

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
KEY WEST DIVISION

IN ADMIRALTY

CASE NO: 4:17-cv-10050

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

Petitioner,

vs.

PETER SOTIS,

Respondent/Claimant.

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**RESPONDENT/CLAIMANT, PETER SOTIS' RULE 26 DISCLOSURES**

Respondent/Claimant, PETER SOTIS, by and through his undersigned counsel, and pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, hereby serves his Initial Disclosures.

**GENERAL STATEMENT**

The Initial Disclosures herein are based on the information reasonably available to PETER SOTIS as of this date. PETER SOTIS reserves the right to modify, amend and/or supplement these Disclosures pursuant to the requirements set forth by Rule 26(a) of the Federal Rules of Civil Procedure. PETER SOTIS' Disclosure of information pursuant to the requirements set forth by Rule 26(a) of the Federal Rules of Civil Procedure shall not constitute an admission by PETER

SOTIS that the information is admissible at trial and shall not constitute a waiver of any objection that might otherwise be made to the Disclosure and/or admissibility of such information. Subject to the foregoing, PETER SOTIS makes the following Disclosures:

**I. INDIVIDUALS LIKELY TO HAVE DISCOVERAGE INFORMATION THE RESPONDENT/CLAIMANT, PETER SOTIS, MAY USE TO SUPPRT HIS CLAIMS**

1. Peter Sotis  
c/o Neil Bayer, Esq.  
Kennedys Americas LLP  
1395 Brickell Ave., Suite 610  
Miami, FL 33155  
305-371-1111

Mr. Sotis was the instructor aboard the vessel “Pisces” at the time of the incident and has knowledge regarding the specific charter and the events that occurred at the time of the incident.

2. Claudia Sotis  
c/o Neil Bayer, Esq.  
Kennedys Americas LLP  
1395 Brickell Ave., Suite 610  
Miami, FL 33155  
305-371-1111

Mrs. Sotis was a passenger aboard the vessel “Pisces” at the time of the incident and has knowledge regarding the specific charter and the events that occurred at the time of the incident.

3. Brock Cahill  
2333 Clark Ave.  
Venice, CA 90291  
310-795-6116

Mr. Cahill was a passenger and witness aboard the vessel “Pisces” at the time of the incident and has knowledge regarding the specific charter and the events that occurred at the time of the incident.

4. Daniel Dawson  
Horizon Dive Adventures  
c/o Law Offices of Donna E. Albert, P.A.  
7999 N. Federal Hwy., Suite 320  
Boca Raton, FL 33487  
561-994-9904

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

5. David Wilkerson  
500 Geiger Circle  
Key Largo, FL 33037

Mr. Wilkerson was the Captain of the vessel "Pisces" at the time of the incident and has knowledge regarding the incident, the vessel, and other issues relevant to this case.

6. Robert "Bobby" Steele  
579 Boyd Drive  
Key Largo, FL 33037

Mr. Steele was the mate on the vessel "Pisces" at the time of the incident and has knowledge regarding the incident.

7. Sandra Stewart  
c/o The Haggard Law Firm, P.A.  
330 Alhambra Circle, First Floor  
Coral Gables, Florida 33134  
305-446-5700

Ms. Sandra Stewart is the Personal Representative of the Decedent's Estate and mother of the Decedent.

8. Brian Stewart  
c/o The Haggard Law Firm, P.A.  
330 Alhambra Circle, First Floor  
Coral Gables, Florida 33134  
305-446-5700

Mr. Brian Stewart is the father of the Decedent.

9. Carolyn Alexandra Stewart  
58 Lonsdale Road  
Toronto, Ontario – Canada

Ms. Carolyn Alexandra Stewart is the sister of the Decedent.

10. Tim Moran  
Address unknown

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

11. Ben Sampson  
Address unknown

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

12. Dr. Thomas Beaver, M.D.  
Medical Examiner

Dr. Beaver performed the autopsy on the Decedent.

13. Daniel Sammons  
US Coast Guard – Key West Sector  
100 Trumbo Road  
Key West, FL 33040

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

14. Jason J. Dall  
US Coast Guard – Key West Sector  
100 Trumbo Road  
Key West, FL 33040

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

15. Lt. Bradley Bergan  
US Coast Guard – Key West Sector  
100 Trumbo Road  
Key West, FL 33040

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

16. Jose Rosario  
US Coast Guard – Key West Sector  
100 Trumbo Road  
Key West, FL 33040

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

17. Robert Bleser  
Address Unknown

Mr. Bleser was involved in the recovery efforts.

18. Craig Jenni  
c/o Law Offices of Donna E. Albert, P.A.

7999 N. Federal Hwy., Suite 320  
Boca Raton, FL 33487  
561-994-9904

Mr. Jenni was involved in the recovery efforts.

