

EXHIBIT B

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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.,

Plaintiff,

vs.

SANDRA STEWART, etc.,

Defendant.

_____ /

103800 Overseas Highway
Key Largo, Florida
May 9, 2018
Wednesday, 9:56 a.m.

VIDEOTAPED DEPOSITION

OF

JEFFREY KNAPP

Taken on Behalf of the Plaintiff
Pursuant to Notice of Taking Deposition

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<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 THE HAGGARD LAW FIRM, P.A.</p> <p>4 330 Alhambra Circle, First Floor</p> <p>5 Coral Gables, Florida 33134</p> <p>6 BY: Pedro P. Echarte, III, Esq.</p> <p>7</p> <p>8 On behalf of the Petitioner, Horizon Dive</p> <p>9 Adventures:</p> <p>10 FERTIG & GRAMLING, P.A.</p> <p>11 200 Southeast 13th Street</p> <p>12 Fort Lauderdale, Florida 33316</p> <p>13 BY: Christopher R. Fertig, Esq.</p> <p>14 On behalf of the Respondent/Claimant, Peter Sotis:</p> <p>15 KENNEDYS AMERICAS, LLP</p> <p>16 1395 Brickell Avenue, Suite 610</p> <p>17 Miami, Florida 33131</p> <p>18 BY: Neil Bayer, Esq.</p> <p>19 and Chase Alexandra Jansson, Esq.</p> <p>20 ALSO PRESENT: Craig Jenni</p> <p>21</p> <p>22 I N D E X</p> <p>23 WITNESS: Jeffrey Knapp</p> <p>24 Direct By Mr. Echarte (Page 4)</p> <p>25</p>	<p>1 MS. JANSSON: Chase Jansson on behalf of</p> <p>2 Peter Sotis.</p> <p>3 THE VIDEOGRAPHER: Will the court reporter</p> <p>4 please swear in the witness.</p> <p>5 Thereupon:</p> <p>6 JEFFREY KNAPP</p> <p>7 was called as a witness and, having been duly sworn,</p> <p>8 was examined and testified as follows:</p> <p>9 MR. ECHARTE: Before we begin, I also want</p> <p>10 to put on the record that Craig Jenni is</p> <p>11 present for this deposition and has been</p> <p>12 brought by the counsel for Horizon Dive</p> <p>13 Adventures.</p> <p>14 DIRECT EXAMINATION</p> <p>15 BY MR. ECHARTE:</p> <p>16 Q. Sir, could you please state your name for</p> <p>17 the record?</p> <p>18 A. Jeffrey Knapp.</p> <p>19 Q. Do you have a middle name?</p> <p>20 A. Aron.</p> <p>21 Q. What is your date of birth?</p> <p>22 A. March 10th, 1978.</p> <p>23 Q. And your current address?</p> <p>24 A. 1973 Southeast 22nd Court, Homestead,</p> <p>25 Florida, 33035.</p>
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<p>1 THE VIDEOGRAPHER: We are on the video</p> <p>2 record. This is the beginning. The time is</p> <p>3 9:56 a.m. This is the videotaped deposition of</p> <p>4 Jeff Knapp, commencing today, Wednesday, May</p> <p>5 9th, 2018, in the matter of the Complaint of</p> <p>6 Horizon Dive Adventures, Inc., as owner of the</p> <p>7 M/V Pisces (Hull ID No. FVL31002F707), its</p> <p>8 engines, tackle, appurtenances, equipment, etc.</p> <p>9 in a cause for exoneration from or limitation</p> <p>10 of liability versus Sandra Stewart, as Personal</p> <p>11 Representative of the Estate of Robert Stewart.</p> <p>12 We are at Key Largo Bay Marriott Beach</p> <p>13 Resort, 103800 Overseas Highway, Key Largo,</p> <p>14 Florida, 33037.</p> <p>15 The court reporter is Craig Taylor. The</p> <p>16 videographer is Andy Clarke with Champion</p> <p>17 Legal.</p> <p>18 Will counsel please state their</p> <p>19 appearances for the record.</p> <p>20 MR. ECHARTE: Pedro Echarte on behalf of</p> <p>21 the claimant, Sandra Stewart.</p> <p>22 MR. FERTIG: Chris Fertig on behalf of the</p> <p>23 petitioner, Horizon Dive Adventures.</p> <p>24 MR. BAYER: Neil Bayer on behalf of Peter</p> <p>25 Sotis.</p>	<p>1 Q. How long have you lived there?</p> <p>2 A. Two years.</p> <p>3 Q. Whom do you live there with?</p> <p>4 A. Brenda Kiffmeyer.</p> <p>5 Q. Does she have any affiliation with Horizon</p> <p>6 Divers?</p> <p>7 A. She does not.</p> <p>8 Q. Have you ever given a deposition before?</p> <p>9 A. No.</p> <p>10 Q. Let me go through some ground rules. I'm</p> <p>11 sure your counsel already told you this.</p> <p>12 MR. ECHARTE: Actually, before we do that,</p> <p>13 are you representing him?</p> <p>14 MR. FERTIG: I am.</p> <p>15 Q. I'm sure your counsel already went through</p> <p>16 this, but if you need to take a break at any point</p> <p>17 in time -- I don't think we are going to be here too</p> <p>18 long, but if you need to take a break at any point</p> <p>19 in time, you just let me know. We will take as many</p> <p>20 breaks as you need, whether it's to go to the</p> <p>21 restroom or get water, okay?</p> <p>22 A. Okay.</p> <p>23 Q. If I have asked you a question, though, I</p> <p>24 am going to ask that you answer that question before</p> <p>25 we take a break, okay?</p>

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<p>1 A. Right.</p> <p>2 Q. If you don't understand something that I</p> <p>3 ask you, please let me know that you don't</p> <p>4 understand so I can do my best to rephrase it, okay?</p> <p>5 A. Okay.</p> <p>6 Q. If you answer, we are all going to assume</p> <p>7 that you understood the question, fair?</p> <p>8 A. Fair.</p> <p>9 Q. If you don't know the answer to a</p> <p>10 question, just let us know that you don't know.</p> <p>11 That's a perfectly fine response.</p> <p>12 I may ask you at times to estimate if it</p> <p>13 has to do with time frames and things of that</p> <p>14 nature. Just let us know that you are estimating,</p> <p>15 okay?</p> <p>16 A. Okay.</p> <p>17 Q. The last rule is, even though we have a</p> <p>18 videographer here, the video is taping everything,</p> <p>19 but the court reporter still needs to type</p> <p>20 everything out. So, just wait. A lot of times you</p> <p>21 are going to know where I'm going with my questions.</p> <p>22 Just wait until I finish asking it before you give</p> <p>23 your response because, if not, we are going to drive</p> <p>24 him crazy, okay?</p> <p>25 A. Okay.</p>	<p>1 A. A year.</p> <p>2 Q. What did you do before that?</p> <p>3 A. I was an instructor at Sweet Bottom Dive</p> <p>4 Center In St. Croix, U.S. Virgin Islands.</p> <p>5 Q. How long did you do that?</p> <p>6 A. For six months.</p> <p>7 Q. So, now we are back in about 2011 or so?</p> <p>8 A. Um-hmm.</p> <p>9 Q. Is that yes?</p> <p>10 A. Yes, sir.</p> <p>11 Q. I'm sorry. Another rule is --</p> <p>12 A. I've got you.</p> <p>13 Q. -- you have to say yes or no, okay? It</p> <p>14 will happen throughout the deposition. I will just</p> <p>15 remind you.</p> <p>16 Before Sweet Bottom Dive Center, where did</p> <p>17 you work?</p> <p>18 A. At The Dive Shop in Richmond, Virginia.</p> <p>19 Q. How long were you there during that</p> <p>20 period?</p> <p>21 A. Two years.</p> <p>22 Q. Before that?</p> <p>23 A. I was in college.</p> <p>24 Q. Where did you go to college?</p> <p>25 A. Virginia Commonwealth.</p>
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<p>1 Q. Have you ever been convicted of a felony?</p> <p>2 A. No.</p> <p>3 Q. Have you ever been convicted of a crime of</p> <p>4 dishonesty?</p> <p>5 A. No.</p> <p>6 Q. You currently work at Horizon Divers?</p> <p>7 A. Yes.</p> <p>8 Q. How long have you worked there?</p> <p>9 A. Five years.</p> <p>10 Q. So, you would have started in about 2013?</p> <p>11 A. April 1st, 2013.</p> <p>12 Q. Do you work anywhere else?</p> <p>13 A. Divers Direct.</p> <p>14 Q. How long have you worked at Divers Direct?</p> <p>15 A. May, 2013.</p> <p>16 Q. Do you work anywhere else?</p> <p>17 A. No.</p> <p>18 Q. What did you do before April, 2013?</p> <p>19 A. I managed a dive shop in Richmond,</p> <p>20 Virginia.</p> <p>21 Q. What was the name of that dive shop?</p> <p>22 A. The Dive Shop.</p> <p>23 Q. The Dive Shop?</p> <p>24 A. Um-hmm.</p> <p>25 Q. How long did you do that for?</p>	<p>1 Q. Did you graduate?</p> <p>2 A. Um-hmm.</p> <p>3 Q. Yes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What was your degree in?</p> <p>6 A. History.</p> <p>7 Q. When you managed The Dive Shop during, I</p> <p>8 guess, 2012 or 2013, the second time that you were</p> <p>9 there, what was your position?</p> <p>10 A. I was the assistant manager at The Dive</p> <p>11 Shop.</p> <p>12 Q. Did you also do instruction?</p> <p>13 A. I did.</p> <p>14 Q. Where was most of the -- where was the</p> <p>15 diving done when you were in Richmond, Virginia?</p> <p>16 A. Most of the open-water diving was</p> <p>17 conducted at Lake Phoenix.</p> <p>18 Q. Was that off the shore or off a boat?</p> <p>19 A. Off the shore.</p> <p>20 Q. What did you do for Sweet Bottom Dive</p> <p>21 Center?</p> <p>22 A. Shore diving.</p> <p>23 Q. You were an instructor?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And then the first stint with The Dive</p>

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<p>1 Shop, you had a similar position or what?</p> <p>2 A. I was a sales associate. That's where I</p> <p>3 worked through my dive master course before doing my</p> <p>4 instructor here in Key Largo.</p> <p>5 Q. Where did you do that?</p> <p>6 A. Rainbow Reef Dive Center.</p> <p>7 Q. Rainbow or Rambo?</p> <p>8 A. Rainbow.</p> <p>9 Q. When did you do that?</p> <p>10 A. 2011.</p> <p>11 Q. When did you become a captain? Well, you</p> <p>12 are a captain, correct?</p> <p>13 A. Yes, sir. 2017.</p> <p>14 Q. Was that before or after the incident</p> <p>15 involving Robert Stewart?</p> <p>16 A. After.</p> <p>17 Q. Why did you become a captain?</p> <p>18 A. Because it's a good professional move.</p> <p>19 Q. When did you receive your -- it was</p> <p>20 through -- Merchant Mariner Credential?</p> <p>21 A. 2017.</p> <p>22 Q. But when?</p> <p>23 A. May, I think.</p> <p>24 Q. Prior to that, did you serve as a deckhand</p> <p>25 aboard Horizon Divers' boats?</p>	<p>1 Q. Prior to starting to work for Horizon</p> <p>2 Divers and prior to when you went on board in April</p> <p>3 of 2013, I believe you said --</p> <p>4 A. 2013.</p> <p>5 Q. -- had you ever done any instruction,</p> <p>6 training or anything through Horizon Divers?</p> <p>7 A. No.</p> <p>8 Q. How did you find out about the position or</p> <p>9 how did you come about obtaining the position?</p> <p>10 A. When I was in Richmond, Virginia, for The</p> <p>11 Dive Shop, we would run dive trips to Key Largo, and</p> <p>12 I would use Horizon Divers.</p> <p>13 Q. So, you never worked -- I'm sorry -- you</p> <p>14 never did any training through Horizon Divers, but</p> <p>15 you have gone out on their vessels prior to you</p> <p>16 becoming an employee or contractor?</p> <p>17 A. Yes.</p> <p>18 Q. When you started with Horizon Divers in</p> <p>19 April of 2013, what was your position?</p> <p>20 A. I was an instructor.</p> <p>21 Q. What were you permitted to instruct?</p> <p>22 A. When I moved down here, I was certified</p> <p>23 open water, advanced open water, rescue diver, dive</p> <p>24 master, several specialties.</p> <p>25 Q. Were you a rebreather diver at that time?</p>
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<p>1 A. Yes, sir.</p> <p>2 Q. You did that from when you started working</p> <p>3 there up until you became a captain?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What do you do for Divers Direct? What do</p> <p>6 you do at Divers Direct?</p> <p>7 A. I'm a sales associate.</p> <p>8 Q. You don't do any instruction or anything</p> <p>9 through that company?</p> <p>10 A. No.</p> <p>11 Q. How many hours do you spend a week at</p> <p>12 Divers Direct as opposed to Horizon Divers? If it</p> <p>13 fluctuates, just let me know.</p> <p>14 A. Like two to four hours at Divers Direct.</p> <p>15 Q. How many hours typically do you spend a</p> <p>16 week working for Horizon Divers?</p> <p>17 A. Fifty.</p> <p>18 Q. Are you salaried or hourly?</p> <p>19 A. Salaried.</p> <p>20 Q. So, you are an employee?</p> <p>21 A. Yes.</p> <p>22 Q. How long have you been an employee?</p> <p>23 A. 2014, December or January, 2014. Sorry.</p> <p>24 Q. January of 2014?</p> <p>25 A. 2014, yes.</p>	<p>1 A. No.</p> <p>2 Q. When did you start diving on rebreathers?</p> <p>3 A. 2015.</p> <p>4 Q. Did you do your rebreather training</p> <p>5 through Horizon Divers?</p> <p>6 A. Yes.</p> <p>7 Q. And that was through Dan Dawson?</p> <p>8 A. Yes.</p> <p>9 Q. Anyone else?</p> <p>10 A. No.</p> <p>11 Q. Was he the primary or is he the primary</p> <p>12 rebreather instructor with Horizon Divers?</p> <p>13 A. He is.</p> <p>14 Q. Are there other rebreather instructors</p> <p>15 with Horizon Divers at this time?</p> <p>16 A. Yes. We have one instructor that teaches</p> <p>17 recreational rebreather.</p> <p>18 Q. Who is that?</p> <p>19 A. His name is Hugh Hudson.</p> <p>20 Q. Since April of--- Well, let me take you</p> <p>21 back to January 31st, 2017, the date of this</p> <p>22 incident. Were there any other rebreather</p> <p>23 instructors at Horizon Divers?</p> <p>24 A. Other than Dan and Hugh?</p> <p>25 Q. Yes.</p>

