

IN THE CIRCUIT COURT OF THE 3rd
JUDICIAL CIRCUIT IN AND FOR
COLUMBIA COUNTY, FLORIDA

CASE NO.: CACE-18-000105-CA

ADD HELIUM, LLC
a Delaware Limited Liability Corporation
and PETER SOTIS, individually,

Plaintiffs,

vs.

INTERNATIONAL ASSOCIATION OF NITROX
DIVERS, INC.,
a Florida Corporation,

Defendants.

**PLAINTIFFS' NOTICE OF FILING DEPOSITION OF TOM MOUNT
IN SUPPORT OF MOTION TO COMPEL DISCOVERY**

Plaintiffs, ADD HELIUM, LLC and PETER SOTIS, by and through undersigned counsel,
in support of their Motion for Reconsideration file the Transcript of Deposition of Tom Mount
taken on August 23, 2018 in support of Plaintiff's Motion to Compel Discovery.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing document was
furnished by e-mail this 8th November, 2018 to: Jennifer C. Biewend, Esq., Robinson, Kennon &
Kendron, P.A., 582 W. Duval Street, Lake City, Florida 32055; Telephone: 386-755-1334;
Email: jcb@rkkattorneys.com.

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

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

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DOCUMENT

APPEARANCES

ON BEHALF OF PLAINTIFFS

NEIL BAYER, Esquire
Neil.bayer@kennedyslaw.com
1395 Brickell Avenue
Suite 610
Miami, Florida 33131
305-371-1111

ON BEHALF OF DEFENDANT

JENNIFER C. BIEWEND, Esquire
jcb@rkkattorneys.com
Robinson, Kennon & Kendron, P.A.
582 West Duval Street
Lake City, Florida 32055
386-755-1334

ALSO PRESENT:

Peter Sotis
Luis Pedro

- - -

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EXHIBITS MARKED FOR IDENTIFICATION:

5 3/8/17 Letter from IANTD to Sotis

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6 3/9/17 Letter from IANTD to Sotis

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CERTIFIED QUESTIONS:

Page 38, Line 1:

"Q. I'm asking you what -- in a
nonattorney-client capacity, what investigatory
information was provided to you by Craig Jenni?"

- - -

1 WHEREUPON,

2 WARREN THOMAS MOUNT

3 acknowledged having been duly sworn to tell the truth,
4 and testified upon his or her oath as follows:

5 THE DEPONENT: Yes, I do.

6 DIRECT EXAMINATION

7 BY MR. BAYER:

8 Q. Could you state your name for the record,
9 please?

10 A. Warren Thomas Mount.

11 Q. And can I ask your home address, please?

12 A. 231 Northwest Kelly Lake Court, Lake City,
13 32055.

14 Q. Have you ever had your deposition taken
15 before?

16 A. Yes.

17 Q. Okay. Assuming you have some familiarity
18 with the ground rules, I'm just going to run through
19 them again --

20 A. Okay.

21 Q. -- just to be sure, in no particular order.

22 If a question I ever ask you is unclear or
23 you don't understand it or didn't hear me for any
24 reason, just ask me to rephrase it. You shouldn't
25 feel compelled to answer anything you don't

1 understand.

2 Number two, I'm not allowed -- I can ask you
3 if you spoke to your attorney, but I can't ask you
4 what you said to your attorney or what your attorney
5 said to you; and so I guess I'll give you the caution
6 that I'm not looking for that in any particular
7 answer.

8 Number three, if you can give me verbal
9 responses because sometimes witnesses shake or nod
10 their heads, and we get back the transcript, and it
11 said "witness shook head," and we don't know which
12 direction it was.

13 If you need to take a break for any reason,
14 just let me know.

15 And last on the list is, I'm going to assume
16 if you answer my question that you understood it, and
17 that's just if a question develops later on.

18 Also, you may hear your attorney object to --
19 she may say something like objection to form. You can
20 still answer the question, and you should answer
21 questions unless your attorney specifically instructs
22 you not to do so.

23 So ground rules aside, are you presently
24 employed?

25 A. Yes.

1 Q. By whom?

2 A. IANTD.

3 Q. And, for the record, what does IANTD stand
4 for?

5 A. International Association of Nitrox and
6 Technical Divers.

7 Q. What is your position with IANTD?

8 A. CEO.

9 Q. How long have you been the CEO of IANTD?

10 A. Since 1991.

11 Q. When was IANTD formed?

12 A. 1985 under the -- the original corporate name
13 is IAND.

14 Q. IAN -- I'm sorry?

15 A. IAND.

16 Q. IAND. And what did IAND stand for?

17 A. International Association of Nitrox Divers.

18 Q. So the trimix was added later on?

19 A. Trimix was added. And it's actually
20 IANDBAINTD.

21 Q. Okay. So that's the formal name as it stands
22 today?

23 A. (Nods head.)

24 Q. Since IANTD was formed, have you been the
25 CEO, or IND --

1 A. INTD, yes.

2 Q. Are you an owner of the company?

3 A. Yes.

4 Q. What is your present ownership interest?

5 A. Eighty-five percent.

6 Q. Do you have a partner?

7 A. Yes.

8 Q. Who is your partner?

9 A. Luis.

10 Q. And Luis owns 15 --

11 A. Luis --

12 Q. -- percent?

13 A. Yes.

14 MS. BIEWEND: Also, I'm going to go ahead and
15 say this since I don't know if he said this.

16 Make sure he finishes the answer before you
17 answer, because otherwise you're going to talk
18 over each other, and it makes it difficult for
19 her.

20 MR. BAYER: It makes it harder for her. I
21 should've told you that rule.

22 MS. BIEWEND: And us too.

23 BY MR. BAYER:

24 Q. How many employees does IANTD have presently?

25 A. Presently, three. Two. Excuse me.

1 Q. There was a previous employee who's no longer
2 with the company. Is that correct?

3 A. Yes.

4 Q. What was her name?

5 A. Melanie Faircloth.

6 Q. What was Melanie Faircloth's position with
7 the company?

8 A. She was kind of like a joint secretary and
9 receptionist, jack-of-all-trades.

10 Q. Just asking you a little bit about your
11 personal background.

12 A. Okay.

13 Q. You have several qualification initials after
14 your name. The first one, I believe you hold a Ph.D.
15 Is that correct?

16 A. Yes, I do.

17 Q. What is your Ph.D. degree in?

18 A. Natural health.

19 Q. Natural health?

20 A. Uh-huh.

21 Q. And what generally is natural health about?

22 A. Alternate ways of wellness, includes things
23 like Quigong, herbal medicine -- I'm just talking
24 about things that are considered natural, giving my
25 example -- use of supplements, use of pressure points;

1 otherwise, other things other than -- like, allopathic
2 medicine would be defined when you're using drugs and
3 all of this. We try to, when possible, avoid drugs.

4 Q. And I believe -- I don't have it in front of
5 me -- you had two other degrees or qualifications on
6 your resume. Can you tell me what those are?

7 A. N.D., which is done pretty much in
8 conjunction with the Ph.D., naturopathic medicine.

9 Q. Okay. And where did you obtain that degree
10 from?

11 A. I got through two sources, but primarily the
12 Universal University, which is a Florida educational
13 facility that was bought out by -- after I left, by
14 Panama Medical School.

15 Q. And when did you get that degree?

16 A. I got that degree -- I finished it in 2007.

17 Q. Okay. And when did you get the Ph.D.?

18 A. Same year.

19 Q. Same year. Okay.

20 And the third set of initials in your title?

21 A. Th.D., Doctor of Theology through Holistic
22 University, which is probably the most respected in
23 that area, and I got that -- finished that in 2010. I
24 had actually started in 2004 trying to do both at the
25 same time. I wouldn't wish that on anybody.

1 Q. No. That's a little difficult, I grant you.

2 In terms of your diving experience, can you
3 tell me what your personal diving resume includes?

4 A. I started diving in 1957. I became an
5 instructor with the YMCA in 1963. After that, I
6 became NAUI. About everybody was out there. PADI
7 sent me a card. I was one of the founders of the
8 first cave diving association in the United States,
9 the National Association of Cave Divers, as far as the
10 founders on that. And I joined IAND -- I guess I
11 joined it around 1987.

12 Q. What certifications do you hold presently?

13 A. Instructor trainer in -- all of these are
14 through IND, now. I let everything else lapse.

15 MS. BIEWEND: You let everything else lapse?

16 THE DEPONENT: Yeah, just didn't renew them
17 because it's too much to keep up with.

18 A. Trimix, expedition trimix, cave, wreck, all
19 levels below that, of course, open water and all that,
20 obviously.

21 BY MR. BAYER:

22 Q. But the currently valid ones are -- is just
23 the instructor trainer?

24 A. Instructor trainer trainer.

25 Q. Instructor trainer trainer?

1 A. Yes.

2 Q. And who was that issued by?

3 A. That kind of came with the job. I kind of
4 developed that. Our instructor trainer trainer is
5 more like an honorarium because you've done so much.
6 And beings I probably was involved in the development
7 of a lot of these things, some advantages or
8 disadvantages of being old, it kind of formed out and
9 came around, and we kind of agreed on these formats.

10 I wrote the first text book on cave diving in
11 the United States and some of the earliest CCR books,
12 mixed gas books, even before IANTD.

13 Q. So the current certification is one that was
14 issued by your company, IANTD?

15 A. By my company, yes.

16 Q. And, by the way, for the record, never say
17 old or always say more experience.

18 A. I'll go with that, yeah.

19 Q. In terms of the structure of IANTD, do you
20 have a general counsel? By that I mean a designated
21 lawyer.

22 A. We do now.

23 Q. Who is that presently?

24 A. That would be Bruce.

25 Q. Prior to Bruce, was there anybody that you --

1 that you went to in particular?

2 A. Not really because our insurance company has
3 its lawyers, and that's Donna Albert and Craig
4 Jenni.

5 Q. So when -- prior to current counsel, if you
6 needed a lawyer, would you contact either Ms. Albert
7 or Mr. Jenni?

8 A. I would usually contact Jenni for
9 recommendation. That's how I found them.

10 Q. In the past five years, how many times would
11 you say you spoke to Mr. Jenni in any capacity seeking
12 legal advice?

13 A. Oh, seeking legal advice? That would be hard
14 to do -- hard to say, because usually -- I'm not
15 trying to be evasive.

