

EXHIBIT B

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

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

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1 A. Right.
 2 Q. If you don't understand something that I
 3 ask you, please let me know that you don't
 4 understand so I can do my best to rephrase it, okay?
 5 A. Okay.
 6 Q. If you answer, we are all going to assume
 7 that you understood the question, fair?
 8 A. Fair.
 9 Q. If you don't know the answer to a
 10 question, just let us know that you don't know.
 11 That's a perfectly fine response.
 12 I may ask you at times to estimate if it
 13 has to do with time frames and things of that
 14 nature. Just let us know that you are estimating,
 15 okay?
 16 A. Okay.
 17 Q. The last rule is, even though we have a
 18 videographer here, the video is taping everything,
 19 but the court reporter still needs to type
 20 everything out. So, just wait. A lot of times you
 21 are going to know where I'm going with my questions.
 22 Just wait until I finish asking it before you give
 23 your response because, if not, we are going to drive
 24 him crazy, okay?
 25 A. Okay.

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1 Q. Have you ever been convicted of a felony?
 2 A. No.
 3 Q. Have you ever been convicted of a crime of
 4 dishonesty?
 5 A. No.
 6 Q. You currently work at Horizon Divers?
 7 A. Yes.
 8 Q. How long have you worked there?
 9 A. Five years.
 10 Q. So, you would have started in about 2013?
 11 A. April 1st, 2013.
 12 Q. Do you work anywhere else?
 13 A. Divers Direct.
 14 Q. How long have you worked at Divers Direct?
 15 A. May, 2013.
 16 Q. Do you work anywhere else?
 17 A. No.
 18 Q. What did you do before April, 2013?
 19 A. I managed a dive store in Richmond,
 20 Virginia.
 21 Q. What was the name of that dive shop?
 22 A. The Dive Shop.
 23 Q. The Dive Shop?
 24 A. Um-hmm.
 25 Q. How long did you do that for?

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1 A. A year.
 2 Q. What did you do before that?
 3 A. I was an instructor at Sweet Bottom Dive
 4 Center In St. Croix, U.S. Virgin Islands.
 5 Q. How long did you do that?
 6 A. For six months.
 7 Q. So, now we are back in about 2011 or so?
 8 A. Um-hmm.
 9 Q. Is that yes?
 10 A. Yes, sir.
 11 Q. I'm sorry. Another rule is --
 12 A. I've got you.
 13 Q. -- you have to say yes or no, okay? It
 14 will happen throughout the deposition. I will just
 15 remind you.
 16 Before Sweet Bottom Dive Center, where did
 17 you work?
 18 A. At The Dive Shop in Richmond, Virginia.
 19 Q. How long were you there during that
 20 period?
 21 A. Two years.
 22 Q. Before that?
 23 A. I was in college.
 24 Q. Where did you go to college?
 25 A. Virginia Commonwealth.

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1 Q. Did you graduate?
 2 A. Um-hmm.
 3 Q. Yes?
 4 A. Yes, sir.
 5 Q. What was your degree in?
 6 A. History.
 7 Q. When you managed The Dive Shop during, I
 8 guess, 2012 or 2013, the second time that you were
 9 there, what was your position?
 10 A. I was the assistant manager at The Dive
 11 Shop.
 12 Q. Did you also do instruction?
 13 A. I did.
 14 Q. Where was most of the -- where was the
 15 diving done when you were in Richmond, Virginia?
 16 A. Most of the open-water diving was
 17 conducted at Lake Phoenix.
 18 Q. Was that off the shore or off a boat?
 19 A. Off the shore.
 20 Q. What did you do for Sweet Bottom Dive
 21 Center?
 22 A. Shore diving.
 23 Q. You were an instructor?
 24 A. Yes, sir.
 25 Q. And then the first stint with The Dive

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1 Shop, you had a similar position or what?
 2 A. I was a sales associate. That's where I
 3 worked through my dive master course before doing my
 4 instructor here in Key Largo.
 5 Q. Where did you do that?
 6 A. Rainbow Reef Dive Center.
 7 Q. Rainbow or Rambo?
 8 A. Rainbow.
 9 Q. When did you do that?
 10 A. 2011.
 11 Q. When did you become a captain? Well, you
 12 are a captain, correct?
 13 A. Yes, sir. 2017.
 14 Q. Was that before or after the incident
 15 involving Robert Stewart?
 16 A. After.
 17 Q. Why did you become a captain?
 18 A. Because it's a good professional move.
 19 Q. When did you receive your -- it was
 20 through -- Merchant Mariner Credential?
 21 A. 2017.
 22 Q. But when?
 23 A. May, I think.
 24 Q. Prior to that, did you serve as a deckhand
 25 aboard Horizon Divers' boats?

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1 A. Yes, sir.
 2 Q. You did that from when you started working
 3 there up until you became a captain?
 4 A. Yes, sir.
 5 Q. What do you do for Divers Direct? What do
 6 you do at Divers Direct?
 7 A. I'm a sales associate.
 8 Q. You don't do any instruction or anything
 9 through that company?
 10 A. No.
 11 Q. How many hours do you spend a week at
 12 Divers Direct as opposed to Horizon Divers? If it
 13 fluctuates, just let me know.
 14 A. Like two to four hours at Divers Direct.
 15 Q. How many hours typically do you spend a
 16 week working for Horizon Divers?
 17 A. Fifty.
 18 Q. Are you salaried or hourly?
 19 A. Salaried.
 20 Q. So, you are an employee?
 21 A. Yes.
 22 Q. How long have you been an employee?
 23 A. 2014, December or January, 2014. Sorry.
 24 Q. January of 2014?
 25 A. 2014, yes.

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1 Q. Prior to starting to work for Horizon
 2 Divers and prior to when you went on board in April
 3 of 2013, I believe you said --
 4 A. 2013.
 5 Q. -- had you ever done any instruction,
 6 training or anything through Horizon Divers?
 7 A. No.
 8 Q. How did you find out about the position or
 9 how did you come about obtaining the position?
 10 A. When I was in Richmond, Virginia, for The
 11 Dive Shop, we would run dive trips to Key Largo, and
 12 I would use Horizon Divers.
 13 Q. So, you never worked -- I'm sorry -- you
 14 never did any training through Horizon Divers, but
 15 you have gone out on their vessels prior to you
 16 becoming an employee or contractor?
 17 A. Yes.
 18 Q. When you started with Horizon Divers in
 19 April of 2013, what was your position?
 20 A. I was an instructor.
 21 Q. What were you permitted to instruct?
 22 A. When I moved down here, I was certified
 23 open water, advanced open water, rescue diver, dive
 24 master, several specialties.
 25 Q. Were you a rebreather diver at that time?

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1 A. No.
 2 Q. When did you start diving on rebreathers?
 3 A. 2015.
 4 Q. Did you do your rebreather training
 5 through Horizon Divers?
 6 A. Yes.
 7 Q. And that was through Dan Dawson?
 8 A. Yes.
 9 Q. Anyone else?
 10 A. No.
 11 Q. Was he the primary or is he the primary
 12 rebreather instructor with Horizon Divers?
 13 A. He is.
 14 Q. Are there other rebreather instructors
 15 with Horizon Divers at this time?
 16 A. Yes. We have one instructor that teaches
 17 recreational rebreather.
 18 Q. Who is that?
 19 A. His name is Hugh Hudson.
 20 Q. Since April of-- Well, let me take you
 21 back to January 31st, 2017, the date of this
 22 incident. Were there any other rebreather
 23 instructors at Horizon Divers?
 24 A. Other than Dan and Hugh?
 25 Q. Yes.

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1 A. No.
 2 Q. So, you started at Horizon Divers in April
 3 of 2013, and you are an instructor, correct?
 4 A. Yes.
 5 Q. Then when do you start operating or
 6 working as a deckhand?
 7 A. From that day.
 8 Q. Did you have any other responsibilities or
 9 positions other than instructor and deckhand back in
 10 April of 2013 when you were hired?
 11 A. Now I do gas blending and equipment
 12 servicing.
 13 Q. What is gas blending?
 14 A. Blending of mixes for dive gas.
 15 Q. Would you also fill tanks?
 16 A. Yes.
 17 Q. So, you blend the gas and fill the tanks?
 18 A. Yes.
 19 Q. You were first hired as a contractor,
 20 right?
 21 A. Yes.
 22 Q. And at some point you were made an
 23 employee?
 24 A. Yes.
 25 Q. Did your roles and responsibilities change

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1 at all? Did you become involved in the management
 2 of the business, a supervisory role?
 3 A. No.
 4 Q. Has your role changed since -- other than
 5 becoming a captain in the middle part of last year,
 6 in May of 2017?
 7 Actually, strike that.
 8 Between April of 2013 when you were hired
 9 and when you became a captain, did you take on any
 10 other roles, responsibilities with the company?
 11 A. Officially, no.
 12 Q. How about unofficially?
 13 A. If Dan is not around, I'm the senior guy.
 14 So, a lot of the questions and e-mails get passed to
 15 my direction.
 16 Q. So, you are kind of Dan's right-hand man?
 17 A. Yes.
 18 Q. But you don't have any title other than
 19 really instructor or captain?
 20 A. No.
 21 Q. Are you qualified to teach rebreathers or
 22 instruct on rebreathers?
 23 A. No.
 24 Q. But you are a certified rebreather diver?
 25 A. I am.

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1 Q. Can we agree that the vessels used by
 2 Horizon Divers must be seaworthy?
 3 A. Yes.
 4 Q. Can we agree that the vessels used by
 5 Horizon Divers must be properly equipped?
 6 A. Yes.
 7 Q. And we can agree that they must be
 8 properly manned, right?
 9 A. For the diving, yes.
 10 Q. And can we agree that Horizon Divers has
 11 the ability to refuse service to anyone?
 12 A. Yes.
 13 Q. So, if someone is unqualified to dive to a
 14 certain depth, Horizon Divers can prevent them from
 15 getting on their vessel to go out to a dive to that
 16 depth, right?
 17 A. Yes.
 18 Q. And Horizon Divers certainly does that,
 19 right? If someone is not credentialed to dive to a
 20 certain depth, they don't let them get on their
 21 boat, right?
 22 A. That's true.
 23 Q. If someone isn't qualified to use a
 24 certain type of rebreather, Horizon Divers can
 25 prohibit them from boarding their vessels, right?

