imposing heightened duties on
24 common carriers. The United States Supreme Court has consistently declared that
25 common carriers such as Truth Aquatics, owe their paying passengers the
26 highest degree of care for their safety. See *Propeller Niagara v. Cordes*, 62 U.S. 7,
27 14 (1858); *The City of Panama (Panama)*, 101 U.S. 453 (1879); *In Liverpool &*
28 *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.

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

7 Claimants recommend that the Parties participate in mediation before a
8 neutral selected from the Court’s Mediation Panel (ADR Procedure No. 2).
9 Claimants do not agree that this case is appropriate for mediation by December 15,
10 2020. Claimants recommend that, if no other parties are joined in this action by
11 the April, 2021 deadline that Passenger Claimants and Sims have suggested, this
12 Court order the Parties to participate in ADR Procedure No. 2 by June, 2021.
13 However, if other parties are joined in this action by the April, 2021 deadline that
14 Passenger Claimants and Sims have suggested, Claimants recommend that this
15 Court order the parties to participate in ADR Procedure No. 2 not later than 8
16 weeks before trial. *See, “Statement Of Efforts Made To Settle Or Resolve The*
17 *Case To Date; Settlement Procedure Recommended Pursuant To Local Rule 16-*
18 *15.4”, supra.*

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

21 **A. COMPLEX CASES**

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

24 **B. MOTION SCHEDULE**

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

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C. ADR

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

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

D. TRIAL ESTIMATE

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

E. ADDITIONAL PARTIES

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

F. EXPERT WITNESSES

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).

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

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

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

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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

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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

Page 32 of 92

1 RUSSELL P. BROWN (SBN: 84505)
2 JAMES F. KUHNE, JR. (SBN: 251150)
3 MALLORY G. WYNNE (ADMITTED *PRO HAC VICE*)
4 GORDON REES SCULLY MANSUKHANI LLP
5 101 W. Broadway, Suite 2000
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7 Telephone: (619) 696-6700
8 Facsimile: (619) 696-7124

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

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 In the Matter of the Counterclaim of TRUTH)
18 AQUATICS, Inc. and Glen Richard Fritzler) CASE NO. 2:19-cv-07693-PA-
19 and Dana Jeanne Fritzler, individually and as) MRW
20 Trustees of the Fritzler Family Trust DTD)
21 7/27/92 as owners and/or owners pro hac vice)
22 of the dive vessel CONCEPTION, Official)
23 Number 638133, for Exoneration from or)
24 Limitation of Liability ,)
25)
26)
27)
28)

**PETITIONERS' PROPOSED
INTERROGATORIES TO
CLAIMANTS**

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

26 RESPONDING PARTY: Claimant, _____

27 SET: ONE

28 ///

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

7 **DEFINITIONS**

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

14 2. The term “DECEDENT” as used herein shall mean and refer to [].

15 3. As used here, the term, "CONCEPTION" refers to that 75-foot,
16 wooden hulled, 97 Gross Registered Tons, dive vessel with the Official Number
17 638133.

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

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

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

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

28 ///

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1 8. As used herein, the term “LIMITATION ACTION” shall refer to the
2 action for exoneration from or limitation of liability proceeding under 46 U.S.C. §
3 30501 *et seq.* brought by PETITIONERS and currently pending in the United
4 States District Court for the Central District of California under Case No. 2:19-cv-
5 07693.

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

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

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

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

16 13. As used here, the term, "FIRE" means and refers to the September 2,
17 2019 fire onboard the *CONCEPTION*.

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

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

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

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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

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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

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

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

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

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

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

4 **PROPOSED INTERROGATORIES**

5 A. DECEDENT’S BACKGROUND

6 **INTERROGATORY NO. 1**

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

11 **INTERROGATORY NO. 2**

12 Please indicate DECEDENT’s approximate height and weight on the date of
13 the INCIDENT.

14 **INTERROGATORY NO. 3**

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

16 **INTERROGATORY NO. 4**

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

19 **INTERROGATORY NO. 5**

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

27 **INTERROGATORY NO. 6**

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

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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,

1 prescription, medication, therapy or other medical service provided, each instance
2 of medical treatment, examination or care provided to DECEDENT from January
3 1, 2010 through the date of the VOYAGE.

4 **INTERROGATORY NO. 13**

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

8 **INTERROGATORY NO. 14**

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

11 **INTERROGATORY NO. 15**

12 For each medication taken by DECEDENT during the week of August 26,
13 2019, identify the medical condition for which that/those medication(s) was/were
14 taken.