16 The reason it's hard to say is, every time we
17 change our standards I have to ask him about
18 something. Because we're changing standards, this
19 means I want to make sure it's something that -- has
20 all the legal ins and outs, which all agencies do.

21 MS. BIEWEND: I just want to put on the
22 record it's fine to ask him about dates and
23 things like that, but content, I think, would be
24 privileged, the content of the subject matters.

25 MR. BAYER: I think I can ask him what

1 subjects. I just can't ask him what --

2 MS. BIEWEND: I disagree. I don't think you
3 can. What if the subject matter was "I murdered
4 somebody"? So, you know, when you say "subject
5 matter," that can -- content can come into it.

6 THE DEPONENT: He's also -- we use him at RTC
7 too, the Recreational Training Council, only if
8 there's a question we don't understand when we're
9 developing standards.

10 BY MR. BAYER:

11 Q. What is the RTC?

12 A. Recreational -- not -- Rebreather Training
13 Council. I'm sorry.

14 Q. Now, who sits on the Rebreather Training
15 Council?

16 A. The Rebreather Training Council? About the
17 majority of the agencies that teach rebreather around
18 the world.

19 Q. So who would be some of the other companies
20 in addition to yours that sit on that council?

21 A. RAID, SSI, NAUI, BSAC.

22 MS. BIEWEND: If you do acronyms and things
23 like that, just make sure she understands what
24 they are because we don't know what all these
25 companies are.

1 A. Technical Diving International.

2 BY MR. BAYER:

3 Q. That's known as TDI?

4 A. Yeah.

5 RAID, and I don't know what "RAID" stands
6 for, to be honest.

7 Q. Is it R-A-I-D?

8 A. R-A-I-D.

9 NAUI, National Association Underwater
10 Instructors; PADI, Professional Association Diving
11 Instructors; BSAC, British Sub-Aqua Group (sic).

12 I don't know the exact -- I only know them by
13 the initiations on some of the others, some of the
14 Europeans, because there's 18 agencies involved.

15 Q. So those are just 5 of the 18 agencies?

16 A. Yes.

17 Q. Does the Rebreather Training Council have any
18 type of annual meetings?

19 A. We have -- we have conference calls, and
20 that's probably about every three months. And we have
21 an annual meeting usually twice -- or two semi-annual
22 meetings. One of them is usually at DEMA, the Diving
23 Equipment Manufacturing Association.

24 Q. What types of subjects does the Rebreather
25 Training Council weigh in on?

1 A. Development of standards, minimum standards
2 of the industry in regard to rebreather diving.

3 Q. Is Mr. Jenni involved in the Rebreather
4 Training Council?

5 A. He is the counsel on call. He's not -- he
6 doesn't attend the meetings. It's only if he's needed
7 for question.

8 Q. Does IANTD have any independent investigators
9 it uses?

10 A. Negative.

11 Q. Yesterday we addressed -- or one of the
12 things that we looked at was your incident report
13 form. That's a four-page document. I'll show it to
14 you.

15 I'm just curious. On page 4 you have -- it
16 indicates -- for immediate emergency assistance, it
17 says to contact John Witherspoon or Craig Jenni.

18 A. Yes.

19 Q. Why is Mr. Jenni included on your company's
20 incident form?

21 A. Because he works with -- in conjunction with
22 John Witherspoon.

23 Q. And who is John Witherspoon, for the record?

24 A. John Witherspoon is the insurance agency that
25 we do our diver liability through.

1 Q. So he is the agent for the placement of
2 IANTD's insurance?

3 A. Yes.

4 Q. Do you know who IANTD's actual insurance
5 company is presently?

6 A. No.

7 Q. Okay.

8 A. I know the Lloyd's of London group.

9 Q. Do you know whether or not you made any claim
10 on that policy in connection with this particular
11 lawsuit?

12 A. No.

13 Q. Did anybody instruct you to include Mr. Jenni
14 on your IANTD incident report form, or was that a
15 decision that you made?

16 A. We made it because we assumed all insurance
17 goes through him; and if it's through there, John
18 Witherspoon requested we put him on there. I think he
19 uses him and, of course, Donna Albert.

20 Q. Has Donna Albert ever represented you?

21 A. Yes, in a lawsuit in the 1990s.

22 Q. Did that lawsuit involve a death?

23 A. Yes.

24 Q. Was IANTD sued directly in that case?

25 A. We were among -- the instructor himself was

1 sued, and he was with our insurance. And it was a guy
2 that had spent five tours of duty in Vietnam and died
3 trying to rescue a student.

4 Q. Was there any liability finding against
5 IANTD?

6 A. No.

7 Q. Has IANTD ever had a judgment entered against
8 it in a court of law on any type of negligence claim?

9 A. No.

10 Q. Has IANTD ever been -- in addition to this
11 1990 incident, sued any other time in connection with
12 a diver injury or death?

13 A. Not to my knowledge.

14 Q. What are your day-to-day functions as the CEO
15 of IANTD?

16 A. Oversee all that goes well (sic), making sure
17 things are on schedule; communicating with all the
18 licensees, which most of it gets passed on to the COO;
19 make sure the standards are in cooperation; talk to
20 people; do some pacifying of people. I guess that's
21 one you could say.

22 Q. In what respect do you pacify people?

23 A. Get involved in their discussions when they
24 disagree with each other and things of that nature.

25 Q. Can you give me an example of a pacification

1 situation?

2 A. Okay. Interpretation of standards and --
3 some people read a sentence and will interpret it one
4 way, which is one of the reasons we update our
5 standards, make sure it's more and more clear.

6 Q. Going back to the IANTD standards. When
7 did -- I assume it was IND. When did IND publish its
8 first set of standards?

9 A. There was a loose set of standards, to my
10 knowledge, in 1985 as IND, but it only addressed the
11 nitrox driving; that's all it did. It didn't do basic
12 diving, didn't do anything else. And in 1991 we
13 published a complete formal set of standards on
14 everything from technical diving standards, and then
15 in 1993 we introduced our open water standards into
16 it.

17 Q. Who authored -- when you came out with the
18 more comprehensive standards in 1991, who was involved
19 in writing, you know, authoring those standards?

20 A. In 1991, that would have been Billy Deans,
21 myself, Brett Gillam.

22 Q. Brett. I'm sorry. What was his last name?

23 A. Gillam, G-I-L-L-A-M.

24 Phil Short, and I can't remember who else.
25 We had a couple three licenses, and everybody came

1 into it. Now we do this through the board of license.

2 Q. Who was Billy Deans? Is he --

3 A. Billy Deans used to have Key West Diving
4 Center. He was at that time one of the more renowned
5 technical diver instructors, one of the first to teach
6 trimix, which is mixed gas diving.

7 Q. Who is Brett Gillam? What was his
8 background?

9 A. Brett Gillam was -- he's been a -- he started
10 diving in -- I don't know what year he started diving,
11 but he had his work down in the Caribbean, and every
12 day he started doing a lot of deeper diving, a lot of
13 technical diving. He was at that time a partner.

14 Q. So he was -- at that time he was a partner in
15 IND?

16 A. Yes.

17 Q. What about Phil Short? What was his
18 background?

19 A. Phil Short is in the UK. He's been a pretty
20 renowned wreck and cave diver, sump diving. He
21 introduced a lot of the stuff over there, and still
22 is. He's actually our license -- partnership in
23 license in the UK.

24 Q. So he's one of the licensees?

25 A. Yes.

1 Q. Who actually did the -- who actually wrote
2 it, or did you all sit down and do it together?

3 A. We did it together.

4 Q. And, by chance, do you remember the -- that
5 version number of that first comprehensive set of
6 standards?

7 A. No.

8 Q. Since that time, how many times have the
9 standards been amended?

10 A. Well, we've added tons of programs since
11 then. We've -- because we're members of ISO, and
12 we're members of RTC, we've had to modify them for the
13 recreational things every time we discover more,
14 because all documents are pretty much living documents
15 in the diving world. New equipment changes. Like, in
16 the original ones, there were not rebreather standards
17 because there was no diving rebreathers at that time.
18 So, as new equipment came out, as we learned new
19 things in safety, learned new drills that we thought
20 were important, they were incorporated.

21 And then there's other things like -- such as
22 RESA, and currently RTC came out. We make
23 modifications of standards to be sure it meets
24 everyone's needs.

25 Q. Are standards reviewed on any type of

1 periodic basis? In other words, do you look at them
2 quarterly, or are updates to the versions reactionary
3 to what's going on in the industry?

4 A. They're reviewed continually. We have a
5 board of advisers, which is about 52 different what we
6 consider to be experts in the industry, and they
7 review comments on it. When we find out something
8 that should be or meets other, like ISO or something
9 like that we incorporate it into, that they don't vote
10 on; but all the standard changes themselves are voted
11 on.

12 Q. So you have roughly 50 experts in the
13 industry that will contribute or weigh in on any
14 modifications that you make to the standards?

15 A. Right.

16 Q. Are all of those IANTD licensees, or are they
17 people outside of the industry?

18 A. No. They're all in the industry, but they're
19 not licensees. Most of -- all of them are
20 instructors, to my knowledge.

21 Q. Are any of your instructors involved in the
22 amendment or updating of the standards and procedures?

23 A. Yes.

24 Q. Okay. Just with respect to the four people
25 who were on the Q&A Board with --

1 A. Three.

2 Q. Three.

3 -- with respect to Peter Sotis'

4 investigation, is Mr. Hill one of those 50 people,
5 Kenneth Hill?

6 A. Yes, he is

7 Q. Is Joseph Dituri one of --

8 A. Yes.

9 Q. -- those people? Okay.

10 Ronald Possato?

11 A. Yes.

12 Q. Mark Fowler?

13 A. He was the training director at that time.

14 Q. So each of the people who reviewed the Rob
15 Stewart incident as it relates to Peter Sotis were
16 also on your standard revision committee? Or standard
17 review committee, maybe that's a better way to put it.

18 A. They vote on standard changes, yes.

19 Q. Okay. Who does the actual drafting of
20 changes in the standards?

21 A. Well, the drafts are on recommendations.
22 Everybody contributes to it. We type it because
23 somebody has to type it up.

24 Q. Who puts all those recommendations together,
25 or who's the one who ultimately makes the decision on

1 recommendations that might come? Will that be you?