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1 A. That is true.
 2 Q. Horizon Divers doesn't need to let them
 3 use their vessels if they are not qualified, right?
 4 A. That is true.
 5 Q. And Horizon Divers, in fact, stops people
 6 that are not qualified to use certain rebreathers
 7 from getting on their vessels, right?
 8 A. That is true.
 9 Q. If a diver is intoxicated before he gets
 10 on the vessel, it's completely within Horizon
 11 Divers' right to prohibit that diver from boarding
 12 the boat, right?
 13 A. Yes.
 14 Q. You certainly don't want a drunk diver or
 15 someone under the influence of drugs getting on your
 16 vessels, right?
 17 A. That's true.
 18 Q. That can create a safety issue?
 19 A. Yes.
 20 Q. Horizon Divers, I'm sure, has done that in
 21 the past, right?
 22 A. Yes.
 23 Q. Similarly, if a diver is known for being
 24 unsafe, it is completely within Horizon Divers'
 25 rights to prohibit them from boarding the vessel,

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1 right?
 2 A. Yes.
 3 Q. If they have a bad reputation or they have
 4 caused problems in the past, Horizon Divers can say,
 5 "Listen, you can't dive on our boats," right?
 6 A. Yes.
 7 Q. You don't need to let someone on just
 8 because they have a certification card, right?
 9 A. That's true.
 10 Q. And that goes for anyone, including
 11 instructors, correct?
 12 A. That is true.
 13 Q. When Horizon Divers--- When an incident
 14 occurs on one of Horizon Divers' vessels, is there
 15 an internal report made, an incident report filled
 16 out?
 17 A. Yes.
 18 Q. And who is responsible for filling that
 19 out?
 20 A. The parties involved.
 21 Q. You mean the divers?
 22 A. No. If it's the boat, then typically the
 23 captain will fill out the incident report.
 24 Q. Okay.
 25 A. The mates will make statements, if

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1 necessary.
 2 Q. Are we talking about internal incident
 3 reports?
 4 A. No. This would be---
 5 Q. Law enforcement?
 6 A. No. This would be a PADI incident report.
 7 Q. Okay.
 8 A. Because we are a PADI facility, any time
 9 there's an incident, we fill out a report to them.
 10 Q. Do you have to do an incident report to
 11 PADI even if the diving is unrelated to PADI? Like
 12 if it doesn't involve a PADI instructor or a PADI
 13 student or a PADI certified diver, do you still have
 14 to do a PADI incident report?
 15 A. Not if it's--- If it's an SDI or TDI
 16 course, which is another training agency, they have
 17 their own.
 18 Q. What if it's not affiliated with any of
 19 those agencies? For example, in this case it was a
 20 dive excursion. It was a chartered vessel. It was
 21 an IANTD instructor. You understand that, right?
 22 A. Yes.
 23 Q. Peter Sotis was at least an IANTD
 24 instructor.
 25 A. Exactly.

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1 Q. Are you required in those circumstances
 2 when you have a dive excursion unaffiliated with
 3 SDI, TDI or PADI and there is an incident on board,
 4 do you still have to fill out an incident report
 5 with those organizations?
 6 A. I'm not sure.
 7 Q. And I assume you don't know whether that
 8 was done in this case, right?
 9 A. I don't recall.
 10 Q. Prior to January--- Actually, at any
 11 point in time during your employment there, how many
 12 incidents are you aware of occurring on Horizon
 13 Divers' boats involving divers?
 14 A. Probably four.
 15 Q. Tell me about those. Let's start with the
 16 first one.
 17 A. Decompression sickness.
 18 Q. When was that?
 19 A. 2014.
 20 Q. Okay.
 21 A. A diver came up from the Duane, showed
 22 symptoms, gave him O2.
 23 Q. Were you on board the vessel?
 24 A. I was the mate.
 25 Q. What was the diver, what type of

Page 21

1 equipment?
 2 A. Recreational diver, single tank, nitrox.
 3 Q. What vessel?
 4 A. Pisces.
 5 Q. Who was the captain?
 6 A. I don't remember. I'm sorry. Mike.
 7 Q. Mike what?
 8 A. Mike--- I can't remember Mike's last
 9 name.
 10 Q. He no longer works at Horizon?
 11 A. He no longer works for Horizon, no.
 12 Q. When did he stop working there?
 13 A. Three years ago, 2015.
 14 Q. Do you know where he works now?
 15 A. He's retired.
 16 Q. Was that a male or a female?
 17 A. A male.
 18 Q. Do you know what caused the DCS?
 19 A. As far as I know, it was an undeserved
 20 hit.
 21 Q. What does that mean?
 22 A. Meaning that his profile was within
 23 recreational limits and he didn't violate anything.
 24 He did a safety stop, ascended slowly, did
 25 everything according to standard and still took a

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1 DCS hit.
 2 Q. Was there an explanation for that? I mean
 3 I know you are not a doctor, right?
 4 A. Yes. He went to the chamber. He still
 5 teaches with The Dive Shop in Florida. And he's
 6 been back on our boat since. But I don't know what
 7 the doctor said.
 8 Q. What was the next incident that you
 9 recall?
 10 A. I had a girl from Miami, possible
 11 decompression sickness, probably six months after
 12 that one.
 13 Q. What boat?
 14 A. Pisces.
 15 Q. What type of equipment?
 16 A. Recreational diver.
 17 Q. Where was she diving?
 18 A. Spiegel Grove, I think. She was down with
 19 another dive shop. Again, an undeserved hit,
 20 followed all standards, did a safety stop.
 21 Everything was within limits.
 22 The only thing that could have been the
 23 cause was she was a med student at the University of
 24 Miami and hadn't gotten a whole lot of sleep the
 25 night before after a busy couple of days. So, she

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1 got on board. She was complaining about symptoms.
 2 We put her on O2. We brought her back to the dock.
 3 I think she went to the hospital. And that was the
 4 last we heard.
 5 Q. Were you the mate on the boat that day?
 6 A. No.
 7 Q. Were you an instructor on the boat?
 8 A. Yes.
 9 Q. Were you her instructor?
 10 A. No.
 11 Q. Was she in a class?
 12 A. She was with another dive shop out of
 13 Miami.
 14 Q. Okay. So, they were aboard your vessel.
 15 A. Yes.
 16 Q. What was the dive shop?
 17 A. South Beach.
 18 Q. The next incident that you recall?
 19 Who was the captain on the boat when this
 20 one happened?
 21 A. I don't remember.
 22 Q. Do you recall who the deckhand was?
 23 A. I don't remember.
 24 Q. What was the next incident you recall?
 25 A. Six months ago. So, there's three that I

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1 remember. Six months ago or less than six months,
 2 within the last six months, a diver on the Northern
 3 Light did an uncontrolled ascent.
 4 Q. What does that mean?
 5 A. He lost control of his buoyancy at
 6 180 feet. He was unable to do decompression,
 7 surfaced, and the boat crew got him and put him on
 8 the boat and put him on O2.
 9 Q. Did he have to go to the chamber?
 10 A. He did.
 11 Q. Was he fine?
 12 A. Yes.
 13 Q. Was he a student?
 14 A. No. He was again down with another dive
 15 center.
 16 Q. What equipment was he using?
 17 A. He was on a side-mount BCD, a UTD
 18 side-mount BCD and a dry suit.
 19 Q. What is a UTD side-mount BCD?
 20 A. UTD is another training agency, and they
 21 make a specific unit for their type of training.
 22 Q. Is that a rebreather?
 23 A. No. It's an open circuit. A side-mount
 24 is a different style of diving. Instead of having
 25 tanks mounted on your back like you would

Page 25

1 traditionally do, the tanks are slung on your sides.
 2 Q. Any other incidents that you can recall?
 3 A. No.
 4 Q. Do you know an individual by the name of
 5 Rachel who had a blackout aboard a Horizon Divers
 6 vessel?
 7 A. Rachel Voeltzel.
 8 Q. Tell me about that incident.
 9 A. I wasn't on the boat. From what I recall,
 10 she didn't have a scrubber in her unit, the chemical
 11 that washes out CO2 in the rebreather.
 12 Q. Who set up her rebreather?
 13 A. She would have.
 14 Q. You didn't have any involvement in that?
 15 A. No.
 16 Q. Dan Dawson didn't have any involvement in
 17 that?
 18 A. No.
 19 Q. Was she a student?
 20 A. No.
 21 Q. When did that happen?
 22 A. Two years ago.
 23 Q. So, before Robert Stewart's incident?
 24 A. Yes.
 25 Q. Are there any other incidents that you can

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1 recall, medical incidents aboard a Horizon Divers
 2 vessel involving any divers or even crew that you
 3 may not have been aboard the vessel on?
 4 A. I mean we have had a few in the past few
 5 years that I wasn't on board for.
 6 Q. Do you recall any specifically?
 7 A. No.
 8 Q. What was Rachel's last name? I know it
 9 starts with a V.
 10 A. Voeltzel.
 11 Q. Does she still dive with Horizon Divers?
 12 A. She does.
 13 Q. Did she ever work for Horizon Divers?
 14 A. No.
 15 Q. When did you first start diving?
 16 A. June, 2008.
 17 Q. Going back to Ms. Voeltzel real quick,
 18 where was she diving, the Northern Light?
 19 A. No.
 20 Q. Where was it?
 21 A. I'm not sure. Typically she does wreck
 22 diving, but every now and then she will do a reef
 23 dive.
 24 Q. So, you don't recall where she had her
 25 incident?

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1 A. I wasn't on the boat that day.
 2 Q. Are you certain about that?
 3 A. Yes.
 4 Q. So, you started diving in June of 2008?
 5 A. Yes.
 6 Q. That was just regular open circuit,
 7 recreational diving?
 8 A. Yes.
 9 Q. When did you become an instructor?
 10 A. 2011.
 11 Q. That's when you were still up in Virginia?
 12 A. Yes, but I came to Key Largo to become an
 13 instructor.
 14 Q. When did you first start diving off
 15 rebreathers?
 16 A. 2015.
 17 Q. I think I already asked you that. If I
 18 did, I apologize.
 19 A. Yes.
 20 Q. You first started diving on what type of
 21 rebreather?
 22 A. Hollis Prism 2.
 23 Q. Have you dove off any other rebreathers?
 24 A. I'm certified on an ISC Megalodon.
 25 Q. ISC?

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1 A. Innerspace Concepts, yes, Megalodon.
 2 Q. That's separate from ISC?
 3 A. No. It's the same company. ISC is the
 4 company. Megalodon is the model.
 5 Q. Is that the Meg 15?
 6 A. Yes.
 7 Q. What other units?
 8 A. That's it.
 9 Q. You first learned on the Prism, and then
 10 you started taking courses on the Meg 15?
 11 A. Yes.
 12 Q. When did you start diving off the Meg 15,
 13 or when did you start learning about the Meg 15?
 14 A. October.
 15 Q. Of?
 16 A. 2016.
 17 Q. So, about three months before this
 18 incident, right?
 19 A. Yes.
 20 Q. Now, on January 31st, 2017, you were
 21 certified to dive to 225 feet, right?
 22 A. No. It hadn't been processed yet. I had
 23 completed the course, but the certification hadn't
 24 been processed.
 25 Q. In any type of diving?