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<p>1 A. No.</p> <p>2 Q. So, you started at Horizon Divers in April</p> <p>3 of 2013, and you are an instructor, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Then when do you start operating or</p> <p>6 working as a deckhand?</p> <p>7 A. From that day.</p> <p>8 Q. Did you have any other responsibilities or</p> <p>9 positions other than instructor and deckhand back in</p> <p>10 April of 2013 when you were hired?</p> <p>11 A. Now I do gas blending and equipment</p> <p>12 servicing.</p> <p>13 Q. What is gas blending?</p> <p>14 A. Blending of mixes for dive gas.</p> <p>15 Q. Would you also fill tanks?</p> <p>16 A. Yes.</p> <p>17 Q. So, you blend the gas and fill the tanks?</p> <p>18 A. Yes.</p> <p>19 Q. You were first hired as a contractor,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. And at some point you were made an</p> <p>23 employee?</p> <p>24 A. Yes.</p> <p>25 Q. Did your roles and responsibilities change</p>	<p>1 Q. Can we agree that the vessels used by</p> <p>2 Horizon Divers must be seaworthy?</p> <p>3 A. Yes.</p> <p>4 Q. Can we agree that the vessels used by</p> <p>5 Horizon Divers must be properly equipped?</p> <p>6 A. Yes.</p> <p>7 Q. And we can agree that they must be</p> <p>8 properly manned, right?</p> <p>9 A. For the diving, yes.</p> <p>10 Q. And can we agree that Horizon Divers has</p> <p>11 the ability to refuse service to anyone?</p> <p>12 A. Yes.</p> <p>13 Q. So, if someone is unqualified to dive to a</p> <p>14 certain depth, Horizon Divers can prevent them from</p> <p>15 getting on their vessel to go out to a dive to that</p> <p>16 depth, right?</p> <p>17 A. Yes.</p> <p>18 Q. And Horizon Divers certainly does that,</p> <p>19 right? If someone is not credentialed to dive to a</p> <p>20 certain depth, they don't let them get on their</p> <p>21 boat, right?</p> <p>22 A. That's true.</p> <p>23 Q. If someone isn't qualified to use a</p> <p>24 certain type of rebreather, Horizon Divers can</p> <p>25 prohibit them from boarding their vessels, right?</p>
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<p>1 at all? Did you become involved in the management</p> <p>2 of the business, a supervisory role?</p> <p>3 A. No.</p> <p>4 Q. Has your role changed since -- other than</p> <p>5 becoming a captain in the middle part of last year,</p> <p>6 in May of 2017?</p> <p>7 Actually, strike that.</p> <p>8 Between April of 2013 when you were hired</p> <p>9 and when you became a captain, did you take on any</p> <p>10 other roles, responsibilities with the company?</p> <p>11 A. Officially, no.</p> <p>12 Q. How about unofficially?</p> <p>13 A. If Dan is not around, I'm the senior guy.</p> <p>14 So, a lot of the questions and e-mails get passed to</p> <p>15 my direction.</p> <p>16 Q. So, you are kind of Dan's right-hand man?</p> <p>17 A. Yes.</p> <p>18 Q. But you don't have any title other than</p> <p>19 really instructor or captain?</p> <p>20 A. No.</p> <p>21 Q. Are you qualified to teach rebreathers or</p> <p>22 instruct on rebreathers?</p> <p>23 A. No.</p> <p>24 Q. But you are a certified rebreather diver?</p> <p>25 A. I am.</p>	<p>1 A. That is true.</p> <p>2 Q. Horizon Divers doesn't need to let them</p> <p>3 use their vessels if they are not qualified, right?</p> <p>4 A. That is true.</p> <p>5 Q. And Horizon Divers, in fact, stops people</p> <p>6 that are not qualified to use certain rebreathers</p> <p>7 from getting on their vessels, right?</p> <p>8 A. That is true.</p> <p>9 Q. If a diver is intoxicated before he gets</p> <p>10 on the vessel, it's completely within Horizon</p> <p>11 Divers' right to prohibit that diver from boarding</p> <p>12 the boat, right?</p> <p>13 A. Yes.</p> <p>14 Q. You certainly don't want a drunk diver or</p> <p>15 someone under the influence of drugs getting on your</p> <p>16 vessels, right?</p> <p>17 A. That's true.</p> <p>18 Q. That can create a safety issue?</p> <p>19 A. Yes.</p> <p>20 Q. Horizon Divers, I'm sure, has done that in</p> <p>21 the past, right?</p> <p>22 A. Yes.</p> <p>23 Q. Similarly, if a diver is known for being</p> <p>24 unsafe, it is completely within Horizon Divers'</p> <p>25 rights to prohibit them from boarding the vessel,</p>

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<p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. If they have a bad reputation or they have</p> <p>4 caused problems in the past, Horizon Divers can say,</p> <p>5 "Listen, you can't dive on our boats," right?</p> <p>6 A. Yes.</p> <p>7 Q. You don't need to let someone on just</p> <p>8 because they have a certification card, right?</p> <p>9 A. That's true.</p> <p>10 Q. And that goes for anyone, including</p> <p>11 instructors, correct?</p> <p>12 A. That is true.</p> <p>13 Q. When Horizon Divers--- When an incident</p> <p>14 occurs on one of Horizon Divers' vessels, is there</p> <p>15 an internal report made, an incident report filled</p> <p>16 out?</p> <p>17 A. Yes.</p> <p>18 Q. And who is responsible for filling that</p> <p>19 out?</p> <p>20 A. The parties involved.</p> <p>21 Q. You mean the divers?</p> <p>22 A. No. If it's the boat, then typically the</p> <p>23 captain will fill out the incident report.</p> <p>24 Q. Okay.</p> <p>25 A. The mates will make statements, if</p>	<p>1 Q. Are you required in those circumstances</p> <p>2 when you have a dive excursion unaffiliated with</p> <p>3 SDI, TDI or PADI and there is an incident on board,</p> <p>4 do you still have to fill out an incident report</p> <p>5 with those organizations?</p> <p>6 A. I'm not sure.</p> <p>7 Q. And I assume you don't know whether that</p> <p>8 was done in this case, right?</p> <p>9 A. I don't recall.</p> <p>10 Q. Prior to January--- Actually, at any</p> <p>11 point in time during your employment there, how many</p> <p>12 incidents are you aware of occurring on Horizon</p> <p>13 Divers' boats involving divers?</p> <p>14 A. Probably four.</p> <p>15 Q. Tell me about those. Let's start with the</p> <p>16 first one.</p> <p>17 A. Decompression sickness.</p> <p>18 Q. When was that?</p> <p>19 A. 2014.</p> <p>20 Q. Okay.</p> <p>21 A. A diver came up from the Duane, showed</p> <p>22 symptoms, gave him O2.</p> <p>23 Q. Were you on board the vessel?</p> <p>24 A. I was the mate.</p> <p>25 Q. What was the diver, what type of</p>
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<p>1 necessary.</p> <p>2 Q. Are we talking about internal incident</p> <p>3 reports?</p> <p>4 A. No. This would be---</p> <p>5 Q. Law enforcement?</p> <p>6 A. No. This would be a PADI incident report.</p> <p>7 Q. Okay.</p> <p>8 A. Because we are a PADI facility, any time</p> <p>9 there's an incident, we fill out a report to them.</p> <p>10 Q. Do you have to do an incident report to</p> <p>11 PADI even if the diving is unrelated to PADI? Like</p> <p>12 if it doesn't involve a PADI instructor or a PADI</p> <p>13 student or a PADI certified diver, do you still have</p> <p>14 to do a PADI incident report?</p> <p>15 A. Not if it's--- If it's an SDI or TDI</p> <p>16 course, which is another training agency, they have</p> <p>17 their own.</p> <p>18 Q. What if it's not affiliated with any of</p> <p>19 those agencies? For example, in this case it was a</p> <p>20 dive excursion. It was a chartered vessel. It was</p> <p>21 an IANTD instructor. You understand that, right?</p> <p>22 A. Yes.</p> <p>23 Q. Peter Sotis was at least an IANTD</p> <p>24 instructor.</p> <p>25 A. Exactly.</p>	<p>1 equipment?</p> <p>2 A. Recreational diver, single tank, nitrox.</p> <p>3 Q. What vessel?</p> <p>4 A. Pisces.</p> <p>5 Q. Who was the captain?</p> <p>6 A. I don't remember. I'm sorry. Mike.</p> <p>7 Q. Mike what?</p> <p>8 A. Mike--- I can't remember Mike's last</p> <p>9 name.</p> <p>10 Q. He no longer works at Horizon?</p> <p>11 A. He no longer works for Horizon, no.</p> <p>12 Q. When did he stop working there?</p> <p>13 A. Three years ago, 2015.</p> <p>14 Q. Do you know where he works now?</p> <p>15 A. He's retired.</p> <p>16 Q. Was that a male or a female?</p> <p>17 A. A male.</p> <p>18 Q. Do you know what caused the DCS?</p> <p>19 A. As far as I know, it was an undeserved</p> <p>20 hit.</p> <p>21 Q. What does that mean?</p> <p>22 A. Meaning that his profile was within</p> <p>23 recreational limits and he didn't violate anything.</p> <p>24 He did a safety stop, ascended slowly, did</p> <p>25 everything according to standard and still took a</p>

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<p>1 DCS hit.</p> <p>2 Q. Was there an explanation for that? I mean</p> <p>3 I know you are not a doctor, right?</p> <p>4 A. Yes. He went to the chamber. He still</p> <p>5 teaches with The Dive Shop in Florida. And he's</p> <p>6 been back on our boat since. But I don't know what</p> <p>7 the doctor said.</p> <p>8 Q. What was the next incident that you</p> <p>9 recall?</p> <p>10 A. I had a girl from Miami, possible</p> <p>11 decompression sickness, probably six months after</p> <p>12 that one.</p> <p>13 Q. What boat?</p> <p>14 A. Pisces.</p> <p>15 Q. What type of equipment?</p> <p>16 A. Recreational diver.</p> <p>17 Q. Where was she diving?</p> <p>18 A. Spiegel Grove, I think. She was down with</p> <p>19 another dive shop. Again, an undeserved hit,</p> <p>20 followed all standards, did a safety stop.</p> <p>21 Everything was within limits.</p> <p>22 The only thing that could have been the</p> <p>23 cause was she was a med student at the University of</p> <p>24 Miami and hadn't gotten a whole lot of sleep the</p> <p>25 night before after a busy couple of days. So, she</p>	<p>1 remember. Six months ago or less than six months,</p> <p>2 within the last six months, a diver on the Northern</p> <p>3 Light did an uncontrolled ascent.</p> <p>4 Q. What does that mean?</p> <p>5 A. He lost control of his buoyancy at</p> <p>6 180 feet. He was unable to do decompression,</p> <p>7 surfaced, and the boat crew got him and put him on</p> <p>8 the boat and put him on O2.</p> <p>9 Q. Did he have to go to the chamber?</p> <p>10 A. He did.</p> <p>11 Q. Was he fine?</p> <p>12 A. Yes.</p> <p>13 Q. Was he a student?</p> <p>14 A. No. He was again down with another dive</p> <p>15 center.</p> <p>16 Q. What equipment was he using?</p> <p>17 A. He was on a side-mount BCD, a UTD</p> <p>18 side-mount BCD and a dry suit.</p> <p>19 Q. What is a UTD side-mount BCD?</p> <p>20 A. UTD is another training agency, and they</p> <p>21 make a specific unit for their type of training.</p> <p>22 Q. Is that a rebreather?</p> <p>23 A. No. It's an open circuit. A side-mount</p> <p>24 is a different style of diving. Instead of having</p> <p>25 tanks mounted on your back like you would</p>
Page 23	Page 25
<p>1 got on board. She was complaining about symptoms.</p> <p>2 We put her on O2. We brought her back to the dock.</p> <p>3 I think she went to the hospital. And that was the</p> <p>4 last we heard.</p> <p>5 Q. Were you the mate on the boat that day?</p> <p>6 A. No.</p> <p>7 Q. Were you an instructor on the boat?</p> <p>8 A. Yes.</p> <p>9 Q. Were you her instructor?</p> <p>10 A. No.</p> <p>11 Q. Was she in a class?</p> <p>12 A. She was with another dive shop out of</p> <p>13 Miami.</p> <p>14 Q. Okay. So, they were aboard your vessel.</p> <p>15 A. Yes.</p> <p>16 Q. What was the dive shop?</p> <p>17 A. South Beach.</p> <p>18 Q. The next incident that you recall?</p> <p>19 Who was the captain on the boat when this</p> <p>20 one happened?</p> <p>21 A. I don't remember.</p> <p>22 Q. Do you recall who the deckhand was?</p> <p>23 A. I don't remember.</p> <p>24 Q. What was the next incident you recall?</p> <p>25 A. Six months ago. So, there's three that I</p>	<p>1 traditionally do, the tanks are slung on your sides.</p> <p>2 Q. Any other incidents that you can recall?</p> <p>3 A. No.</p> <p>4 Q. Do you know an individual by the name of</p> <p>5 Rachel who had a blackout aboard a Horizon Divers</p> <p>6 vessel?</p> <p>7 A. Rachel Voeltzel.</p> <p>8 Q. Tell me about that incident.</p> <p>9 A. I wasn't on the boat. From what I recall,</p> <p>10 she didn't have a scrubber in her unit, the chemical</p> <p>11 that washes out CO2 in the rebreather.</p> <p>12 Q. Who set up her rebreather?</p> <p>13 A. She would have.</p> <p>14 Q. You didn't have any involvement in that?</p> <p>15 A. No.</p> <p>16 Q. Dan Dawson didn't have any involvement in</p> <p>17 that?</p> <p>18 A. No.</p> <p>19 Q. Was she a student?</p> <p>20 A. No.</p> <p>21 Q. When did that happen?</p> <p>22 A. Two years ago.</p> <p>23 Q. So, before Robert Stewart's incident?</p> <p>24 A. Yes.</p> <p>25 Q. Are there any other incidents that you can</p>

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<p>1 recall, medical incidents aboard a Horizon Divers</p> <p>2 vessel involving any divers or even crew that you</p> <p>3 may not have been aboard the vessel on?</p> <p>4 A. I mean we have had a few in the past few</p> <p>5 years that I wasn't on board for.</p> <p>6 Q. Do you recall any specifically?</p> <p>7 A. No.</p> <p>8 Q. What was Rachel's last name? I know it</p> <p>9 starts with a V.</p> <p>10 A. Voeltzel.</p> <p>11 Q. Does she still dive with Horizon Divers?</p> <p>12 A. She does.</p> <p>13 Q. Did she ever work for Horizon Divers?</p> <p>14 A. No.</p> <p>15 Q. When did you first start diving?</p> <p>16 A. June, 2008.</p> <p>17 Q. Going back to Ms. Voeltzel real quick,</p> <p>18 where was she diving, the Northern Light?</p> <p>19 A. No.</p> <p>20 Q. Where was it?</p> <p>21 A. I'm not sure. Typically she does wreck</p> <p>22 diving, but every now and then she will do a reef</p> <p>23 dive.</p> <p>24 Q. So, you don't recall where she had her</p> <p>25 incident?</p>	<p>1 A. Innerspace Concepts, yes, Megalodon.</p> <p>2 Q. That's separate from ISC?</p> <p>3 A. No. It's the same company. ISC is the</p> <p>4 company. Megalodon is the model.</p> <p>5 Q. Is that the Meg 15?</p> <p>6 A. Yes.</p> <p>7 Q. What other units?</p> <p>8 A. That's it.</p> <p>9 Q. You first learned on the Prism, and then</p> <p>10 you started taking courses on the Meg 15?</p> <p>11 A. Yes.</p> <p>12 Q. When did you start diving off the Meg 15,</p> <p>13 or when did you start learning about the Meg 15?</p> <p>14 A. October.</p> <p>15 Q. Of?</p> <p>16 A. 2016.</p> <p>17 Q. So, about three months before this</p> <p>18 incident, right?</p> <p>19 A. Yes.</p> <p>20 Q. Now, on January 31st, 2017, you were</p> <p>21 certified to dive to 225 feet, right?</p> <p>22 A. No. It hadn't been processed yet. I had</p> <p>23 completed the course, but the certification hadn't</p> <p>24 been processed.</p> <p>25 Q. In any type of diving?</p>
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<p>1 A. I wasn't on the boat that day.</p> <p>2 Q. Are you certain about that?</p> <p>3 A. Yes.</p> <p>4 Q. So, you started diving in June of 2008?</p> <p>5 A. Yes.</p> <p>6 Q. That was just regular open circuit,</p> <p>7 recreational diving?</p> <p>8 A. Yes.</p> <p>9 Q. When did you become an instructor?</p> <p>10 A. 2011.</p> <p>11 Q. That's when you were still up in Virginia?</p> <p>12 A. Yes, but I came to Key Largo to become an</p> <p>13 instructor.</p> <p>14 Q. When did you first start diving off</p> <p>15 rebreathers?</p> <p>16 A. 2015.</p> <p>17 Q. I think I already asked you that. If I</p> <p>18 did, I apologize.</p> <p>19 A. Yes.</p> <p>20 Q. You first started diving on what type of</p> <p>21 rebreather?</p> <p>22 A. Hollis Prism 2.</p> <p>23 Q. Have you dove off any other rebreathers?</p> <p>24 A. I'm certified on an ISC Megalodon.</p> <p>25 Q. ISC?</p>	<p>1 A. No. I'm open circuit certified.</p> <p>2 Q. Let me clarify my question just for the</p> <p>3 record. That's my fault. It was a bad question.</p> <p>4 Back on January 31st, 2017, were you</p> <p>5 qualified to dive to 225 using any type of device?</p> <p>6 A. Yes.</p> <p>7 Q. What device?</p> <p>8 A. Open circuit.</p> <p>9 Q. How long have you been certified to go to</p> <p>10 225 on open circuit?</p> <p>11 A. I don't remember when I finished the</p> <p>12 class. I'm not sure when I finished the class.</p> <p>13 2015, 2016.</p> <p>14 Q. So, you had been certified for one, maybe</p> <p>15 two years? I know you are estimating.</p> <p>16 A. Yes.</p> <p>17 Q. About a year or two before Rob Stewart's</p> <p>18 incident?</p> <p>19 A. Yes.</p> <p>20 Q. How deep were you certified to dive to</p> <p>21 using a Prism on January 31st, 2017?</p> <p>22 A. 150 feet.</p> <p>23 Q. What about the Meg 15?</p> <p>24 A. 100 feet.</p> <p>25 Q. This is another question I may have asked</p>