2 A. Luis and I will go through them and then send
3 them out.

4 Q. And, for the record, IANTD presently has a
5 board of directors that consists of you and Mr. Pedro.
6 Is that correct?

7 A. Yes.

8 Q. Who are IANTD's primary competitors in
9 rebreather training and certification?

10 A. TDI, which is Technical Divers International;
11 PADI, P-A-D-I, which is the Professional Association
12 of Diving Instructors; SSI, Scuba Schools
13 International; RAID, again, I can't tell you what -- I
14 tried to memorize it a few times and just gave up.

15 Q. I don't hold that against you.

16 A. BSAC, British Sub-Aqua Club. There's an
17 agency in Europe that only does rebreathers, and I
18 always forget their name because it's a weird acronym.
19 So those would be the primary.

20 Q. In terms of your professional relationship
21 with Mr. Sotis, who's left the room but will be back,
22 I presume, how long have you known Peter Sotis for?

23 A. A long time. I did a lot of his technical
24 training, and I'd say it goes back to at least the
25 early 2000s.

1 Q. Do you recall any of the training that you
2 provided to Mr. Sotis?

3 A. Yes. I did his trimix, his trimix
4 instructor's. I did his -- I don't remember if I did
5 his cave or not. I think I did his cave, or maybe
6 just (inaudible) --

7 THE REPORTER: I didn't understand you. I'm
8 sorry.

9 THE DEPONENT: Normoxic instructor, and his
10 trimix. And I'm not sure about the cave. I was
11 involved in it, but I'm not sure if I actually
12 did his training on it.

13 I've cave dived with him, for sure.

14 BY MR. BAYER:

15 Q. Just so if the Judge ever looks at the record
16 and doesn't understand what any of this is about, what
17 is normoxic diving?

18 A. It's diving a mix that is breathable in a
19 normal area. Like, if you had a -- if you're going to
20 60 meters of depth, you would want around 21 percent
21 oxygen in the mix.

22 Q. How are those mix levels -- how are they
23 computed?

24 A. We compute them by having an acceptable
25 PO2 -- partial pressure of oxygen, I'm sorry -- a

1 helium mix that would give you a less narcotic mix;
2 and a nitrogen content, which obviously doesn't give
3 you narcosis, which is like being on an opioid or
4 something.

5 Q. How would you describe trimix to me?

6 A. Trimix is a mixture of helium and oxygen and
7 air, and the purpose of trimix is to allow you to dive
8 deeper more safely.

9 Q. Now, just using Rob Stewart's death as a
10 cutoff point, prior to Rob Stewart's death had you
11 ever personally been diving with Peter Sotis?

12 A. Oh, yes.

13 Q. Approximately how many times?

14 A. A hundred or more.

15 Q. And in that 100 or more times that you dove
16 with him, some of which was in an instructional
17 capacity, as you just said, having given him his a
18 trimix instructor, possibly his cave, did you have
19 opinions on his professional competence?

20 A. All the things we did in training, great,
21 good. He was a good instructor. I enjoyed diving
22 with him. He's a good diver.

23 Q. Did you have any concerns about diving with
24 him?

25 A. No.

1 Q. In terms of his professional performance for
2 IANTD, Peter was one of your licensees. Is that
3 correct?

4 A. No. He was a facility and an instructor
5 trainer.

6 Q. So he's a facility and an instructor trainer?

7 A. Yeah.

8 Q. In terms of facilities, is Peter Sotis the
9 facility, or is Add Helium the facility?

10 A. His business is the facility.

11 Q. So Add Helium is the facility and --

12 A. And Peter Sotis is the instructor, owner,
13 instructor trainer.

14 Q. In terms of Peter, prior to Rob Stewart's
15 death, approximately how many rebreather
16 certifications was he doing with IANTD on an annual
17 basis?

18 A. Considerable. I don't know the numbers. He
19 was one of the more active, as far as the rebreather
20 certs.

21 Q. Do you think it was more than 100 per year?

22 A. I don't know.

23 Q. Did you ever create any type of professional
24 recognition for him in your association recognizing
25 the number of certifications he had done?

1 A. Not that I know of. We didn't give him
2 recognition; but he was on the board of advisors, and
3 that is usually because you're pretty well recognized.

4 Q. Did you give him a diamond certification at
5 some point?

6 A. Yes, he had a diamond certification, the
7 highest facility rating.

8 Q. Was that to Peter as the instructor or to Add
9 Helium as the facility, or both?

10 A. The diamond facility is to the business.
11 That's what's called the facility. Obviously, they
12 wouldn't have got it without him.

13 Q. So one in the same, essentially?

14 A. Yeah.

15 Q. Okay. Do you know how many instructors Add
16 Helium had in 2017?

17 A. On full staff? I don't know who all was
18 staff. He taught and used other instructors too. I
19 don't know if they're actually staffed or contracted.
20 I don't know.

21 Q. Do you know how many other instructors Add
22 Helium had in addition to Peter in 2017, or 2016 into
23 2017?

24 A. I think -- I would assume that most of his
25 instructors are contracted. So I don't know exactly

1 how many.

2 Q. It seems like a basic question. In order to
3 teach for IANTD, you have to be IANTD certified.
4 Would that be a correct statement?

5 A. Yes.

6 Q. So at least as to the independent contractors
7 affiliated with Add Helium, were they all IANTD
8 certified instructors?

9 A. To the best of my knowledge, yes.

10 Q. Was Add Helium in any way sanctioned in
11 connection with the death of Rob Stewart by IANTD?

12 A. I don't remember. I don't think we
13 sanctioned the facility. I know we had them both
14 under observation.

15 Q. When you say under observation, what do you
16 mean?

17 A. When we reviewed -- when the standards review
18 came out, the accident review, obviously, if you're
19 the instructor, and he owns the business, they all get
20 controlled because it applies to both. I honestly
21 don't know if we removed Add Helium or not. I think
22 we did, but I'm not sure.

23 Q. Why did you remove Add Helium?

24 A. Only because he would be the owner we did.

25 Q. So aside from the fact that Peter's personal

1 individual credentials are under suspension, IANTD
2 elected to, I guess, essentially penalize Add Helium
3 because it's owned by Peter?

4 A. Because it would be jointly responsible for
5 whatever took place.

6 Q. Did you ever advise Add Helium that it was
7 being suspended or being in any way sanctioned as a
8 result of the events surrounding Rob Stewart's death?

9 A. If we -- I don't remember if we actually took
10 Add Helium off or not; but if he got notification,
11 whatever it was, it was not done with Add Helium. It
12 would've went directly to Peter because, to my
13 knowledge, he's a sole owner.

14 Q. Did you -- in your suspension of Peter, did
15 the suspension reference Add Helium in any way?

16 MS. BIEWEND: Objection. Asked and answered.

17 A. Yes, it would.

18 BY MR. BAYER:

19 Q. So the suspension would --

20 A. And you have the papers on that, I don't.

21 Q. Yeah. I have the suspension letters, and I
22 don't see any reference to Add Helium; and that's why
23 I'm trying to ascertain what Add Helium's status is as
24 we sit here today.

25 Does IANTD take the position that Add Helium

1 has also been suspended?

2 A. Only if it's in that report that you have.

3 Q. If it hasn't formally been suspended, should
4 it have an active status?

5 A. It would have an active status.

6 Q. Is there a reason why IANTD today doesn't
7 provide any update materials to Add Helium itself,
8 excluding Peter?

9 A. If it is still on active status, the only
10 reason he wouldn't be given updates, as far as
11 information, would be that he didn't renew his
12 facility.

13 Q. Do you know if IANTD -- and I don't know one
14 way or another whether they've renewed; but if it was
15 nonrenewed, do you know whether the update -- the
16 provision of updates was suspended prior to the
17 nonrenewal?

18 A. Updates on facilities actually would go to
19 the facility, to the best of my knowledge.

20 Q. You go to the facility to do the updates, did
21 you say?

22 A. No. No. This is all usually by phone, by
23 email, and some of the updates have a form they fill
24 out every year to update on, and they're sent
25 standards updates and all that by their facility page,

1 instructor page.

2 Q. Do you know whether that was done in 2017 for
3 Add Helium?

4 A. I don't know for sure, no.

5 Q. Do you know whether it was done for 2018?

6 A. Well, if -- whatever would have been done
7 would have been in the original papers.

8 Q. Okay. And if it's not addressed in the
9 original papers, what do you think their status is
10 today?

11 A. Well, if they had renewed, it would still be
12 active.

13 Q. Is there a separate file that's kept at IANTD
14 for Add Helium?

15 A. There's files for facilities and instructors.

16 Q. So if I was to ask your attorneys for the
17 file for the Add Helium facility, is that something
18 you believe you maintain in the offices of the IANTD?

19 A. We maintain a record of who is the facility,
20 yes.

21 Q. In addition to a record of who is the
22 facility, do you maintain specific records for each
23 facility? In other words, their renewal application
24 or request and your response to that?

25 A. The renewals, yes.

1 Q. How many -- do you know the number of
2 fatalities involving IANTD divers occurred in 2015?

3 A. To my knowledge, I don't think anything in
4 2015.

5 Q. What about 2016?

6 A. Not in training, no.

7 Q. What about in 2017?

8 A. Rob.

9 Q. Going back to 2014. Anything there?

10 A. I couldn't recall.

11 Q. In the past ten years, can you estimate for
12 me how many fatalities there have been for IANTD
13 divers either -- or during the training process?
14 Let's put it that way. I'll restrict it that way.

15 A. I'd have to look at records. Two that I know
16 of for sure.

17 Q. Which are the two that you know of for sure?

18 A. Rob and a guy in Hawaii.

19 Q. Was that Brian Bugge?

20 A. Yeah.

21 Q. Was there an incident in Poland as well, I
22 believe, another cave diver?

23 A. Yes. I don't know what year that was. It
24 was actually -- I don't know if that was training or
25 if that was someone that was trained.

1 Q. With respect to the Brian Bugge incident, was
2 Craig Jenni involved in that in any way?

3 A. Yes, because Witherspoon was the insurance
4 agent.

5 Q. Who was he working for? Was it the dive
6 facility or for the family of Brian Bugge?

7 A. I'm going to assume he was with the facility.

8 Q. Is there an automatic investigation on the
9 part of the IANTD when there is a diver fatality that
10 occurs during training?