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1 A. No. I'm open circuit certified.
 2 Q. Let me clarify my question just for the
 3 record. That's my fault. It was a bad question.
 4 Back on January 31st, 2017, were you
 5 qualified to dive to 225 using any type of device?
 6 A. Yes.
 7 Q. What device?
 8 A. Open circuit.
 9 Q. How long have you been certified to go to
 10 225 on open circuit?
 11 A. I don't remember when I finished the
 12 class. I'm not sure when I finished the class.
 13 2015, 2016.
 14 Q. So, you had been certified for one, maybe
 15 two years? I know you are estimating.
 16 A. Yes.
 17 Q. About a year or two before Rob Stewart's
 18 incident?
 19 A. Yes.
 20 Q. How deep were you certified to dive to
 21 using a Prism on January 31st, 2017?
 22 A. 150 feet.
 23 Q. What about the Meg 15?
 24 A. 100 feet.
 25 Q. This is another question I may have asked

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1 you. I don't recall, though. Are you a rebreather
 2 instructor now?
 3 A. No.
 4 Q. When did you first find out about this
 5 dive excursion, meaning the group that was going to
 6 be involved with Robert Stewart?
 7 A. In December.
 8 Q. Of 2016?
 9 A. 2016, yes.
 10 Q. How did you find out about it?
 11 A. Dan talked to me about it.
 12 Q. What did he tell you?
 13 A. He received an e-mail from a group that
 14 was interested in going to the Queen of Nassau to
 15 video sawfish.
 16 Q. What else did he tell you about it? Was
 17 this over the phone, in person?
 18 A. No. It was just in the shop.
 19 Q. What else did he tell you?
 20 A. At that point that was it.
 21 Q. That was, I guess, in the very initial, at
 22 least from your understanding, planning stages of
 23 it?
 24 A. Yes.
 25 Q. No contract had been signed, and no

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1 payments had been made at that point, right?
 2 A. No.
 3 Q. And I think the dates actually changed
 4 over time, correct?
 5 A. Yes.
 6 Q. When you first had this conversation with
 7 him, was there even proposed dates yet, or was this
 8 even before that?
 9 A. I believe his e-mail, they were talking
 10 January.
 11 Q. His e-mail being--
 12 A. The e-mail he received from Brock.
 13 Q. Okay.
 14 A. They were talking January and several
 15 days. So, that's the point where we started
 16 preemptive planning on where we could put the boat.
 17 Was it better to keep it in Key Largo or somewhere
 18 further south?
 19 Q. Who was involved in that planning?
 20 A. Dan and I.
 21 Q. Why were you looking at keeping it further
 22 south?
 23 A. The Queen of Nassau is really far away
 24 from where we normally park the boat.
 25 Q. So, it's a shorter run?

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1 A. Yes.
 2 Q. I also assume it would save some gas.
 3 A. Yes, save time and gas.
 4 Q. Who was involved in locating a slip for
 5 the boat for those couple of days?
 6 A. Dan, me. One of the shop girls called
 7 down. I think Angie was calling down to Caloosa
 8 Cove or a couple of other places. We had to find a
 9 slip that had a deep enough draft for the boat to
 10 get into.
 11 Q. What were you told about-- I mean I
 12 assume the conversation between you, Dan and the
 13 group continued over the next couple of weeks,
 14 correct?
 15 A. Yes.
 16 Q. Some of those conversations were in e-mail
 17 and some of those were oral over the phone?
 18 A. Pretty much in December Dan was the
 19 contact for Brock. And then between myself, Dan and
 20 Dave Wilkerson, as we get more and more information,
 21 we are trying to figure out -- you know, get details
 22 down more hard pressed.
 23 Q. When did David Wilkerson become involved
 24 in the planning aspect of this? Let me rephrase
 25 that. When did he become involved -- when did his

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1 name come up as he would be involved in this
 2 excursion in some capacity?
 3 A. When Dan got word back from Brock that the
 4 Pisces would be the boat that they wanted, Dave
 5 would be the captain of Pisces typically.
 6 Q. Now, David is not always the captain of
 7 the Pisces, right?
 8 A. No, he's not.
 9 Q. I mean you guys had other captains at that
 10 time.
 11 A. Yes.
 12 Q. Dan was a captain?
 13 A. Dan is a captain, yes.
 14 Q. Who were the other captains back in late
 15 January, 2017, Horizon Divers captains?
 16 A. Troy Wheatley, and I think that was it.
 17 Q. How was it decided that David would be the
 18 captain for this excursion?
 19 A. If I remember the dates correctly, it was
 20 during the week, and Troy drives Cheeca View during
 21 the week. So, David would be driving Pisces.
 22 Q. Do you know if Cheeca View went out on
 23 January 30th?
 24 A. I don't remember.
 25 Q. Do you know if Cheeca View was out on

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1 January 31st, the day that Rob went missing?
 2 A. I don't remember.
 3 Q. Where were you on January 30th and 31st?
 4 A. Either at the shop or on the boat.
 5 Q. It would have been Cheeca View?
 6 A. Yes.
 7 Q. And you don't recall -- do you recall
 8 where you were when you got the news?
 9 A. I was at the shop.
 10 Q. Had you been diving that day?
 11 A. I don't remember.
 12 Q. If you had, would it have been in
 13 connection with your instruction?
 14 A. Yes.
 15 Q. Meaning you were working. You wouldn't
 16 have just been diving recreationally.
 17 A. Right.
 18 Q. And there would be records of whether you
 19 were on the boat or not?
 20 A. Right.
 21 Q. Who made the decision to make David
 22 Wilkerson the captain? I mean whose call was that?
 23 Was that Dan?
 24 A. Dan.
 25 Q. Was there ever any discussion to switch up

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1 the captains or have Dan captain the vessel for this
 2 excursion?
 3 A. I don't think so.
 4 Q. You do or you don't?
 5 A. I don't think so.
 6 Q. You weren't involved in any discussions
 7 about who might be the best captain for this
 8 excursion?
 9 A. No. The only reason Dave wouldn't have
 10 been the captain is if there was a scheduling
 11 conflict.
 12 Q. At some point Dan told you this would
 13 involve filming sharks at the Queen of Nassau,
 14 right?
 15 A. Um-hmm.
 16 Q. Yes?
 17 A. Yes.
 18 Q. And that was pretty early on, based on
 19 your testimony?
 20 A. Yes.
 21 Q. Did he tell you that Robert Stewart was
 22 going to be one of the passengers, divers?
 23 A. I think in later December he asked me if I
 24 knew who Rob Stewart was, yes.
 25 Q. And did you?

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1 A. No.
 2 Q. Had you ever seen his movie?
 3 A. No.
 4 Q. Did Dan know who he was before or at least
 5 give you the impression that he did?
 6 A. I don't think so.
 7 Q. When did you find out the names of the
 8 people that would be on the boat? Was that also in
 9 December?
 10 A. Before Dan left for the Philippines in
 11 January, the beginning of January, it was up in the
 12 air as to who was going to be on the boat. I think
 13 it got solidified just before he left that it was
 14 going to be Brock, Rob, Peter and Claudia.
 15 Q. So, sometime in early January, I believe?
 16 When did Dan leave for the Philippines?
 17 A. January 1st.
 18 Q. So, sometime in late December then you
 19 found out that it would be someone by the name of
 20 Rob Stewart; one of his colleagues, Brock Cahill;
 21 and you also heard of the names Peter and Claudia
 22 Sotis?
 23 A. Yes.
 24 Q. Did you know Peter and Claudia?
 25 A. I know Add Helium. I had met Peter once

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1 before on the boat. I never met Claudia before.
 2 Q. You had only met Peter once before on a
 3 Horizon Divers boat?
 4 A. Yes.
 5 Q. You never met him at any another time?
 6 A. No.
 7 Q. You are certain about that?
 8 A. Pretty sure.
 9 Q. When was Peter -- when was this occasion
 10 that you met Peter?
 11 A. A few years ago, 2015.
 12 Q. What boat was he on?
 13 A. I don't remember.
 14 Q. You were aboard the vessel that day?
 15 A. I think I was at the dock. I might have
 16 been on the boat.
 17 Q. Did you have any exchange with him, any
 18 interaction with him?
 19 A. No. No. It was just Dan knew him. I
 20 knew Add Helium, and I knew the name Peter Sotis.
 21 It was more like, "That's Peter Sotis."
 22 Q. How did you know the name Peter Sotis?
 23 What did you know about that name?
 24 A. He owns Add Helium.
 25 Q. What do you know about Add Helium?

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1 A. It's a rebreather shop in Fort Lauderdale.
 2 Q. Had they dove off Horizon Divers' boats
 3 prior to January 31st, 2017?
 4 A. Not while I was there. I know Dan and him
 5 have dove together before, but not with me or me on
 6 the boat.
 7 Q. Dan and Peter have dove before?
 8 A. Yes.
 9 Q. Off Horizon Divers' boats?
 10 A. I'm not sure.
 11 Q. How do you know they have dove before?
 12 A. Dan said so.
 13 Q. There was some back and forth from when
 14 Horizon Divers was first contacted by Brock Cahill
 15 until the group got set a few days before
 16 January 30th, the first day of diving for this
 17 excursion?
 18 A. Yes.
 19 Q. There were some moving parts as to who was
 20 going to be on these boats, correct?
 21 A. Yes.
 22 Q. And at certain points in time you were
 23 going to be involved in all three days of diving,
 24 correct?
 25 A. Yes.

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1 Q. What was your understanding or who told
 2 you that you might need to be involved in this?
 3 A. Dan.
 4 Q. What did he tell you why your services
 5 were needed, what was your purpose of being on board
 6 the boat?
 7 A. Brock was uncertain of Peter's schedule,
 8 and they would need two divers to be safety divers
 9 for them.
 10 Q. What is your understanding of what they
 11 were looking for by a safety diver?
 12 A. A diver that is in the water with them at
 13 depth or meeting them on the way up, to be there to
 14 help with equipment and completion of the dive.
 15 Q. What is the difference between a safety
 16 diver that will go to depth and perform the dive
 17 with the people that are diving versus or as opposed
 18 to somebody that goes down to help them decompress?
 19 A. Well, they shouldn't need help
 20 decompressing altogether, but a safety diver is --
 21 you know, whether they start the dive with them or
 22 are in the dive with them, they are just there in
 23 the event of the unlikely.
 24 Q. So, I mean a second set of eyes, a second
 25 person there to assist if anything should go wrong.

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1 Is that really what it is?
 2 A. It's a difference between a guide who
 3 leads the way and an observer who is there just in
 4 case.
 5 Q. So, your understanding of your role was
 6 going to be you were there just in case.
 7 A. Right. I mean these guys were shooting
 8 documentary video, which isn't my expertise. So, I
 9 wouldn't assist them with what they were doing.
 10 Q. And you weren't there to serve as a guide
 11 and show them around the vessel. You were just
 12 there to be there as a second set of eyes, as you
 13 described, a safety guy.
 14 A. Yes.
 15 Q. Now, when you had these conversations with
 16 Dan about being a safety diver for the dive
 17 excursion, did you ask why a safety diver was
 18 necessary?
 19 A. No.
 20 Q. Did Dan volunteer or tell you why he
 21 thought they may need your services?
 22 A. They were shooting a documentary. So, I
 23 just assumed that, because of their task loading for
 24 what they needed, another set of eyes just makes
 25 sense.

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1 Q. Was there ever a conversation that it
 2 would be more than just you functioning as the
 3 safety diver?
 4 A. There would be Dan and I.
 5 Q. So, there was conversation that Dan would
 6 be involved in this as well?
 7 A. Yes.
 8 Q. So, there was a period of time when it was
 9 going to be Brock, Rob and then you and Dan?
 10 A. Yes.
 11 Q. When Dan was first contacted, were you --
 12 or actually when you first found out about this dive
 13 excursion, was it your understanding that Peter
 14 would or would not be involved?
 15 A. When I first heard about it, I didn't know
 16 who would be involved.
 17 Q. So, you just heard that someone needed to
 18 take a vessel out to the Queen of Nassau to film a
 19 documentary.
 20 A. Right.
 21 Q. And then you found out it was going to be
 22 someone by the name of Robert Stewart and Dan had
 23 been contacted by Brock Cahill, right?
 24 A. Yes.
 25 Q. At that point in time when you started

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1 finding out about the names, was Dan, based on your
 2 conversations with him or your impressions, was he
 3 under the understanding or were you under the
 4 understanding that Peter would or would not be
 5 involved? I mean were the first conversations that
 6 were had that you would be involved as a safety
 7 diver?
 8 A. Before Dan left on the 1st of January, my
 9 understanding was that Peter and Claudia were going
 10 to be their safety divers, but that was up in the
 11 air.
 12 Q. Then there was a period of time where it
 13 looked like Peter and Claudia would not be able to
 14 be their safety divers.
 15 A. Yes.
 16 Q. Then that's when you kind of got involved
 17 as the potential safety diver?
 18 A. Yes.
 19 Q. When did Peter -- when was it decided that
 20 Peter would be on the boat?
 21 A. For the actual trip?
 22 Q. Yes.
 23 A. Like the weekend before.
 24 Q. So, up until the weekend before, you had
 25 still planned on going aboard the boat?