15 **INTERROGATORY NO. 16**

16 For each medication taken by DECEDENT during the week of August 26,
17 2019, IDENTIFY the PERSON who prescribed that medication.

18 **INTERROGATORY NO. 17**

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

24 **INTERROGATORY NO. 18**

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

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

6 **INTERROGATORY NO. 24**

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

12 **INTERROGATORY NO. 25**

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

19 **INTERROGATORY NO. 26**

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

25 B. STANDING

26 **INTERROGATORY NO. 27**

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

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1 COUNTERCLAIM. *See, e.g.*, COUNTERCLAIM at __:___.

2 **INTERROGATORY NO. 28**

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

6 **INTERROGATORY NO. 29**

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

12 **INTERROGATORY NO. 30**

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

15 **INTERROGATORY NO. 31**

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

18 **INTERROGATORY NO. 32**

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

21 **INTERROGATORY NO. 33**

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

25 **INTERROGATORY NO. 34**

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

28 ///

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1 **INTERROGATORY NO. 35**

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

4 **INTERROGATORY NO. 36**

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

6 **INTERROGATORY NO. 37**

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

8 **INTERROGATORY NO. 38**

9 IDENTIFY each of DECEDENT’s living stepchildren, if any.

10 C. LIABILITY

11 **INTERROGATORY NO. 39**

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

14 **INTERROGATORY NO. 40**

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

18 **INTERROGATORY NO. 41**

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

21 **INTERROGATORY NO. 42**

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

25 **INTERROGATORY NO. 43**

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

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1 **INTERROGATORY NO. 44**

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

6 **INTERROGATORY NO. 45**

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

9 **INTERROGATORY NO. 46**

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

13 **INTERROGATORY NO. 47**

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

17 **INTERROGATORY NO. 48**

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

21 **INTERROGATORY NO. 49**

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

24 **INTERROGATORY NO. 50**

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

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1 **INTERROGATORY NO. 51**

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

6 **INTERROGATORY NO. 52**

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

11 **INTERROGATORY NO. 53**

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

14 **INTERROGATORY NO. 54**

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

18 **INTERROGATORY NO. 55**

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

23 **INTERROGATORY NO. 56**

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

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1 **INTERROGATORY NO. 57**

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

4 **INTERROGATORY NO. 58**

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

8 **INTERROGATORY NO. 59**

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

13 **INTERROGATORY NO. 60**

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

18 **INTERROGATORY NO. 61**

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

21 **INTERROGATORY NO. 62**

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

25 **INTERROGATORY NO. 63**

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

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1 **INTERROGATORY NO. 64**

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

5 **INTERROGATORY NO. 65**

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

8 **INTERROGATORY NO. 66**

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

12 **INTERROGATORY NO. 67**

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

15 **INTERROGATORY NO. 68**

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

19 **INTERROGATORY NO. 69**

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

22 **INTERROGATORY NO. 70**

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

26 **INTERROGATORY NO. 71**

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

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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

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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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1 YOUR response to Interrogatory No. 85.

2 **INTERROGATORY NO. 87**

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

7 **INTERROGATORY NO. 88**

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

12 **INTERROGATORY NO. 89**

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

15 **INTERROGATORY NO. 90**

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

19 **INTERROGATORY NO. 91**

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

23 **INTERROGATORY NO. 92**

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

27 **INTERROGATORY NO. 93**

28 For each PERSON YOU IDENTIFIED in YOUR response to Interrogatory

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

2 **INTERROGATORY NO. 94**

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

6 **INTERROGATORY NO. 95**

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

10 **INTERROGATORY NO. 96**

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

14 **INTERROGATORY NO. 97**

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

17 **INTERROGATORY NO. 98**

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

21 **INTERROGATORY NO. 99**

22 If YOU contend that PETITIONERS failed to comply with 46 C.F.R.
23 §177.500 *et seq.* in the ownership, operation, and/or maintenance of the
24 *CONCEPTION*, state all FACTS that YOU contend support YOUR allegation.