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<p>1 you. I don't recall, though. Are you a rebreather</p> <p>2 instructor now?</p> <p>3 A. No.</p> <p>4 Q. When did you first find out about this</p> <p>5 dive excursion, meaning the group that was going to</p> <p>6 be involved with Robert Stewart?</p> <p>7 A. In December.</p> <p>8 Q. Of 2016?</p> <p>9 A. 2016, yes.</p> <p>10 Q. How did you find out about it?</p> <p>11 A. Dan talked to me about it.</p> <p>12 Q. What did he tell you?</p> <p>13 A. He received an e-mail from a group that</p> <p>14 was interested in going to the Queen of Nassau to</p> <p>15 video sawfish.</p> <p>16 Q. What else did he tell you about it? Was</p> <p>17 this over the phone, in person?</p> <p>18 A. No. It was just in the shop.</p> <p>19 Q. What else did he tell you?</p> <p>20 A. At that point that was it.</p> <p>21 Q. That was, I guess, in the very initial, at</p> <p>22 least from your understanding, planning stages of</p> <p>23 it?</p> <p>24 A. Yes.</p> <p>25 Q. No contract had been signed, and no</p>	<p>1 A. Yes.</p> <p>2 Q. I also assume it would save some gas.</p> <p>3 A. Yes, save time and gas.</p> <p>4 Q. Who was involved in locating a slip for</p> <p>5 the boat for those couple of days?</p> <p>6 A. Dan, me. One of the shop girls called</p> <p>7 down. I think Angie was calling down to Caloosa</p> <p>8 Cove or a couple of other places. We had to find a</p> <p>9 slip that had a deep enough draft for the boat to</p> <p>10 get into.</p> <p>11 Q. What were you told about--- I mean I</p> <p>12 assume the conversation between you, Dan and the</p> <p>13 group continued over the next couple of weeks,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Some of those conversations were in e-mail</p> <p>17 and some of those were oral over the phone?</p> <p>18 A. Pretty much in December Dan was the</p> <p>19 contact for Brock. And then between myself, Dan and</p> <p>20 Dave Wilkerson, as we get more and more information,</p> <p>21 we are trying to figure out -- you know, get details</p> <p>22 down more hard pressed.</p> <p>23 Q. When did David Wilkerson become involved</p> <p>24 in the planning aspect of this? Let me rephrase</p> <p>25 that. When did he become involved -- when did his</p>
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<p>1 payments had been made at that point, right?</p> <p>2 A. No.</p> <p>3 Q. And I think the dates actually changed</p> <p>4 over time, correct?</p> <p>5 A. Yes.</p> <p>6 Q. When you first had this conversation with</p> <p>7 him, was there even proposed dates yet, or was this</p> <p>8 even before that?</p> <p>9 A. I believe his e-mail, they were talking</p> <p>10 January.</p> <p>11 Q. His e-mail being---</p> <p>12 A. The e-mail he received from Brock.</p> <p>13 Q. Okay.</p> <p>14 A. They were talking January and several</p> <p>15 days. So, that's the point where we started</p> <p>16 preemptive planning on where we could put the boat.</p> <p>17 Was it better to keep it in Key Largo or somewhere</p> <p>18 further south?</p> <p>19 Q. Who was involved in that planning?</p> <p>20 A. Dan and I.</p> <p>21 Q. Why were you looking at keeping it further</p> <p>22 south?</p> <p>23 A. The Queen of Nassau is really far away</p> <p>24 from where we normally park the boat.</p> <p>25 Q. So, it's a shorter run?</p>	<p>1 name come up as he would be involved in this</p> <p>2 excursion in some capacity?</p> <p>3 A. When Dan got word back from Brock that the</p> <p>4 Pisces would be the boat that they wanted, Dave</p> <p>5 would be the captain of Pisces typically.</p> <p>6 Q. Now, David is not always the captain of</p> <p>7 the Pisces, right?</p> <p>8 A. No, he's not.</p> <p>9 Q. I mean you guys had other captains at that</p> <p>10 time.</p> <p>11 A. Yes.</p> <p>12 Q. Dan was a captain?</p> <p>13 A. Dan is a captain, yes.</p> <p>14 Q. Who were the other captains back in late</p> <p>15 January, 2017, Horizon Divers captains?</p> <p>16 A. Troy Wheatley, and I think that was it.</p> <p>17 Q. How was it decided that David would be the</p> <p>18 captain for this excursion?</p> <p>19 A. If I remember the dates correctly, it was</p> <p>20 during the week, and Troy drives Cheeca View during</p> <p>21 the week. So, David would be driving Pisces.</p> <p>22 Q. Do you know if Cheeca View went out on</p> <p>23 January 30th?</p> <p>24 A. I don't remember.</p> <p>25 Q. Do you know if Cheeca View was out on</p>

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<p>1 January 31st, the day that Rob went missing?</p> <p>2 A. I don't remember.</p> <p>3 Q. Where were you on January 30th and 31st?</p> <p>4 A. Either at the shop or on the boat.</p> <p>5 Q. It would have been Cheeca View?</p> <p>6 A. Yes.</p> <p>7 Q. And you don't recall -- do you recall</p> <p>8 where you were when you got the news?</p> <p>9 A. I was at the shop.</p> <p>10 Q. Had you been diving that day?</p> <p>11 A. I don't remember.</p> <p>12 Q. If you had, would it have been in</p> <p>13 connection with your instruction?</p> <p>14 A. Yes.</p> <p>15 Q. Meaning you were working. You wouldn't</p> <p>16 have just been diving recreationally.</p> <p>17 A. Right.</p> <p>18 Q. And there would be records of whether you</p> <p>19 were on the boat or not?</p> <p>20 A. Right.</p> <p>21 Q. Who made the decision to make David</p> <p>22 Wilkerson the captain? I mean whose call was that?</p> <p>23 Was that Dan?</p> <p>24 A. Dan.</p> <p>25 Q. Was there ever any discussion to switch up</p>	<p>1 A. No.</p> <p>2 Q. Had you ever seen his movie?</p> <p>3 A. No.</p> <p>4 Q. Did Dan know who he was before or at least</p> <p>5 give you the impression that he did?</p> <p>6 A. I don't think so.</p> <p>7 Q. When did you find out the names of the</p> <p>8 people that would be on the boat? Was that also in</p> <p>9 December?</p> <p>10 A. Before Dan left for the Philippines in</p> <p>11 January, the beginning of January, it was up in the</p> <p>12 air as to who was going to be on the boat. I think</p> <p>13 it got solidified just before he left that it was</p> <p>14 going to be Brock, Rob, Peter and Claudia.</p> <p>15 Q. So, sometime in early January, I believe?</p> <p>16 When did Dan leave for the Philippines?</p> <p>17 A. January 1st.</p> <p>18 Q. So, sometime in late December then you</p> <p>19 found out that it would be someone by the name of</p> <p>20 Rob Stewart; one of his colleagues, Brock Cahill;</p> <p>21 and you also heard of the names Peter and Claudia</p> <p>22 Sotis?</p> <p>23 A. Yes.</p> <p>24 Q. Did you know Peter and Claudia?</p> <p>25 A. I know Add Helium. I had met Peter once</p>
Page 35	Page 37
<p>1 the captains or have Dan captain the vessel for this</p> <p>2 excursion?</p> <p>3 A. I don't think so.</p> <p>4 Q. You do or you don't?</p> <p>5 A. I don't think so.</p> <p>6 Q. You weren't involved in any discussions</p> <p>7 about who might be the best captain for this</p> <p>8 excursion?</p> <p>9 A. No. The only reason Dave wouldn't have</p> <p>10 been the captain is if there was a scheduling</p> <p>11 conflict.</p> <p>12 Q. At some point Dan told you this would</p> <p>13 involve filming sharks at the Queen of Nassau,</p> <p>14 right?</p> <p>15 A. Um-hmm.</p> <p>16 Q. Yes?</p> <p>17 A. Yes.</p> <p>18 Q. And that was pretty early on, based on</p> <p>19 your testimony?</p> <p>20 A. Yes.</p> <p>21 Q. Did he tell you that Robert Stewart was</p> <p>22 going to be one of the passengers, divers?</p> <p>23 A. I think in later December he asked me if I</p> <p>24 knew who Rob Stewart was, yes.</p> <p>25 Q. And did you?</p>	<p>1 before on the boat. I never met Claudia before.</p> <p>2 Q. You had only met Peter once before on a</p> <p>3 Horizon Divers boat?</p> <p>4 A. Yes.</p> <p>5 Q. You never met him at any another time?</p> <p>6 A. No.</p> <p>7 Q. You are certain about that?</p> <p>8 A. Pretty sure.</p> <p>9 Q. When was Peter -- when was this occasion</p> <p>10 that you met Peter?</p> <p>11 A. A few years ago, 2015.</p> <p>12 Q. What boat was he on?</p> <p>13 A. I don't remember.</p> <p>14 Q. You were aboard the vessel that day?</p> <p>15 A. I think I was at the dock. I might have</p> <p>16 been on the boat.</p> <p>17 Q. Did you have any exchange with him, any</p> <p>18 interaction with him?</p> <p>19 A. No. No. It was just Dan knew him. I</p> <p>20 knew Add Helium, and I knew the name Peter Sotis.</p> <p>21 It was more like, "That's Peter Sotis."</p> <p>22 Q. How did you know the name Peter Sotis?</p> <p>23 What did you know about that name?</p> <p>24 A. He owns Add Helium.</p> <p>25 Q. What do you know about Add Helium?</p>

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<p>1 A. It's a rebreather shop in Fort Lauderdale.</p> <p>2 Q. Had they dove off Horizon Divers' boats</p> <p>3 prior to January 31st, 2017?</p> <p>4 A. Not while I was there. I know Dan and him</p> <p>5 have dove together before, but not with me or me on</p> <p>6 the boat.</p> <p>7 Q. Dan and Peter have dove before?</p> <p>8 A. Yes.</p> <p>9 Q. Off Horizon Divers' boats?</p> <p>10 A. I'm not sure.</p> <p>11 Q. How do you know they have dove before?</p> <p>12 A. Dan said so.</p> <p>13 Q. There was some back and forth from when</p> <p>14 Horizon Divers was first contacted by Brock Cahill</p> <p>15 until the group got set a few days before</p> <p>16 January 30th, the first day of diving for this</p> <p>17 excursion?</p> <p>18 A. Yes.</p> <p>19 Q. There were some moving parts as to who was</p> <p>20 going to be on these boats, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And at certain points in time you were</p> <p>23 going to be involved in all three days of diving,</p> <p>24 correct?</p> <p>25 A. Yes.</p>	<p>1 Is that really what it is?</p> <p>2 A. It's a difference between a guide who</p> <p>3 leads the way and an observer who is there just in</p> <p>4 case.</p> <p>5 Q. So, your understanding of your role was</p> <p>6 going to be you were there just in case.</p> <p>7 A. Right. I mean these guys were shooting</p> <p>8 documentary video, which isn't my expertise. So, I</p> <p>9 wouldn't assist them with what they were doing.</p> <p>10 Q. And you weren't there to serve as a guide</p> <p>11 and show them around the vessel. You were just</p> <p>12 there to be there as a second set of eyes, as you</p> <p>13 described, a safety guy.</p> <p>14 A. Yes.</p> <p>15 Q. Now, when you had these conversations with</p> <p>16 Dan about being a safety diver for the dive</p> <p>17 excursion, did you ask why a safety diver was</p> <p>18 necessary?</p> <p>19 A. No.</p> <p>20 Q. Did Dan volunteer or tell you why he</p> <p>21 thought they may need your services?</p> <p>22 A. They were shooting a documentary. So, I</p> <p>23 just assumed that, because of their task loading for</p> <p>24 what they needed, another set of eyes just makes</p> <p>25 sense.</p>
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<p>1 Q. What was your understanding or who told</p> <p>2 you that you might need to be involved in this?</p> <p>3 A. Dan.</p> <p>4 Q. What did he tell you why your services</p> <p>5 were needed, what was your purpose of being on board</p> <p>6 the boat?</p> <p>7 A. Brock was uncertain of Peter's schedule,</p> <p>8 and they would need two divers to be safety divers</p> <p>9 for them.</p> <p>10 Q. What is your understanding of what they</p> <p>11 were looking for by a safety diver?</p> <p>12 A. A diver that is in the water with them at</p> <p>13 depth or meeting them on the way up, to be there to</p> <p>14 help with equipment and completion of the dive.</p> <p>15 Q. What is the difference between a safety</p> <p>16 diver that will go to depth and perform the dive</p> <p>17 with the people that are diving versus or as opposed</p> <p>18 to somebody that goes down to help them decompress?</p> <p>19 A. Well, they shouldn't need help</p> <p>20 decompressing altogether, but a safety diver is --</p> <p>21 you know, whether they start the dive with them or</p> <p>22 are in the dive with them, they are just there in</p> <p>23 the event of the unlikely.</p> <p>24 Q. So, I mean a second set of eyes, a second</p> <p>25 person there to assist if anything should go wrong.</p>	<p>1 Q. Was there ever a conversation that it</p> <p>2 would be more than just you functioning as the</p> <p>3 safety diver?</p> <p>4 A. There would be Dan and I.</p> <p>5 Q. So, there was conversation that Dan would</p> <p>6 be involved in this as well?</p> <p>7 A. Yes.</p> <p>8 Q. So, there was a period of time when it was</p> <p>9 going to be Brock, Rob and then you and Dan?</p> <p>10 A. Yes.</p> <p>11 Q. When Dan was first contacted, were you --</p> <p>12 or actually when you first found out about this dive</p> <p>13 excursion, was it your understanding that Peter</p> <p>14 would or would not be involved?</p> <p>15 A. When I first heard about it, I didn't know</p> <p>16 who would be involved.</p> <p>17 Q. So, you just heard that someone needed to</p> <p>18 take a vessel out to the Queen of Nassau to film a</p> <p>19 documentary.</p> <p>20 A. Right.</p> <p>21 Q. And then you found out it was going to be</p> <p>22 someone by the name of Robert Stewart and Dan had</p> <p>23 been contacted by Brock Cahill, right?</p> <p>24 A. Yes.</p> <p>25 Q. At that point in time when you started</p>

