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**ATTORNEYS FOR NANCY FIEDLER,
PERSONAL REPRESENTATIVE OF
THE ESTATE OF LISA FIEDLER,
CLAIMANT RESPONDENT**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
IN ADMIRALITY

In the Matter of the Complaint of
TRUTH AQUATICS, INC. and GLEN
RICHARD FRITZLER and DANA
JEANNE FRITZLER, Individually and
as Trustees of the Fritzler Family Trust
DTD 7/27/92 as owners and/or owners
pro hac vice of the dive vessel
CONCEPTION, Official Number
638133, for Exoneration from or
Limitation of Liability

Case No. CV 19-7693 PA (MRWx)
**CLAIMANT/RESPONDENT NANCY
FIEDLER' ANSWER TO THE FIRST
AMENDED COMPLAINT FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY**

COMES NOW CLAIMANT/RESPONDENT NANCY FIEDLER
("CLAIMANT/RESPONDENT") WHO, acting as the Duly Appointed Personal
Representative of the Estate of LISA FIEDLER (DECEASED), hereby answers the
Complaint for Exoneration From or Limitation of Liability filed herein by admitting,
denying, and alleging, on information and belief, as follows:

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ADMISSIONS AND DENIALS

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1. Admits the allegations and accepts the legal conclusions set forth in Paragraph 1.
2. Admits that Plaintiffs and Petitioners allege they are the owners or owners *pro hac vice* of the CONCEPTION, but currently lacks sufficient information to form a belief about the other allegations in Paragraph 2 and, on that basis, denies those allegations.
3. Admits that Venue is proper in this Court pursuant to Fed.R.Civ.P. Supp. Adm. R. F(9), and that the incident which forms the basis of this action occurred upon the navigable waters of the Santa Barbara Channel, within the territorial waters of the State of California, but currently lacks sufficient information to form a belief about the other allegations of Paragraph 3 and, on that basis, denies those allegations.
4. Admits that thirty-three passengers and one crew member died aboard the CONCEPTION as a direct and proximate result of the Fire on September 2, 2019, but currently lacks sufficient information to form a belief about the other allegations of Paragraph 4 and, on that basis, denies those allegations.
5. Admits that she has not yet filed suit against the Plaintiffs and Petitioners in any other forum by reason of the premises herein, but otherwise lacks sufficient information to form a belief about the other allegations of Paragraph 5 and, on that basis, denies those allegations.
6. Currently lacks sufficient information to form a belief about the allegations of Paragraph 6 and, on that basis, denies those allegations.
7. Currently lacks sufficient information to form a belief about the allegations of Paragraph 7 and, on that basis, denies those allegations.
8. Currently lacks sufficient information to form a belief about the allegations of Paragraph 8 and, on that basis, denies those allegations.
9. Currently lacks sufficient information to form a belief about the

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1 allegations of Paragraph 9 and, on that basis, denies those allegations.

2 10. Denies the allegations in Paragraph 10.

3 11. Admits that the CONCEPTION departed Santa Barbara, California on
4 August 31, 2019, with thirty-three passengers and six crew members on board for a
5 three-day voyage upon the navigable waters of the Santa Barbara Channel, within
6 the territorial limits of the State of California, but denies each and every one of the
7 other allegations in Paragraph 11.

8 12. Admits that a fire broke out on board the CONCEPTION during the
9 early morning hours of September 2, 2019, while that vessel was anchored upon the
10 navigable waters of the Santa Barbara Channel less than one marine league from
11 shore and within the territorial waters of the State of California, but denies each and
12 every one of the other allegations in Paragraph 12.

13 13. Currently lacks sufficient information to form a belief about the
14 allegations of Paragraph 13.

15 14. Currently lacks sufficient information to form a belief about the
16 allegations of Paragraph 14.

17 15. Denies the allegations of Paragraph 15.

18 16. The allegations and legal conclusions set forth in Paragraph 16 do not
19 call for an answer from CLAIMANT/RESPONDENT NANCY FIEDLER.

20 17. Denies and disputes the allegations, beliefs, and legal conclusions set
21 forth in paragraph 17.

22 18. The allegations and legal conclusions set forth in Paragraph 18 do not
23 call for an answer from CLAIMANT/RESPONDENT NANCY FIEDLER.

24 19. Admits the allegations of Paragraph 19.

25 **FIRST AFFIRMATIVE DEFENSE**

26 20. As for the first affirmative defense, CLAIMANT/RESPONDENT alleges
27 that:

28 a. She is prepared to join with the other Claimants and Respondents

1 fit for their intended purposes;

2 b. She was commanded by an unfit master and manned by an unfit
3 crew, and;

4 c. She was deliberately and habitually operated in violation of Sub-
5 chapter T of the United States Coast Guard Regulations, including but not limited to
6 the provisions of 46 CFR § 185.410, as well as the requirements of her own
7 Certificate of Inspection.

8 23. Plaintiffs and Petitioners are charged with privity and knowledge of
9 those unseaworthy conditions under *In the Matter of the Complaint of Villers Seafood*
10 *Co.*, 813 F.2d 339, 343 (11th Cir., 1987).

11 **FOURTH AFFIRMATIVE DEFENSE**

12 24. CLAIMANT/RESPONDENT presently lacks sufficient knowledge or
13 information to formulate all affirmative defenses that may ultimately prove to be
14 applicable herein and therefore reserves the right to later assert additional
15 affirmative defenses in the event that additional facts become known to him which
16 would justify the assertion of additional defenses.

17 **PRAYER**

18 WHEREFORE, CLAIMANT/RESPONDENT NANCY FIEDLER, acting as the
19 duly appointed Personal Representative of the Estate of LISA FIEDLER
20 (DECEASED), prays that:

21 1. Petitioners be denied Exoneration from and/or Limitation of Liability
22 herein;

23 2. The Complaint be dismissed and judgment be rendered in favor of
24 CLAIMANT/RESPONDENT;

25 3. CLAIMANT/RESPONDENT be awarded his costs of suit incurred in
26 defense of this action; and,

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