19. Deputy Nicholas Thaler  
Monroe County Sheriff's Office  
5525 College Road  
Key West, FL 33040

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

20. Mathew O'Neil  
Monroe County Sheriff's Office  
5525 College Road  
Key West, FL 33040

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

21. Benjamin Morris  
US Coast Guard – Key West Sector  
100 Trumbo Road  
Key West, FL 33040

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

22. Warren Tom Mount, CEO  
International Association of Nitrox and Technical Divers ("IANTD")  
231 NW Kelly Lake Ct.  
Lake City, FL 32055-5067

23. Pedro Luis Augusto, COO  
International Association of Nitrox and Technical Divers ("IANTD")  
147 NW Zack Dr.  
Lake City, FL 32055

24. Mark Fowler, Training Director  
International Association of Nitrox and Technical Divers ("IANTD")  
147 NW Zack Dr.  
Lake City, FL 32055

25. Ken Wesler, Administrative Director  
Add Helium  
3590 NW 54th St, Unit 1  
Fort Lauderdale, FL 33309
26. All witnesses listed in Petitioner's Rule 26 Disclosures which have not been objected to.
27. All witnesses listed in Respondent/Claimant, SANDRA STEWART's, Rule 26 Disclosures which have not been objected to.
28. All witnesses and/or persons identified in any document production submitted by any party in this litigation.
29. Respondent/Claimant, PETER SOTIS, reserves the right to update these Rule 26 Disclosures as discovery is ongoing and other names may become available.

**II. DESCRIPTION BY CATEGORY OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS IN THE PLAINTIFFS' POSSESSION, CUSTODY, OR CONTROL THAT THEY MAY USE TO SUPPORT THEIR CLAIMS OR DEFENSES**

The following documents are identified by Respondent/Claimant, PETER SOTIS:

1. Liability Release for Robert Stewart dated January 30, 2017.
2. Liability Release for Peter Sotis dated January 28, 2017.
3. Liability Release for Claudia Sotis dated January 30, 2017.
4. Liability Release for Brock Cahill dated January 28, 2017.
5. Liability Release for Ben Sampson dated January 30, 2017.
6. Dive Certifications for Robert Stewart.
7. Dive Certifications for Peter Sotis.
8. Dive Certifications for Brock Cahill.
9. Dive Certifications for Claudia Sotis.
10. Dive Certifications for Ben Sampson.

11. Any and all dive data / computer downloads (dive data) for Robert Stewart for all dives using rEvo rebreather.

12. Any and all dive data / computer downloads for Brock Cahill for all dives using rEvo rebreather.

13. Any and all dive data / computer downloads (dive data) for Peter Sotis for January 23, 2017 to January 31, 2017.

14. Any and all dive data / computer downloads (dive data) for Claudia Sotis for January 23, 2017 to January 31, 2017.

15. Apple computer aboard the vessel Pisces at any time.

16. All dive equipment utilized by Robert Stewart for the incident dive.

17. All dive equipment utilized by Peter Sotis for the incident dive.

18. All dive equipment utilized by Brock Cahill for dives he did on January 23, 2017 to January 30, 2017.

19. Drug and alcohol test results for David Wilkerson.

20. Drug and alcohol test results for Robert "Bobby" Steele.

21. Merchant Mariner Credentials for David Wilkerson.

22. Certifications for David Wilkerson.

23. Certifications for Robert "Bobby" Steele.

24. Daniel Dawson's CV, licenses and Certificates.

25. Aircheck Report and Certificate from Trace Analytics, LLC., dated February 10, 2017.

26. Horizon Divers' Drug and Alcohol Policy signed by David Wilkerson.

27. Horizon Divers' Drug and Alcohol Policy signed by Robert "Bobby" Steele.

28. Drug and Alcohol Testing Background Consent signed by David Wilkerson.
29. Drug and Alcohol Testing Background Consent signed by Robert “Bobby” Steele.
30. 1099 Contractor’s Agreement signed by Robert “Bobby” Steele.
31. 1099 Contractor’s Agreement signed by David Wilkerson.
32. M/V Pisces GPS data and data logs.
33. M/V Pisces Certificate of Inspection.
34. M/V Pisces Letter of Process of Documentation.
35. M/V Pisces Certificate of Documentation.
36. M/V Pisces Florida Vessel Registration.
37. M/V Pisces Maintenance Log.
38. M/V Pisces Safety Drill Log.
39. M/V Pisces Safety Gear Inspection/Drill Record.
40. M/V Pisces Manifest.
41. Employment file for David Wilkerson.
42. Employment file for Robert Steele.
43. Any and all Horizon Dive Adventures’ Rules and Regulations.
44. Any and all Horizon Dive Adventures’ Policies and Procedures.
45. Any and all Horizon Dive Adventures Duties and Responsibilities.
46. Horizon Dive Adventures invoices
47. Horizon Dive Adventures’ Mate’s Duties & Responsibilities.
48. Horizon Dive Adventures’ Captain’s Duties & Responsibilities.
49. Horizon Dive Adventures’ Emergency Action Plain.
50. Horizon Dive Adventures’ Missing Diver/Passenger/Boater Report.