11 A. There is research into it. Normally, we
12 don't hire an investigator or anything, but there's
13 insurance -- because insurance investigates it,
14 obviously. We're insured by them; so we're kept
15 informed on what their findings are, and we generally
16 survey people. I don't remember exactly or how many
17 in Peter's case, but like in the case in Hawaii we
18 probably spoke to 10, 15 people.

19 Q. When you say "we" --

20 A. Not personally, but --

21 Q. Would that be IANTD or its insurers?

22 A. Both.

23 Q. So, in the case of Brian Bugge, IANTD
24 undertook some --

25 A. Made inquiries.

1 Q. -- some type of direct inquiries?

2 A. We made a lot of inquiries because a lot of
3 inconsistencies came up. And that was in addition to
4 what the insurance company did.

5 Q. Did IANTD make direct inquiries of any kind
6 in the death of Rob Stewart?

7 A. Yes. You have the paperwork that reflects
8 that.

9 Q. What do you recall, as you sit here today?
10 What direct inquiries did IANTD make?

11 A. I don't remember the exact people, etc. I
12 know there was a Robotka. That may not be the right
13 name, but it's in the record anyway.

14 Q. Robotka?

15 MR. SOTIS: Robotka? My former partner?

16 BY MR. BAYER:

17 Q. Are you talking about Mr. Robotka?

18 A. I guess that's it.

19 Q. That was Mr. Sotis' former partner.

20 A. Yeah.

21 Q. Okay.

22 A. Actually, he contacted us.

23 Q. Were you aware that there was a lawsuit
24 ongoing between Mr. Robotka and --

25 A. Not at --

1 Q. -- Mr. Sotis at that time?

2 A. -- that time. I know there is now.

3 Q. But specific to Rob Stewart did you make any
4 direct inquiries as to what happened on January 31st
5 at the Queen of Nassau wreck?

6 A. Only what Peter put in his accident report.

7 Q. So then IANTD didn't do anything other than
8 rely on the information provided by Peter?

9 A. We had Peter. We had other sources of
10 information that were voluntarily given to us.

11 MS. BIEWEND: I didn't understand that
12 either.

13 THE DEPONENT: Other sources that provided
14 information to us.

15 BY MR. BAYER:

16 Q. What other sources did you have?

17 A. I don't remember specifically.

18 Q. Okay. So you had other sources that provided
19 you information, but you can't recall who they were
20 today?

21 A. I can't recall.

22 Q. Okay. Do you recall what information those
23 unrecalled sources provided to you?

24 A. Well, they were talking about the dive
25 profile, we know that, and later we found out other

1 things.

2 Q. What is a dive profile, for the record?

3 A. The dive that was made. They made two
4 dives -- three deep decompression dives in one day.
5 Two of them were actual dives, per se. A third dive
6 was to recover an anchor.

7 Q. Did you look at any data downloads from
8 either Peter's computer or Mr. Stewart's computer?

9 A. We have seen the data download now from
10 Mr. Stewart's.

11 Q. Who provided those to you?

12 A. I don't even recall who did it originally,
13 because it came through one of the investigators,
14 Coast Guard or whoever else it was. I don't remember.

15 Q. Was the investigator who provided that Craig
16 Jenni?

17 A. I assume Craig may have had some of that,
18 yeah.

19 Q. So aside from an attorney capacity, Craig
20 Jenni -- did Craig Jenni provide you documentary or
21 investigatory information on the death of Rob Stewart?

22 A. Craig provided us some information on our
23 request, yes.

24 Q. Do you know who, if anyone else, Craig is
25 working for in conjunction in the death of Rob

1 Stewart?

2 A. I would assume Horizon, because I think they
3 do insurance through Witherspoon.

4 Q. Horizon was the dive boat operator?

5 A. Yes.

6 Q. So do you know whether he's working directly
7 for Horizon at this point in time, or its attorneys?

8 A. He works with Witherspoon. So I would assume
9 so.

10 Q. And he was also providing information to you
11 at the same time. Is that correct?

12 A. He provided information on things that we
13 requested.

14 Q. Can you tell me anything that you requested
15 that he provided to you?

16 A. Well, because he also recovered the body.

17 Q. We'll get there in a minute too.

18 A. Huh?

19 Q. We'll get to the body recovery shortly.

20 What information did you request him to
21 provide? And, again, I'm not looking for what you
22 said to him in a -- as an attorney-client capacity.

23 MS. BIEWEND: Again, I'm going to put an
24 objection on the record. If he's making a
25 request to an attorney, that is privileged

1 information.

2 MR. BAYER: So are you instructing him not to
3 answer?

4 MS. BIEWEND: You can rephrase the question
5 in a different way, if you can.

6 BY MR. BAYER:

7 Q. I'm asking you what -- in a
8 nonattorney-client capacity, what investigatory
9 information was provided to you by Craig Jenni?

10 A. We asked him to provide us with --

11 MS. BIEWEND: That's privileged. I'm sorry.
12 If it's anything you communicated to him, that's
13 privileged, and you should not answer that.

14 And you're welcome to certify it, anything
15 between Craig and him.

16 MR. BAYER: Certify the question.

17 BY MR. BAYER:

18 Q. Did he provide any information to you
19 gratuitously?

20 A. No.

21 Q. Did Donna Albert provide you any information?

22 A. I have not spoken to Donna Albert about it
23 one way or the other.

24 Q. Who is John Jones?

25 A. John Jones is a member of our board of

1 advisors. He is a training consultant, and he is
2 now -- in the latest revision of the standards, we
3 broke it down so that we had somebody that would
4 directly do all the communications with any
5 standards board -- or not standards board, any quality
6 and assurance board. So he's our quality control
7 director now, and all communication with people and
8 the quality control board go through him now.

9 Q. So he's the --

10 A. Coordinator.

11 Q. Is he the report-to for the Q&A board?

12 A. He appoints and he makes sure they get all
13 communication. He receives the information, but not
14 at that time.

15 Q. Was there somebody who held that position at
16 the time the Q&A board was appointed in the Rob
17 Stewart death?

18 A. At that time we jointly -- because the
19 board -- there was not a formal quality control
20 director at that time.

21 Q. Just to summarize and make sure I understand
22 it. At that time the board was selected, slash,
23 appointed by you and Mr. Pedro; but presently, since
24 the standards have been amended, now there's a
25 designated person who appoints the board in terms of

1 Q&A board assembly and instructions?

2 A. Let me go back and break down your question
3 in parts.

4 Q. Sure.

5 A. At that time collectively we would have a
6 meeting and discuss not just Luis and I, but others,
7 who should be on the board, because you try to isolate
8 it so that no one, if possible -- Peter's -- it's hard
9 to do it. Peter is pretty well-known. So we tried to
10 get people that did not know him.

11 Currently, we've got rid of sitting down as a
12 collective body of people to appoint, and we've gone
13 to where we have a QA director who will do that and
14 handle all the communication.

15 Q. Do you know whether -- with respect to
16 Peter's case, do you know whether he had any type
17 of -- he knew Mr. Fowler in any capacity before
18 Mr. Fowler's appointment to his Q&A board?

19 A. Mr. Fowler wasn't a -- Mr. Fowler is a
20 training director.

21 Q. Training director. Okay.

22 What about Mr. -- let me ask you that
23 question for Mr. Hill. Do you know whether he had any
24 type of business relationship with Mr. Sotis prior to
25 being on his Q&A board?

1 A. To my knowledge, no.

2 Q. What about Mr. Dituri?

3 A. They know each other; I know that.

4 Q. Since they knew each other, did you make any
5 inquiry into whether or not Mr. Dituri would be fair
6 and impartial in assessing Peter?

7 A. Yes.

8 Q. Did you have a direct discussion with him?

9 A. I had direct discussion "Do you think --
10 because Peter is a friend, I would assume -- "you
11 could look at this justifiably, open-mindedly?" And
12 his answer was yes.

13 MS. BIEWEND: Tell her what said again.

14 A. I asked Joe Dituri if he -- because he knows
15 Peter, I think even friends -- if he could do this
16 with an open mind, and his answer was yes.

17 BY MR. BAYER:

18 Q. Why did you knowingly select somebody who was
19 a friend of Peter's when you had other -- an available
20 pool where you probably could have found somebody who
21 had no friendship or business relationship with him
22 before?

23 A. Because I wanted to have someone on there who
24 was totally qualified. As a retired Navy diving
25 officer, he's uniquely qualified. He's also been

1 involved with IANTD for years, and so he is most
2 expertised.

3 Q. What about Mr. Possato, the final Q&A member?

4 A. To my knowledge, he's never met Peter.

5 Q. How did you first learn about the Rob Stewart
6 incident?

7 A. Okay. I think my first knowledge is when
8 Peter called me.

9 Q. Okay. Do you recall what Peter told you
10 about when he reported the incident to you?

11 A. Peter told me that it was -- okay. Exact
12 words, because it did stick, "It's no big deal because
13 it wasn't training, and the accident occurred after
14 the dive."

15 Q. What, if anything, did you instruct Peter to
16 do at that time?

17 A. Get an incident report out.

18 Q. Did IANTD --

19 A. And I think I told him to contact Witherspoon
20 to get (inaudible) report, because at that time I
21 didn't realize his insurance was through Peter Meyer.

22 Q. Did you take any additional action at that
23 point?

24 A. What do you mean by --

25 Q. In other words, I know at some point you

1 called Craig Jenni for a legal opinion. Did that
2 occur after the notification to -- by Peter?

3 A. Craig was on the way down there, supposedly.
4 And Craig also talked to me, and he -- and Peter
5 talked to me. And, like I say, I advised Peter to put
6 the incident report in.

7 Q. So it's fair to say, then, that you also
8 fairly close in proximity to notification by Peter had
9 some notification of the event from Craig Jenni?

10 A. That there was an accident, yeah.

11 Q. Did you call Craig or did he call you?

12 A. He called me.

13 Q. What was the next thing that happened after
14 you were -- on the part of IANTD, next action request?
15 After you instructed Peter to prepare an incident
16 report, what was the next thing that you did?

17 A. The very next thing we did? Waited for the
18 incident report.

19 Q. And you did in fact receive one?

20 A. Yes.

21 Q. Just for the record, this is what we
22 previously marked as Exhibit 3 yesterday to
23 Mr. Pedro's deposition. Let me see if I can find
24 page 4, which I've now separated from it.