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1 A. I mean, even when Peter was established --
 2 Peter and Claudia were established as their safety
 3 diver, Dan and I still planned on going on the boat
 4 on the last day.
 5 Q. But on the 30th and 31st, up until about a
 6 week before, you still planned on going those two
 7 days, right?
 8 A. Yes.
 9 Q. And then Peter decided or someone decided
 10 that Peter would be there and Claudia would be
 11 there, and then that's when you decided you would
 12 not be there on the 30th and 31st?
 13 A. Right. When Peter and Claudia confirmed
 14 that they were able to go on the boat, yes, that's
 15 when I figured I wouldn't be on it.
 16 Q. Prior to that point in time, before that
 17 point in time, were you ever given any information
 18 about Robert Stewart's experience, diving
 19 experience?
 20 A. Yes.
 21 Q. Tell me about that.
 22 A. In January when they were originally
 23 supposed to come on the boat, the trip got canceled
 24 due to weather. I talked with Brock on the phone
 25 and through e-mail, and he told me that their class

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1 had also been delayed. That's when I found out that
 2 they were taking class from Peter Sotis.
 3 Q. What class; did he tell you?
 4 A. Their trimix course.
 5 Q. What is the trimix course?
 6 A. There's two courses. There's basic trimix
 7 and advanced gas.
 8 Q. Which course did he tell you that theirs
 9 had gotten delayed?
 10 A. I don't think he did. I think he just
 11 said the trimix course, which then I would have
 12 assumed would have been a hundred meter course
 13 because he was going to the Queen of Nassau.
 14 Q. Did you ask him?
 15 A. No.
 16 Q. Did you tell Dan about this conversation?
 17 A. Yes. When I talked to Dan, he called me
 18 from the Philippines. I let him know the trip had
 19 been scrubbed and rescheduled and that they were
 20 taking a class from Peter and hadn't finished.
 21 Q. What did Dan say?
 22 A. "Okay. Get it rescheduled, you know.
 23 Find out what time is best for them." We both
 24 agreed that this would give them more time to finish
 25 their class with the rescheduling.

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1 Q. Now, you said you assumed it was the
 2 hundred meter class, right?
 3 A. Yes.
 4 Q. When you spoke to Dan, did you tell him
 5 that, "I believe it's their hundred meter class"?
 6 A. No.
 7 Q. Did Dan ask you what class or what level
 8 they were finishing?
 9 A. I don't remember.
 10 Q. But he did tell you to go ahead and
 11 reschedule, right?
 12 A. Yes.
 13 Q. Then you took it upon yourself, and I
 14 believe there's e-mail communication between you and
 15 Brock about scheduling the dive trip, right?
 16 A. Yes.
 17 Q. Did you have any more conversations with
 18 Brock--- You never spoke to Robert Stewart, right?
 19 A. No.
 20 Q. Did you have any more conversations with
 21 Brock Cahill about what class they were completing,
 22 what certifications they had, what qualifications or
 23 experience they had?
 24 A. No.
 25 Q. Do you know what class or what level they

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1 would have completed before the hundred meter?
 2 A. The sixty meter.
 3 Q. The sixty meter, that's about 180 feet?
 4 A. Yes.
 5 Q. That would not enable them to dive down to
 6 the Queen of Nassau, right?
 7 A. By themselves, no.
 8 Q. With an instructor possibly?
 9 A. With their instructor, then yes.
 10 Q. If they have already started their hundred
 11 meter course, correct?
 12 A. A lot of times the Queen of Nassau is used
 13 as a dive site for the hundred meter course.
 14 Q. Understood, but what I am saying is
 15 courses involve classroom work, right?
 16 A. Yes.
 17 Q. And when you do these advanced type dive
 18 courses, do you also do pool dives or no?
 19 A. Typically, no.
 20 Q. So, there's a course element or classroom
 21 element, and then there's an open water element,
 22 correct?
 23 A. Correct.
 24 Q. Now, if you do the classroom element for
 25 your sixty-meter certification and you do your open

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1 water segments of that course and you receive your
 2 sixty-meter certification -- are you with me so far?
 3 A. Yes.
 4 Q. -- you cannot just go dive to a hundred
 5 meters just because you have an instructor with you,
 6 right?
 7 A. I don't know IANTD standards.
 8 Q. Well, what about--- You are familiar with
 9 TDI?
 10 A. Typically I would have at least a half day
 11 in class.
 12 Q. So, you would need to do some classroom
 13 work beforehand before you go down to the next
 14 level, right?
 15 A. Yes.
 16 Q. Whether you have an instructor or not?
 17 I'm sorry. Even if you have an instructor.
 18 A. Yes.
 19 Q. Did you ever ask Brock for certifications?
 20 A. No.
 21 Q. Why not?
 22 A. It wasn't at that point that I needed to
 23 ask.
 24 Q. Now, Horizon Divers obviously always
 25 verifies the divers' credentials before they let

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1 them on the vessel, correct?
 2 A. Yes.
 3 Q. And that is typically done by looking at
 4 someone's certification card?
 5 A. Typically, yes.
 6 Q. If someone doesn't have a certification
 7 card, how else can it be done?
 8 A. If they were with their instructor, we can
 9 look up certifications online, all right?
 10 Typically, if it's a third party, a dive
 11 shop coming down or a private instructor, the
 12 instructor is there. You know, they will come into
 13 the dive shop, fill out paperwork.
 14 Then I'm like, "These guys are with you?"
 15 They go, "Yes."
 16 Then we are good to go.
 17 Q. So, you check the instructor's credentials
 18 obviously.
 19 A. Right.
 20 Q. And then the instructor can vouch for his
 21 students and say they are doing their course for the
 22 hundred meter or something like that?
 23 A. For whatever they are doing.
 24 Q. Then do you do anything to verify what the
 25 instructor has represented to you, meaning if he

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1 says, "We are doing the hundred meter course," do
 2 you go check to see if they obtained their sixty-
 3 meter certification?
 4 A. No.
 5 Q. Why not?
 6 A. Because they are with their instructor.
 7 Q. Do you not verify what an instructor tells
 8 you--- Strike that.
 9 You never contact certifying agencies or
 10 anything like that to verify credentials?
 11 A. Not unless they don't have credentials.
 12 Q. Once Peter about a week before the dive
 13 excursions that were to occur on the 30th, 31st and
 14 1st, once him and Claudia decided they were going or
 15 at least you were informed that they were going,
 16 what were you told about what your involvement would
 17 then ultimately be?
 18 A. Once Peter and Claudia were on the boat,
 19 we wouldn't be involved. Dan and I already
 20 discussed going diving on the Queen later on in
 21 their trip, which, you know, was more recreational
 22 than anything. We weren't involved with what they
 23 were doing. We were just going to be on the boat.
 24 Q. But who told you that you would no longer
 25 need to be on the boat on the 30th?

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1 A. Dan.
 2 Q. Did you expect to be paid as a safety
 3 diver, or were you doing this just more for
 4 recreational fun purposes and do something
 5 different?
 6 A. I mean I'm salaried.
 7 Q. Okay. That's a good point.
 8 So, you wouldn't get paid additionally or
 9 separately per dive trip or anything like that at
 10 this point.
 11 A. No.
 12 Q. I'm going to show you what has been
 13 previously marked as---
 14 MR. ECHARTE: Let me ask you guys this.
 15 Do you guys want to--- Let's take a quick
 16 break. It's been about 45 minutes. I don't
 17 think I need much longer, maybe another half an
 18 hour or 45 minutes.
 19 THE VIDEOGRAPHER: We are going off the
 20 video record. The time is 10:51 a.m.
 21 (Thereupon, a recess was taken, after
 22 which the following proceedings occurred:)
 23 THE VIDEOGRAPHER: We are back on the
 24 video record. The time is 11:03. You may
 25 proceed.

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1 Q. (By Mr. Echarte) Sir, when we were on
 2 break, I gave you Claimant's Exhibit 11 to this
 3 case. Did you have an opportunity to flip through
 4 that?
 5 A. Yes.
 6 Q. If you need to refer back to that, just
 7 let me know.
 8 You were, as you testified earlier,
 9 involved in some of the scheduling, correct?
 10 A. Yes.
 11 Q. These are e-mails exchanged between you
 12 and Brock, some dating to early mid-January, like
 13 the 7th, the 8th, the 10th, and then there were also
 14 some exchanged between you and Brock on the 22nd and
 15 the 23rd, right? Just one example of it is HDA106,
 16 by the numbering at the bottom right.
 17 A. Yes.
 18 Q. As you testified earlier, you were
 19 involved in some of the scheduling aspects of the
 20 dive excursion, correct?
 21 A. Yes.
 22 Q. My understanding is that that was because
 23 Dan Dawson was out of the country.
 24 A. Yes.
 25 Q. Were you involved in any aspect of the

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1 scheduling or coordination of these dive excursions
 2 while Dan was in the country?
 3 A. Yes. I mean, before he left for the
 4 Philippines, I called several marinas to see if they
 5 had space, if we could get there.
 6 Q. Okay.
 7 A. If they were a deep enough draft for the
 8 boat, things like that.
 9 Q. Are there any other things that you were
 10 involved in in terms of planning the dive excursion,
 11 deciding the crew, any other logistics surrounding
 12 this dive excursion while Dan was in the country?
 13 A. Other than just conversation with Dan
 14 about how it's going to affect the shop.
 15 Q. Tell me about those conversations.
 16 A. We would be down a boat because it would
 17 be down south. So, you know, make sure not to
 18 schedule trips on a boat that we don't have because
 19 it's tasked out.
 20 Q. Did the Pisces normally--- It may depend
 21 on the time of year and stuff like that, but does
 22 the Pisces normally go out during the week?
 23 A. That depends on the people that we have,
 24 but it can, yes.
 25 Q. Which boat is used more?