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<p>1 finding out about the names, was Dan, based on your</p> <p>2 conversations with him or your impressions, was he</p> <p>3 under the understanding or were you under the</p> <p>4 understanding that Peter would or would not be</p> <p>5 involved? I mean were the first conversations that</p> <p>6 were had that you would be involved as a safety</p> <p>7 diver?</p> <p>8 A. Before Dan left on the 1st of January, my</p> <p>9 understanding was that Peter and Claudia were going</p> <p>10 to be their safety divers, but that was up in the</p> <p>11 air.</p> <p>12 Q. Then there was a period of time where it</p> <p>13 looked like Peter and Claudia would not be able to</p> <p>14 be their safety divers.</p> <p>15 A. Yes.</p> <p>16 Q. Then that's when you kind of got involved</p> <p>17 as the potential safety diver?</p> <p>18 A. Yes.</p> <p>19 Q. When did Peter -- when was it decided that</p> <p>20 Peter would be on the boat?</p> <p>21 A. For the actual trip?</p> <p>22 Q. Yes.</p> <p>23 A. Like the weekend before.</p> <p>24 Q. So, up until the weekend before, you had</p> <p>25 still planned on going aboard the boat?</p>	<p>1 had also been delayed. That's when I found out that</p> <p>2 they were taking class from Peter Sotis.</p> <p>3 Q. What class; did he tell you?</p> <p>4 A. Their trimix course.</p> <p>5 Q. What is the trimix course?</p> <p>6 A. There's two courses. There's basic trimix</p> <p>7 and advanced gas.</p> <p>8 Q. Which course did he tell you that theirs</p> <p>9 had gotten delayed?</p> <p>10 A. I don't think he did. I think he just</p> <p>11 said the trimix course, which then I would have</p> <p>12 assumed would have been a hundred meter course</p> <p>13 because he was going to the Queen of Nassau.</p> <p>14 Q. Did you ask him?</p> <p>15 A. No.</p> <p>16 Q. Did you tell Dan about this conversation?</p> <p>17 A. Yes. When I talked to Dan, he called me</p> <p>18 from the Philippines. I let him know the trip had</p> <p>19 been scrubbed and rescheduled and that they were</p> <p>20 taking a class from Peter and hadn't finished.</p> <p>21 Q. What did Dan say?</p> <p>22 A. "Okay. Get it rescheduled, you know.</p> <p>23 Find out what time is best for them." We both</p> <p>24 agreed that this would give them more time to finish</p> <p>25 their class with the rescheduling.</p>
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<p>1 A. I mean, even when Peter was established --</p> <p>2 Peter and Claudia were established as their safety</p> <p>3 diver, Dan and I still planned on going on the boat</p> <p>4 on the last day.</p> <p>5 Q. But on the 30th and 31st, up until about a</p> <p>6 week before, you still planned on going those two</p> <p>7 days, right?</p> <p>8 A. Yes.</p> <p>9 Q. And then Peter decided or someone decided</p> <p>10 that Peter would be there and Claudia would be</p> <p>11 there, and then that's when you decided you would</p> <p>12 not be there on the 30th and 31st?</p> <p>13 A. Right. When Peter and Claudia confirmed</p> <p>14 that they were able to go on the boat, yes, that's</p> <p>15 when I figured I wouldn't be on it.</p> <p>16 Q. Prior to that point in time, before that</p> <p>17 point in time, were you ever given any information</p> <p>18 about Robert Stewart's experience, diving</p> <p>19 experience?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me about that.</p> <p>22 A. In January when they were originally</p> <p>23 supposed to come on the boat, the trip got canceled</p> <p>24 due to weather. I talked with Brock on the phone</p> <p>25 and through e-mail, and he told me that their class</p>	<p>1 Q. Now, you said you assumed it was the</p> <p>2 hundred meter class, right?</p> <p>3 A. Yes.</p> <p>4 Q. When you spoke to Dan, did you tell him</p> <p>5 that, "I believe it's their hundred meter class"?</p> <p>6 A. No.</p> <p>7 Q. Did Dan ask you what class or what level</p> <p>8 they were finishing?</p> <p>9 A. I don't remember.</p> <p>10 Q. But he did tell you to go ahead and</p> <p>11 reschedule, right?</p> <p>12 A. Yes.</p> <p>13 Q. Then you took it upon yourself, and I</p> <p>14 believe there's e-mail communication between you and</p> <p>15 Brock about scheduling the dive trip, right?</p> <p>16 A. Yes.</p> <p>17 Q. Did you have any more conversations with</p> <p>18 Brock--- You never spoke to Robert Stewart, right?</p> <p>19 A. No.</p> <p>20 Q. Did you have any more conversations with</p> <p>21 Brock Cahill about what class they were completing,</p> <p>22 what certifications they had, what qualifications or</p> <p>23 experience they had?</p> <p>24 A. No.</p> <p>25 Q. Do you know what class or what level they</p>

<p style="text-align: right;">Page 46</p> <p>1 would have completed before the hundred meter?</p> <p>2 A. The sixty meter.</p> <p>3 Q. The sixty meter, that's about 180 feet?</p> <p>4 A. Yes.</p> <p>5 Q. That would not enable them to dive down to</p> <p>6 the Queen of Nassau, right?</p> <p>7 A. By themselves, no.</p> <p>8 Q. With an instructor possibly?</p> <p>9 A. With their instructor, then yes.</p> <p>10 Q. If they have already started their hundred</p> <p>11 meter course, correct?</p> <p>12 A. A lot of times the Queen of Nassau is used</p> <p>13 as a dive site for the hundred meter course.</p> <p>14 Q. Understood, but what I am saying is</p> <p>15 courses involve classroom work, right?</p> <p>16 A. Yes.</p> <p>17 Q. And when you do these advanced type dive</p> <p>18 courses, do you also do pool dives or no?</p> <p>19 A. Typically, no.</p> <p>20 Q. So, there's a course element or classroom</p> <p>21 element, and then there's an open water element,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Now, if you do the classroom element for</p> <p>25 your sixty-meter certification and you do your open</p>	<p style="text-align: right;">Page 48</p> <p>1 them on the vessel, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that is typically done by looking at</p> <p>4 someone's certification card?</p> <p>5 A. Typically, yes.</p> <p>6 Q. If someone doesn't have a certification</p> <p>7 card, how else can it be done?</p> <p>8 A. If they were with their instructor, we can</p> <p>9 look up certifications online, all right?</p> <p>10 Typically, if it's a third party, a dive</p> <p>11 shop coming down or a private instructor, the</p> <p>12 instructor is there. You know, they will come into</p> <p>13 the dive shop, fill out paperwork.</p> <p>14 Then I'm like, "These guys are with you?"</p> <p>15 They go, "Yes."</p> <p>16 Then we are good to go.</p> <p>17 Q. So, you check the instructor's credentials</p> <p>18 obviously.</p> <p>19 A. Right.</p> <p>20 Q. And then the instructor can vouch for his</p> <p>21 students and say they are doing their course for the</p> <p>22 hundred meter or something like that?</p> <p>23 A. For whatever they are doing.</p> <p>24 Q. Then do you do anything to verify what the</p> <p>25 instructor has represented to you, meaning if he</p>
<p style="text-align: right;">Page 47</p> <p>1 water segments of that course and you receive your</p> <p>2 sixty-meter certification -- are you with me so far?</p> <p>3 A. Yes.</p> <p>4 Q. -- you cannot just go dive to a hundred</p> <p>5 meters just because you have an instructor with you,</p> <p>6 right?</p> <p>7 A. I don't know IANTD standards.</p> <p>8 Q. Well, what about--- You are familiar with</p> <p>9 TDI?</p> <p>10 A. Typically I would have at least a half day</p> <p>11 in class.</p> <p>12 Q. So, you would need to do some classroom</p> <p>13 work beforehand before you go down to the next</p> <p>14 level, right?</p> <p>15 A. Yes.</p> <p>16 Q. Whether you have an instructor or not?</p> <p>17 I'm sorry. Even if you have an instructor.</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever ask Brock for certifications?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. It wasn't at that point that I needed to</p> <p>23 ask.</p> <p>24 Q. Now, Horizon Divers obviously always</p> <p>25 verifies the divers' credentials before they let</p>	<p style="text-align: right;">Page 49</p> <p>1 says, "We are doing the hundred meter course," do</p> <p>2 you go check to see if they obtained their sixty-</p> <p>3 meter certification?</p> <p>4 A. No.</p> <p>5 Q. Why not?</p> <p>6 A. Because they are with their instructor.</p> <p>7 Q. Do you not verify what an instructor tells</p> <p>8 you--- Strike that.</p> <p>9 You never contact certifying agencies or</p> <p>10 anything like that to verify credentials?</p> <p>11 A. Not unless they don't have credentials.</p> <p>12 Q. Once Peter about a week before the dive</p> <p>13 excursions that were to occur on the 30th, 31st and</p> <p>14 1st, once him and Claudia decided they were going or</p> <p>15 at least you were informed that they were going,</p> <p>16 what were you told about what your involvement would</p> <p>17 then ultimately be?</p> <p>18 A. Once Peter and Claudia were on the boat,</p> <p>19 we wouldn't be involved. Dan and I already</p> <p>20 discussed going diving on the Queen later on in</p> <p>21 their trip, which, you know, was more recreational</p> <p>22 than anything. We weren't involved with what they</p> <p>23 were doing. We were just going to be on the boat.</p> <p>24 Q. But who told you that you would no longer</p> <p>25 need to be on the boat on the 30th?</p>

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<p>1 A. Dan.</p> <p>2 Q. Did you expect to be paid as a safety</p> <p>3 diver, or were you doing this just more for</p> <p>4 recreational fun purposes and do something</p> <p>5 different?</p> <p>6 A. I mean I'm salaried.</p> <p>7 Q. Okay. That's a good point.</p> <p>8 So, you wouldn't get paid additionally or</p> <p>9 separately per dive trip or anything like that at</p> <p>10 this point.</p> <p>11 A. No.</p> <p>12 Q. I'm going to show you what has been</p> <p>13 previously marked as---</p> <p>14 MR. ECHARTÉ: Let me ask you guys this.</p> <p>15 Do you guys want to--- Let's take a quick</p> <p>16 break. It's been about 45 minutes. I don't</p> <p>17 think I need much longer, maybe another half an</p> <p>18 hour or 45 minutes.</p> <p>19 THE VIDEOGRAPHER: We are going off the</p> <p>20 video record. The time is 10:51 a.m.</p> <p>21 (Thereupon, a recess was taken, after</p> <p>22 which the following proceedings occurred:)</p> <p>23 THE VIDEOGRAPHER: We are back on the</p> <p>24 video record. The time is 11:03. You may</p> <p>25 proceed.</p>	<p>1 scheduling or coordination of these dive excursions</p> <p>2 while Dan was in the country?</p> <p>3 A. Yes. I mean, before he left for the</p> <p>4 Philippines, I called several marinas to see if they</p> <p>5 had space, if we could get there.</p> <p>6 Q. Okay.</p> <p>7 A. If they were a deep enough draft for the</p> <p>8 boat, things like that.</p> <p>9 Q. Are there any other things that you were</p> <p>10 involved in in terms of planning the dive excursion,</p> <p>11 deciding the crew, any other logistics surrounding</p> <p>12 this dive excursion while Dan was in the country?</p> <p>13 A. Other than just conversation with Dan</p> <p>14 about how it's going to affect the shop.</p> <p>15 Q. Tell me about those conversations.</p> <p>16 A. We would be down a boat because it would</p> <p>17 be down south. So, you know, make sure not to</p> <p>18 schedule trips on a boat that we don't have because</p> <p>19 it's tasked out.</p> <p>20 Q. Did the Pisces normally--- It may depend</p> <p>21 on the time of year and stuff like that, but does</p> <p>22 the Pisces normally go out during the week?</p> <p>23 A. That depends on the people that we have,</p> <p>24 but it can, yes.</p> <p>25 Q. Which boat is used more?</p>
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<p>1 Q. (By Mr. Echarte) Sir, when we were on</p> <p>2 break, I gave you Claimant's Exhibit 11 to this</p> <p>3 case. Did you have an opportunity to flip through</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. If you need to refer back to that, just</p> <p>7 let me know.</p> <p>8 You were, as you testified earlier,</p> <p>9 involved in some of the scheduling, correct?</p> <p>10 A. Yes.</p> <p>11 Q. These are e-mails exchanged between you</p> <p>12 and Brock, some dating to early mid-January, like</p> <p>13 the 7th, the 8th, the 10th, and then there were also</p> <p>14 some exchanged between you and Brock on the 22nd and</p> <p>15 the 23rd, right? Just one example of it is HDA106,</p> <p>16 by the numbering at the bottom right.</p> <p>17 A. Yes.</p> <p>18 Q. As you testified earlier, you were</p> <p>19 involved in some of the scheduling aspects of the</p> <p>20 dive excursion, correct?</p> <p>21 A. Yes.</p> <p>22 Q. My understanding is that that was because</p> <p>23 Dan Dawson was out of the country.</p> <p>24 A. Yes.</p> <p>25 Q. Were you involved in any aspect of the</p>	<p>1 A. The Cheeca View.</p> <p>2 Q. That's the more frequent, the main boat?</p> <p>3 A. Both boats are typically used. We run two</p> <p>4 trips a day on two separate boats. So, if we have</p> <p>5 the people and the need, Cheeca View can go one</p> <p>6 direction and Pisces will go the other. Like Cheeca</p> <p>7 View would take divers to the reef for reef dives in</p> <p>8 the morning while Pisces would take divers to the</p> <p>9 Spiegel Grove in the morning. And then in the</p> <p>10 afternoon, depending on the numbers and whatnot,</p> <p>11 they would repeat that process.</p> <p>12 Q. Is this every day of the week?</p> <p>13 A. Yes.</p> <p>14 Q. And even in January, both those boats go</p> <p>15 out every day of the week?</p> <p>16 A. If I can get the people, yes.</p> <p>17 Q. Now, how often can Horizon Divers get the</p> <p>18 people? I mean is it that these boats are normally</p> <p>19 being used six out of seven days a week on average</p> <p>20 that time of year, or is it the goal that it's seven</p> <p>21 out of seven?</p> <p>22 A. I mean---</p> <p>23 Q. Well, I know what the goal is, but---</p> <p>24 A. Yes, full and seven out of seven.</p> <p>25 Q. But what is the typical---</p>