25 **INTERROGATORY NO. 100**

26 IDENTIFY all PERSONS that YOU believe have knowledge of any FACT
27 to support YOUR contention that PETITIONERS failed to comply with 46 C.F.R.
28 §177.500 *et seq.* in the ownership, operation, and/or maintenance of the

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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

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

3 **INTERROGATORY NO. 108**

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

9 **INTERROGATORY NO. 109**

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

15 **INTERROGATORY NO. 110**

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

18 **INTERROGATORY NO. 111**

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

22 **INTERROGATORY NO. 112**

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

26 **INTERROGATORY NO. 113**

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

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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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1 **INTERROGATORY NO. 120**

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

4 **INTERROGATORY NO. 121**

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

8 **INTERROGATORY NO. 122**

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

12 **INTERROGATORY NO. 123**

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

16 **INTERROGATORY NO. 124**

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

19 **INTERROGATORY NO. 125**

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

23 **INTERROGATORY NO. 126**

24 If YOU contend that the PETITIONERS’ alleged operation of the
25 CONCEPTION in violation of the requirements of her Certificate of Inspection
26 was willful, deliberate, and/or habitual, state all FACTS that YOU contend support
27 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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1 response to Interrogatory No. 132.

2 **INTERROGATORY NO. 134**

3 If YOU contend that PETITIONERS’ failure to comply with 46 C.F.R.
4 §177.500 *et seq.* in the ownership, operation, and/or maintenance of the
5 *CONCEPTION* was willful, deliberate, and/or habitual, state all FACTS that YOU
6 contend support YOUR allegation.

7 **INTERROGATORY NO. 135**

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

12 **INTERROGATORY NO. 136**

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

15 **INTERROGATORY NO. 137**

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

19 **INTERROGATORY NO. 138**

20 If YOU contend that PETITIONERS’ failure to comply with 46 C.F.R.
21 §185.410 *et seq.* in the ownership, operation, and/or maintenance of the
22 *CONCEPTION* was willful, deliberate, and/or habitual, state all FACTS that YOU
23 contend support YOUR allegation.

24 **INTERROGATORY NO. 139**

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

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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

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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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1 **INTERROGATORY NO. 154**

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

5 **INTERROGATORY NO. 155**

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

9 **INTERROGATORY NO. 156**

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

12 **INTERROGATORY NO. 157**

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

16 **INTERROGATORY NO. 158**

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

20 **INTERROGATORY NO. 159**

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

24 **INTERROGATORY NO. 160**

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

27 **INTERROGATORY NO. 161**

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

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

3 **INTERROGATORY NO. 162**

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

7 **INTERROGATORY NO. 163**

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

12 **INTERROGATORY NO. 164**

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

15 **INTERROGATORY NO. 165**

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

19 **INTERROGATORY NO. 166**

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

23 **INTERROGATORY NO. 167**

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

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1 **INTERROGATORY NO. 168**

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

4 **INTERROGATORY NO. 169**

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

8 **INTERROGATORY NO. 170**

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

13 **INTERROGATORY NO. 171**

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

18 **INTERROGATORY NO. 172**

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

21 **INTERROGATORY NO. 173**

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

25 **INTERROGATORY NO. 174**

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

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1 **INTERROGATORY NO. 175**

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

5 **INTERROGATORY NO. 176**

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

8 **INTERROGATORY NO. 177**

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

12 **INTERROGATORY NO. 178**

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

16 **INTERROGATORY NO. 179**

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

21 **INTERROGATORY NO. 180**

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

24 **INTERROGATORY NO. 181**

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

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1 **INTERROGATORY NO. 182**

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

4 **INTERROGATORY NO. 183**

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

8 **INTERROGATORY NO. 184**

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

11 **INTERROGATORY NO. 185**

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

15 **INTERROGATORY NO. 186**

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

19 **INTERROGATORY NO. 187**

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

23 **INTERROGATORY NO. 188**

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

26 **INTERROGATORY NO. 189**

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

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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-

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

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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,

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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

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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

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

5 **INTERROGATORY NO. 220**

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

11 **INTERROGATORY NO. 221**

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

14 **INTERROGATORY NO. 222**

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

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19 **INTERROGATORY NO. 223**