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1 A. The Cheeca View.
 2 Q. That's the more frequent, the main boat?
 3 A. Both boats are typically used. We run two
 4 trips a day on two separate boats. So, if we have
 5 the people and the need, Cheeca View can go one
 6 direction and Pisces will go the other. Like Cheeca
 7 View would take divers to the reef for reef dives in
 8 the morning while Pisces would take divers to the
 9 Spiegel Grove in the morning. And then in the
 10 afternoon, depending on the numbers and whatnot,
 11 they would repeat that process.
 12 Q. Is this every day of the week?
 13 A. Yes.
 14 Q. And even in January, both those boats go
 15 out every day of the week?
 16 A. If I can get the people, yes.
 17 Q. Now, how often can Horizon Divers get the
 18 people? I mean is it that these boats are normally
 19 being used six out of seven days a week on average
 20 that time of year, or is it the goal that it's seven
 21 out of seven?
 22 A. I mean---
 23 Q. Well, I know what the goal is, but---
 24 A. Yes, full and seven out of seven.
 25 Q. But what is the typical---

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1 A. January is typically our slower time of
 2 the year.
 3 Q. So, what does that mean in terms of
 4 averages for how often these boats go out?
 5 A. I would have to look at the numbers. It
 6 depends. On certain days Cheeca View won't even--
 7 MR. ECHARTE: Let's go off the record.
 8 THE VIDEOGRAPHER: We are going off the
 9 video record. The time is 11:07 a.m.
 10 (Thereupon, a recess was taken, after
 11 which the following proceedings occurred:)
 12 THE VIDEOGRAPHER: We are back on the
 13 video record. The time is 11:10 a.m. You may
 14 proceed.
 15 Q. (By Mr. Echarte) Sir, before we went on
 16 the break, I had asked you a question regarding
 17 averages in terms of how often these boats are out
 18 on the water, the days during January. January, you
 19 testified, was the slow season, correct?
 20 A. Typically.
 21 Q. I know that you can't answer -- I mean I
 22 know you can't answer definitively and you don't
 23 have company records in front of you, but if you
 24 could just give me some estimate. I mean, can we
 25 agree that both boats are not out on the water seven

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1 days a week during January generally?
 2 A. It's not likely, yes.
 3 Q. So, would it be dialed down to two days a
 4 week they are out on the water or is it like five or
 5 six? I'm just trying to get an idea. I mean, we
 6 are not going to hold you to it. I'm just trying to
 7 figure out what this slow season means for Horizon
 8 Divers.
 9 A. All our scheduling is done on demand. So,
 10 whether it's July or January, I could have dive
 11 shops come down and want to go, you know, groups,
 12 individuals. It's not unheard of for both boats to
 13 go out. But typically in January or February it's
 14 usually one trip, you know, depending on the day of
 15 the week, especially during the week. But, again,
 16 it just depends on who is in town.
 17 Q. One trip for each boat or one trip for
 18 both?
 19 A. In the morning and one trip in the
 20 afternoon.
 21 Q. So, then each boat would not do two trips,
 22 right, during the day?
 23 A. Yes. I mean, again, it's---
 24 Q. It depends.
 25 A. Yes.

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1 Q. In some of these e-mails, and I believe--
 2 Hang on a second.
 3 Let's go to the e-mail of January 6, 2017
 4 at 5:17 p.m., that you sent Brock and CC'd Dan
 5 Dawson on. I will refer you to HDA108 at the bottom
 6 of the page.
 7 There's an e-mail here where it says or
 8 where you stated that January 31st, February 1st and
 9 2nd is much better than the 26th, 27th and 28th.
 10 Why was that?
 11 A. I'm sure something was on the schedule.
 12 Q. Meaning the boats already had excursions
 13 planned and, therefore, you couldn't accommodate
 14 them for those three days on one vessel?
 15 A. Yes. I would have to go back and look
 16 but, yes, I'm pretty sure that Pisces would have
 17 already had a trip.
 18 Q. When they first contacted Horizon Divers,
 19 was it already assumed that they would be -- had it
 20 already been decided that they would be on the
 21 Pisces?
 22 A. I mean a small group like that, yes.
 23 Q. Because the Pisces is a smaller vessel,
 24 correct?
 25 A. Yes.

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1 Q. Let's go to the next page, which I think
 2 is HDA107. So, now we are looking at an e-mail from
 3 January 10th, 2017 that was sent at 10:10 a.m. Do
 4 you see that?
 5 A. Um-hmm.
 6 Q. That was from you to Brock Cahill,
 7 correct?
 8 A. Um-hmm.
 9 Q. Is that a yes?
 10 A. Yes.
 11 Q. Your e-mail address is jeffknapp@-
 12 gmail.com?
 13 A. Yes.
 14 Q. Now, you said--- This is when, I think,
 15 you solidified or decided the dates are set. It
 16 says, "We're set for January 30, 31 and February 1,"
 17 correct?
 18 A. Yes.
 19 Q. And those were the final dates. Those
 20 were the dates they, in fact, planned on coming down
 21 for the 30th, 31st, and obviously we know they
 22 didn't dive on the 1st. But those are the dates
 23 that they kept, correct?
 24 A. No. I think they just moved a day back,
 25 or did they? Yes.

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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

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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

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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."

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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.

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1 A. I remember talking to him on the
 2 telephone. I might have Facebook-messaged him or
 3 text-messaged him.
 4 Q. Do you have a Horizon Divers e-mail
 5 account?
 6 A. I do now.
 7 Q. You did not back then?
 8 A. No. I got it two days ago.
 9 Q. What is your cell phone number?
 10 A. 804 615-5835.
 11 Q. And your carrier?
 12 A. AT&T.
 13 Q. That's who you had back at the time of
 14 this incident?
 15 A. Yes.
 16 Q. After this incident, have you had any
 17 e-mail communications with anyone regarding any
 18 aspect of this case, the dive excursion, the
 19 incident, anything of that nature?
 20 A. Yes.
 21 Q. Who? Your attorney?
 22 A. Yes.
 23 Q. I don't want to know the substance of
 24 these e-mails. Other than e-mails with your
 25 attorney -- and you are pointing to Mr. Fertig,

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1 correct?
 2 A. Yes.
 3 Q. Have you had any e-mail communication with
 4 the individual sitting to his right, Craig Jenni?
 5 A. Yes.
 6 Q. About this incident?
 7 A. Yes.
 8 Q. When were those?
 9 A. I don't remember.
 10 Q. Do you recall the substance of those?
 11 A. No.
 12 Q. That was through your e-mail account?
 13 A. Yes.
 14 Q. Did you have any e-mail communications
 15 with someone by the name of Donna Alpert --
 16 A. Yes.
 17 Q. -- about this incident?
 18 A. Yes.
 19 Q. Have you talked to Brock since the
 20 incident?
 21 A. No. Well, other than being on the boat
 22 with him.
 23 Q. We are going to get to that in a moment.
 24 Any e-mail communications with Dan about
 25 this incident after January 31st?

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1 A. I don't think so.
 2 Q. What about with David Wilkerson or Robert
 3 Steele?
 4 A. No.
 5 Q. Do you still talk to David Wilkerson?
 6 A. Yes.
 7 Q. My understanding is he's working on a
 8 private yacht now.
 9 A. Yes.
 10 Q. As a deckhand?
 11 A. I'm not sure what he's doing, but yes.
 12 Q. Do you know where he resides?
 13 A. I saw him on US1 two days ago.
 14 Q. Where was that, Miami?
 15 A. No. Here at 106. He was driving up the
 16 road.
 17 Q. Does he still live down here?
 18 A. I don't know.
 19 Q. Have you ever had any e-mail
 20 communications with -- or have you had any e-mail
 21 communications with anyone else other than Craig
 22 Jenni and Donna Alpert and your attorney, Chris
 23 Fertig, about this incident or these excursions?
 24 A. No.
 25 Q. You don't recall when you communicated

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1 with Craig Jenni?
 2 A. No.
 3 Q. You don't recall the substance of those
 4 communications?
 5 A. No.
 6 Q. Have you met with him regarding this case?
 7 A. Yes.
 8 Q. When was that?
 9 A. Right after at the Coast Guard. Well,
 10 Donna came down for the Coast Guard deposition or
 11 the Coast Guard review, whatever it was when they
 12 came and interviewed us.
 13 Q. That was a few days after the incident?
 14 A. I think like, yes, maybe a week
 15 afterwards.
 16 Q. And you met with Mr. Jenni beforehand?
 17 A. I mean he was here the week of the
 18 incident. He was on the boat with us.
 19 Q. And you talked to him?
 20 A. Yes.
 21 Q. Do you know what his role was or what his
 22 affiliations were, anything like that, when you were
 23 speaking with him?
 24 A. He was here for the recovery, to assist,
 25 and then he was offering help.

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1 Q. In what way?
 2 A. I mean he helped with the recovery. He's
 3 done this before. You know, at the time I didn't
 4 know any more than that he was working with Donna.
 5 Q. What is your understanding of who Donna
 6 was that first week or two after Rob's passing?
 7 A. Donna was our representative, our counsel.
 8 Q. What is your understanding of what Craig
 9 Jenni's role was or who he worked for?
 10 A. He's a crime scene investigator for
 11 underwater.
 12 Q. What is underwater?
 13 A. Not the surface.
 14 Q. I see. I thought you were referring to a
 15 company.
 16 A. No, no, no. For diving.
 17 Q. Do you know who he works for?
 18 A. No.
 19 Q. Did he ever tell you that?
 20 A. Yes.
 21 Q. What did he tell you?
 22 A. Oh, tell me who he works for?
 23 Q. Yes.
 24 A. He handed me a card, but all I saw or all
 25 I paid attention to was his name and number.

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1 Q. Is it your understanding that he was
 2 working with Donna?
 3 A. Sure.
 4 Q. Did you know, was Donna involved in the
 5 recovery efforts? I mean, had you already spoken to
 6 Donna prior to being on the vessel?
 7 A. No. No.
 8 Q. Did Craig Jenni, when he was on the boat,
 9 tell you that he was already working for Donna
 10 regarding this case?
 11 A. No.
 12 Q. When he was on the vessel during the
 13 recovery effort, was it your understanding that he
 14 was just there to assist with trying to find Rob?
 15 A. Yes.
 16 Q. Did you think that he was volunteering his
 17 time or was he working for someone? I mean, what is
 18 your understanding of it?
 19 A. My understanding was that Dan trusted
 20 Craig, and they had worked together in the past for
 21 similar things and that, if he needed somebody in
 22 these situations, that Craig was the go-to guy.
 23 Q. When they had worked together in the past,
 24 what kind of situations did they work together on?
 25 A. I have no idea.

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1 Q. When you say, when he needed someone in
 2 this situation, he goes to Craig or Craig is the
 3 go-to guy, what do you mean by that?
 4 A. For an underwater recovery, for diving to
 5 that depth, right, to do something like a body
 6 recovery or a search in general.
 7 Q. And that's something that Craig would
 8 partake in.
 9 A. Yes.
 10 Q. You were going to be a safety diver aboard
 11 the boat for a period of time, as we discussed,
 12 right --
 13 A. Yes.
 14 Q. -- during the excursion? And you knew it
 15 was going out to the Queen of Nassau, correct?
 16 A. Yes.
 17 Q. Did you know that they were going to be
 18 using rebreathers?
 19 A. Eventually, yes.
 20 Q. What type of equipment were you going to
 21 be using?
 22 A. I wasn't sure in the beginning. Then, as
 23 it solidified and Dan and I were going to go diving,
 24 I was going to dive rebreather.
 25 Q. Now, you already testified you weren't

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1 certified to dive to that depth on a rebreather,
 2 correct?
 3 A. Not on a Meg 15, but I had completed the
 4 class and the training and the time for the Prism 2.
 5 Q. Now, I thought you testified earlier that
 6 you were only certified to dive to 150 feet on a
 7 Prism 2.
 8 A. That's because I hadn't gotten certified
 9 yet. Dan hadn't processed the paperwork yet.
 10 Everything was completed. It just hadn't been
 11 processed.
 12 Q. Now, you dove during the recovery efforts,
 13 right?
 14 A. Yes.
 15 Q. Was that on February 1st?
 16 A. Yes.
 17 Q. The day after Rob went missing?
 18 A. Yes. Dan and I did a dive.
 19 Q. My understanding is you guys went out
 20 there and you dove down to where you thought Rob
 21 might be based on currents and markings and things
 22 of that nature, and you looked for him along the
 23 bottom, correct?
 24 A. Yes.
 25 Q. So, you went down to depth, correct?