<p style="text-align: right;">Page 54</p> <p>1 A. January is typically our slower time of</p> <p>2 the year.</p> <p>3 Q. So, what does that mean in terms of</p> <p>4 averages for how often these boats go out?</p> <p>5 A. I would have to look at the numbers. It</p> <p>6 depends. On certain days Cheeca View won't even--</p> <p>7 MR. ECHARTE: Let's go off the record.</p> <p>8 THE VIDEOGRAPHER: We are going off the</p> <p>9 video record. The time is 11:07 a.m.</p> <p>10 (Thereupon, a recess was taken, after</p> <p>11 which the following proceedings occurred:)</p> <p>12 THE VIDEOGRAPHER: We are back on the</p> <p>13 video record. The time is 11:10 a.m. You may</p> <p>14 proceed.</p> <p>15 Q. (By Mr. Echarte) Sir, before we went on</p> <p>16 the break, I had asked you a question regarding</p> <p>17 averages in terms of how often these boats are out</p> <p>18 on the water, the days during January. January, you</p> <p>19 testified, was the slow season, correct?</p> <p>20 A. Typically.</p> <p>21 Q. I know that you can't answer -- I mean I</p> <p>22 know you can't answer definitively and you don't</p> <p>23 have company records in front of you, but if you</p> <p>24 could just give me some estimate. I mean, can we</p> <p>25 agree that both boats are not out on the water seven</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. In some of these e-mails, and I believe---</p> <p>2 Hang on a second.</p> <p>3 Let's go to the e-mail of January 6, 2017</p> <p>4 at 5:17 p.m., that you sent Brock and CC'd Dan</p> <p>5 Dawson on. I will refer you to HDA108 at the bottom</p> <p>6 of the page.</p> <p>7 There's an e-mail here where it says or</p> <p>8 where you stated that January 31st, February 1st and</p> <p>9 2nd is much better than the 26th, 27th and 28th.</p> <p>10 Why was that?</p> <p>11 A. I'm sure something was on the schedule.</p> <p>12 Q. Meaning the boats already had excursions</p> <p>13 planned and, therefore, you couldn't accommodate</p> <p>14 them for those three days on one vessel?</p> <p>15 A. Yes. I would have to go back and look</p> <p>16 but, yes, I'm pretty sure that Pisces would have</p> <p>17 already had a trip.</p> <p>18 Q. When they first contacted Horizon Divers,</p> <p>19 was it already assumed that they would be -- had it</p> <p>20 already been decided that they would be on the</p> <p>21 Pisces?</p> <p>22 A. I mean a small group like that, yes.</p> <p>23 Q. Because the Pisces is a smaller vessel,</p> <p>24 correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 days a week during January generally?</p> <p>2 A. It's not likely, yes.</p> <p>3 Q. So, would it be dialed down to two days a</p> <p>4 week they are out on the water or is it like five or</p> <p>5 six? I'm just trying to get an idea. I mean, we</p> <p>6 are not going to hold you to it. I'm just trying to</p> <p>7 figure out what this slow season means for Horizon</p> <p>8 Divers.</p> <p>9 A. All our scheduling is done on demand. So,</p> <p>10 whether it's July or January, I could have dive</p> <p>11 shops come down and want to go, you know, groups,</p> <p>12 individuals. It's not unheard of for both boats to</p> <p>13 go out. But typically in January or February it's</p> <p>14 usually one trip, you know, depending on the day of</p> <p>15 the week, especially during the week. But, again,</p> <p>16 it just depends on who is in town.</p> <p>17 Q. One trip for each boat or one trip for</p> <p>18 both?</p> <p>19 A. In the morning and one trip in the</p> <p>20 afternoon.</p> <p>21 Q. So, then each boat would not do two trips,</p> <p>22 right, during the day?</p> <p>23 A. Yes. I mean, again, it's---</p> <p>24 Q. It depends.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Let's go to the next page, which I think</p> <p>2 is HDA107. So, now we are looking at an e-mail from</p> <p>3 January 10th, 2017 that was sent at 10:10 a.m. Do</p> <p>4 you see that?</p> <p>5 A. Um-hmm.</p> <p>6 Q. That was from you to Brock Cahill,</p> <p>7 correct?</p> <p>8 A. Um-hmm.</p> <p>9 Q. Is that a yes?</p> <p>10 A. Yes.</p> <p>11 Q. Your e-mail address is jeffknapp@-</p> <p>12 gmail.com?</p> <p>13 A. Yes.</p> <p>14 Q. Now, you said--- This is when, I think,</p> <p>15 you solidified or decided the dates are set. It</p> <p>16 says, "We're set for January 30, 31 and February 1,"</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. And those were the final dates. Those</p> <p>20 were the dates they, in fact, planned on coming down</p> <p>21 for the 30th, 31st, and obviously we know they</p> <p>22 didn't dive on the 1st. But those are the dates</p> <p>23 that they kept, correct?</p> <p>24 A. No. I think they just moved a day back,</p> <p>25 or did they? Yes.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. Then you continue and you say, "I'll shift 2 some people around while I can to make the boat 3 work," period. And then in all caps, "BAM," 4 exclamation mark, exclamation mark. "Now let's 5 start doing the good weather dance." 6 When you said, "I'll shift some people 7 around while I can to make the boat work," what did 8 you mean by that? 9 A. I mean I would let Dave know. 10 Q. Okay. 11 A. I think I had two people scheduled for a 12 Pisces trip on one of those days. So, I would have 13 to move those people off of their trip onto another 14 dive shop or, if Cheeca View wasn't doing something, 15 on the Cheeca View. 16 Q. So, this had to do more with moving people 17 around in terms of passengers? 18 A. Yes. 19 Q. Okay. Not crew. 20 A. Right. 21 Q. Because the crew was set, and the crew at 22 this point in time, my understanding is, was only 23 going to be David Wilkerson, right? 24 A. Yes. 25 Q. Was there ever any discussion between you</p>	<p style="text-align: right;">Page 60</p> <p>1 you never communicated back and forth directly with 2 Robert Stewart, correct? 3 A. No. 4 Q. You never spoke to Robert Stewart over the 5 phone. 6 A. Right. 7 Q. And the extent of your conversations that 8 you had regarding their certifications and their 9 qualifications was what you already told us in terms 10 of that conversation you had on the phone with 11 Brock, right? 12 A. And in the emails that I have read, yes. 13 Q. Are there e-mails about their 14 certifications? 15 A. No. In their rescheduling, and it might 16 have been other e-mails. 17 Q. Are you talking about the reference to the 18 class? 19 A. Yes. 20 Q. That was in an e-mail dated January 27th, 21 2017? 22 A. What page is that? 23 Q. I'm sorry. HDA104. 24 A. Okay. Right. "I'm in class this 25 afternoon with Peter."</p>
<p style="text-align: right;">Page 59</p> <p>1 and Dan about putting a deckhand aboard the Pisces 2 for this excursion? 3 A. No, not until the first day they were 4 down. 5 Q. Okay. 6 A. And they were coming back from already 7 being out to pick up a hook because we had talked -- 8 Dan and I had talked about hot dropping versus 9 grappling, and he had said that -- he explained that 10 we would be hot dropping, and then last minute--- I 11 was on the boat or in the shop, and he was just 12 letting me know that he was on his way to Islamorada 13 with the grapple and he was going to put Bobby on 14 the boat with him to help with that. 15 Q. Before we get to what actually -- you 16 know, those days that actually happened, I'm going 17 to talk to you more about that in a moment. 18 The e-mails in here that you looked 19 through when we were on the break and as I'm going 20 to ask you questions, do you recall any other 21 e-mails that are not included in here with Brock 22 Cahill about these trips? 23 A. No. 24 Q. You never had any direct e-mails--- I 25 know you might have been CC'd on a few of them, but</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. It says, "Sorry I missed you hot sauce. 2 I'm in class this afternoon with Peter," right? 3 A. Right. 4 Q. And that was from Brock to Dan? 5 A. Yes. 6 Q. That was at almost four p.m. on 7 January 27th, 3:57? 8 A. Yes. 9 Q. Have you seen any other e-mails, maybe not 10 in this packet but in connection with these trips 11 regarding their qualifications or certifications? 12 A. No. 13 Q. Did you have any e-mails or text messages 14 exchanged between you and Dan Dawson about these 15 trips? 16 A. I'm sure. I mean I don't remember. 17 Q. So, while he was in the Philippines, was 18 the way you would have communicated about the trips 19 through e-mail? 20 A. No. I talked to him on the phone. 21 Q. Okay. 22 A. I think I text-messaged him or--- Yes. I 23 normally don't e-mail him other than CC'ing him on 24 these. 25 Q. Okay.</p>

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<p>1 A. I remember talking to him on the</p> <p>2 telephone. I might have Facebook-messaged him or</p> <p>3 text-messaged him.</p> <p>4 Q. Do you have a Horizon Divers e-mail</p> <p>5 account?</p> <p>6 A. I do now.</p> <p>7 Q. You did not back then?</p> <p>8 A. No. I got it two days ago.</p> <p>9 Q. What is your cell phone number?</p> <p>10 A. 804 615-5835.</p> <p>11 Q. And your carrier?</p> <p>12 A. AT&T.</p> <p>13 Q. That's who you had back at the time of</p> <p>14 this incident?</p> <p>15 A. Yes.</p> <p>16 Q. After this incident, have you had any</p> <p>17 e-mail communications with anyone regarding any</p> <p>18 aspect of this case, the dive excursion, the</p> <p>19 incident, anything of that nature?</p> <p>20 A. Yes.</p> <p>21 Q. Who? Your attorney?</p> <p>22 A. Yes.</p> <p>23 Q. I don't want to know the substance of</p> <p>24 these e-mails. Other than e-mails with your</p> <p>25 attorney -- and you are pointing to Mr. Fertig,</p>	<p>1 A. I don't think so.</p> <p>2 Q. What about with David Wilkerson or Robert</p> <p>3 Steele?</p> <p>4 A. No.</p> <p>5 Q. Do you still talk to David Wilkerson?</p> <p>6 A. Yes.</p> <p>7 Q. My understanding is he's working on a</p> <p>8 private yacht now.</p> <p>9 A. Yes.</p> <p>10 Q. As a deckhand?</p> <p>11 A. I'm not sure what he's doing, but yes.</p> <p>12 Q. Do you know where he resides?</p> <p>13 A. I saw him on US1 two days ago.</p> <p>14 Q. Where was that, Miami?</p> <p>15 A. No. Here at 106. He was driving up the</p> <p>16 road.</p> <p>17 Q. Does he still live down here?</p> <p>18 A. I don't know.</p> <p>19 Q. Have you ever had any e-mail</p> <p>20 communications with -- or have you had any e-mail</p> <p>21 communications with anyone else other than Craig</p> <p>22 Jenni and Donna Alpert and your attorney, Chris</p> <p>23 Fertig, about this incident or these excursions?</p> <p>24 A. No.</p> <p>25 Q. You don't recall when you communicated</p>
Page 63	Page 65
<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Have you had any e-mail communication with</p> <p>4 the individual sitting to his right, Craig Jenni?</p> <p>5 A. Yes.</p> <p>6 Q. About this incident?</p> <p>7 A. Yes.</p> <p>8 Q. When were those?</p> <p>9 A. I don't remember.</p> <p>10 Q. Do you recall the substance of those?</p> <p>11 A. No.</p> <p>12 Q. That was through your e-mail account?</p> <p>13 A. Yes.</p> <p>14 Q. Did you have any e-mail communications</p> <p>15 with someone by the name of Donna Alpert --</p> <p>16 A. Yes.</p> <p>17 Q. -- about this incident?</p> <p>18 A. Yes.</p> <p>19 Q. Have you talked to Brock since the</p> <p>20 incident?</p> <p>21 A. No. Well, other than being on the boat</p> <p>22 with him.</p> <p>23 Q. We are going to get to that in a moment.</p> <p>24 Any e-mail communications with Dan about</p> <p>25 this incident after January 31st?</p>	<p>1 with Craig Jenni?</p> <p>2 A. No.</p> <p>3 Q. You don't recall the substance of those</p> <p>4 communications?</p> <p>5 A. No.</p> <p>6 Q. Have you met with him regarding this case?</p> <p>7 A. Yes.</p> <p>8 Q. When was that?</p> <p>9 A. Right after at the Coast Guard. Well,</p> <p>10 Donna came down for the Coast Guard deposition or</p> <p>11 the Coast Guard review, whatever it was when they</p> <p>12 came and interviewed us.</p> <p>13 Q. That was a few days after the incident?</p> <p>14 A. I think like, yes, maybe a week</p> <p>15 afterwards.</p> <p>16 Q. And you met with Mr. Jenni beforehand?</p> <p>17 A. I mean he was here the week of the</p> <p>18 incident. He was on the boat with us.</p> <p>19 Q. And you talked to him?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know what his role was or what his</p> <p>22 affiliations were, anything like that, when you were</p> <p>23 speaking with him?</p> <p>24 A. He was here for the recovery, to assist,</p> <p>25 and then he was offering help.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. In what way?</p> <p>2 A. I mean he helped with the recovery. He's</p> <p>3 done this before. You know, at the time I didn't</p> <p>4 know any more than that he was working with Donna.</p> <p>5 Q. What is your understanding of who Donna</p> <p>6 was that first week or two after Rob's passing?</p> <p>7 A. Donna was our representative, our counsel.</p> <p>8 Q. What is your understanding of what Craig</p> <p>9 Jenni's role was or who he worked for?</p> <p>10 A. He's a crime scene investigator for</p> <p>11 underwater.</p> <p>12 Q. What is underwater?</p> <p>13 A. Not the surface.</p> <p>14 Q. I see. I thought you were referring to a</p> <p>15 company.</p> <p>16 A. No, no, no. For diving.</p> <p>17 Q. Do you know who he works for?</p> <p>18 A. No.</p> <p>19 Q. Did he ever tell you that?</p> <p>20 A. Yes.</p> <p>21 Q. What did he tell you?</p> <p>22 A. Oh, tell me who he works for?</p> <p>23 Q. Yes.</p> <p>24 A. He handed me a card, but all I saw or all</p> <p>25 I paid attention to was his name and number.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. When you say, when he needed someone in</p> <p>2 this situation, he goes to Craig or Craig is the</p> <p>3 go-to guy, what do you mean by that?</p> <p>4 A. For an underwater recovery, for diving to</p> <p>5 that depth, right, to do something like a body</p> <p>6 recovery or a search in general.</p> <p>7 Q. And that's something that Craig would</p> <p>8 partake in.</p> <p>9 A. Yes.</p> <p>10 Q. You were going to be a safety diver aboard</p> <p>11 the boat for a period of time, as we discussed,</p> <p>12 right --</p> <p>13 A. Yes.</p> <p>14 Q. -- during the excursion? And you knew it</p> <p>15 was going out to the Queen of Nassau, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you know that they were going to be</p> <p>18 using rebreathers?</p> <p>19 A. Eventually, yes.</p> <p>20 Q. What type of equipment were you going to</p> <p>21 be using?</p> <p>22 A. I wasn't sure in the beginning. Then, as</p> <p>23 it solidified and Dan and I were going to go diving,</p> <p>24 I was going to dive rebreather.</p> <p>25 Q. Now, you already testified you weren't</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Is it your understanding that he was</p> <p>2 working with Donna?</p> <p>3 A. Sure.</p> <p>4 Q. Did you know, was Donna involved in the</p> <p>5 recovery efforts? I mean, had you already spoken to</p> <p>6 Donna prior to being on the vessel?</p> <p>7 A. No. No.</p> <p>8 Q. Did Craig Jenni, when he was on the boat,</p> <p>9 tell you that he was already working for Donna</p> <p>10 regarding this case?</p> <p>11 A. No.</p> <p>12 Q. When he was on the vessel during the</p> <p>13 recovery effort, was it your understanding that he</p> <p>14 was just there to assist with trying to find Rob?</p> <p>15 A. Yes.</p> <p>16 Q. Did you think that he was volunteering his</p> <p>17 time or was he working for someone? I mean, what is</p> <p>18 your understanding of it?</p> <p>19 A. My understanding was that Dan trusted</p> <p>20 Craig, and they had worked together in the past for</p> <p>21 similar things and that, if he needed somebody in</p> <p>22 these situations, that Craig was the go-to guy.</p> <p>23 Q. When they had worked together in the past,</p> <p>24 what kind of situations did they work together on?</p> <p>25 A. I have no idea.</p>	<p style="text-align: right;">Page 69</p> <p>1 certified to dive to that depth on a rebreather,</p> <p>2 correct?</p> <p>3 A. Not on a Meg 15, but I had completed the</p> <p>4 class and the training and the time for the Prism 2.</p> <p>5 Q. Now, I thought you testified earlier that</p> <p>6 you were only certified to dive to 150 feet on a</p> <p>7 Prism 2.</p> <p>8 A. That's because I hadn't gotten certified</p> <p>9 yet. Dan hadn't processed the paperwork yet.</p> <p>10 Everything was completed. It just hadn't been</p> <p>11 processed.</p> <p>12 Q. Now, you dove during the recovery efforts,</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Was that on February 1st?</p> <p>16 A. Yes.</p> <p>17 Q. The day after Rob went missing?</p> <p>18 A. Yes. Dan and I did a dive.</p> <p>19 Q. My understanding is you guys went out</p> <p>20 there and you dove down to where you thought Rob</p> <p>21 might be based on currents and markings and things</p> <p>22 of that nature, and you looked for him along the</p> <p>23 bottom, correct?</p> <p>24 A. Yes.</p> <p>25 Q. So, you went down to depth, correct?</p>