25 Directing your attention to Exhibit No. 3.

1 Is that the incident report you received from Peter?

2 A. Yes.

3 Q. Who --

4 A. And it's Peter's writing.

5 Q. Excuse the notation at the bottom. My
6 associate wrote that on there.

7 Was there anything in particular -- can I
8 assume that you reviewed this when you received it?

9 A. Yes.

10 Q. Okay. Did you provide it to anybody else at
11 IANTD to review it?

12 A. I would've provided it to Luis, for sure.

13 Q. Did you and Luis discuss the contents?

14 A. Yes, we did.

15 Q. Was there anything in Peter's responses, as
16 set forth in the incident report form, that concerned
17 you in any way?

18 A. Doing a third dive concerned me. It's not --
19 wasn't in the standards at that time to do three deep
20 dives in one day; it was common practice people did
21 not do it, and it kind of shocked the industry
22 overall.

23 Q. But that's something that was -- there was no
24 prohibition against --

25 A. No prohibition.

1 Q. -- that in the standards --

2 A. No.

3 Q. -- at that time?

4 A. No.

5 Q. What, if anything, did you know at the time
6 about this particular dive?

7 A. When I talked to Peter, he informed me that
8 they were going down to get a hook. So I knew that
9 they were diving to get the hook.

10 Q. In terms of the actual dive itself, do you
11 know who hired Horizon to provide the vessel?

12 A. He told me that they hired the vessel.

13 Q. "They" being who?

14 A. Brock Cahill.

15 Q. Do you know what the purpose of chartering
16 the boat was?

17 A. In his statement, he said it was to do the
18 shark filming.

19 Q. You have reviewed Brock Cahill's statement?

20 A. I have now, yes.

21 Q. Who provided that to you?

22 A. I don't remember who. We'd been requesting
23 it forever. So it could have been Craig. I don't
24 know.

25 Q. Who did you make those requests to?

1 A. I tried to make a request to anyone that
2 could give me information on the accident.

3 Q. Did you review any other statements that were
4 taken as a result of the accident?

5 A. I'm not sure what you're asking.

6 Q. In other words, you said you reviewed a
7 statement from Brock Cahill. Did you review
8 statements from anybody else who was on Horizon's
9 boat, the Pisces, on that date?

10 A. No. Not on that date, no.

11 Q. So the only statement you reviewed is Brock
12 Cahill's?

13 A. Yes.

14 Q. So getting back to the dive. Do you know
15 what the purpose of the charter was by Brock and Rob?

16 A. Again, the purpose of the dive, as far as I
17 know on that charter, was they were going to film
18 sharks. There's a complication there, though.

19 Q. What's the complication?

20 A. They weren't qualified to go that depth to do
21 it. They were in the middle of a trimix course. You
22 can't put people on something that they're not
23 qualified to do. That's what triggered the QA.

24 Q. Was Peter in any way involved in the charter
25 of the vessel, to the best of your knowledge?

1 A. I don't know if he was involved in the
2 charter of the vessel. To the best of my knowledge,
3 no, but he was definitely on the dive, per his own
4 words.

5 Q. Up until the week before, do you know who was
6 going to be the safety diver on that dive? Was it
7 always intended to be Peter, or was there somebody
8 else who was going?

9 A. I have no idea.

10 Q. What, if anything, would IANTD do to a
11 diver -- this is a hypothetical question -- who during
12 his training goes out and does something that he
13 shouldn't be doing beyond his certification?

14 A. Because we have no authority if he's doing it
15 on his own, what could we do? Nothing.

16 Q. Do you place any blame on Horizon for taking
17 them out without their certifications completed?

18 A. I don't -- I don't know the circumstances of
19 their -- of theirs. I have no blame or -- no.

20 Q. No? So if Horizon had asked them if they
21 were certified, and they said yes, would you blame
22 Horizon?

23 A. If they said they were certified?

24 Q. Yeah.

25 A. I don't quite understand why you're asking

1 the particular question, but --

2 Q. I'm asking you did you put any fault on
3 Horizon in conjunction Rob Stewart's death.

4 A. Well, number one, until after it was done, I
5 didn't know they went. Number two, I was -- I would
6 be surprised if Horizon took them out if they didn't
7 think they'd completed their trimix course or whether
8 they were in the trimix course. And if you read Rob
9 Stewart's -- not Rob Stewart's, Cahill's deposition,
10 he thought those dives would count on his training.

11 Q. Who provided Brock Cahill deposition
12 transcript to you?

13 MS. BIEWEND: Objection. Asked and answered.

14 MR. BAYER: No. I asked about the statement,
15 not the deposition.

16 BY MR. BAYER:

17 Q. Who provided Brock Cahill's deposition
18 transcript to you?

19 A. I think there was another attorney that works
20 with Craig that actually sent it. I'm not sure.

21 Q. Would that be Chris Furby (phonetic)?

22 A. I don't know the name, but --

23 Q. Was it possibly Darlene Lidondici,
24 L-I-D-O-N-D-I-C-I?

25 A. I don't know the names.

1 Q. But another attorney in the Stewart
2 litigation provided Brock Cahill's deposition to you.
3 Is that your testimony?

4 A. I think. It could have been Craig, too. I'm
5 not sure. I know we got it after we requested it, and
6 that's the most honest answer I can give you.

7 Q. Did you request any other depositions from
8 the Stewart litigation?

9 A. Did I request any other? No, I haven't.

10 Q. Have you been provided with any other
11 depositions from the Stewart litigation?

12 A. I don't know.

13 Q. Why did you request Brock's deposition
14 transcript?

15 A. Because I was very curious about all the
16 events that went on this dive because -- you get
17 curious when someone goes out and doing filming when
18 they're not trained to go filming at that depth. They
19 weren't qualified to be on that dive. That rouses a
20 whole lot of questions.

21 Q. Having reviewed Brock's deposition
22 transcript, were you surprised that he testified under
23 oath that he was -- that Craig Jenni represented to
24 him on the recovery boat that he was acting as your
25 investigator, IANTD's investigator?

1 A. I would be shocked because that's a lie.

2 Q. Okay. So if that's in Brock Cahill's
3 deposition transcript --

4 A. Yes.

5 Q. -- did that jump out at you when you read it?

6 A. Actually, I didn't know it until somebody
7 else told me it was in there.

8 Q. Who else told you it was in there?

9 A. Somebody else that was reading with us said,
10 "Did you notice it?"

11 I said, "No, I didn't. I scanned down for
12 the details of dive."

13 Q. Who else reviewed it with you?

14 MS. BIEWEND: Unless it has something to do
15 with a lawyer.

16 THE DEPONENT: Huh?

17 MS. BIEWEND: Unless it has something to do
18 with an attorney representing you, you can answer
19 the question.

20 A. Luis and I reviewed it.

21 BY MR. BAYER:

22 Q. Did you ever ask Mr. Jenni why he represented
23 that he was your investigator on the recovery boat?

24 MS. BIEWEND: Don't answer that.

25 A. No.

1 MS. BIEWEND: Can you hear me?

2 That was a direct conversation about their
3 conversation. That was totally crossing the
4 line.

5 MR. BAYER: No, that's -- I asked him -- I
6 did not intend to, because I have a lot of
7 respect for the attorney-client privilege.

8 MS. BIEWEND: I don't think the answer is a
9 big deal. I feel like I need to protect whatever
10 their conversations were. I don't think there's
11 anything about it that that's big of a deal or
12 bad, you know, but I feel like it's my job.

13 MR. BAYER: I think Craig Jenni is wearing a
14 lot of different hats.

15 MS. BIEWEND: I understand where you're
16 coming from. It's very obvious.

17 BY MR. BAYER:

18 Q. What is your understanding of the facts and
19 circumstances surrounding that third dive? How did
20 that third dive to retrieve the hook come to be, if
21 you have any --

22 A. As far -- there's two versions I've heard of
23 that. Okay?

24 Q. Okay.

25 A. The first version was with Peter where he

1 said that he informed Rob he did not need to go on the
2 dive, that Rob more or less talked him into going to
3 it, and that he took him on the dive.

4 Q. So that's version number one.

5 A. And version number two is Rob saying that
6 Peter asked him to go, and I didn't know that at the
7 time.

8 Q. So do you put any greater faith or
9 credibility in one version over the other?

10 A. On that particular thing, no.

11 Q. In making the decisions that you made about
12 Peter Sotis -- and I'm sorry if I asked you this --
13 did you look at any of the data downloads from any of
14 the computers?

15 A. At that time we didn't have them available to
16 us.

17 Q. Have you seen them since?

18 A. Yes.

19 Q. Okay. Is there anything in there that caused
20 you to rethink your position on Peter's suspension?

21 MS. BIEWEND: Object to form.

22 A. I would have a more harsh viewpoint on it
23 now.

24 BY MR. BAYER:

25 Q. Because?

1 A. Okay. Let's go back into it. Because what
2 it reveals is, one, if you look at the downhill (sic)
3 of the computer, is that --

4 Q. Is that "look at the downhill of the
5 computer"?

6 A. The download.

7 Q. Okay.

8 A. There wasn't enough dives to be at that level
9 of diving. They did not have a -- it would indicate
10 they only had enough dives to be entering a normoxic,
11 let alone a trimix course; and that kind of hurt me
12 because I publicly defended Peter over that, that the
13 people, if he took them, they definitely would have
14 had the dives. It's kind of shock that they didn't,
15 because it's a very, very short time span. We're
16 talking about a six month's time. In that cave, a lot
17 of photographers I know do deep dive there frequently.
18 So I was shocked when I found that they did not, that
19 they were far less qualified.

20 Q. So you've extensively reviewed the data
21 downloads, then, correct?

22 A. In a sense, that's what I just -- things that
23 caught my eyes as I go through it. You know, I scan
24 things; I think you probably do too when you go
25 through.

1 Q. Do you recall whose data downloads you
2 scanned?

3 A. Rob's.

4 Q. Did you look at Peter's?

5 A. I haven't seen Peter's.

6 Q. Do you know how long Rob was on the surface
7 for from the time he came up until he went missing?

8 A. In Peter's -- oh, you mean on the surface
9 after the dive?

10 Q. After the dive.

11 A. A very short period of time. I think a
12 minute or -- it seemed like to me that Peter got out,
13 had an issue, and when they looked back Rob was
14 missing. I don't know a time. Minute, two minutes, I
15 don't know.

16 Q. Did you look at the data download -- having
17 had access to the data download for Rob, did you --
18 was that amount of time in any way important to you?