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1 A. Yes.
 2 Q. And you went on a Meg 15, didn't you?
 3 A. Yes.
 4 Q. You were not certified to go to that
 5 depth, correct?
 6 A. Yes.
 7 Q. On that unit, right?
 8 A. Yes.
 9 Q. And you were diving off of the Pisces,
 10 correct?
 11 A. Yes.
 12 Q. And Dan Dawson was aboard that vessel at
 13 that time, right?
 14 A. Yes.
 15 Q. Now, we talked about Peter Sotis. You
 16 testified that you have known him or you had met him
 17 once at the dock prior to January 31st, 2017.
 18 A. Yes.
 19 Q. Are you aware of any reputation that he
 20 may have in the diving community?
 21 A. No.
 22 Q. You don't have any knowledge or you never
 23 heard of him being an aggressive diver.
 24 A. No.
 25 Q. You never heard of him being an unsafe

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1 diver.
 2 A. No.
 3 Q. You have heard of his company, Add Helium,
 4 correct?
 5 A. Yes.
 6 Q. Have you heard of any students or have you
 7 spoken to any students that have taken his classes?
 8 A. Several.
 9 Q. And you are aware of what--- Do you know
 10 what gradient factors are?
 11 A. Yes.
 12 Q. Do you have any idea what type of gradient
 13 factors Peter instructs his students or teaches his
 14 students to utilize?
 15 A. No, not other than rumor.
 16 Q. What rumors have you heard?
 17 A. That he runs high gradient factors.
 18 Q. And you had heard those rumors before
 19 January 30th, 2017, right?
 20 A. I'm sure.
 21 Q. And a high gradient factor means what?
 22 A. That it's a higher percentage of the whole
 23 algorithm.
 24 Q. Meaning the Buhlmann algorithm?
 25 A. Yes.

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1 Q. Now, the higher the percentage, the more
 2 aggressive your decompression profile is?
 3 A. Aggressive is not really a good word for
 4 that.
 5 Q. Tell me what word you would use.
 6 A. So, the Buhlmann algorithm is -- I mean
 7 was the standard for diving. A gradient factor
 8 allows you to adjust it to decompress as you see
 9 fit, all right?
 10 Q. Okay.
 11 A. You are always under the gradient factor
 12 as a whole. That would be GF 100, right? So,
 13 anything less than that, right, you are just
 14 manipulating the algorithm because you want to do
 15 longer stops deeper or longer decompression stops
 16 shallower or a mix thereof.
 17 Q. Now, when you dive your Prism or your Meg
 18 15, you use a Shearwater computer?
 19 A. I do.
 20 Q. Would you agree with me that the industry
 21 standard for the gradient factor is, I believe,
 22 30/85?
 23 A. I would not. There is no industry
 24 standard.
 25 Q. What do you dive your---

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1 A. 50/85.
 2 Q. 50/85.
 3 A. Yes.
 4 Q. Have you ever dove 90/90?
 5 A. No.
 6 Q. Why?
 7 A. Because it's not the gradient factor I
 8 use.
 9 Q. Have you ever heard any rumors--- I know
 10 you said you heard rumors that Peter runs a high
 11 gradient factor.
 12 A. Um-hmm.
 13 Q. Did you ever hear rumors about what those
 14 numbers were?
 15 A. 90/90, 95/95, you know.
 16 Q. And you had heard those rumors in the dive
 17 community, I assume.
 18 A. Sure.
 19 Q. Have you ever discussed Peter Sotis with
 20 Dan Dawson prior to January 30th, 2017?
 21 A. Yes.
 22 Q. Tell me about the substance of those
 23 conversations.
 24 A. I mean through Dan I learned who Peter
 25 Sotis and Add Helium were, and he told me that they

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1 had taken class together, that he owned Add Helium,
 2 Rebreather World, and that he had been teaching in
 3 Fort Lauderdale for a while.
 4 Q. Anything about these rumors that Dan
 5 addressed with you?
 6 A. No.
 7 Q. Did he tell you that he runs high gradient
 8 factors prior to January 30th, 2017?
 9 A. I mean I found that out through several
 10 conversations over the years with former students of
 11 his.
 12 Q. Do you recall Dan being involved in any of
 13 those conversations?
 14 A. No. I don't remember.
 15 Q. Have you ever seen Peter Sotis give a
 16 lecture?
 17 A. No.
 18 Q. You don't recall being in attendance at a
 19 lecture in February of 2014 that he did at the
 20 Holiday Inn in Key Largo?
 21 A. That was a gradient factor lecture?
 22 Q. Yes.
 23 A. No. I wasn't there.
 24 Q. You weren't?
 25 A. I don't think so, no.

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1 Q. You weren't there with Dan Dawson?
 2 A. No.
 3 Q. Have you ever seen any lecture--- How did
 4 you know that was a gradient factor lecture?
 5 A. Because I remember the night. I wanted to
 6 go there. I think I was working at Divers Direct
 7 that night.
 8 Q. And you knew that Peter Sotis was giving a
 9 lecture on gradient factors?
 10 A. I knew there was a lecture being given on
 11 gradient factors. I didn't know who was going to be
 12 doing it.
 13 Q. And Add Helium was going to be giving that
 14 lecture?
 15 A. I didn't know that.
 16 Q. And Ocean Divers was going to be
 17 sponsoring it? Did you know that?
 18 A. No.
 19 Q. Let me just make sure I got my name right.
 20 Yes, Ocean Divers. And you were not there.
 21 A. No.
 22 Q. Do you know if Dan Dawson was there? Did
 23 I just ask you that?
 24 A. I'm not sure.
 25 Q. And you don't know if other people from

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1 Add Helium were there -- I'm sorry -- from Horizon
 2 Divers?
 3 A. I don't remember if anybody went.
 4 Q. Did anyone talk to you about that after?
 5 A. We all talked about it afterwards.
 6 Q. Talked about the lecture?
 7 A. We talked about the lecture and gradient
 8 factors.
 9 Q. Tell me about the substance of those
 10 conversations.
 11 A. Gradient factors are a discussion point
 12 for technical divers and a debate for technical
 13 divers all around.
 14 Q. Tell me about the conversations about that
 15 lecture that you had after.
 16 A. It was just conversation about what the
 17 right gradient factors were.
 18 Q. Okay.
 19 A. And if there was an industry standard or a
 20 standard and how there isn't.
 21 Everybody afterwards said that they had
 22 asked the guys giving their talks what their
 23 gradient factors were and that everybody that was
 24 talking expressed that there is no right answer,
 25 that it's up to the individual.

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1 Q. Whom did you talk to about that lecture?
 2 A. I don't remember.
 3 Q. It was people from Horizon Divers.
 4 A. I'm sure.
 5 Q. And you don't recall if Dan was in that
 6 conversation?
 7 A. No.
 8 Q. And you don't recall if Pam Wooten was in
 9 that conversation?
 10 A. No.
 11 Q. And as you sit here today, you can't name
 12 one person that you think might have been involved
 13 in that conversation?
 14 A. I mean I'm sure there were several people
 15 standing around the dock somewhere talking about it.
 16 I don't--
 17 Q. But you do remember talking about that
 18 after.
 19 A. Sure.
 20 Q. And you do remember or you assume or you
 21 believe that Horizon Divers people were involved
 22 because that's who you would have talked to about
 23 it, correct?
 24 A. Right.
 25 Q. Did anyone mention--- Did Peter Sotis'

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1 name come up during those conversations?
 2 A. I don't remember.
 3 Q. Did anyone or do you recall anyone telling
 4 you that Peter Sotis runs or advocates for high
 5 gradient factors?
 6 A. I don't remember.
 7 Q. Other than the conversations with Dan that
 8 you had prior to January 30th, have you had any
 9 other conversations with anyone even outside of
 10 Horizon Divers about Peter Sotis and the gradient
 11 factors that he runs?
 12 A. I'm sure.
 13 Q. Okay.
 14 A. I mean Add Helium is a rebreather place in
 15 Fort Lauderdale. It comes up in conversation with
 16 people on the boat and divers all the time.
 17 Q. Did anybody tell you that they felt Peter
 18 was unsafe?
 19 A. No.
 20 Q. Have you ever heard, even if it's rumors,
 21 that Peter Sotis has a reputation for being unsafe
 22 or has unsafe diving practices?
 23 A. No.
 24 MR. FERTIG: At what time?
 25 Q. Prior to January 30th, 2017.

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1 A. No.
 2 Q. What about since January 30th, 2017?
 3 A. The conversation has come up more.
 4 Q. As a result of this incident?
 5 A. I don't know.
 6 Q. Well, you have been involved in some of
 7 these conversations, correct?
 8 A. Yes.
 9 Q. Now, what conversations have you had since
 10 January 30th, 2017, regarding Peter Sotis?
 11 A. A lot. You mean as diving practices?
 12 Q. Yes.
 13 A. Yes, a lot.
 14 Q. What are the substances of those
 15 conversations?
 16 A. That he runs high gradient factors.
 17 Q. Okay.
 18 A. That he doesn't require people to carry as
 19 much bail-out as I would.
 20 Q. Okay. Prior to January 30th, had you
 21 heard that before?
 22 A. No.
 23 Q. Okay. What else have you heard about
 24 Peter Sotis since January 30th, 2017?
 25 A. I mean that he rebreathers to countries in

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1 Africa and nonC -- or nonDOT approved tanks. Those
 2 are probably the biggest things.
 3 Q. Let's talk about the nonDOT tanks. You
 4 are talking about the carbon fiber wrapped aluminum
 5 tanks?
 6 A. Yes.
 7 Q. You cannot fill those here in the United
 8 States, correct?
 9 A. Right.
 10 Q. If a dive outlet or a dive outfit is given
 11 one of those tanks, it is against the law to fill
 12 one of those, correct?
 13 A. We don't fill those at Horizon Divers.
 14 Q. That's a major red flag. I mean it's
 15 illegal to do it first off, right?
 16 A. They are not DOT approved.
 17 Q. And you would not do that at Horizon
 18 Divers.
 19 A. No.
 20 Q. If a diver tried to give you a nonDOT
 21 approved tank, that's a major red flag regarding
 22 that diver, correct?
 23 A. No, because those carbon fiber tanks are
 24 very popular in South Florida.
 25 Q. So, let me ask you this. Is it your

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1 testimony that, if a diver comes to Horizon Divers
 2 with a nonDOT approved carbon fiber wrapped aluminum
 3 tank and has you fill it or asked you to fill it,
 4 you guys would say no but you would still let that
 5 diver on your boat?
 6 A. Sure.
 7 Q. And that was as of before January 30th,
 8 2017?
 9 A. Yes.
 10 Q. And you would let them on the boat as long
 11 as they weren't using those tanks, or would you let
 12 them use their tanks aboard your boat?
 13 A. If they want to use their tanks, I'm not
 14 going to tell them no.
 15 Q. Okay.
 16 A. I will regularly offer other tanks to
 17 them, if they need it.
 18 Q. If they have a nonDOT approved tank and
 19 they already have it filled but you notice--- I
 20 mean you can visibly see that these are non---
 21 A. We get carbon fiber tanks from Add Helium
 22 on the boat all the time.
 23 Q. And that happened before this incident,
 24 correct?
 25 A. Yes.