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<p>1 A. Yes.</p> <p>2 Q. And you went on a Meg 15, didn't you?</p> <p>3 A. Yes.</p> <p>4 Q. You were not certified to go to that</p> <p>5 depth, correct?</p> <p>6 A. Yes.</p> <p>7 Q. On that unit, right?</p> <p>8 A. Yes.</p> <p>9 Q. And you were diving off of the Pisces,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And Dan Dawson was aboard that vessel at</p> <p>13 that time, right?</p> <p>14 A. Yes.</p> <p>15 Q. Now, we talked about Peter Sotis. You</p> <p>16 testified that you have known him or you had met him</p> <p>17 once at the dock prior to January 31st, 2017.</p> <p>18 A. Yes.</p> <p>19 Q. Are you aware of any reputation that he</p> <p>20 may have in the diving community?</p> <p>21 A. No.</p> <p>22 Q. You don't have any knowledge or you never</p> <p>23 heard of him being an aggressive diver.</p> <p>24 A. No.</p> <p>25 Q. You never heard of him being an unsafe</p>	<p>1 Q. Now, the higher the percentage, the more</p> <p>2 aggressive your decompression profile is?</p> <p>3 A. Aggressive is not really a good word for</p> <p>4 that.</p> <p>5 Q. Tell me what word you would use.</p> <p>6 A. So, the Buhlmann algorithm is -- I mean</p> <p>7 was the standard for diving. A gradient factor</p> <p>8 allows you to adjust it to decompress as you see</p> <p>9 fit, all right?</p> <p>10 Q. Okay.</p> <p>11 A. You are always under the gradient factor</p> <p>12 as a whole. That would be GF 100, right? So,</p> <p>13 anything less than that, right, you are just</p> <p>14 manipulating the algorithm because you want to do</p> <p>15 longer stops deeper or longer decompression stops</p> <p>16 shallower or a mix thereof.</p> <p>17 Q. Now, when you dive your Prism or your Meg</p> <p>18 15, you use a Shearwater computer?</p> <p>19 A. I do.</p> <p>20 Q. Would you agree with me that the industry</p> <p>21 standard for the gradient factor is, I believe,</p> <p>22 30/85?</p> <p>23 A. I would not. There is no industry</p> <p>24 standard.</p> <p>25 Q. What do you dive your---</p>
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<p>1 diver.</p> <p>2 A. No.</p> <p>3 Q. You have heard of his company, Add Helium,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Have you heard of any students or have you</p> <p>7 spoken to any students that have taken his classes?</p> <p>8 A. Several.</p> <p>9 Q. And you are aware of what--- Do you know</p> <p>10 what gradient factors are?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have any idea what type of gradient</p> <p>13 factors Peter instructs his students or teaches his</p> <p>14 students to utilize?</p> <p>15 A. No, not other than rumor.</p> <p>16 Q. What rumors have you heard?</p> <p>17 A. That he runs high gradient factors.</p> <p>18 Q. And you had heard those rumors before</p> <p>19 January 30th, 2017, right?</p> <p>20 A. I'm sure.</p> <p>21 Q. And a high gradient factor means what?</p> <p>22 A. That it's a higher percentage of the whole</p> <p>23 algorithm.</p> <p>24 Q. Meaning the Buhlmann algorithm?</p> <p>25 A. Yes.</p>	<p>1 A. 50/85.</p> <p>2 Q. 50/85.</p> <p>3 A. Yes.</p> <p>4 Q. Have you ever dove 90/90?</p> <p>5 A. No.</p> <p>6 Q. Why?</p> <p>7 A. Because it's not the gradient factor I</p> <p>8 use.</p> <p>9 Q. Have you ever heard any rumors--- I know</p> <p>10 you said you heard rumors that Peter runs a high</p> <p>11 gradient factor.</p> <p>12 A. Um-hmm.</p> <p>13 Q. Did you ever hear rumors about what those</p> <p>14 numbers were?</p> <p>15 A. 90/90, 95/95, you know.</p> <p>16 Q. And you had heard those rumors in the dive</p> <p>17 community, I assume.</p> <p>18 A. Sure.</p> <p>19 Q. Have you ever discussed Peter Sotis with</p> <p>20 Dan Dawson prior to January 30th, 2017?</p> <p>21 A. Yes.</p> <p>22 Q. Tell me about the substance of those</p> <p>23 conversations.</p> <p>24 A. I mean through Dan I learned who Peter</p> <p>25 Sotis and Add Helium were, and he told me that they</p>

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<p>1 had taken class together, that he owned Add Helium,</p> <p>2 Rebreather World, and that he had been teaching in</p> <p>3 Fort Lauderdale for a while.</p> <p>4 Q. Anything about these rumors that Dan</p> <p>5 addressed with you?</p> <p>6 A. No.</p> <p>7 Q. Did he tell you that he runs high gradient</p> <p>8 factors prior to January 30th, 2017?</p> <p>9 A. I mean I found that out through several</p> <p>10 conversations over the years with former students of</p> <p>11 his.</p> <p>12 Q. Do you recall Dan being involved in any of</p> <p>13 those conversations?</p> <p>14 A. No. I don't remember.</p> <p>15 Q. Have you ever seen Peter Sotis give a</p> <p>16 lecture?</p> <p>17 A. No.</p> <p>18 Q. You don't recall being in attendance at a</p> <p>19 lecture in February of 2014 that he did at the</p> <p>20 Holiday Inn in Key Largo?</p> <p>21 A. That was a gradient factor lecture?</p> <p>22 Q. Yes.</p> <p>23 A. No. I wasn't there.</p> <p>24 Q. You weren't?</p> <p>25 A. I don't think so, no.</p>	<p>1 Add Helium were there -- I'm sorry -- from Horizon</p> <p>2 Divers?</p> <p>3 A. I don't remember if anybody went.</p> <p>4 Q. Did anyone talk to you about that after?</p> <p>5 A. We all talked about it afterwards.</p> <p>6 Q. Talked about the lecture?</p> <p>7 A. We talked about the lecture and gradient</p> <p>8 factors.</p> <p>9 Q. Tell me about the substance of those</p> <p>10 conversations.</p> <p>11 A. Gradient factors are a discussion point</p> <p>12 for technical divers and a debate for technical</p> <p>13 divers all around.</p> <p>14 Q. Tell me about the conversations about that</p> <p>15 lecture that you had after.</p> <p>16 A. It was just conversation about what the</p> <p>17 right gradient factors were.</p> <p>18 Q. Okay.</p> <p>19 A. And if there was an industry standard or a</p> <p>20 standard and how there isn't.</p> <p>21 Everybody afterwards said that they had</p> <p>22 asked the guys giving their talks what their</p> <p>23 gradient factors were and that everybody that was</p> <p>24 talking expressed that there is no right answer,</p> <p>25 that it's up to the individual.</p>
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<p>1 Q. You weren't there with Dan Dawson?</p> <p>2 A. No.</p> <p>3 Q. Have you ever seen any lecture--- How did</p> <p>4 you know that was a gradient factor lecture?</p> <p>5 A. Because I remember the night. I wanted to</p> <p>6 go there. I think I was working at Divers Direct</p> <p>7 that night.</p> <p>8 Q. And you knew that Peter Sotis was giving a</p> <p>9 lecture on gradient factors?</p> <p>10 A. I knew there was a lecture being given on</p> <p>11 gradient factors. I didn't know who was going to be</p> <p>12 doing it.</p> <p>13 Q. And Add Helium was going to be giving that</p> <p>14 lecture?</p> <p>15 A. I didn't know that.</p> <p>16 Q. And Ocean Divers was going to be</p> <p>17 sponsoring it? Did you know that?</p> <p>18 A. No.</p> <p>19 Q. Let me just make sure I got my name right.</p> <p>20 Yes, Ocean Divers. And you were not there.</p> <p>21 A. No.</p> <p>22 Q. Do you know if Dan Dawson was there? Did</p> <p>23 I just ask you that?</p> <p>24 A. I'm not sure.</p> <p>25 Q. And you don't know if other people from</p>	<p>1 Q. Whom did you talk to about that lecture?</p> <p>2 A. I don't remember.</p> <p>3 Q. It was people from Horizon Divers.</p> <p>4 A. I'm sure.</p> <p>5 Q. And you don't recall if Dan was in that</p> <p>6 conversation?</p> <p>7 A. No.</p> <p>8 Q. And you don't recall if Pam Wooten was in</p> <p>9 that conversation?</p> <p>10 A. No.</p> <p>11 Q. And as you sit here today, you can't name</p> <p>12 one person that you think might have been involved</p> <p>13 in that conversation?</p> <p>14 A. I mean I'm sure there were several people</p> <p>15 standing around the dock somewhere talking about it.</p> <p>16 I don't--</p> <p>17 Q. But you do remember talking about that</p> <p>18 after.</p> <p>19 A. Sure.</p> <p>20 Q. And you do remember or you assume or you</p> <p>21 believe that Horizon Divers people were involved</p> <p>22 because that's who you would have talked to about</p> <p>23 it, correct?</p> <p>24 A. Right.</p> <p>25 Q. Did anyone mention--- Did Peter Sotis'</p>

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<p>1 name come up during those conversations?</p> <p>2 A. I don't remember.</p> <p>3 Q. Did anyone or do you recall anyone telling</p> <p>4 you that Peter Sotis runs or advocates for high</p> <p>5 gradient factors?</p> <p>6 A. I don't remember.</p> <p>7 Q. Other than the conversations with Dan that</p> <p>8 you had prior to January 30th, have you had any</p> <p>9 other conversations with anyone even outside of</p> <p>10 Horizon Divers about Peter Sotis and the gradient</p> <p>11 factors that he runs?</p> <p>12 A. I'm sure.</p> <p>13 Q. Okay.</p> <p>14 A. I mean Add Helium is a rebreather place in</p> <p>15 Fort Lauderdale. It comes up in conversation with</p> <p>16 people on the boat and divers all the time.</p> <p>17 Q. Did anybody tell you that they felt Peter</p> <p>18 was unsafe?</p> <p>19 A. No.</p> <p>20 Q. Have you ever heard, even if it's rumors,</p> <p>21 that Peter Sotis has a reputation for being unsafe</p> <p>22 or has unsafe diving practices?</p> <p>23 A. No.</p> <p>24 MR. FERTIG: At what time?</p> <p>25 Q. Prior to January 30th, 2017.</p>	<p>1 Africa and nonC -- or nonDOT approved tanks. Those</p> <p>2 are probably the biggest things.</p> <p>3 Q. Let's talk about the nonDOT tanks. You</p> <p>4 are talking about the carbon fiber wrapped aluminum</p> <p>5 tanks?</p> <p>6 A. Yes.</p> <p>7 Q. You cannot fill those here in the United</p> <p>8 States, correct?</p> <p>9 A. Right.</p> <p>10 Q. If a dive outlet or a dive outfit is given</p> <p>11 one of those tanks, it is against the law to fill</p> <p>12 one of those, correct?</p> <p>13 A. We don't fill those at Horizon Divers.</p> <p>14 Q. That's a major red flag. I mean it's</p> <p>15 illegal to do it first off, right?</p> <p>16 A. They are not DOT approved.</p> <p>17 Q. And you would not do that at Horizon</p> <p>18 Divers.</p> <p>19 A. No.</p> <p>20 Q. If a diver tried to give you a nonDOT</p> <p>21 approved tank, that's a major red flag regarding</p> <p>22 that diver, correct?</p> <p>23 A. No, because those carbon fiber tanks are</p> <p>24 very popular in South Florida.</p> <p>25 Q. So, let me ask you this. Is it your</p>
Page 79	Page 81
<p>1 A. No.</p> <p>2 Q. What about since January 30th, 2017?</p> <p>3 A. The conversation has come up more.</p> <p>4 Q. As a result of this incident?</p> <p>5 A. I don't know.</p> <p>6 Q. Well, you have been involved in some of</p> <p>7 these conversations, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Now, what conversations have you had since</p> <p>10 January 30th, 2017, regarding Peter Sotis?</p> <p>11 A. A lot. You mean as diving practices?</p> <p>12 Q. Yes.</p> <p>13 A. Yes, a lot.</p> <p>14 Q. What are the substances of those</p> <p>15 conversations?</p> <p>16 A. That he runs high gradient factors.</p> <p>17 Q. Okay.</p> <p>18 A. That he doesn't require people to carry as</p> <p>19 much bail-out as I would.</p> <p>20 Q. Okay. Prior to January 30th, had you</p> <p>21 heard that before?</p> <p>22 A. No.</p> <p>23 Q. Okay. What else have you heard about</p> <p>24 Peter Sotis since January 30th, 2017?</p> <p>25 A. I mean that he rebreathers to countries in</p>	<p>1 testimony that, if a diver comes to Horizon Divers</p> <p>2 with a nonDOT approved carbon fiber wrapped aluminum</p> <p>3 tank and has you fill it or asked you to fill it,</p> <p>4 you guys would say no but you would still let that</p> <p>5 diver on your boat?</p> <p>6 A. Sure.</p> <p>7 Q. And that was as of before January 30th,</p> <p>8 2017?</p> <p>9 A. Yes.</p> <p>10 Q. And you would let them on the boat as long</p> <p>11 as they weren't using those tanks, or would you let</p> <p>12 them use their tanks aboard your boat?</p> <p>13 A. If they want to use their tanks, I'm not</p> <p>14 going to tell them no.</p> <p>15 Q. Okay.</p> <p>16 A. I will regularly offer other tanks to</p> <p>17 them, if they need it.</p> <p>18 Q. If they have a nonDOT approved tank and</p> <p>19 they already have it filled but you notice--- I</p> <p>20 mean you can visibly see that these are non---</p> <p>21 A. We get carbon fiber tanks from Add Helium</p> <p>22 on the boat all the time.</p> <p>23 Q. And that happened before this incident,</p> <p>24 correct?</p> <p>25 A. Yes.</p>