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

25 **INTERROGATORY NO. 224**

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

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1 **INTERROGATORY NO. 225**

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

4 **INTERROGATORY NO. 226**

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

8 **INTERROGATORY NO. 227**

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

17 **INTERROGATORY NO. 228**

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

21 **INTERROGATORY NO. 229**

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

26 **INTERROGATORY NO. 230**

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

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1 **INTERROGATORY NO. 231**

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

5 **INTERROGATORY NO. 232**

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

10 **INTERROGATORY NO. 233**

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

12 **INTERROGATORY NO. 234**

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

15 **INTERROGATORY NO. 235**

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

18 **INTERROGATORY NO. 236**

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

21 **INTERROGATORY NO. 237**

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

25 **INTERROGATORY NO. 238**

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

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1 **INTERROGATORY NO. 239**

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

5 **INTERROGATORY NO. 240**

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

10 **INTERROGATORY NO. 241**

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

13 **INTERROGATORY NO. 242**

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

17 **INTERROGATORY NO. 243**

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

21 **INTERROGATORY NO. 244**

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

24 **INTERROGATORY NO. 245**

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

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1 **INTERROGATORY NO. 246**

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

4 **INTERROGATORY NO. 247**

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

8 **INTERROGATORY NO. 248**

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

12 **INTERROGATORY NO. 249**

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

16 **INTERROGATORY NO. 250**

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

20 **INTERROGATORY NO. 251**

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

23 **INTERROGATORY NO. 252**

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

27 **INTERROGATORY NO. 253**

28 IDENTIFY all DOCUMENTS that YOU contend support YOUR contention

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

3 **INTERROGATORY NO. 254**

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

7 **INTERROGATORY NO. 255**

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

11 **INTERROGATORY NO. 256**

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

14 **INTERROGATORY NO. 257**

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

18 **INTERROGATORY NO. 258**

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

22 **INTERROGATORY NO. 259**

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

25 **INTERROGATORY NO. 260**

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

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1 **INTERROGATORY NO. 261**

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

4 **INTERROGATORY NO. 262**

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

8 **INTERROGATORY NO. 263**

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

11 **INTERROGATORY NO. 264**

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

14 **INTERROGATORY NO. 265**

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

18 **INTERROGATORY NO. 266**

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

21 **INTERROGATORY NO. 267**

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

25 **INTERROGATORY NO. 268**

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

28 ///

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1 **INTERROGATORY NO. 269**

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

4 **INTERROGATORY NO. 270**

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

8 **INTERROGATORY NO. 271**

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

11 **INTERROGATORY NO. 272**

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

15 **INTERROGATORY NO. 273**

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

18 **INTERROGATORY NO. 274**

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

22 **INTERROGATORY NO. 275**

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

26 **INTERROGATORY NO. 276**

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

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1 **INTERROGATORY NO. 277**

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

5 **INTERROGATORY NO. 278**

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

9 E. PRIVACY AND KNOWLEDGE

10 **INTERROGATORY NO. 279**

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

14 **INTERROGATORY NO. 280**

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

19 **INTERROGATORY NO. 281**

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

24 **INTERROGATORY NO. 282**

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

27 **INTERROGATORY NO. 283**

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

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

3 **INTERROGATORY NO. 284**

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

8 **INTERROGATORY NO. 285**

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

13 **INTERROGATORY NO. 286**

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

18 **INTERROGATORY NO. 287**

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

21 **INTERROGATORY NO. 288**

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

25 **INTERROGATORY NO. 289**

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

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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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1 **INTERROGATORY NO. 296**

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

6 **INTERROGATORY NO. 297**

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

9 **INTERROGATORY NO. 298**

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

13 **INTERROGATORY NO. 299**

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

17 **INTERROGATORY NO. 300**

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

22 **INTERROGATORY NO. 301**

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

27 **INTERROGATORY NO. 302**

28 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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1 that one or more members of the CREW caused the allegedly unseaworthy
2 condition(s) YOU IDENTIFIED in response to Interrogatory No. 279.

3 **INTERROGATORY NO. 310**

4 If YOU contend that PETITIONERS could have discovered the allegedly
5 unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No.
6 279 through a reasonable inspection or inquiry, state all FACTS that YOU
7 contend support YOUR allegation.

8 **INTERROGATORY NO. 311**

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

13 **INTERROGATORY NO. 312**

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

16 **INTERROGATORY NO. 313**

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

20 **INTERROGATORY NO. 314**

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

25 **INTERROGATORY NO. 315**

26 If YOU contend that the CAPTAIN could have discovered the allegedly
27 unseaworthy condition(s) YOU IDENTIFIED in response to Interrogatory No.
28 279 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.

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1 **INTERROGATORY NO. 322**

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

4 **INTERROGATORY NO. 323**

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

8 **INTERROGATORY NO. 324**

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

13 **INTERROGATORY NO. 325**

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

18 **INTERROGATORY NO. 326**

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

22 **INTERROGATORY NO. 327**

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

27 **INTERROGATORY NO. 328**

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

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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,

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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

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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.

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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