19 A. Was that amount of time important to me? No.

20 Q. Assuming that it was over three minutes that
21 he was on the surface with no signs of distress, do
22 you impart any liability to Horizon for not getting
23 him out of the water faster?

24 A. You're asking an opinion now?

25 Q. Yeah.

1 A. I think somebody should have been there every
2 minute.

3 Q. Do you know whether, at the time that Rob
4 surfaced, whether he took the loop out of his mouth?

5 A. Well, it stated that he did.

6 Q. And, as goes Peter, Peter had his loop in his
7 mouth until he got on the boat. Is that correct?

8 A. To my knowledge, yes. That's what you
9 normally do.

10 Q. That's what you teach, correct?

11 A. Yeah.

12 Q. So do you --

13 A. You sit down and get your gear off.

14 Q. Do you put any blame on Rob for having taken
15 the loop out of his mouth when he was on the surface
16 before he got on the boat?

17 MS. BIEWEND: Object to form.

18 A. I would -- it would be hard to say if you put
19 blame on them or not. One, it's improper procedure.
20 Two, did he have problems with the rebreather? Of
21 course, then the first thing you do is go off the loop
22 and go to open circuit, and that's standard.

23 BY MR. BAYER:

24 Q. Are you aware whether or not he gave the "all
25 clear" signal, which would've indicated that he was

1 having a problem with the rebreather?

2 A. I thought somewhere I read that he give an
3 okay.

4 Q. I'm going to ask you to assume that the
5 testimony is he gave the "all clear" on two different
6 occasions. Actually, that's in Brock's deposition
7 transcript.

8 So assuming -- do you think it's fair to
9 assume that if he was having a problem with the
10 rebreather he wouldn't have given the okay?

11 A. I would hope if he give an okay that he
12 wasn't having problems with the rebreather. At least
13 I would assume he was okay.

14 Q. So then returning to my earlier question,
15 would you put some blame on him for not keeping the
16 loop in his mouth?

17 A. It was improper procedures. So I guess you
18 could say blame. That's not a thing I'd say blame or
19 not blame. That's --

20 Q. Then let's agree that it was an improper
21 procedure or task on Rob Stewart's part.

22 A. Unless there was a problem with the
23 rebreather; and in that case, he shouldn't have given
24 an okay.

25 Q. Did IANTD take part in any of the

1 investigations by the Coast Guard or the Naval
2 Experimental Dive Unit into the death of Rob Stewart?

3 A. I think we did a -- we sent -- we requested
4 information by the Coast Guard, which was provided.
5 That's about it, because they don't -- they don't too
6 much share their stuff with you.

7 Q. What did the Coast Guard request from you?

8 A. Some of the documents that deal with the
9 training and all.

10 Q. Was it for Rob Stewart's training or for
11 Peter's training?

12 A. Rob's.

13 Q. And do you know who responded? Was it you or
14 Mr. Pedro that responded to that request?

15 A. Luis would have fulfilled that.

16 Q. Were you present at any of the equipment
17 inspections --

18 A. No.

19 Q. -- that have taken place?

20 Do you know whether there's been any finding
21 of rebreather malfunctioning, going back to whether
22 Rob might have had a problem that caused him to take
23 the loop out of his mouth?

24 A. Not to the best of my knowledge, no.

25 Q. One of the issues that seems to be recurring

1 in this lawsuit is the issue in some certifications by

2 Add Helium ahead of completion of the certifications.

3 What's your understanding of what happened in that

4 request for issuance of certifications?

5 A. What is my understanding of it?

6 Q. Yeah.

7 A. I think they didn't renew it, and we have

8 quit servicing Add Helium.

9 Q. No. I'm talking about these certifications
10 for Rob and Brian.

11 A. Oh, what do I think?

12 Q. What's your recollection of what happened?

13 A. The certification came in. They were
14 actually mailed out the day of the death. When the
15 instructor signs them off, he signs off that
16 everything is complete, and he sends them in. After
17 the death, we got a request to remove them.

18 Q. That was the following day?

19 A. Yeah.

20 Q. Did you ever make any inquiry as to why those
21 had been sent in?

22 A. Yes.

23 Q. Okay. And what were you told and by whom?

24 A. I was told by Peter that Ken had overacted
25 and sent them in too fast.

1 Q. And that was because the fourth dive was
2 supposed to take place on a Sunday, and Ken assumed
3 that it had taken place and sent them in rather than
4 verify that with Peter? Do you recall Peter telling
5 you that?

6 A. I recall Peter said he sent them in too soon
7 because he may not have known the dive took place.
8 But it's really hard to deal someone sending us --
9 regardless what the procedure is, sending us
10 certifications that somebody is a diver without the
11 course being completed. I don't know anybody that
12 does that.

13 Q. We agree; but in the case of a clerical
14 error, which we submit that this was, and that's what
15 Peter told you, and what I believe Ken told you, why
16 is it that the certifications could not have been
17 revoked?

18 A. One, I don't know if we eventually took those
19 certifications out or not. It's very hard to say
20 something is done, and it's not.

21 Number two, it's awfully bad that it got
22 revoked after a death, not before a death.

23 Number three is, he didn't give the --
24 because of the death, he did not give the cards to the
25 people. So I don't -- I'd have to go back and look at

1 the database and see if it actually took them out of
2 certification or not. I don't know their status.

3 Q. Do you know if they ever completed their
4 final exams?

5 A. The only thing I would -- because it's
6 stated -- Peter wrote and said they hadn't done it,
7 but he'd already sent off that they had. So I don't
8 know. I assume they did not finish it.

9 Q. It would seem to me that, given your
10 relationship with Peter, having known him for a number
11 of years, his being a top performer for IANTD, having
12 completed more than 100 dives with him, did you ever
13 think to pick up the phone and ask for an explanation
14 before refusing to revoke the certifications?

15 A. I think we did talk on the phone.

16 Q. And at that point you refused and said you
17 could not revoke the certifications?

18 A. I don't remember what the exact talk was.

19 Q. Did IANTD take the position that it can never
20 revoke certifications?

21 A. I don't know.

22 Q. You don't recall what you told him in that
23 regard?

24 A. I know initially we wouldn't revoke it. I
25 don't know what -- as I told you earlier, I don't know

1 what we eventually did do on that.

2 Q. Have there been situations in the past where
3 IANTD has ever retroactively revoked a certification?

4 A. Not to my knowledge.

5 Q. Do you remember a diver named Cheryl Berman?

6 A. No.

7 Q. Do you know whether her certification was
8 subsequently revoked?

9 A. No.

10 Q. Do you know what instructions, if any, Peter
11 gave Rob Stewart prior to commencement of that third
12 dive?

13 A. On that day?

14 Q. Yeah, on January 31st, '17.

15 A. To my knowledge, they were filming. There
16 would not be instruction going on during the film.

17 Q. No. I'm talking about on the third dive.

18 A. On the third dive?

19 Q. The bounce dive to get the grappling hook.
20 The one immediately prior to Rob Stewart's death.

21 A. I know he carries bailout bottles on that
22 dive.

23 Q. On the third dive?

24 A. Yeah.

25 Q. I'm talking about -- okay.

1 A. And that Peter had told him he didn't have to
2 go on the dive. That's what I know.

3 Q. Do you know whether Peter gave Mr. Stewart
4 any specific instructions about the depth that he was
5 diving to and any depth that he shouldn't exceed?

6 A. I know they went to a depth that's below
7 where he was qualified to go.

8 Q. Do you know whether he was instructed to wait
9 at a certain level and disregarded that instruction?

10 A. I don't recall.

11 Q. When a student defies an instructor's
12 instructions, what can an instructor do at depth?

13 A. Try to bring -- get the student to come up.

14 Q. And that in fact is what happened, correct?

15 A. Well, they both came up; so yeah.

16 MS. BIEWEND: I need to take a break.

17 MR. BAYER: Okay. That's fine.

18 (Recess had from 10:32 a.m. to 10:43 a.m.)

19 BY MR. BAYER:

20 Q. You were sitting in the room yesterday when I
21 took Mr. Pedro's deposition?

22 A. Yes.

23 Q. Just so I understand the process a little
24 better, once the Q&A board reaches its decision, am I
25 correct that the ultimate decision rests with you and

1 Mr. Pedro as to what action, if any, will be taken?

2 A. We have the ability to change the
3 recommendation; we don't do that.

4 Q. Okay. In this particular case, I think
5 Mr. Pedro testified that two of the three Q&A board
6 members wanted expulsion, one wanted suspension, but
7 Mr. Sotis fortunately got the -- if you consider it
8 fortunate -- the suspension rather than expulsion. So
9 was there an override of the board to that extent?

10 A. We did not override them. They reconvened
11 and looked at the requirements that Ken, which is one
12 that voted for the suspension, put into it and felt
13 that that would be sufficient, they agreed that would
14 be sufficient.

15 Q. When you say Ken, who is that?

16 A. Ken Hill.

17 Q. What is Ken Hill's position with IANTD?

18 A. He's an instructor trainer. He was on the QA
19 board.

20 Q. He was on the board. Okay.

21 So is there some -- between the first, I
22 guess, decision from -- or the preliminary decision
23 from the Q&A board, then it was discussed by you and
24 Mr. Pedro, and then -- I just want to make sure I
25 understand the sequence -- there was the final

1 decision from the Q&A board? Or does it -- do they
2 make the final decision, then it goes to you? I just
3 don't understand what --

4 A. They made the decision, and it goes to us;
5 and like I said, we could override it, but we
6 typically go with what they recommend because they've
7 actually looked at it a lot closer than we did. And
8 that's -- we wouldn't be in business and have a QA
9 board if we didn't honor them.

10 Q. In terms of your saying three dives should
11 never be done in one day -- I think you testified to
12 that earlier.

13 A. Community practice is three deep compression
14 dives are not done in one day.

15 Q. Have you ever done three deep compression
16 dives with Mr. Sotis on the same day?

17 A. Yeah. They weren't trained, though.

18 Q. In terms of the standards and just so that I
19 understand, was Mr. Sotis suspended under 20.7.0 or
20 under 20.7.2?

21 A. I think it was 20.7.0. I'm not sure.

22 Q. Okay.

23 A. It was the older standard.

24 MR. BAYER: I'll mark this as Exhibit No. 5
25 to your deposition. I have two letters, one that

1 went out March 8th and one that went out March
2 9th. I'll show you the March 8th letter.