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1 Q. And those are tanks that you will not
 2 fill, right?
 3 A. Right.
 4 Q. But even if a diver comes with them
 5 filled, even though it's a nonDOT approved tank, you
 6 will let that diver on the boat?
 7 A. Yes.
 8 Q. Why is that?
 9 A. It's their tanks. One, I don't inspect
 10 their tanks, unless I'm filling them. It's not my
 11 place. So, it doesn't involve me at all, unless
 12 they bring it to the fill station.
 13 Q. But you are involved as Horizon Divers --
 14 I mean Horizon Divers is involved in certain aspects
 15 of passenger and diver safety, right?
 16 A. Sure.
 17 Q. And it is your testimony then that a
 18 passenger can bring whatever kind of equipment they
 19 would like, as long as they are certified, and
 20 technically dive it?
 21 A. Yes.
 22 Q. Even if it's using non-approved components
 23 to their equipment?
 24 A. I don't inspect their equipment.
 25 Q. But if you notice it, you are not going to

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1 kick them off the boat and say, "Listen, those are
 2 not DOT approved tanks. You can't use them here."
 3 A. Right.
 4 Q. You don't recall as you sit here today
 5 what you were doing on January 31st, correct? I
 6 think I already asked you that.
 7 A. Not until the evening. I mean I can look
 8 at the manifest and see if I was teaching a class or
 9 on the boat.
 10 Q. So, we can figure that out based on
 11 company records through a request to your attorney?
 12 A. Yes.
 13 Q. You were not a captain at that point in
 14 time; is that correct?
 15 A. I don't believe so, no.
 16 Q. But you were a deckhand?
 17 A. Yes.
 18 Q. And you were still functioning as a
 19 deckhand on certain excursions?
 20 A. Yes.
 21 Q. Did you ever discuss with Dan the
 22 possibility of you being a deckhand on board the
 23 Pisces throughout this time?
 24 A. Yes.
 25 Q. What was the substance of those

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1 conversations?
 2 A. If we need a mate on the Pisces for this
 3 trip, I'm more than happy to go.
 4 Q. Why did Robert Steele end up going and not
 5 you?
 6 A. Well, at one point in time we didn't --
 7 even then we didn't need a mate for the trip. Bobby
 8 was a last minute addition. So, I was busy
 9 somewhere else and he couldn't or I couldn't go.
 10 So, he was the guy standing next to Dan at the time.
 11 Q. So, you had volunteered to Dan ahead of
 12 time saying that you would like to make yourself
 13 available or would make yourself available to be the
 14 deckhand aboard the vessel, but at that point in
 15 time when you had that conversation that you told me
 16 about --
 17 A. Right.
 18 Q. -- at that point it was not expected that
 19 a deckhand would be aboard the boat.
 20 A. Right.
 21 Q. When did you first find out about the
 22 incident?
 23 A. Dan texted me on his way to Islamorada.
 24 Q. Okay.
 25 A. I was in the back doing something. I came

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1 out, and he wasn't there anymore.
 2 Q. What happened, or what did he text you?
 3 A. I texted him.
 4 Q. What did he text you, though?
 5 A. That he was headed to Islamorada and that
 6 he would call me later.
 7 Q. Okay.
 8 A. And then he let me know -- he called me
 9 and let me know that there was a missing diver.
 10 Q. Okay. Did he give you any specifics?
 11 A. I don't think at the time he had specifics
 12 to give.
 13 Q. This was around what time, 5:00, 5:30,
 14 6:00?
 15 A. Yes, 5:00, 5:30.
 16 Q. Was it still light out?
 17 A. Yes.
 18 Q. Then he makes his way down to Islamorada.
 19 You did not go with him?
 20 A. No.
 21 Q. Did you talk to David Wilkerson while he
 22 was still out in the water?
 23 A. No.
 24 Q. What happened next, at least from your
 25 involvement? Did you go to Islamorada?

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1 A. Dan let me know that there was a missing
 2 diver and that Dave was on the water searching. The
 3 Coast Guard had been notified.
 4 I was like, "Okay. I'll stay here at the
 5 shop."
 6 Everybody went home. I stayed at the
 7 shop. The family called and let me know or was
 8 asking questions about what they can do, how they
 9 could get here, what was going on. I didn't have
 10 any answers.
 11 Q. So, you spoke with the family?
 12 A. Yes.
 13 Q. Whom did you speak with?
 14 A. I think it was Rob's sister.
 15 Q. Alex?
 16 A. I think so.
 17 Q. It was your understanding that it was his
 18 sister?
 19 A. Right.
 20 Q. What information did you give her?
 21 A. I didn't have any information to give
 22 other than there was a missing diver and they were
 23 searching.
 24 Q. Did you already know it was Robert Stewart
 25 that was missing?

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1 A. I don't remember.
 2 Q. How many times did you speak with her?
 3 A. I think she called two, maybe three times.
 4 Sharkwater called.
 5 Q. Do you know who from Sharkwater?
 6 A. I think it was Karen.
 7 Q. Okay.
 8 A. Once or twice, again, trying to coordinate
 9 how the family could get down here, asking
 10 questions, you know, none of which I had answers
 11 for.
 12 Q. Is there any other part of that
 13 conversation that you can recall, or is that
 14 everything that you spoke with with the family and
 15 Sharkwater?
 16 A. That was it.
 17 Q. Then what happened next in terms of your
 18 involvement?
 19 A. Dan called me, letting me know that Dave
 20 was still in the water doing search patterns and
 21 that he was going to stay in Islamorada until the
 22 boat got back and that be ready to dive the next
 23 day.
 24 Q. Okay. To recover the body?
 25 A. Yes.

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1 Q. What time did that conversation happen
 2 around?
 3 A. After 6:00.
 4 Q. Did you ever make it down to Islamorada
 5 that night?
 6 A. I did not.
 7 Q. What was your next involvement? Was it
 8 the following morning?
 9 A. The following morning Dan and I went and
 10 met the boat at Caloosa Cove.
 11 Q. What time?
 12 A. Early, pre-8:00.
 13 Q. Who was on the boat?
 14 A. Me, Dan, Dave, Rob Bleser, Kurt Wagner,
 15 yes.
 16 Q. Did Rob Bleser have his ROV that day?
 17 A. No.
 18 Q. Then you guys headed out to the Queen of
 19 Nassau?
 20 A. Yes.
 21 Q. And you and Dan dove?
 22 A. Yes.
 23 Q. How many times did you dive?
 24 A. Once.
 25 Q. And that was using the Meg 15, correct?

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1 A. Yes.
 2 Q. Or you were using the Meg 15.
 3 A. Yes.
 4 Q. Why didn't you use your Prism?
 5 A. I'm more comfortable on the Meg.
 6 Q. Had you previously dove the Queen of
 7 Nassau wreck?
 8 A. Yes.
 9 Q. Had you previously dove the Queen of
 10 Nassau wreck using a rebreather?
 11 A. No.
 12 Q. Have you since dove the Queen of Nassau
 13 wreck using a rebreather after the February 1st
 14 dive?
 15 A. No.
 16 Q. Have you dove the Queen of Nassau wreck
 17 since?
 18 A. Once.
 19 Q. With open circuit?
 20 A. Open circuit, yes.
 21 Q. When did you first talk to David
 22 Wilkerson?
 23 A. The morning after.
 24 Q. So, you didn't speak to him that night?
 25 A. No.

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1 Q. Did you speak to Robert Steele that
 2 evening?
 3 A. I might have texted him. I don't
 4 remember.
 5 Q. Was Robert Steele aboard the boat on
 6 February 1st?
 7 A. I don't remember. I don't remember.
 8 Q. When you guys dove down, when you and Dan
 9 dove down on February 1st, how long was your run
 10 time?
 11 A. Like 90, 95 minutes.
 12 Q. How long were you at depth?
 13 A. Twenty.
 14 Q. Who set those dive plans?
 15 A. Dan and I had the same plan.
 16 Q. But you guys discussed it ahead of time?
 17 A. Right.
 18 Q. Why were you at depth for 20 minutes? I
 19 mean, how was that number decided?
 20 A. Beyond 20 minutes, the decompression
 21 obligation starts to get long and you're balancing
 22 out bottom time versus deco time.
 23 Q. And why did you not do two dives that day?
 24 A. We decided that visibility was so bad that
 25 to do a second dive wasn't going to be productive.

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1 We already knew an ROV was coming the next day, that
 2 it would be safer to just wait for the ROV than to
 3 dive a second time.
 4 Q. Did you go out on the boat on February
 5 2nd?
 6 A. Yes.
 7 Q. Who was on the boat?
 8 A. Me, Dan, Dave, Rob.
 9 Q. Brock?
 10 A. Brock, Craig, Kell and Joe.
 11 Q. Joe?
 12 A. O'keefe.
 13 Q. You guys ran the ROV that day?
 14 A. Yes.
 15 Q. And you did not dive into the water,
 16 correct?
 17 A. No.
 18 Q. Did you go back on February 3rd?
 19 A. Yes.
 20 Q. Who was on the boat that day?
 21 A. The same people with the addition of Tuck.
 22 Q. Tuck Hall?
 23 A. Tuck Hall.
 24 Q. And what was his role that day?
 25 A. He was another captain. So, he was a

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1 backup for Dave. He is also an accomplished diver
 2 and instructor. So, if we needed help with gear and
 3 stuff in the water, he was there for us.
 4 Q. Is he a Horizon Divers guy?
 5 A. Not anymore.
 6 Q. At that time?
 7 A. I think so. He worked for us for a short
 8 period of time, and then--- He went from Ocean
 9 Divers to us and then back to Ocean Divers.
 10 Q. You ran the ROV again on February 3rd,
 11 right?
 12 A. Yes.
 13 Q. And all three days you were aboard the
 14 Pisces, right?
 15 A. Yes.
 16 Q. On the third day you guys are running the
 17 ROV, and at some point in time the ROV, through the
 18 monitor, spots Rob Stewart, correct?
 19 A. Yes.
 20 Q. Who was operating the ROV?
 21 A. Rob Bleser.
 22 Q. Then divers get into the water, correct?
 23 A. Once Rob said he found the body, it took
 24 us about 15 minutes to gear up.
 25 Q. Who was going into the water?

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1 A. Me, Dan and Craig.
 2 Q. And you guys were going to dive down and
 3 recover Rob Stewart?
 4 A. Yes.
 5 Q. Was there also a safety diver involved?
 6 A. Yes.
 7 Q. Who was that?
 8 A. Joe O'Keefe met us at 100 feet, 90 feet.
 9 Q. My understanding, based on some prior
 10 testimony in this case, is that -- well, in this
 11 case you filled up lift bags that took Rob Stewart
 12 to the surface?
 13 A. Yes.
 14 Q. And was that the signal for -- what was
 15 his name, O'Keefe?
 16 A. Joe.
 17 Q. -- Joe to get into the water?
 18 A. I mean I don't know what happened on the
 19 surface because I wasn't there, but the body was on
 20 board Pisces when we surfaced.
 21 Q. Let me ask you this. Was there pre-dive
 22 planning? I mean did you guys discuss ahead of time
 23 who was going down, who was going to be the safety
 24 diver?
 25 A. Yes.