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<p>1 Q. And those are tanks that you will not</p> <p>2 fill, right?</p> <p>3 A. Right.</p> <p>4 Q. But even if a diver comes with them</p> <p>5 filled, even though it's a nonDOT approved tank, you</p> <p>6 will let that diver on the boat?</p> <p>7 A. Yes.</p> <p>8 Q. Why is that?</p> <p>9 A. It's their tanks. One, I don't inspect</p> <p>10 their tanks, unless I'm filling them. It's not my</p> <p>11 place. So, it doesn't involve me at all, unless</p> <p>12 they bring it to the fill station.</p> <p>13 Q. But you are involved as Horizon Divers --</p> <p>14 I mean Horizon Divers is involved in certain aspects</p> <p>15 of passenger and diver safety, right?</p> <p>16 A. Sure.</p> <p>17 Q. And it is your testimony then that a</p> <p>18 passenger can bring whatever kind of equipment they</p> <p>19 would like, as long as they are certified, and</p> <p>20 technically dive it?</p> <p>21 A. Yes.</p> <p>22 Q. Even if it's using non-approved components</p> <p>23 to their equipment?</p> <p>24 A. I don't inspect their equipment.</p> <p>25 Q. But if you notice it, you are not going to</p>	<p>1 conversations?</p> <p>2 A. If we need a mate on the Pisces for this</p> <p>3 trip, I'm more than happy to go.</p> <p>4 Q. Why did Robert Steele end up going and not</p> <p>5 you?</p> <p>6 A. Well, at one point in time we didn't --</p> <p>7 even then we didn't need a mate for the trip. Bobby</p> <p>8 was a last minute addition. So, I was busy</p> <p>9 somewhere else and he couldn't or I couldn't go.</p> <p>10 So, he was the guy standing next to Dan at the time.</p> <p>11 Q. So, you had volunteered to Dan ahead of</p> <p>12 time saying that you would like to make yourself</p> <p>13 available or would make yourself available to be the</p> <p>14 deckhand aboard the vessel, but at that point in</p> <p>15 time when you had that conversation that you told me</p> <p>16 about --</p> <p>17 A. Right.</p> <p>18 Q. -- at that point it was not expected that</p> <p>19 a deckhand would be aboard the boat.</p> <p>20 A. Right.</p> <p>21 Q. When did you first find out about the</p> <p>22 incident?</p> <p>23 A. Dan texted me on his way to Islamorada.</p> <p>24 Q. Okay.</p> <p>25 A. I was in the back doing something. I came</p>
Page 83	Page 85
<p>1 kick them off the boat and say, "Listen, those are</p> <p>2 not DOT approved tanks. You can't use them here."</p> <p>3 A. Right.</p> <p>4 Q. You don't recall as you sit here today</p> <p>5 what you were doing on January 31st, correct? I</p> <p>6 think I already asked you that.</p> <p>7 A. Not until the evening. I mean I can look</p> <p>8 at the manifest and see if I was teaching a class or</p> <p>9 on the boat.</p> <p>10 Q. So, we can figure that out based on</p> <p>11 company records through a request to your attorney?</p> <p>12 A. Yes.</p> <p>13 Q. You were not a captain at that point in</p> <p>14 time; is that correct?</p> <p>15 A. I don't believe so, no.</p> <p>16 Q. But you were a deckhand?</p> <p>17 A. Yes.</p> <p>18 Q. And you were still functioning as a</p> <p>19 deckhand on certain excursions?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever discuss with Dan the</p> <p>22 possibility of you being a deckhand on board the</p> <p>23 Pisces throughout this time?</p> <p>24 A. Yes.</p> <p>25 Q. What was the substance of those</p>	<p>1 out, and he wasn't there anymore.</p> <p>2 Q. What happened, or what did he text you?</p> <p>3 A. I texted him.</p> <p>4 Q. What did he text you, though?</p> <p>5 A. That he was headed to Islamorada and that</p> <p>6 he would call me later.</p> <p>7 Q. Okay.</p> <p>8 A. And then he let me know -- he called me</p> <p>9 and let me know that there was a missing diver.</p> <p>10 Q. Okay. Did he give you any specifics?</p> <p>11 A. I don't think at the time he had specifics</p> <p>12 to give.</p> <p>13 Q. This was around what time, 5:00, 5:30,</p> <p>14 6:00?</p> <p>15 A. Yes, 5:00, 5:30.</p> <p>16 Q. Was it still light out?</p> <p>17 A. Yes.</p> <p>18 Q. Then he makes his way down to Islamorada.</p> <p>19 You did not go with him?</p> <p>20 A. No.</p> <p>21 Q. Did you talk to David Wilkerson while he</p> <p>22 was still out in the water?</p> <p>23 A. No.</p> <p>24 Q. What happened next, at least from your</p> <p>25 involvement? Did you go to Islamorada?</p>


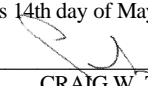
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<p>1 A. Dan let me know that there was a missing</p> <p>2 diver and that Dave was on the water searching. The</p> <p>3 Coast Guard had been notified.</p> <p>4 I was like, "Okay. I'll stay here at the</p> <p>5 shop."</p> <p>6 Everybody went home. I stayed at the</p> <p>7 shop. The family called and let me know or was</p> <p>8 asking questions about what they can do, how they</p> <p>9 could get here, what was going on. I didn't have</p> <p>10 any answers.</p> <p>11 Q. So, you spoke with the family?</p> <p>12 A. Yes.</p> <p>13 Q. Whom did you speak with?</p> <p>14 A. I think it was Rob's sister.</p> <p>15 Q. Alex?</p> <p>16 A. I think so.</p> <p>17 Q. It was your understanding that it was his</p> <p>18 sister?</p> <p>19 A. Right.</p> <p>20 Q. What information did you give her?</p> <p>21 A. I didn't have any information to give</p> <p>22 other than there was a missing diver and they were</p> <p>23 searching.</p> <p>24 Q. Did you already know it was Robert Stewart</p> <p>25 that was missing?</p>	<p>1 Q. What time did that conversation happen</p> <p>2 around?</p> <p>3 A. After 6:00.</p> <p>4 Q. Did you ever make it down to Islamorada</p> <p>5 that night?</p> <p>6 A. I did not.</p> <p>7 Q. What was your next involvement? Was it</p> <p>8 the following morning?</p> <p>9 A. The following morning Dan and I went and</p> <p>10 met the boat at Caloosa Cove.</p> <p>11 Q. What time?</p> <p>12 A. Early, pre-8:00.</p> <p>13 Q. Who was on the boat?</p> <p>14 A. Me, Dan, Dave, Rob Bleser, Kurt Wagner,</p> <p>15 yes.</p> <p>16 Q. Did Rob Bleser have his ROV that day?</p> <p>17 A. No.</p> <p>18 Q. Then you guys headed out to the Queen of</p> <p>19 Nassau?</p> <p>20 A. Yes.</p> <p>21 Q. And you and Dan dove?</p> <p>22 A. Yes.</p> <p>23 Q. How many times did you dive?</p> <p>24 A. Once.</p> <p>25 Q. And that was using the Meg 15, correct?</p>
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<p>1 A. I don't remember.</p> <p>2 Q. How many times did you speak with her?</p> <p>3 A. I think she called two, maybe three times.</p> <p>4 Sharkwater called.</p> <p>5 Q. Do you know who from Sharkwater?</p> <p>6 A. I think it was Karen.</p> <p>7 Q. Okay.</p> <p>8 A. Once or twice, again, trying to coordinate</p> <p>9 how the family could get down here, asking</p> <p>10 questions, you know, none of which I had answers</p> <p>11 for.</p> <p>12 Q. Is there any other part of that</p> <p>13 conversation that you can recall, or is that</p> <p>14 everything that you spoke with with the family and</p> <p>15 Sharkwater?</p> <p>16 A. That was it.</p> <p>17 Q. Then what happened next in terms of your</p> <p>18 involvement?</p> <p>19 A. Dan called me, letting me know that Dave</p> <p>20 was still in the water doing search patterns and</p> <p>21 that he was going to stay in Islamorada until the</p> <p>22 boat got back and that be ready to dive the next</p> <p>23 day.</p> <p>24 Q. Okay. To recover the body?</p> <p>25 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. Or you were using the Meg 15.</p> <p>3 A. Yes.</p> <p>4 Q. Why didn't you use your Prism?</p> <p>5 A. I'm more comfortable on the Meg.</p> <p>6 Q. Had you previously dove the Queen of</p> <p>7 Nassau wreck?</p> <p>8 A. Yes.</p> <p>9 Q. Had you previously dove the Queen of</p> <p>10 Nassau wreck using a rebreather?</p> <p>11 A. No.</p> <p>12 Q. Have you since dove the Queen of Nassau</p> <p>13 wreck using a rebreather after the February 1st</p> <p>14 dive?</p> <p>15 A. No.</p> <p>16 Q. Have you dove the Queen of Nassau wreck</p> <p>17 since?</p> <p>18 A. Once.</p> <p>19 Q. With open circuit?</p> <p>20 A. Open circuit, yes.</p> <p>21 Q. When did you first talk to David</p> <p>22 Wilkerson?</p> <p>23 A. The morning after.</p> <p>24 Q. So, you didn't speak to him that night?</p> <p>25 A. No.</p>

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<p>1 Q. Did you speak to Robert Steele that</p> <p>2 evening?</p> <p>3 A. I might have texted him. I don't</p> <p>4 remember.</p> <p>5 Q. Was Robert Steele aboard the boat on</p> <p>6 February 1st?</p> <p>7 A. I don't remember. I don't remember.</p> <p>8 Q. When you guys dove down, when you and Dan</p> <p>9 dove down on February 1st, how long was your run</p> <p>10 time?</p> <p>11 A. Like 90, 95 minutes.</p> <p>12 Q. How long were you at depth?</p> <p>13 A. Twenty.</p> <p>14 Q. Who set those dive plans?</p> <p>15 A. Dan and I had the same plan.</p> <p>16 Q. But you guys discussed it ahead of time?</p> <p>17 A. Right.</p> <p>18 Q. Why were you at depth for 20 minutes? I</p> <p>19 mean, how was that number decided?</p> <p>20 A. Beyond 20 minutes, the decompression</p> <p>21 obligation starts to get long and you're balancing</p> <p>22 out bottom time versus deco time.</p> <p>23 Q. And why did you not do two dives that day?</p> <p>24 A. We decided that visibility was so bad that</p> <p>25 to do a second dive wasn't going to be productive.</p>	<p>1 backup for Dave. He is also an accomplished diver</p> <p>2 and instructor. So, if we needed help with gear and</p> <p>3 stuff in the water, he was there for us.</p> <p>4 Q. Is he a Horizon Divers guy?</p> <p>5 A. Not anymore.</p> <p>6 Q. At that time?</p> <p>7 A. I think so. He worked for us for a short</p> <p>8 period of time, and then--- He went from Ocean</p> <p>9 Divers to us and then back to Ocean Divers.</p> <p>10 Q. You ran the ROV again on February 3rd,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And all three days you were aboard the</p> <p>14 Pisces, right?</p> <p>15 A. Yes.</p> <p>16 Q. On the third day you guys are running the</p> <p>17 ROV, and at some point in time the ROV, through the</p> <p>18 monitor, spots Rob Stewart, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Who was operating the ROV?</p> <p>21 A. Rob Bleser.</p> <p>22 Q. Then divers get into the water, correct?</p> <p>23 A. Once Rob said he found the body, it took</p> <p>24 us about 15 minutes to gear up.</p> <p>25 Q. Who was going into the water?</p>
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<p>1 We already knew an ROV was coming the next day, that</p> <p>2 it would be safer to just wait for the ROV than to</p> <p>3 dive a second time.</p> <p>4 Q. Did you go out on the boat on February</p> <p>5 2nd?</p> <p>6 A. Yes.</p> <p>7 Q. Who was on the boat?</p> <p>8 A. Me, Dan, Dave, Rob.</p> <p>9 Q. Brock?</p> <p>10 A. Brock, Craig, Kell and Joe.</p> <p>11 Q. Joe?</p> <p>12 A. O'keefe.</p> <p>13 Q. You guys ran the ROV that day?</p> <p>14 A. Yes.</p> <p>15 Q. And you did not dive into the water,</p> <p>16 correct?</p> <p>17 A. No.</p> <p>18 Q. Did you go back on February 3rd?</p> <p>19 A. Yes.</p> <p>20 Q. Who was on the boat that day?</p> <p>21 A. The same people with the addition of Tuck.</p> <p>22 Q. Tuck Hall?</p> <p>23 A. Tuck Hall.</p> <p>24 Q. And what was his role that day?</p> <p>25 A. He was another captain. So, he was a</p>	<p>1 A. Me, Dan and Craig.</p> <p>2 Q. And you guys were going to dive down and</p> <p>3 recover Rob Stewart?</p> <p>4 A. Yes.</p> <p>5 Q. Was there also a safety diver involved?</p> <p>6 A. Yes.</p> <p>7 Q. Who was that?</p> <p>8 A. Joe O'Keefe met us at 100 feet, 90 feet.</p> <p>9 Q. My understanding, based on some prior</p> <p>10 testimony in this case, is that -- well, in this</p> <p>11 case you filled up lift bags that took Rob Stewart</p> <p>12 to the surface?</p> <p>13 A. Yes.</p> <p>14 Q. And was that the signal for -- what was</p> <p>15 his name, O'Keefe?</p> <p>16 A. Joe.</p> <p>17 Q. -- Joe to get into the water?</p> <p>18 A. I mean I don't know what happened on the</p> <p>19 surface because I wasn't there, but the body was on</p> <p>20 board Pisces when we surfaced.</p> <p>21 Q. Let me ask you this. Was there pre-dive</p> <p>22 planning? I mean did you guys discuss ahead of time</p> <p>23 who was going down, who was going to be the safety</p> <p>24 diver?</p> <p>25 A. Yes.</p>

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<p>1 Q. When did that conversation occur?</p> <p>2 A. In that 15 minutes of prep. Well, we had</p> <p>3 already talked with Joe about that he was going to</p> <p>4 be in the water with us. And then right before we</p> <p>5 went in the water, we revisited the basics of that</p> <p>6 plan and then the timeline for how long we assumed</p> <p>7 it would take us at the bottom.</p> <p>8 Q. Who had the lift bags on them?</p> <p>9 A. All of us.</p> <p>10 Q. Then tell me about what happened once you</p> <p>11 get down to depth.</p> <p>12 A. So, we followed the ROV line down to the</p> <p>13 body. Craig's camera was broken.</p> <p>14 Q. Craig's what?</p> <p>15 A. His camera, his GoPro, it was broken. Dan</p> <p>16 pulled out lift bags. I tried to inflate the</p> <p>17 bladder on his rebreather, and nothing happened.</p> <p>18 Q. Was that because the rebreather was</p> <p>19 flooded --</p> <p>20 A. I don't know.</p> <p>21 Q. -- or he was out of gas?</p> <p>22 A. I didn't check or look. He was face up at</p> <p>23 the bottom and pretty negative.</p> <p>24 Q. Meaning he was---</p> <p>25 A. Negatively bouyant.</p>	<p>1 A. Yes.</p> <p>2 Q. What was his GoPro attached to?</p> <p>3 A. His hand.</p> <p>4 Q. How do you know it wasn't working?</p> <p>5 A. Because it didn't have an underwater</p> <p>6 housing on it.</p> <p>7 Q. So, it just got destroyed when he got in</p> <p>8 the water?</p> <p>9 A. Yes.</p> <p>10 Q. When you got down there, was the loop out</p> <p>11 of Rob Stewart's mouth; do you know?</p> <p>12 A. Yes.</p> <p>13 Q. You recall seeing that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall seeing anything else about</p> <p>16 his equipment down there that piqued your interest</p> <p>17 or that you noticed?</p> <p>18 A. Other than the inflater not working, his</p> <p>19 bail-out bottles were still attached. Everything</p> <p>20 was intact and on him. I didn't do that detailed of</p> <p>21 an inspection on him.</p> <p>22 Q. Do you recall if his loop was open or</p> <p>23 closed?</p> <p>24 A. I don't recall.</p> <p>25 Q. You didn't look?</p>
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<p>1 Q. Okay.</p> <p>2 A. Yes. So, I figured adding a little bit of</p> <p>3 bladder would make it easier. The rebreather has a</p> <p>4 bar across the top of it, which would have been in</p> <p>5 the sand because of how he was oriented. So, to get</p> <p>6 to the bar and to be able to hook lift bags to it, a</p> <p>7 little bit of gas in the bladder of the rebreather</p> <p>8 would have helped. But when I hit the button,</p> <p>9 nothing happened.</p> <p>10 So, then I moved back to help tie off the</p> <p>11 rebreathers or to help tie off the lift bags. We</p> <p>12 added a little bit of gas to get him up. And then</p> <p>13 once everybody was good, I used a little bit of</p> <p>14 bail-out and filled up the bags to send him up.</p> <p>15 Q. You are certain you used your bail-out</p> <p>16 tank to fill up the lift bags?</p> <p>17 A. I used my bail-out for one of them. There</p> <p>18 were two bags on.</p> <p>19 Q. So, you filled up one bag with your</p> <p>20 bail-out.</p> <p>21 A. Yes.</p> <p>22 Q. Do you know who filled up the other bag</p> <p>23 and how?</p> <p>24 A. I don't remember.</p> <p>25 Q. You mentioned Craig had a GoPro?</p>	<p>1 A. No.</p> <p>2 Q. Have you ever dove a rEvo before?</p> <p>3 A. No.</p> <p>4 Q. He had one of the -- I think it's called a</p> <p>5 NERD, correct?</p> <p>6 A. A NERD, yes.</p> <p>7 Q. That was still in place?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you recall seeing the other -- I forget</p> <p>10 which one is which -- the Petrel or the Perdix that</p> <p>11 is attached to the actual rebreather? One of those,</p> <p>12 and I forget which one it is, is the one that</p> <p>13 actually attaches by a cord to the rebreather,</p> <p>14 correct?</p> <p>15 A. Right.</p> <p>16 Q. That's the Petrel?</p> <p>17 A. The rEvo runs on Shearwater electronics.</p> <p>18 So, they are both Petrels.</p> <p>19 Q. Did you see any of his computers when you</p> <p>20 were down there?</p> <p>21 A. No. I didn't pay attention.</p> <p>22 Q. You didn't pay attention at all?</p> <p>23 A. No.</p> <p>24 Q. You didn't see if he had it on his wrist</p> <p>25 or not?</p>