3 MS. BIEWEND: Can I see it first, please?

4 MR. BAYER: Sure.

5 I'll mark this as Exhibit No. 5, and I'll
6 just for the record tell you that 1 through 4
7 will remain attached to Mr. Pedro's. We're
8 adopting those and continuing sequentially here.

9 (Exhibit 5 was marked for identification.)

10 MS. BIEWEND: While he's looking at that, I
11 think it would just make more sense if you went
12 ahead and just attached the same ones to his, if
13 you're adding to it, rather than have them
14 cross-reference another deposition. Just
15 depending on what happens down the road --

16 MR. BAYER: So you want to just --

17 MS. BIEWEND: Just a make a copy.

18 MR. BAYER: Let's do that. Let's just copy
19 these. We'll attach the whole set and give 1
20 through 4 back to the court reporter from
21 yesterday, and she'll attach those to hers.

22 MS. BIEWEND: You haven't asked a question
23 about that yet, right?

24 MR. BAYER: Looks like he's looking at it.

25 MS. BIEWEND: No. I just wanted to make sure

1 I didn't miss it.

2 MR. BAYER: No. He's reviewing it; so I
3 didn't want --

4 THE DEPONENT: Okay.

5 BY MR. BAYER:

6 Q. Is this the first formal suspension letter to
7 Peter Sotis?

8 A. To my knowledge, yes.

9 Q. And that's signed by you and by Mark Fowler?

10 A. Yes.

11 Q. So with respect to this March 8th
12 correspondence, you're referencing the suspension
13 under 20.7.2?

14 A. I don't really -- I don't -- that's what it
15 says here, yes.

16 Q. And that was a standard that was not adopted
17 until later in March. Is that correct? I think it
18 was March 23rd of 2017 that that standard went into
19 effect.

20 A. I don't recollect.

21 Q. As you sit here today, you don't know when
22 20.7.2 came into effect. Is that correct?

23 A. I don't know the exact date. I think it was
24 20.6 that he was suspended under, but -- but that's
25 "think." I don't know dates on standards.

1 MR. BAYER: Now, the following day there was
2 another letter that was sent to Mr. Sotis. Let
3 me show you that, and I'll mark that as
4 Exhibit No. 6.

5 (Exhibit 6 was marked for identification.)

6 MS. BIEWEND: Let me look at it before you
7 ask him a question, please.

8 MR. BAYER: Sure.

9 THE DEPONENT: Okay.

10 MS. BIEWEND: Let me take a look.

11 BY MR. BAYER:

12 Q. Given the fact that this correspondence
13 follows the formal suspension, what is the purpose of
14 that March 9th correspondence?

15 A. I would assume to get more information in
16 writing on the reason for suspension, because I think
17 he had requested that.

18 Q. So is that your procedure, to issue a
19 suspension letter and then to provide the reasons for
20 it in subsequent correspondence?

21 A. If they're asked. And he has -- as it's
22 stated, he can appeal it if he wishes to.

23 Q. Now, with respect to the information that's
24 included in the March 9th explanation note, let me ask
25 you this. Did Mr. Sotis request an explanation for

1 the suspension?

2 A. I don't recall. I would assume he did if it
3 was given.

4 Q. So March 8th the suspension is issued, and
5 March 9th you issue this letter. Do you recall having
6 a conversation with Mr. Sotis on the 8th or on the
7 9th, you know, wherein he requested the reasons for
8 the suspension?

9 A. I don't recall.

10 Q. Okay. Where is the information that's
11 detailed in the March 9th correspondence taken from?

12 MS. BIEWEND: Say that one more time. I'm
13 sorry.

14 BY MR. BAYER:

15 Q. The information that you set forth herein,
16 where do you get that from? Is that from -- in other
17 words, is this based on what the Q&A board tells you?
18 Is this based on some type of internal investigation
19 outside of that? I'm just curious where the
20 information that's in here is derived from.

21 A. Well, this is information that was
22 contributed by the QA board.

23 Q. So does the QA board give you any type of
24 formal report, or do you just rely on the emails that
25 they exchange between them?

1 A. Well, they report their findings to us, yes,
2 obviously.

3 Q. And so are there separate findings other than
4 the email exchanges between the various people on the
5 Q&A committee?

6 A. I'm not sure what you're asking. They
7 communicate by phone. They communicate by email.

8 Q. I guess the question is, do they jointly
9 issue you any type of formal report?

10 A. They give us the formal reasons of why they
11 suspend somebody, yes, or don't suspend somebody or --

12 Q. So they provide to you?

13 A. They provide it to us, yes.

14 Q. "You" being the board?

15 A. They provide their findings to the board,
16 yes.

17 Q. And I'm just trying to ascertain the format
18 of that. Do they do that in a separate report, or do
19 they send you a formal email? Or do they -- is it
20 something they submit to you jointly or individually?

21 MS. BIEWEND: Object to form.

22 BY MR. BAYER:

23 Q. Let me strike that just so it's clear,
24 because I asked you two different questions; even I
25 got that.

1 When the Q&A board reports, do you receive
2 three different reports that you review, or do they
3 also provide you with one joint report?

4 A. They provide us with their total findings.

5 Q. Okay. And does that come in one document or
6 email, or does that come in -- is that three separate
7 reports that you and Mr. Pedro look at and assemble or
8 derive the information from?

9 A. I'm not sure exactly what you're asking.

10 They give us a report of what their total
11 viewpoint is. They also -- we have -- we see the
12 individual, they give us their total viewpoint.
13 That's their decision, not ours.

14 Q. Is there a Q&A file at IANTD for the Sotis
15 investigation --

16 A. Yes.

17 Q. -- that would have this report?

18 Would a copy of this report be in there?

19 A. I don't recall.

20 Q. Let me direct your attention back to
21 Exhibit No. 6, the March 9th letter. There's a
22 question that says "According to Mr. Peter Sotis'
23 incident report."

24 The report does not specify any other
25 information that was reviewed. Do you know whether

1 any other information was considered by the Q&A board
2 other than the incident report provided by Mr. Sotis?

3 A. I don't know.

4 Q. What information did IANTD provide to the
5 board beyond the incident report?

6 A. Standards and procedures, his incident
7 report, and I don't recall anything else.

8 Q. Was the board provided with the data download
9 from Mr. Sotis' computer --

10 A. No.

11 Q. -- that you provided?

12 Were they provided with the data downloads
13 from any other computers?

14 A. No.

15 Q. Were they provided with any materials
16 provided to you by Mr. Jenni?

17 A. I don't recall. I don't think so.

18 Q. Just on the violations, which are listed on
19 the first page, those are the four specific
20 violations? Or is it -- do I continue with the
21 bullets as they appear on pages 2 and 3 of the
22 March 9th correspondence?

23 MS. BIEWEND: Is the question are those the
24 specific violations?

25 MR. BAYER: Yeah.

1 BY MR. BAYER:

2 Q. In other words, is it just four? Or am I
3 continuing on -- in other words, if I go to the top of
4 page 2, "IANTD Training Philosophy," there's also a
5 dark bullet here. So is that a fifth violation, or --
6 I'm just asking about the format.

7 A. Each of those places is a violation, yes.

8 Q. Just looking -- let's take a look at some of
9 these. At the top of page 2 there's a section "IANTD
10 Training Philosophy." It says "Upon program
11 completion, IANTD requires students pass a written
12 exam as a means to measure their knowledge level. If
13 a student can't take a written exam test, it must be
14 administered orally or by any means that conveys
15 knowledge of that information."

16 You put "Mr. Peter Sotis violated all of the
17 above standards and procedures listed under the
18 section IANTD Training and Philosophy."

19 Isn't it true that Mr. Sotis advised you
20 after the certification was sent in by Ken at Add
21 Helium that the training had not been completed?

22 A. Yes, he advised us after the fact that
23 training had not been completed.

24 Q. He did that within 24 hours, correct, as soon
25 as he found out that the cards had been requested?

1 A. I don't know exactly the amount of hours
2 before he notified us.

3 Q. So in issuing this correspondence some five
4 weeks later, you knew that the exams had not even been
5 given. Is that correct?

6 A. From Peter's statement, yes.

7 Q. Okay. Just going into the next bullet on
8 page 2, "Section: IANTD Standards Development
9 Procedures Version 20.7.0."

10 The first bullet references passing the exam
11 with an 80 percent score. I believe we just both
12 agreed that you were aware that the exams hadn't been
13 given, correct?

14 A. I was aware that he had said that they had
15 not taken the exam.

16 Q. Were you aware that the final open water dive
17 to the appropriate depths had not been completed at
18 the time this was issued?

19 A. Would I be aware that --

20 Q. Yeah. Let me just --

21 A. We have a hard time with definition. You
22 have Peter teaching a trimix course. He should not,
23 cannot be doing dives below where they're training
24 unless they're trained. He had turned in the papers
25 they were trained. All right.

1 So, at any rate, if they weren't trained, he
2 shouldn't have been there, period. If they were
3 trained, these other things would have been true.

4 Q. So did he violate standards and procedures?

5 A. Yes.

6 Q. Let me ask you this. When Peter joins them
7 as a safety diver --

8 A. You can't do that if you're an instructor
9 teaching someone. To dive with them at depths beyond
10 where they're qualified to go, that in itself --

11 Q. Let me ask you this. They went out to the
12 Queen of Nassau wreck.

13 A. Yeah.

14 Q. Do you know whether the intention was -- what
15 was the intention of that mission? Do you know?

16 A. Well, two things. One is, the intention
17 supposedly was based on the fact they were trimix
18 certified; we learned after the fact to do filming.
19 And they weren't trimix certified, according to Peter.
20 That in itself is a violation.

21 Q. But my question to you is, what was Rob and
22 Brock's mission? Let me ask it to you that way. What
23 were -- we discussed it earlier. They were going --

24 A. They were going to film.

25 Q. And they were going to look for sawtooths?

1 A. Sawtooth sharks, yeah.

2 Q. Do you know whether there was a prestated
3 intention to go all the way to the bottom that day?

4 A. I don't recall there being a prestated --

5 Q. I mean, it presupposes, in my opinion, that
6 the only place you're going to see sharks is on the
7 very bottom there. Wouldn't Peter have been well
8 within his range if they had seen sharks at the
9 appropriate depths, which was the mission?