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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>
<p>Page 95</p> <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>Page 97</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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1 A. No.
 2 Q. You guys then inflate the lift bags. You
 3 recall filling one with your bail-out, and you do
 4 not recall how the other one was filled, correct?
 5 A. Yes. I don't remember.
 6 Q. Then his body goes to the surface.
 7 A. Um-hmm.
 8 Q. Right?
 9 A. Um-hmm.
 10 Q. Is that a yes?
 11 A. Yes.
 12 Q. Then you guys begin your decompression.
 13 A. Yes.
 14 Q. How long were you at depth that time?
 15 A. Like ten minutes.
 16 Q. Then you guys meet Joe at about a hundred
 17 feet?
 18 A. Right.
 19 Q. Then you continued to do your
 20 decompression all the way to the surface?
 21 A. Yes.
 22 Q. When you got to the surface, Rob Stewart's
 23 body was already on the Pisces?
 24 A. Yes.
 25 Q. Was the Coast Guard already there?

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1 A. The Coast Guard was on scene, but not on
 2 Pisces.
 3 Q. But the Coast Guard vessel was within
 4 eyesight?
 5 A. Right.
 6 Q. When you got on the vessel, was Rob
 7 Stewart's body still on the vessel?
 8 A. Yes.
 9 Q. Was the Coast Guard yet on that vessel?
 10 A. They got on board as I was getting out of
 11 my gear.
 12 Q. So, after you got on board, then the Coast
 13 Guard gets on board.
 14 A. Yes.
 15 Q. Was anything done with Robert Stewart's
 16 body or the computers? Did anyone look at any of
 17 the equipment from the moment you got on the vessel
 18 to the moment that his body was then transferred to
 19 the Coast Guard vessel?
 20 A. No. As soon as I got out of my gear, we
 21 were loading him on a backboard, and the Coast Guard
 22 came up on our hip.
 23 Q. Did anyone take any photographs?
 24 A. Not that I noticed.
 25 Q. Did you have a GoPro when you were down?

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1 A. No.
 2 Q. Do you know if Dan Dawson did?
 3 A. No.
 4 Q. You don't no or he did not?
 5 A. He did not.
 6 Q. Do you have any other knowledge about this
 7 case, about what happened out on the water that we
 8 haven't discussed?
 9 A. No.
 10 Q. Do you have any suspicions about--- You
 11 understand that Peter Sotis underwent some sort of
 12 medical incident --
 13 A. Yes.
 14 Q. -- when him and Rob both surfaced?
 15 A. Yes.
 16 Q. Do you have any suspicions or have you had
 17 any conversations about what might have caused that?
 18 A. You mean other than theory?
 19 Q. Yes.
 20 A. I mean we've talked about it, but no.
 21 Q. Tell me about the substance of those
 22 conversations, understanding you don't exactly know.
 23 A. I mean it's just speculation from, I mean,
 24 the internet.
 25 MR. FERTIG: Note my objection.

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1 MR. BAYER: Join.
 2 MR. FERTIG: You can answer.
 3 A. I mean the internet was all aflutter about
 4 speculation as to why things happened.
 5 Q. What kind of things?
 6 A. I don't know. I mean it could have been
 7 hypoxia. It could have been a thousand different
 8 things. I don't know.
 9 Q. Did you have any conversations with Dan
 10 about what it could have been?
 11 A. I'm sure.
 12 Q. Do you recall any of those conversations?
 13 A. The same thing, you know, it's
 14 speculation. In fact, when we talk about it or when
 15 anybody talks about it, we try to point back to
 16 there's no facts yet, that nobody can know until all
 17 the information is present.
 18 Q. But has anyone said, "This is what I think
 19 happened," or, "I mean I understand, but this is my
 20 guess"?
 21 A. I mean everybody.
 22 Q. What is Dan's guess? Did he give you one?
 23 MR. FERTIG: Objection to the form.
 24 A. I don't know.
 25 Q. You don't know?

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1 A. Yes.
 2 Q. You don't recall any conversations with
 3 Dan where he said, "This is what I suspect happened
 4 but, again, I don't really know"?
 5 A. Yes. I don't know.
 6 Q. You don't have a guess as you sit here
 7 today?
 8 A. No. I mean I can make 15 of them. I just
 9 don't know.
 10 Q. Did you ever talk to David Wilkerson about
 11 what happened when the divers surfaced?
 12 A. When we surfaced at the end of the dive?
 13 Q. When Robert Stewart and Peter Sotis
 14 surfaced.
 15 A. Yes.
 16 Q. What was the substance of your
 17 conversation with David Wilkerson about that?
 18 A. That Rob surfaced with Peter, signaled
 19 that they were okay. Peter got on the boat. He had
 20 issues. Bobby went to help him, and he collapsed.
 21 And that Rob was on the surface while they were
 22 attending to Peter. Dave asked Rob to grab the
 23 line, and he didn't. That's when he turned the boat
 24 around, and Rob went missing.
 25 Q. When you say they were attending to Peter,

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1 who is "they"?
 2 A. Bobby and Claudia.
 3 Q. Was Dave attending to Peter at all, based
 4 on your conversation with him?
 5 A. Not that I know of.
 6 Q. Did you talk to Bobby about what happened?
 7 A. Yes.
 8 Q. What did Bobby tell you had happened?
 9 A. The same thing.
 10 Q. So, his story was the same as David
 11 Wilkerson's?
 12 A. Yes.
 13 Q. Did anyone tell you or did you ever ask
 14 why they didn't keep an eye on Rob?
 15 A. David said that he had asked Brock to
 16 watch Rob while he was turning the boat around.
 17 Q. Okay.
 18 A. So, yes, I asked, and that was what I got.
 19 Q. That was the response?
 20 A. Yes.
 21 Q. Did you ever ask why Bobby was
 22 administering or assisting treating Peter Sotis?
 23 A. I didn't ask, no. That's Bobby's job.
 24 Q. Is that Bobby's job regardless of who the
 25 other passengers are?

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1 MR. FERTIG: Objection to the form.
 2 A. That would have been what Bobby was going
 3 to do, yes.
 4 Q. My question is more specific. Bobby was
 5 administering oxygen to a diver in distress, right?
 6 A. Yes.
 7 Q. Bobby is not a medical doctor, right?
 8 A. No.
 9 Q. He was with a medical doctor. You
 10 understand that Claudia Sotis is a medical doctor?
 11 A. I found out afterwards.
 12 Q. You didn't know that at the time?
 13 A. I don't think so, no.
 14 Q. And based on--- I mean you are very
 15 familiar with Horizon's policies and procedures,
 16 correct?
 17 A. Right.
 18 Q. So, even if the deckhand and the captain
 19 had known at the time that Claudia Sotis was a
 20 medical doctor, is it still Horizon's policies and
 21 procedures that Bobby would have been the one to
 22 administer the O2?
 23 A. Unless previously discussed by the group,
 24 yes.
 25 Q. Now, if that would have been previously

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1 discussed, then the procedures can change, correct?
 2 A. I have had dive groups on the boat before
 3 that brought their own O2 kit, all right, knowing
 4 that we have ours, but they brought their own.
 5 Q. Now, even if they didn't bring their own,
 6 couldn't there be a discussion beforehand where
 7 there's some pre-dive planning or emergency
 8 procedure planning, you know, "Well, this diver is
 9 a -- or this member of this excursion is a doctor.
 10 So, if there's an emergency and she or he is
 11 available, they are the one that will administer the
 12 O2"? I mean that conversation can be had, right?
 13 A. It can be had, yes.
 14 Q. So, it's not that, if there's a medical
 15 emergency, there's a regulation or U.S. Coast Guard
 16 procedures and protocols that the deckhand always
 17 has to administer the O2, right?
 18 A. Everybody on board the boat is trained.
 19 Q. What do you mean by that?
 20 A. Everybody on that boat should have been at
 21 least a rescue diver. In fact, I'm pretty sure
 22 everybody on board the boat was at least a rescue
 23 diver, and administering oxygen is trained in the
 24 rescue diver course.
 25 Q. No, no, no. I understand that. But I'm

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1 saying the captain--- You said it's Bobby's job to
 2 administer the O2, correct?
 3 A. Yes.
 4 Q. And you said it was Bobby's job because
 5 Bobby was the deckhand, right?
 6 A. Yes.
 7 Q. That's your understanding of what happened
 8 that day, right?
 9 A. Correct.
 10 Q. We can agree that there can be a
 11 delegation ahead of time before a dive occurs among
 12 the crew where it's decided that maybe the deckhand
 13 is not going to be the one administering O2 in
 14 today's dive because so and so is a medical
 15 professional and is aboard the vessel. That can
 16 happen, correct?
 17 A. Sure.
 18 Q. Can we agree that you diving on
 19 February 1st with a Meg 15 to a depth of 225 feet
 20 was not the first time a diver dove off of a Horizon
 21 Divers boat to a depth that he was not qualified to
 22 dive to?
 23 A. I don't know.
 24 Q. You are not aware of any customer that
 25 Horizon Divers caters to as you sit here today that

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1 is not qualified to dive to certain depths using
 2 certain pieces of equipment?
 3 A. I don't know.
 4 Q. That's all I have, sir. Thank you very
 5 much.
 6 A. Thanks.
 7 MR. BAYER: Where does the name Hot Sauce
 8 come from?
 9 THE WITNESS: I don't know.
 10 MR. BAYER: That's all I have.
 11 MR. FERTIG: I have nothing.
 12 We will waive.
 13 THE VIDEOGRAPHER: This concludes the
 14 deposition. The time is 12:02 p.m.
 15 (Thereupon, the witness waived the reading
 16 and signing of the deposition transcript, and
 17 the deposition was concluded at 12:02 p.m.)
 18
 19
 20
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 23
 24
 25

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1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA)
 3 COUNTY OF DADE)
 4
 5 I, the undersigned authority, certify that
 6 JEFFREY KNAPP personally appeared before me and was
 7 duly sworn.
 8
 9 WITNESS my hand and official seal this 14th day
 10 of May, 2018.
 11
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 25

CRAIG W. TAYLOR

Notary Public, State of Florida
 Commission No. GG 64324
 Expires: March 28, 2021



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1
 2 REPORTER'S CERTIFICATE
 3 STATE OF FLORIDA)
 4 COUNTY OF DADE)
 5
 6 I, CRAIG W. TAYLOR, do hereby certify that I
 7 was authorized to and did stenographically report
 8 the foregoing deposition of JEFFREY KNAPP; that a
 9 review of the transcript was not requested; and that
 10 the transcript is a true record of my stenographic
 11 notes.
 12 I further certify that I am not a relative,
 13 employee, attorney, or counsel of any of the
 14 parties, nor am I a relative or employee of any of
 15 the parties' attorneys or counsel connected with the
 16 action, nor am I financially interested in the
 17 action.
 18
 19
 20
 21
 22
 23
 24
 25

Dated this 14th day of May, 2018.

CRAIG W. TAYLOR

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