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<p>1 A. No.</p> <p>2 Q. You guys then inflate the lift bags. You</p> <p>3 recall filling one with your bail-out, and you do</p> <p>4 not recall how the other one was filled, correct?</p> <p>5 A. Yes. I don't remember.</p> <p>6 Q. Then his body goes to the surface.</p> <p>7 A. Um-hmm.</p> <p>8 Q. Right?</p> <p>9 A. Um-hmm.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Yes.</p> <p>12 Q. Then you guys begin your decompression.</p> <p>13 A. Yes.</p> <p>14 Q. How long were you at depth that time?</p> <p>15 A. Like ten minutes.</p> <p>16 Q. Then you guys meet Joe at about a hundred</p> <p>17 feet?</p> <p>18 A. Right.</p> <p>19 Q. Then you continued to do your</p> <p>20 decompression all the way to the surface?</p> <p>21 A. Yes.</p> <p>22 Q. When you got to the surface, Rob Stewart's</p> <p>23 body was already on the Pisces?</p> <p>24 A. Yes.</p> <p>25 Q. Was the Coast Guard already there?</p>	<p>1 A. No.</p> <p>2 Q. Do you know if Dan Dawson did?</p> <p>3 A. No.</p> <p>4 Q. You don't no or he did not?</p> <p>5 A. He did not.</p> <p>6 Q. Do you have any other knowledge about this</p> <p>7 case, about what happened out on the water that we</p> <p>8 haven't discussed?</p> <p>9 A. No.</p> <p>10 Q. Do you have any suspicions about--- You</p> <p>11 understand that Peter Sotis underwent some sort of</p> <p>12 medical incident --</p> <p>13 A. Yes.</p> <p>14 Q. -- when him and Rob both surfaced?</p> <p>15 A. Yes.</p> <p>16 Q. Do you have any suspicions or have you had</p> <p>17 any conversations about what might have caused that?</p> <p>18 A. You mean other than theory?</p> <p>19 Q. Yes.</p> <p>20 A. I mean we've talked about it, but no.</p> <p>21 Q. Tell me about the substance of those</p> <p>22 conversations, understanding you don't exactly know.</p> <p>23 A. I mean it's just speculation from, I mean,</p> <p>24 the internet.</p> <p>25 MR. FERTIG: Note my objection.</p>
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<p>1 A. The Coast Guard was on scene, but not on</p> <p>2 Pisces.</p> <p>3 Q. But the Coast Guard vessel was within</p> <p>4 eyesight?</p> <p>5 A. Right.</p> <p>6 Q. When you got on the vessel, was Rob</p> <p>7 Stewart's body still on the vessel?</p> <p>8 A. Yes.</p> <p>9 Q. Was the Coast Guard yet on that vessel?</p> <p>10 A. They got on board as I was getting out of</p> <p>11 my gear.</p> <p>12 Q. So, after you got on board, then the Coast</p> <p>13 Guard gets on board.</p> <p>14 A. Yes.</p> <p>15 Q. Was anything done with Robert Stewart's</p> <p>16 body or the computers? Did anyone look at any of</p> <p>17 the equipment from the moment you got on the vessel</p> <p>18 to the moment that his body was then transferred to</p> <p>19 the Coast Guard vessel?</p> <p>20 A. No. As soon as I got out of my gear, we</p> <p>21 were loading him on a backboard, and the Coast Guard</p> <p>22 came up on our hip.</p> <p>23 Q. Did anyone take any photographs?</p> <p>24 A. Not that I noticed.</p> <p>25 Q. Did you have a GoPro when you were down?</p>	<p>1 MR. BAYER: Join.</p> <p>2 MR. FERTIG: You can answer.</p> <p>3 A. I mean the internet was all aflutter about</p> <p>4 speculation as to why things happened.</p> <p>5 Q. What kind of things?</p> <p>6 A. I don't know. I mean it could have been</p> <p>7 hypoxia. It could have been a thousand different</p> <p>8 things. I don't know.</p> <p>9 Q. Did you have any conversations with Dan</p> <p>10 about what it could have been?</p> <p>11 A. I'm sure.</p> <p>12 Q. Do you recall any of those conversations?</p> <p>13 A. The same thing, you know, it's</p> <p>14 speculation. In fact, when we talk about it or when</p> <p>15 anybody talks about it, we try to point back to</p> <p>16 there's no facts yet, that nobody can know until all</p> <p>17 the information is present.</p> <p>18 Q. But has anyone said, "This is what I think</p> <p>19 happened," or, "I mean I understand, but this is my</p> <p>20 guess"?</p> <p>21 A. I mean everybody.</p> <p>22 Q. What is Dan's guess? Did he give you one?</p> <p>23 MR. FERTIG: Objection to the form.</p> <p>24 A. I don't know.</p> <p>25 Q. You don't know?</p>

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<p>1 A. Yes.</p> <p>2 Q. You don't recall any conversations with</p> <p>3 Dan where he said, "This is what I suspect happened</p> <p>4 but, again, I don't really know"?</p> <p>5 A. Yes. I don't know.</p> <p>6 Q. You don't have a guess as you sit here</p> <p>7 today?</p> <p>8 A. No. I mean I can make 15 of them. I just</p> <p>9 don't know.</p> <p>10 Q. Did you ever talk to David Wilkerson about</p> <p>11 what happened when the divers surfaced?</p> <p>12 A. When we surfaced at the end of the dive?</p> <p>13 Q. When Robert Stewart and Peter Sotis</p> <p>14 surfaced.</p> <p>15 A. Yes.</p> <p>16 Q. What was the substance of your</p> <p>17 conversation with David Wilkerson about that?</p> <p>18 A. That Rob surfaced with Peter, signaled</p> <p>19 that they were okay. Peter got on the boat. He had</p> <p>20 issues. Bobby went to help him, and he collapsed.</p> <p>21 And that Rob was on the surface while they were</p> <p>22 attending to Peter. Dave asked Rob to grab the</p> <p>23 line, and he didn't. That's when he turned the boat</p> <p>24 around, and Rob went missing.</p> <p>25 Q. When you say they were attending to Peter,</p>	<p>1 MR. FERTIG: Objection to the form.</p> <p>2 A. That would have been what Bobby was going</p> <p>3 to do, yes.</p> <p>4 Q. My question is more specific. Bobby was</p> <p>5 administering oxygen to a diver in distress, right?</p> <p>6 A. Yes.</p> <p>7 Q. Bobby is not a medical doctor, right?</p> <p>8 A. No.</p> <p>9 Q. He was with a medical doctor. You</p> <p>10 understand that Claudia Sotis is a medical doctor?</p> <p>11 A. I found out afterwards.</p> <p>12 Q. You didn't know that at the time?</p> <p>13 A. I don't think so, no.</p> <p>14 Q. And based on--- I mean you are very</p> <p>15 familiar with Horizon's policies and procedures,</p> <p>16 correct?</p> <p>17 A. Right.</p> <p>18 Q. So, even if the deckhand and the captain</p> <p>19 had known at the time that Claudia Sotis was a</p> <p>20 medical doctor, is it still Horizon's policies and</p> <p>21 procedures that Bobby would have been the one to</p> <p>22 administer the O2?</p> <p>23 A. Unless previously discussed by the group,</p> <p>24 yes.</p> <p>25 Q. Now, if that would have been previously</p>
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<p>1 who is "they"?</p> <p>2 A. Bobby and Claudia.</p> <p>3 Q. Was Dave attending to Peter at all, based</p> <p>4 on your conversation with him?</p> <p>5 A. Not that I know of.</p> <p>6 Q. Did you talk to Bobby about what happened?</p> <p>7 A. Yes.</p> <p>8 Q. What did Bobby tell you had happened?</p> <p>9 A. The same thing.</p> <p>10 Q. So, his story was the same as David</p> <p>11 Wilkerson's?</p> <p>12 A. Yes.</p> <p>13 Q. Did anyone tell you or did you ever ask</p> <p>14 why they didn't keep an eye on Rob?</p> <p>15 A. David said that he had asked Brock to</p> <p>16 watch Rob while he was turning the boat around.</p> <p>17 Q. Okay.</p> <p>18 A. So, yes, I asked, and that was what I got.</p> <p>19 Q. That was the response?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever ask why Bobby was</p> <p>22 administering or assisting treating Peter Sotis?</p> <p>23 A. I didn't ask, no. That's Bobby's job.</p> <p>24 Q. Is that Bobby's job regardless of who the</p> <p>25 other passengers are?</p>	<p>1 discussed, then the procedures can change, correct?</p> <p>2 A. I have had dive groups on the boat before</p> <p>3 that brought their own O2 kit, all right, knowing</p> <p>4 that we have ours, but they brought their own.</p> <p>5 Q. Now, even if they didn't bring their own,</p> <p>6 couldn't there be a discussion beforehand where</p> <p>7 there's some pre-dive planning or emergency</p> <p>8 procedure planning, you know, "Well, this diver is</p> <p>9 a -- or this member of this excursion is a doctor.</p> <p>10 So, if there's an emergency and she or he is</p> <p>11 available, they are the one that will administer the</p> <p>12 O2"? I mean that conversation can be had, right?</p> <p>13 A. It can be had, yes.</p> <p>14 Q. So, it's not that, if there's a medical</p> <p>15 emergency, there's a regulation or U.S. Coast Guard</p> <p>16 procedures and protocols that the deckhand always</p> <p>17 has to administer the O2, right?</p> <p>18 A. Everybody on board the boat is trained.</p> <p>19 Q. What do you mean by that?</p> <p>20 A. Everybody on that boat should have been at</p> <p>21 least a rescue diver. In fact, I'm pretty sure</p> <p>22 everybody on board the boat was at least a rescue</p> <p>23 diver, and administering oxygen is trained in the</p> <p>24 rescue diver course.</p> <p>25 Q. No, no, no. I understand that. But I'm</p>

<p style="text-align: right;">Page 106</p> <p>1 saying the captain--- You said it's Bobby's job to</p> <p>2 administer the O2, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you said it was Bobby's job because</p> <p>5 Bobby was the deckhand, right?</p> <p>6 A. Yes.</p> <p>7 Q. That's your understanding of what happened</p> <p>8 that day, right?</p> <p>9 A. Correct.</p> <p>10 Q. We can agree that there can be a</p> <p>11 delegation ahead of time before a dive occurs among</p> <p>12 the crew where it's decided that maybe the deckhand</p> <p>13 is not going to be the one administering O2 in</p> <p>14 today's dive because so and so is a medical</p> <p>15 professional and is aboard the vessel. That can</p> <p>16 happen, correct?</p> <p>17 A. Sure.</p> <p>18 Q. Can we agree that you diving on</p> <p>19 February 1st with a Meg 15 to a depth of 225 feet</p> <p>20 was not the first time a diver dove off of a Horizon</p> <p>21 Divers boat to a depth that he was not qualified to</p> <p>22 dive to?</p> <p>23 A. I don't know.</p> <p>24 Q. You are not aware of any customer that</p> <p>25 Horizon Divers caters to as you sit here today that</p>	<p style="text-align: right;">Page 108</p> <p>1 CERTIFICATE OF OATH</p> <p>2 STATE OF FLORIDA)</p> <p>3 COUNTY OF DADE)</p> <p>4</p> <p>5 I, the undersigned authority, certify that</p> <p>6 JEFFREY KNAPP personally appeared before me and was</p> <p>7 duly sworn.</p> <p>8</p> <p>9 WITNESS my hand and official seal this 14th day</p> <p>10 of May, 2018.</p> <p>11 </p> <p>12 CRAIG W. TAYLOR</p> <p>13</p> <p>14 Notary Public, State of Florida</p> <p>15 Commission No. GG 64324</p> <p>16 Expires: March 28, 2021</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 107</p> <p>1 is not qualified to dive to certain depths using</p> <p>2 certain pieces of equipment?</p> <p>3 A. I don't know.</p> <p>4 Q. That's all I have, sir. Thank you very</p> <p>5 much.</p> <p>6 A. Thanks.</p> <p>7 MR. BAYER: Where does the name Hot Sauce</p> <p>8 come from?</p> <p>9 THE WITNESS: I don't know.</p> <p>10 MR. BAYER: That's all I have.</p> <p>11 MR. FERTIG: I have nothing.</p> <p>12 We will waive.</p> <p>13 THE VIDEOGRAPHER: This concludes the</p> <p>14 deposition. The time is 12:02 p.m.</p> <p>15 (Thereupon, the witness waived the reading</p> <p>16 and signing of the deposition transcript, and</p> <p>17 the deposition was concluded at 12:02 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 109</p> <p>1</p> <p>2 REPORTER'S CERTIFICATE</p> <p>3 STATE OF FLORIDA)</p> <p>4 COUNTY OF DADE)</p> <p>5</p> <p>6 I, CRAIG W. TAYLOR, do hereby certify that I</p> <p>7 was authorized to and did stenographically report</p> <p>8 the foregoing deposition of JEFFREY KNAPP; that a</p> <p>9 review of the transcript was not requested; and that</p> <p>10 the transcript is a true record of my stenographic</p> <p>11 notes.</p> <p>12 I further certify that I am not a relative,</p> <p>13 employee, attorney, or counsel of any of the</p> <p>14 parties, nor am I a relative or employee of any of</p> <p>15 the parties' attorneys or counsel connected with the</p> <p>16 action, nor am I financially interested in the</p> <p>17 action.</p> <p>18</p> <p>19 Dated this 14th day of May, 2018.</p> <p>20</p> <p>21 </p> <p>22 CRAIG W. TAYLOR</p> <p>23</p> <p>24</p> <p>25</p>

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