10 MS. BIEWEND: Object to form.

11 A. I'm not sure what you mean by "appropriate
12 depth."

13 BY MR. BAYER:

14 Q. That they were certified to. What's your
15 understanding of what their certifications were at
16 that point in time?

17 MS. BIEWEND: Form.

18 A. They were normoxic trimix.

19 BY MR. BAYER:

20 Q. Okay. To what depth?

21 A. 200.

22 Q. So, as long as they stayed above 200 feet,
23 they were fine doing what they were doing, correct?

24 A. Yes. If they were certified to dive that
25 way, then there would have been nothing preventing him

1 from supervising them diving there.

2 Q. So if Peter had agreed with them and
3 specifically told them, "Do not go back 200 feet. You
4 got a very sophisticated computer. You know where you
5 are. Here are the safety dives within the boundaries
6 of your present certifications," would he have done
7 anything wrong?

8 A. If he let them go deeper than those
9 boundaries, and the fact that they were enrolled
10 already in the trimix course, yes, he did wrong.

11 Q. If he let them go.

12 Now, what do you -- let me ask you this.
13 What do you do when you're under water and you've told
14 your students that you should not exceed 200 feet?

15 A. You stop them, and you bring them up.

16 Q. And isn't that what happened here?

17 A. Not to my knowledge.

18 Q. Based on what?

19 A. Based on they completed the dive. They did
20 two dives. Why did they do dives -- why would they
21 even go in the water the second dive had they
22 unknowingly, without permission, however you want to
23 put that, gone deeper already on the first?

24 Q. Do you know whether they exceeded 200 feet on
25 the first dive?

1 A. To my knowledge, they did, yes.

2 Q. Based on what?

3 A. Computer readouts and statements in the
4 things he sent in.

5 Q. Based on Peter's computer readout or somebody
6 else's?

7 A. Based on what was stated; and based on
8 knowing if you go to the bottom, and you dive the
9 Queen of Nassau, which I have, you know it's deeper.

10 Q. But my question is, how do you know that Rob
11 and Brock went below the 200-foot level?

12 A. If you look in here, in some area it tells
13 you where they went to. And I know if they went to
14 the sand on the Queen of Nassau, they had to go deeper
15 than 200.

16 Q. What is the basis for your belief that they
17 went to the sand at the Queen of Nassau?

18 A. Because you just said it.

19 Q. No, I didn't say it.

20 A. Yes, you did.

21 Q. No, I didn't. Well, then, I stand corrected
22 if you misunderstood me.

23 I am telling you that I want you to assume
24 that Peter had specifically instructed them not to
25 exceed 200 feet, and --

1 A. I can't assume that. Why would you take them
2 on a wreck that goes deep to look for sharks just
3 knowing what the depth is?

4 Q. You've dove that wreck, correct?

5 A. I've dived that wreck.

6 Q. And a portion of the wreck sits higher up,
7 correct?

8 A. Part of it sits higher, yes.

9 Q. Part of it sits at approximately 185 feet,
10 correct?

11 A. 185 or 190.

12 Q. So if Peter instructed them that "When we get
13 to the wreck, you don't go back a certain point
14 because this is where your certification lies," and
15 they don't listen to him, is that automatically
16 Peter's fault?

17 A. It's automatically Peter's fault not to have
18 corrected it, yes.

19 Q. Okay. How would you tell him?

20 A. Physically bring them up.

21 Q. How long were they on the bottom for in each
22 of those dives, or how long were they below those
23 depths?

24 A. I'd have to go back and look at the
25 computers. I don't know that right now.

1 Q. Do you have data from either of their
2 computers?

3 A. I have the data now from Rob's, yes.

4 Q. Who gave you Rob's data? Before you told me
5 you only had Peter's data.

6 MS. BIEWEND: No, that's not correct.

7 THE DEPONENT: I already told you that.

8 BY MR. BAYER:

9 Q. You got Rob's data from --

10 A. I got Rob's statement. Let's put it that
11 way.

12 Q. Rob didn't give a statement.

13 A. Not Rob. I mean Cahill.

14 Q. You got Brock's deposition; I know that. Do
15 you have Brock or Rob's data downloads?

16 (A brief interruption was had.)

17 BY MR. BAYER:

18 Q. Okay. So I left off at how do you know they
19 exceeded their permissible depths? That's my
20 question.

21 A. I'm going to assume it based on the dive
22 itself.

23 Q. So you're just making an assumption?

24 A. I'm assuming.

25 Q. You don't have any hard evidence that they

1 exceeded that?

2 A. I think we do. We have the statements, and
3 otherwise we got documentation of 228, 230, and --

4 Q. Whose? Who has them at 228, 230?

5 A. It's in the paperwork. You have it.

6 Q. Whose? Assume I don't have it. Tell me
7 where you know that from.

8 A. I don't recall.

9 Q. Okay. Did you speak to anybody -- did you
10 review any -- did you speak to anybody who was on the
11 boat and ask what instructions were given --

12 A. No.

13 Q. -- by Peter at the commencement of the dive?

14 A. No.

15 Q. So you don't know whether Peter instructed
16 them at the commencement of the dive not to exceed
17 their certification depths?

18 A. No, I do not know.

19 Q. And you believe that you have some type of
20 documentation to show that they exceeded those depths,
21 but you don't recall what it is. Is that correct?

22 A. Yes.

23 Q. Would that data that you reviewed that shows
24 Rob and Brock at the depths exceeding their
25 certifications be in your files?

1 A. I believe I read the three depths that they
2 did on file, and I think you have it.

3 Q. How did you -- how could you have had Rob or
4 Brock's downloads five weeks later at the time that
5 you decided to suspended Peter?

6 A. I don't have -- I didn't have his downloads.

7 Q. So you don't have any definitive proof that
8 they exceeded their certification depths, correct?

9 A. Somewhere in these files there's something in
10 there because I just read it the other day, and I read
11 it originally, and they read it here on the QA board.

12 Q. Okay.

13 A. I don't recall the exact document.

14 Q. If I were to ask your attorney to provide
15 that document that you say conclusively establishes
16 that they exceeded their depths --

17 MS. BIEWEND: Object to form.

18 BY MR. BAYER:

19 Q. -- would you be able to provide that?

20 A. I think so.

21 Q. Would you agree with me that their computers
22 would be the best evidence of the depths that they
23 went to?

24 A. Yes, they would be.

25 Q. Who's Rob Johnson? I'm sorry if I asked you

1 that.

2 A. Rob Johnson. I think it's the guy that
3 teaches the rEvo now, isn't he?

4 Q. Now, with respect to Add Helium -- I just
5 have a few more questions for you. Did you ever
6 advise Peter that if he even linked himself by a
7 Facebook post to Add Helium, that you would sanction
8 Add Helium?

9 MS. BIEWEND: I'm sorry. Can you say that
10 one more time?

11 BY MR. BAYER:

12 Q. Did you ever issue -- let me ask you more
13 generally.

14 Did you ever issue any warnings to Peter
15 about linking any social media to Add Helium during
16 his suspension?

17 A. I don't think so. I'll say I don't recall,
18 or I don't -- that would be an unusual statement.

19 MR. BAYER: Give me two minutes because I
20 think I'm almost done.

21 (Recess had from 11:16 a.m. to 11:19 a.m.)

22 MR. BAYER: I'm done.

23 MS. BIEWEND: I don't have any questions, and
24 we'll read.

25 Are you ordering?

1 MR. BAYER: Yeah, I'm going to order it.

2 I'll take the original, I guess, a mini and an E.

3 MS. BIEWEND: A regular and a PDF.

4 (The deposition concluded at 11:20 a.m.)

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DOCUMENT

CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF COLUMBIA

I, the undersigned Notary Public, do hereby
certify that WARREN THOMAS MOUNT, who produced a
Florida driver's license as identification, personally
appeared before me on August 23, 2018, and was duly
sworn to tell the truth.

WITNESS my hand and official seal this
5th day of September 2018.



Cynthia F. Leverett
Notary Public
State of Florida at Large
My commission expires 9-27-20



Cynthia F. Leverett
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG030349
Expires 9/27/2020

DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF COLUMBIA

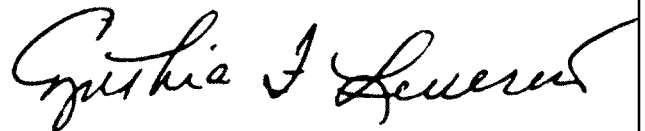
I, Cynthia F. Leverett, Court Reporter and Notary Public in and for the State of Florida at Large, do hereby certify there came before me the deponent herein, named WARREN THOMAS MOUNT, that a review of the transcript was requested, and arrangements have been made for that review.

I further certify that the foregoing transcript is a true and complete record of my stenographic notes taken at the time and place indicated herein.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of me as the certifying court reporter.

DATED this 5th day of December 2018.



Cynthia F. Leverett
Court Reporter

1 JENNIFER C. BIEWEND, Esquire
jcb@rkkattorneys.com
2 Robinson, Kennon & Kendron, P.A.
582 West Duval Street
3 Lake City, Florida 32055
386-755-1334
4

5 In re: Sotis v. IANTD
8/23/18 Deposition of WARREN THOMAS MOUNT.

6
September 5, 2018

7
Dear Ms. Biewend,

8
The referenced transcript is attached for your
9 client's review.

10 Please make arrangements for him to read and sign
his deposition at his earliest convenience. Upon
11 completion, please return the original errata sheet to
me at the address below.

12
The original transcript has been forwarded to the
13 ordering parties below. Mr. Mount's errata sheet,
once received, will be forwarded to the same.

14
Thank you,

15
16 

17
Cynthia F. Leverett
18 Third Circuit Reporters
Post Office Box 827
19 Lake City, FL 32056
386-754-2482

20
CC: NEIL BAYER, Esquire, Neil.bayer@kennedyslaw.com,
21 1395 Brickell Avenue, Suite 610, Miami, Florida 33131

22

23

24

25

ERRATA SHEET

I, WARREN THOMAS MOUNT, have read the foregoing pages of my deposition given on August 23, 2018, and wish to make the following amendments, additions, deletions or corrections:

PAGE NO.	LINE	CHANGE AND REASON FOR CHANGE
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In all respects the transcript is true and correct.

Under penalties of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered here.

WARREN THOMAS MOUNT

Date: _____

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