51. Horizon Dive Adventures' Injured Diver/Serious Marine Incident Report.
52. Horizon Dive Adventures' Safety Gear Inspections/Drill Record for the M/V Pisces.
53. Horizon Dive Adventures' Employee Handbook.
54. Emails between Horizon Dive Adventures and Sharkwater, including but not limited to e-mails to and from Karen Shaw, Dan Dawson, Brock Cahill regarding the logistics of the trip.
55. Horizon Dive Adventures' Invoice to Karen Shaw, Sharkwater, dated December 23, 2016 in the amount of \$419.25.
56. Horizon Dive Adventures' Invoice to Karen Shaw, Sharkwater, dated December 23, 2016 in the amount of \$3,773.25.
57. Documents relating to the recovery of Robert Stewart, including but not limited to receipts from All Keys Rental's and Caloosa Cove Marine.
58. Dive plans for the recovery dive.
59. Text message communications between Daniel Dawson, Brock Cahill, Karen Shaw and Peter Sotis.
60. Statements provided by law enforcement officers.
61. All photographs produced by Horizon Dive Adventures in response to discovery requests made by Sandra Stewart.
62. Documents produced in Sotis v. IANTD (Peter Sotis and IANTD).
63. Any and all documents related to search and rescue efforts.
64. Any and all e-mail exchanges between Tom Mount and Peter Sotis on March 1, 2017 and May 1, 2017.

65. IANTD News & Updates dated May 1, 2017.
66. IANTD's Standards & Procedures Manual, Version 21.0.1.
67. IANTD's Standards & Procedures Manual, Version 20.7.3
68. IANTD's Standards & Procedures Manual, Version 20.1.1
69. IANTD's Standards & Procedures Manual Revised July 7, 2010.
70. IANTD's Letter to Peter Sotis dated March 8, 2017 signed by Mark Fowler.
71. IANTD's letter to Ken Wesler dated July 18, 2017 signed by Mark Fowler.
72. Add Helium's electronic file folder identified as Stewart Training.
73. Add Helium's electronic file identified as Dive Log.
74. IANTD Records.
75. IANTD's Incident Report Form.
76. Document entitled Events January 31, 2017 unsigned and undated, authorized by Peter Sotis.
77. United States Coast Guard final report (when completed).
78. Any and all documents listed in Petitioner's Rule 26 Disclosures which have not been objected to.
79. Any and all documents listed in Respondent/Claimant, SANDRA STEWART's, Rule 26 Disclosures which have not been objected to.
80. Any and all documents submitted by any party in this litigation.
81. Respondent/Claimant, PETER SOTIS, reserves the right to update these Rule 26 Disclosures as discovery is ongoing and other documents may become available.

**Note:** Many of the documents identified herein were identified due to their inclusion in Horizon's and Sandra Stewart's Rule 26 Disclosures and Sotis does not presently have many of the documents identified.

**III. COMPUTATION OF DAMAGES CLAIMED BY PLAINTIFF**

Unknown.

**IV. INSURANCE AGREEMENTS THAT MAY PROVIDE COVERAGE.**

Policy of Insurance No.: FD000507  
UMR: B0429BA1603105  
Named Insured: Peter Sotis  
Effective dates: 2016-07-01 to 2017-07-01

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, on this 4<sup>th</sup> day of December, 2017, and that the foregoing document is being served this day on all counsel of record identified on the attached Service List, via transmission of Notices of Electronic Filing generated by CM/ECF.

KENNEDYS AMERICAS LLP  
1395 Brickell Ave., Suite 610  
Miami, FL 33131  
Tel.: (305) 371-1111  
E-Mail: [neil.bayer@kennedyslaw.com](mailto:neil.bayer@kennedyslaw.com)

By: /s/ Neil Bayer  
Neil Bayer, Esquire  
FBN: 615684

**SERVICE LIST**

DONNA E. ALBERT  
Law Offices of Donna E. Albert, P.A.  
7999 North Federal Highway, Suite 320  
Boca Raton, Florida 33487  
561-994-9904  
[DEA@donnaalbert.com](mailto:DEA@donnaalbert.com)  
[office@donnaalbert.com](mailto:office@donnaalbert.com)

PEDRO ESCHARTE, ESQ.  
MICHAEL HAGGARD, ESQ  
DOUGLAS J. MCCARRON, ESQ  
The Haggard Law Firm, P.A.  
330 Alhambra Circle, First Floor  
Coral Gables, Florida 33134  
305-446-5700  
[ppe@haggardlawfirm.com](mailto:ppe@haggardlawfirm.com)  
[mah@haggardlawfirm.com](mailto:mah@haggardlawfirm.com)  
[djm@haggardlawfirm.com](mailto:djm@haggardlawfirm.com)