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Debbie Snow, David Olson
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Gull Scuba Center, LLC

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

L. SCOTT MILLS, Individually and as
Personal Representative of the Estate of
LINNEA MILLS; ROBERT GENTRY;
SHANNON GENTRY; E.G., a minor, by
her Mother and Next Friend, Shannon
Gentry; and JOEL WILSON,

Plaintiffs,

-vs-

DEBBIE SNOW; DAVID OLSON;
JEANNINE OLSON; GULL SCUBA
CENTER, LLC d/b/a GULL DIVE
CENTER; HEIDI HOUCK; PADI
WORLDWIDE CORPORATION; PADI
AMERICAS, INC.; and JOHN DOES 1-10,

Defendants.

Hon. Leslie Halligan, Dept. 1
CAUSE NO. DV-32-2021-544

DEFENDANT GULL SCUBA
CENTER, LLC d/b/a GULL DIVE
CENTER'S RESPONSES TO
PLAINTIFF E.G.'S FIRST
DISCOVERY REQUESTS

COMES NOW Defendant Gull Scuba Center, LLC d/b/a Gull Dive Center ("Gull") and submits the following responses to Discovery Requests served by Plaintiff E.G., a Minor, by her Mother and Next Friend, Shannon Gentry, dated May 13, 2022. These responses are provided pursuant to the Montana Rules of Civil Procedure and will not be

yet in existence relating to whether punitive damages are awarded and the amount of such award.

INTERROGATORY NO. 36: Please state with specificity what you could have done differently to prevent the death of Linnea Mills.

ANSWER: Objection. Interrogatory Number 36 is improper in that it calls for speculation and is therefore not reasonably calculated to lead to the discovery of admissible evidence. Without waiving such objection, Defendant Gull answers as follows: Defendant Gull is not aware of what the entity could have done differently to prevent the death of Linnea Mills. In regard to Gull Dive's instructor, Debbie Snow, in retrospect with hindsight proving additional information, Ms. Snow could have cancelled the dive. Other steps that may have avoided the incident will be the subject of discovery and the subject expert testimony.

INTERROGATORY NO. 37: Please state with specificity the chain of custody of the Subgear XP10 downloadable dive computer worn by Linnea Mills on November 1, 2020, beginning with Linnea in the water on November 1, 2020, until the present day. In doing so, please identify and describe:

- a. each and every person or entity having possession, custody or control of the Subgear XP10 downloadable dive computer worn by Linnea of November 1, 2020;
- b. the date each such person or entity acquired possession, custody or control of the Subgear XP10 downloadable dive computer worn by Linnea on November 1, 2020;

- c. whether such person(s) or entity made any effort to download data or acquire evidence stored on the Subgear XP10 downloadable dive computer worn by Linnea on November 1, 2020;
- d. the current location of the Subgear XP10 downloadable dive computer worn by Linnea on November 1, 2020, and/or any data or evidence acquired therefrom;
- e. the current condition and operability of the Subgear XP10 downloadable dive computer worn by Linnea on November 1, 2020;
- f. any and all communications between you and any person concerning or referring or relating to the Subgear XP10 downloadable dive computer worn by Linnea on November 1, 2020;
- g. the substance of each such communication; and
- h. any efforts made by you to transfer custody, possession or control of the Subgear XP10 downloadable dive computer worn by Linnea on November 1, 2020 to the National Park Service, the Montana State Crime Lab and/or the Flathead County, Montana Coroner.

ANSWER: Defendant Gull is not aware of the specific chain of custody of the Subgear XP 10 downloadable dive computer worn by Linnea Mills on November 1, 2020. Defendant Gull does not know how the dive computer was removed from Ms. Mills or how it ended up in Debbie Snow's truck after the incident. Upon information and belief, the scene at the beach after the incident was chaotic and a number of people were placing gear in Ms. Snow's vehicle with the understanding the gear would be taken back to Gull and sorted out later. Ms. Snow drove her truck directly from the accident scene to the hospital in Kalispell. From there she was life flighted to Seattle. The truck was driven back to Missoula and the equipment from the truck placed in the store. The computer was discovered amongst the gear. Upon request from counsel, the computer, along with the

dive computers worn by Debbie Snow and Seth Liston were provided to Mario Diaz, an investigator hired by Mark Williams, LaFollette Johnson, counsel for Defendant Gull on December 3, 2020. Mr. Williams brought the computers to Christian McDonald, Scientific Diving and Small Boating Safety Officer, Scripps Institution of Oceanography/UC San Diego, on or before January 6, 2021. Mr. McDonald downloaded the information from the computers with Mr. Williams present and returned them to his custody. Copies of these downloads are attached hereto as **GULL 141-145**. Additional data files with the information from both of the Subgear Computers are being provided electronically. These data files can be interpreted through the software known as DiveLogDT (<https://moremobilesoftware.com/DiveLogDT/>). Mr. McDonald began an excel analysis of the data files but it did not appear to provide additional information and he did not complete the analysis. Mr. McDonald was unable to access the data from the Scubapro G2 with Scubapro's LogTRAK desktop software. He could only analyze the information through his phone via Scubapro's LogTRAK app. The totality of the information available to him from the Scubapro G2 are attached in the documents identified at **GULL 141-145**. Mr. Williams retained control of the dive computers until March 14, 2022, when he mailed them to Williams Law Firm, P.C., Williams Law Firm has retained custody of the computers and will provide them for inspection upon request.

INTERROGATORY NO. 38: Please state whether any agent, servant, officer, partner or employee of yours was present at the dive site on November 1, 2020, and, if so, please identify each such person and describe with specificity everything each such person